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Secretary of State

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FEBRUARY 10
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Administrative Code Div.
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ILLINOIS REGISTER

Rules of Governmental Agencies IIT Chicago Kent

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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The Register also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the Register contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The Register will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the Code along with the Register comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 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
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Mar. 21, 1989	Mar. 28, 1989	14	Apr. 7, 1989	Sept. 26, 1989	Oct. 3, 1989	41	Oct. 13, 1989
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May 2, 1989	May 9, 1989	20	May 19, 1989	Nov. 7, 1989	Nov. 14, 1989	47	Nov. 27, 1989 (Mon.)
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June 20, 1989	June 27, 1989	27	July 7, 1989	Dec. 26, 1989	Jan. 2, 1990	2	Jan. 12, 1990

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

ILLINOIS REGISTER

NOTICE OF PROPOSED AMENDMENTS

10) Statement of Statewide Policy Objectives: Not applicable

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

Comments may be submitted within 45 days in writing to Christine L. Platt, Manager, Bureau of Personnel, Department of Central Management Services, 503 Wm. G. Stratton Building, Springfield, Illinois 62706

12) Initial Regulatory Flexibility Analysis: Does not apply to Small Businesses

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

1) The Heading of the Part: Merit and Fitness

2) Code Citation: 80 Ill. Adm. Code 302

3) Section Numbers: Proposed Action

302.190 Amendment

302.200 Amendment

302.625 Amendment

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 127, pars. 63b101 et seq.

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

These proposed amendments attempt to clarify the definition of continuous service under jurisdiction B of the Personnel Code for purposes of discipline. The proposed revision makes clear that there will be a break in service under jurisdiction B for employees who leave a jurisdiction B position to accept State employment in a position not subject to jurisdiction B. Thus, if the employee is discharged from the non-jurisdiction B position, the post discharge jurisdiction B procedures (e.g., appeal to the Civil Service Commission) would not apply. This clarifying change is consistent with the interpretation which has been given previously by the Department of existing Personnel Rules.

6) Will these proposed rules replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? Yes X No

If "yes," please specify the date:

8) Do these proposed rules contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers Proposed Action Illinois Register Citation

302.105 New Section

302.800 Repealed, New Section

302.810 Repealed, New Section

302.820 Repealed, New Section

302.822 Repealed, New Section

302.824 Repealed, New Section

302.825 Repealed, New Section

302.830 Repealed, New Section

302.840 Repealed, New Section

302.841 Repealed

302.842 Repealed

302.846 Repealed, New Section

302.850 Repealed, New Section

302.860 Repealed, New Section

302.863 Repealed, New Section

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

ILLINOIS REGISTER

NOTICE OF PROPOSED AMENDMENTS

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 302
MERIT AND FITNESS

SUBPART A: APPLICATION AND EXAMINATION

- Section
- 302.10 Examinations
- 302.20 Time, Place, Conduct, Cancellation, Postponement and Suspension of Examinations
- 302.30 Veterans Preference
- 302.40 Announcement of Examination
- 302.52 Notice to Eligibles
- 302.55 Grading Examinations
- 302.60 Retaking or Regrading Examinations
- 302.70 Application and Eligibility

SUBPART B: APPOINTMENT AND SELECTION

- Section
- 302.80 Eligible Lists
- 302.90 Appointments
- 302.91 Alternative Employment
- 302.100 Geographic Preference
- 302.110 Appointment From Eligible List
- 302.120 Responsibilities of Eligibles
- 302.130 Removal of Names From Eligible Lists
- 302.140 Replacement of Names on Eligible List
- 302.150 Appointment and Status
- 302.160 Extension of Jurisdiction B

SUBPART C: TRAINEES

- Section
- 302.170 Programs
- 302.175 Appointments
- 302.180 Limitations on Trainee Appointments

SUBPART D: CONTINUOUS SERVICE

- Section
- 302.190 Definitions
- 302.200 Interruptions in Continuous Service
- 302.210 Deductions From Continuous Service

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 302.215 Leave of Absence for Educational Purposes
- 302.220 Veterans Continuous Service
- 302.230 Peace or Job Corps Enrollees Continuous Service
- 302.240 Accrual and Retention of Continuous Service During Certain Leaves
- 302.250 Limitations on Continuous Service

SUBPART E: PERFORMANCE REVIEW

- Section
- 302.260 Performance Records
- 302.270 Performance Evaluation Forms

SUBPART F: PROBATIONARY STATUS

- Section
- 302.300 Probationary Period
- 302.310 Certified Status
- 302.320 Status Change in Probationary Period

SUBPART G: PROMOTIONS

- Section
- 302.330 Eligibility for Promotion
- 302.335 Limitations on Promotions
- 302.340 Failure to Complete Probationary Period

SUBPART H: EMPLOYEE TRANSFERS

- Section
- 302.400 Transfer
- 302.410 Intra-Agency Transfer
- 302.420 Inter-Agency Transfer
- 302.425 Merit System Transfer
- 302.430 Geographical Transfer (Agency Directed)
- 302.431 Geographical Transfer (Agency Directed) Procedures
- 302.432 Notice to Employee
- 302.433 Effective Date of Geographical Transfer (Agency Directed)
- 302.435 Employee-Requested Geographical Transfer
- 302.440 Rights of Transferred Employees
- 302.445 Transfer of Duties
- 302.450 Limitations on Transfers
- 302.460 Employee Records

SUBPART I: DEMOTION

- Section
- 302.470 Demotion
- 302.480 Notice to Employee
- 302.490 Employee Obligations

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

302.710 Suspension Pending Decision on Discharge
 302.720 Discharge of Certified Employee
 302.730 Notice to Employee
 302.750 Appeal by Employee
 302.780 Discharge of Probationary Employees
 302.781 Reinstatement from Suspension or Discharge
 302.785 Suspension or Discharge Resulting From Arrest or Criminal Indictment
 302.790 Prohibition of Discrimination

SUBPART L: TERM APPOINTMENTS

Section 302.800 Definition of Terms
 302.810 Positions Subject to term Appointments
 302.820 Appointment
 302.821 Effect of Loss of Federal Funding on Employees Excluded from Term Appointment by Reason of Being Federally Funded (Repealed)
 302.822 Appointees Under Term Appointments
 302.823 No Promotion to Positions Covered by term Appointments (Repealed)
 302.824 No Reallocation to Term Positions
 302.825 Reemployment Rights to term Appointment
 302.830 Expiration of term Appointment
 302.840 Renewal Procedures
 302.841 Renewal Procedures for Incumbents on the Effective Date of Section 8b18 of the Personnel Code
 302.842 Effective Date of Reappointment or Termination
 302.846 Change in Position Factors Affecting Term Appointment Exclusion
 302.850 Reconsideration Request
 302.860 Renewal Procedure for Incumbents Subject to Public Act 83-1369
 302.863 Renewal of Certified or Probationary Incumbents in Exempted Positions

AUTHORITY: Implementing and authorized by the Personnel Code (111. Rev. Stat. 1985, ch. 127, pars. 63b101 et seq.)

SOURCE: Filed May 29, 1975; amended at 2 111. Reg. 33, p. 24, effective September 1, 1978; amended at 3 111. Reg. 1, p. 63, effective January 1, 1979; amended at 3 111. Reg. 22, p. 78, effective June 1, 1979; emergency amendment at 3 111. Reg. 48, p. 188, effective January 1, 1980, for a maximum of 150 days; emergency amendment at 4 111. Reg. 1, p. 76, effective January 1, 1980, for a maximum of 150 days; emergency amendment at 4 111. Reg. 11, p. 67, effective March 1, 1980; amended at 4 111. Reg. 15, p. 216, effective March 31, 1980; amended at 4 111. Reg. 22, p. 227, effective June 1, 1980; amended at 5 111. Reg. 8029, effective August 1, 1981; amended at 7 111. Reg. 654, effective January 5, 1983; codified at 7 111. Reg. 13198; amended at 8 111. Reg. 7788, effective May 23, 1984; emergency amendment at 9 111. Reg. 241, effective January 1, 1985, for a maximum of 150 days; amended at 9 111. Reg. 7907, effective May 15, 1985; amended at 10 111. Reg. 13940, effective September 1, 1986; amended at 12 111. Reg. 5634, effective March 15, 1988; emergency amendments at 12 111. Reg. 16214, effective September 23, 1988, for a maximum of 150 days; amended at 13 111. Reg. , effective

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

302.495 Salary and Other Benefits of Employee
 302.496 Appeal by Certified Employee
 302.497 Demotion of Other Employees
 302.498 Status of Demoted Employees

SUBPART J: VOLUNTARY REDUCTION AND LAYOFFS

Section 302.500 Voluntary Reduction of Certified and Probationary Employees
 302.505 Limitations in Voluntary Reduction
 302.507 Definition of Layoff
 302.510 Temporary Layoff
 302.512 Use of Accrued Benefits During Temporary Layoff
 302.514 Notice of Temporary Layoff
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 302.519 Deferral of Wages
 302.520 Indeterminate Layoff Procedure
 302.523 Voluntary Indeterminate Layoff
 302.525 Disapproval
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 302.540 Effective Date of Layoff
 302.550 Employee Opportunity to Seek Voluntary Reduction
 302.560 Order of Preference in Voluntary Reduction
 302.570 Reemployment Lists
 302.580 Employment from Reemployment List
 302.590 Removal of Names from Reemployment List
 302.595 Laid Off Probationary Employee
 302.596 Appeal by Employee
 302.597 Reinstatement from Layoff
 302.600 Resignation
 302.610 Reinstatement

SUBPART K: DISCHARGE AND DISCIPLINE

Section 302.625 Definition of Certified Employee
 302.626 Progressive Corrective Discipline
 302.628 Prohibited Disciplinary Action
 302.630 Disciplinary Action Warning Notice
 302.640 Suspension Totalling Not More Than Thirty Days in any Twelve Month Period
 302.660 Suspension Totalling More Than Thirty Days in any Twelve Month Period
 302.670 Approval of Director of Central Management Services
 302.680 Notice to Employee
 302.690 Employee Obligations
 302.700 Cause for Discharge
 302.705 Pre-Termination Hearing

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

SUBPART D: CONTINUOUS SERVICE

Section 302.190 Definitions

- a) Continuous service for purposes of this Part is the uninterrupted period of service from the date of original appointment to State service in any position subject to jurisdiction B except as provided in b and c below ~~for FR-SEA-302.250~~.
- b) Employees who have accrued continuous service in another merit system service not covered by any merit system, and who have been transferred to an agency subject to the Personnel Code, shall be given such credit for said service as shall be determined by the Director or required by law.
- c) Effective September 1, 1981, any employee of the State of Illinois exempt from the Personnel Code by virtue of Section 4c(4) who is appointed in any status under the provisions of the Personnel Code within 32 days after terminating such exempted employment is entitled to receive credit for continuous service as if such employment were continuous with the appointment under the provisions of the Personnel Code, except that the interim period between employments, if in excess of four calendar days, shall constitute a deduction from continuous service. (Ill. Rev. Stat. 1983, ch. 127, par. 63b108f)
- d) For purposes other than this Part, continuous service is the uninterrupted period of service from the date of original appointment to State service under the Personnel Code except as provided in Section 302.250.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 302.200 Interruptions in Continuous Service

Continuous service shall be interrupted by:

- a) Resignation; provided, however, that such continuous service will not be interrupted by resignation when an employee is employed in another position subject to jurisdiction B in State service within 4 calendar days of such resignation;
- b) Discharge; provided, however, such continuous service shall not be interrupted if the employee is retained in the position after a hearing before the Civil Service Commission;
- c) Termination; because an employee has not been reemployed in a position subject to jurisdiction B within 2 years after layoff.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

SUBPART K: DISCHARGE AND DISCIPLINE

Section 302.625 Definition of Certified Employee

For purpose of rules respecting discipline and discharge, "certified employee" shall mean any employee currently employed in a position subject to jurisdiction B who has satisfactorily completed a required period of probation and attained certified status in any position during the employee's most recent period of continuous State service.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

The proposed amendments also add a reporting requirement to Exhibit D of Part 281. Section 4.1(g) of the Act requires each utility providing heating or electric service to provide the Commission with certain information concerning shortfall projections. Exhibit D will contain this information in new Section AI.

The proposed amendments also reflect the change in the repeal date, which has become the earlier of January 1, 1991, or the date upon which the Exxon funds are depleted. Other amendments reflect the changes in annual dates for the operation of the program and the deposit amount.

6) Will these proposed amendments replace an emergency amendment currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: The proposed amendments neither create nor expand any state mandate on units of local government, school districts, or community college districts.

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

Any person who plans to submit comments should file a notice of intent thereof, within 21 days of the date of this issue of the Illinois Register with:

Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62706

Comments should be filed with the Chief Clerk within 45 days of the date of this issue of the Illinois Register;

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Energy Assistance

2) Code Citation: 83 Ill. Adm. Code 281

3) Section Numbers: Proposed Action:

Amendment 281.30
Amendment 281.90
Amendment 281.100
Amendment 281.EXHIBIT D
Amendment 281.EXHIBIT E

4) Statutory Authority: Implementing Sections 4.1, 4.2, and 5, and authorized by Sections 4.1 and 6 of the Energy Assistance Act (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 1304.1, 1304.2, 1305, and 1306, as amended by P.A. 85-1431, effective January 9, 1989), and authorized by Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 10-101).

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

On January 9, 1989, P.A. 85-1431 became effective, adding Sections 4.1 and 4.2 to the Energy Assistance Act ("Act") and amending Section 6 of the Act. The addition of Section 4.1 re-establishes the Illinois Residential Affordable Payment Program ("IRAPP") which had previously been authorized by Section 4 of the Act. Section 4 of the Act was repealed by operation of law on December 31, 1988. 83 Ill. Adm. Code 281, "Energy Assistance," contains the Commission's rules on IRAPP.

The amendment of the Act has necessitated revision of the rules implementing the Act. Section 4.1 requires the Commission to amend its rules, after hearing, within 6 months of the effective date of P.A. 85-1431. The major amendments are the addition of Section 281.30(d) implementing Section 4.1(b)(vi) of the Act incorporating by reference the Department of Public Aid's rules on the amounts of General Assistance grants made pursuant to Article 6 of the Illinois Public Aid Code. The new subsection also treats the monthly income of customers not living in townships that are subject to the Public Aid rules.

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENTS12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: January 26, 1989
- B) Types of small businesses affected: These amendments will affect those gas and electric utilities that are small businesses as defined by the Illinois Administrative Procedure Act.
- C) Reporting, bookkeeping or other procedures required for compliance: Reporting requirements.
- D) Types of professional skills necessary for compliance: Managerial skills.

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

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENTSTITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER b: PROVISIONS APPLICABLE TO MORE THAN ONE KIND OF UTILITYPART 281
ENERGY ASSISTANCE

SUBPART A: ILLINOIS RESIDENTIAL AFFORDABLE PAYMENT PROGRAM

Section

281.10	Application
281.15	Definitions
281.20	Eligibility
281.22	Processing of Applications
281.25	Utility Notices to Customers
281.30	Structure of Plan
281.32	Bills to Program Participants
281.35	Notice to Utility
281.40	Notice to Program Participants (Repealed)
281.45	Utility Action Relating to Annual Recertification Requirement
281.47	Utility Action Resulting from Changes in Participant Income (Repealed)
281.50	Preexisting Arrearages
281.60	Elimination of Shortfall
281.70	Customer Default and Disconnection
281.80	Late Payment Charges
281.90	Utility Reports to the Commission
281.95	Dispute Procedure
281.100	Sunset Provision

SUBPART B: CONSERVATION AND WEATHERIZATION (REPEALED)

Section

281.210	Conservation and Weatherization Notice (Repealed)
---------	---

EXHIBIT A	Notice Concerning IRAPP Program
EXHIBIT B	Proof of Continued Qualification (Repealed)
EXHIBIT C	Recertification For Illinois Residential Affordable Payment Program (IRAPP) (Repealed)
EXHIBIT D	Monthly Reporting Requirements
EXHIBIT E	Agreement Form
EXHIBIT F	Notice of Failure to Recertify
EXHIBIT G	Nonpayment Notice
EXHIBIT H	Other Notice
APPENDIX A	Agreement for IRAPP between DCCA and ICC

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

1v) 4% OF HIS/HER MONTHLY HOUSEHOLD INCOME TO THE PUBLIC UTILITY THAT PROVIDES THE SECONDARY UTILITY SERVICE WHEN THE COMPANY OR OTHER PERSON WHO PROVIDES THE PRIMARY SOURCE OF HEAT IS NOT REGULATED BY THIS COMMISSION;

B) DURING THE PERIOD MAY 1 THROUGH NOVEMBER 30 OCTOBER 31:

1) THE GREATER OF THAT PERCENTAGE OF HIS/HER MONTHLY INCOME REQUIRED BY SUBSECTION (a)(1)(A) OF THIS SECTION OR THE CURRENT BILL; PLUS

11) ONE-FIFTH SIXTH OF ANY OUTSTANDING DEPOSIT (THE DEPOSIT, IF

REQUIRED, SHALL BE PAYABLE IN FIVE SIX EQUAL MONTHLY INSTALLMENTS, PAYABLE DURING THE MONTHS OF MAY THROUGH NOVEMBER OCTOBER);

2) MAKE ALL REASONABLE EFFORTS TO APPLY FOR ALL PUBLIC ENERGY ASSISTANCE FOR WHICH HE/SHE IS ELIGIBLE; APPLY FOR ALL WEATHERIZATION PROGRAMS FOR WHICH HE/SHE IS ELIGIBLE;

3) PROVIDE PROOF BY MEANS OF THE RECEIPTIFICATION REQUIRED BY SECTION 281.45, EVERY 12 MONTHS AFTER THE BEGINNING OF PARTICIPATION IN THE PLAN THAT HE OR SHE IS QUALIFIED FOR THE PLAN; AND

5) SIGN A WAIVER PERMITTING THE UTILITY TO RECEIVE INCOME INFORMATION FROM ANY PUBLIC OR PRIVATE AGENCY PROVIDING INCOME OR ENERGY ASSISTANCE AND FROM ANY EMPLOYER, WHETHER PUBLIC OR PRIVATE. ANY CUSTOMER WHO COMPLIES WITH THE REQUIREMENTS OF SUBSECTION (a), PAYING THE AMOUNTS DUE UNDER SUBSECTION (a)(1) AS THEY COME DUE, SHALL NOT HAVE HIS/HER PUBLIC UTILITY HEATING OR ELECTRIC SERVICE TERMINATED.

c) A CUSTOMER PARTICIPATING IN THE PROGRAM SHALL PAY FOR ALL ENERGY USAGE ABOVE THE AVERAGE RESIDENTIAL USAGE, ADJUSTED FOR WEATHER AND HOUSEHOLD SIZE, UNLESS THAT THIS COMMISSION;

AUTHORITY: Implementing Sections 4.1, 4.2, and 5, and authorized by Sections 4.1 and 6 of the Energy Assistance Act (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 1304.1, 1304.2, 1305 and 1306, as amended by P.A. 85-1431, effective January 9, 1989), and Section 10-101 of the Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, par. 10-101).

SOURCE: Emergency rules adopted at 9 Ill. Reg. 19190, effective December 1, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 7711, effective April 29, 1986; amended at 11 Ill. Reg., effective April 15, 1987; amended at 12 Ill. Reg. 19664, effective November 15, 1988; amended at 111. Reg. effective

NOTE: Capitalization denotes statutory language.

Section 281.30 Structure of Plan

a) IN ADDITION TO THE REQUIREMENT OF SECTION 281.20, TO QUALIFY FOR THE PROGRAM, AN ELIGIBLE CUSTOMER MUST:

1) ENTER INTO A LOW-INCOME PAYMENT PLAN WITH EACH GAS OR ELECTRIC PUBLIC UTILITY SERVING THE CUSTOMER UNDER WHICH THE CUSTOMER AGREES TO PAY:

A) DURING THE PERIOD BEGINNING NOVEMBER 1 THROUGH APRIL 30, THE FOLLOWING:

1) 12% OF HIS/HER MONTHLY HOUSEHOLD INCOME TO THE PUBLIC UTILITY WHICH PROVIDES BOTH THE CUSTOMER'S PRIMARY SOURCE OF HEAT AND SECONDARY UTILITY SERVICE; OR

11) 8% OF HIS/HER MONTHLY HOUSEHOLD INCOME TO THE PUBLIC UTILITY WHICH PROVIDES THE CUSTOMER'S PRIMARY SOURCE OF HEAT AND 4% OF HIS/HER MONTHLY HOUSEHOLD INCOME TO THE PUBLIC UTILITY WHICH PROVIDES THE SECONDARY UTILITY SERVICE; OR

111) 8% OF HIS/HER MONTHLY HOUSEHOLD INCOME TO THE PUBLIC UTILITY THAT PROVIDES THE PRIMARY SOURCE OF HEAT WHEN THE COMPANY OR OTHER PERSON WHO PROVIDES THE SECONDARY UTILITY SERVICE IS NOT REGULATED BY THIS COMMISSION; OR

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CUSTOMER HAS A MEDICAL EXCUSE AS CERTIFIED TO THE UTILITY BY A REGISTERED PHYSICIAN OR LOCAL BOARD OF HEALTH.

- d) FOR THE PURPOSE OF THIS SECTION, THE "MONTHLY HOUSEHOLD INCOME" OF A CUSTOMER SHALL BE NO LESS THAN AN AMOUNT EQUAL TO THE TOTAL OF MONTHLY AMOUNTS WHICH ALL MEMBERS OF THE CUSTOMER'S HOUSEHOLD RECEIVE OR ARE ELIGIBLE TO RECEIVE AS GENERAL ASSISTANCE GRANTS PURSUANT TO ARTICLE 6 OF THE ILLINOIS PUBLIC AID CODE (Section 4.1 of the Energy Assistance Act, added by P.A. 85-1431, effective January 9, 1989). These amounts have been set in 89 Ill. Adm. Code 114.351 to 114.353. A customer who resides in a township that does not participate in the General Assistance programs referred to in 89 Ill. Adm. Code 114.351 to 114.353 shall have as his/her monthly income that amount for which he/she is eligible from the township in which he/she resides. Any person not eligible for such general assistance shall provide proof from the township concerning such ineligibility.

(Source: Amended at Ill. Reg. , effective

Section 281.90 Utility Reports to the Commission

- a) EACH PUBLIC UTILITY PROVIDING gas OR ELECTRIC SERVICE SHALL COMPILE THE DATA AND INFORMATION NECESSARY TO complete the form set forth in Exhibit D (Ill. Rev. Stat. 19857, ch. 111 2/3, par. 1305). Monthly reports substantially in the form of Exhibit D shall be filed with the Chief Clerk of the Commission by each such utility on or before the 30th day of the following month.
- b) Utilities shall submit documentation on the data included in Section VI of Exhibit D. Such documentation shall include, at a minimum, the derivation of customer numbers and IHEAP grants and the weather normalization technique employed by the utility.

(Source: Amended at Ill. Reg. , effective

ILLINOIS COMMERCE COMMISSION
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Section 281.100 Sunset Provision

By operation of law, Section 4.1 of the Energy Assistance Act IS REPEALED ON JANUARY 1, 1989. Therefore, the program established in Subpart A of this Part will terminate on that date AND THE PROGRAM TERMINATED ON THE EARLIER OF JANUARY 1, 1991, OR THE DATE UPON WHICH THE FUNDS APPROPRIATED FROM THE EXXON OIL OVERCHARGE SETTLEMENT FUND TO THE DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS FOR SHORTFALLS UNDER THE PROGRAM ARE DEPLETED (Section 4.1 of the Act).

(Source: Amended at Ill. Reg. , effective

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Utility

ANALYSIS OF THE IRAPP PROGRAM
For the Month Ended

III.

Total Residential Class Statistics	
A. IHEAP Payments Received	Total
1. Current Period	
2. Program to Date	
B. Gross Amounts Written Off - Calendar Year	
1. 1985	
2. Current Period	
3. Year to Date - 1986	
4. Year to Date - 1987	
5. Year to Date - 1988	
6. Year to Date - 1989	
7. Year to Date - 1990	
C. Disconnections During Period	
D. Reconnections During Period	
E. Customers at End of Period	
TOTAL	

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Section 281, EXHIBIT D Monthly Reporting Requirements

Utility

ANALYSIS OF THE IRAPP PROGRAM
For the Month Ended

	Number of Customers		
	Primary	Secondary	Both
I. Number of Customers Enrolled in Program			
A. Balance at Beginning of Period			
1. Additions			
2. Deletions			
a. Due to Payment Default			
b. Due to Voluntary Withdrawal			
c. Due to Other Reasons			
B. Balance at End of Period			
II. Program Participants Statistics			
A. Number of New Participants In Program			
1. Entered With Zero Balance			
2. Entered With Credit Balance			
B. Disconnections During Period			
C. Reconnections During Period			
D. Number of Medical Certificates Submitted During Period			

ILLINOIS COMMERCE COMMISSION
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Utility _____

ANALYSIS OF THE IRAPP PROGRAM
For the Month Ended _____

IV. Analysis of Accounts Receivable of IRAPP Participants

Customer Amount Due

	Program Obliga- tion	Excess Usage	Short- fall	Arrear- age	Service Charges	Other	Total
	(a)	(b)	(c)	(d)	(e)	(f)	(g)
A. Current Period							
1. Past Due Amounts	\$	\$	\$	\$	\$	\$	\$
2. Bills to Participants							
3. Less Payment Received							
a. Customer							
b. IHEAP Grants		--			--	--	
4. Less Shortfall Recovery (Tariffs Filed, Exxon, etc.)		--		--	--	--	
5. Other							
6. Monthly Total	\$	\$	\$	\$	\$	\$	\$
7. <u>Debit Shortfall</u>	--	--	\$	--	--	--	--
B. Program to Date							
1. Bills to Participants	\$	\$	\$	\$	\$	\$	\$
2. Less Payment Received							
a. Customer							
b. IHEAP Grants		--			--	--	
3. Less Shortfall Recovery (Tariffs Filed, Exxon, etc.)		--		--	--	--	

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4. Less Program Deletions			--				
5. Other							
6. Program-to-Date Total	\$	\$	\$	\$	\$	\$	\$

Utility

ANALYSIS OF THE IRAPP PROGRAM
For the Month Ended

VI. Shortfall Projections

A.	Amount of debit shortfall accrued under the program through the end of the prior month.	\$
B.	Amount of debit shortfall projected to be accrued through the end of the current month.	\$
C.	Amount of debit shortfall projected to be accrued through the end of the month following the month reported in (B).	\$
D.	Amount of debit shortfall projected to be accrued through the end of the month following the month reported in (C).	\$
E.	Amount of debit shortfall projected to be accrued through the end of the month following the month reported in (D).	\$

Utility

ANALYSIS OF THE IRAPP PROGRAM
For the Month Ended

V. Analysis of Program Costs

Account Number and Description	Current Program Month	Current Program To Date	Incremental Cost	Total Cost (Optional)
A. 901 - Supervision	\$	\$	\$	\$
B. 903 - Customer Records & Collections				
1. Salaries and Fringe				
benefits				
2. Materials				
3. Postage				
4. Transportation Expenses				
5. Printed Forms				
6. Other				
C. 905 - Miscellaneous Customer Accounts				
D. 920 - Administrative and General Salaries				
E. 921 - General Office Supplies & Expenses				
F. 923 - Outside Services				
G. 928 - Regulatory Commission Expenses				
TOTAL ADMINISTRATIVE COSTS				
H. Total of above 900 Accounts, 431-Other Interest Expense (1) \$	\$	\$	\$	\$
I. Rate of Interest Used in Calculation	%	%	%	%
J. Gross Write-Offs	\$	\$	\$	\$
K. Total Late Fees Waived	\$	\$	\$	\$

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NOTICE OF PROPOSED AMENDMENTS

ILLINOIS REGISTER

City and zip code _____
Social Security # _____

If after receiving your utility bill, you have any questions about this program, call your utility company representative. If the person you talk to cannot help you, ask to talk to a supervisor. If the supervisor cannot help you, call the Consumer Assistance Office Services Division of the Illinois Commerce Commission at (312)917-2887 in Chicago or (217)782-2024 in Springfield.

Completion of this form is necessary to accomplish the statutory purpose as outlined in the Energy Assistance Act. Failure to complete this form will prevent your request from being processed. This form has been approved by the Forms Management Center.

white copy - IHEAP Agency
yellow copy - Primary Utility
goldenrod - Secondary Utility
pink - Applicant

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

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90 days from the date I was shut off to be reconnected and go back on the program, but I can do this only one time during any twelve month period.

6. If I want to get off this program I must tell my utility(ies). If I later change my mind and want to get back on the program I must pay the greater of (a) all bills incurred while I was off the program or (b) the amount I would have been required to pay to avoid disconnection had I stayed on the program. I can do this only one time during any twelve month period.

7. I must apply for all energy assistance and weatherization programs available to me.

8. I must go back to the IHEAP office between November 1 and March 31 to recertify or I will be dropped from the program.

9. This agreement is effective as of my first billing period after the utility receives this agreement form.

10. I am the current customer of record of the following utilities who will receive copies of this agreement;

- (1) _____
Account # _____
- (2) _____
Account # _____

WAIVER

I authorize the company(ies) providing my utility service to get income information from any public utility, any public agency providing income or energy assistance, and from any employer, whether public or private.

Signature of Customer/Date _____

Social Security # of Customer _____

IHEAP Applicant's Name (Printed) _____
Street Address _____

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Fees and Taxes
- 2) Code Citation: 92 Ill. Adm. Code 1205
- 3) Section Numbers: 1205.10
Proposed Action: Amendment
- 4) Statutory Authority: Implementing Sections 18c-1202(9), 18c-1501, 18c-1502, and 18c-5102 and authorized by Section 18c-1202(9) of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 18c-1202(9), 18c-1501, 18c-1502, 18c-5102).
- 5) A Complete Description of the Subjects and Issues Involved: The current fee for the filing of petitions to restate commodity descriptions in an intrastate motor carrier of property authority is \$250. The Commission is proposing to reduce the fee to \$25 to encourage carriers to file these petitions when appropriate.
- 6) Will this proposed amendment replace an emergency amendment currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: The proposed amendment neither creates nor expands any state mandate on units of local government, school districts, or community college districts.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Any person who plans to submit comments should file a notice of intent thereof, within 21 days of the date of this issue of the Illinois Register with:

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENT

Director of Processing
Transportation Division
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62706

Comments should be filed with the Director of Processing within 45 days of the date of this issue of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: January 26, 1989
- B) Types of small businesses affected: This amendment will affect those motor carriers of property subject to Part 1205 that are also small businesses as defined in the Illinois Administrative Procedure Act.
- C) Reporting, bookkeeping or other procedures required for compliance: Filing procedures.
- D) Types of professional skills necessary for compliance: None.

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

SUBPART A: FILING FEES

Section 1205.10 Filing Fees

Filing fees for proceedings under the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 18c-1101 et seq.) shall be as follows:

a) Motor carrier of property license applications

1) Applications for new licenses

A) Applications for temporary authority

B) Applications for emergency temporary authority

C) Other applications for new licenses (less than general commodity)

D) General commodity applications (common or contract)

2) Applications for extended licenses

A) For temporary authority

B) For emergency temporary authority

C) Other applications for extended licenses

3) Applications to transfer licenses

A) Transfers under Section 18c-4306 of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 18c-4306)

B) Other applications to transfer licenses

4) Applications to reinstate a suspended or revoked license

ILLINOIS COMMERCE COMMISSION

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TITLE 92: TRANSPORTATION

CHAPTER III: ILLINOIS COMMERCE COMMISSION

SUBCHAPTER a: COMMERCIAL TRANSPORTATION GENERALLY

PART 1205

FEES AND TAXES

SUBPART A: FILING FEES

Section

1205.10 Filing Fees

1205.20 Late-filing Fees

SUBPART B: FRANCHISE AND FRANCHISE RENEWAL FEES

Section

1205.100 Intrastate Motor Carriers of Property

1205.110 Interstate Motor Carriers of Property

1205.115 Ordering Fees

SUBPART C: GROSS RECEIPTS TAXES

Section

1205.200 Gross Receipts Taxes for Motor Carriers of Passengers

1205.210 Gross Receipts Taxes for Rail Carriers

1205.220 Gross Receipts Taxes for Common Carrier Pipelines

SUBPART D: PAYMENT PROCEDURES

Section

1205.300 Payment of Fees

AUTHORITY: Implementing Sections 18c-1202(9), 18c-1501, 18c-1502, and 18c-5102, Illinois Commercial Transportation Law (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 18c-1202(9), 18c-1501, 18c-1502, and 18c-5102).

SOURCE: Emergency rules adopted at 11 Ill. Reg. 1497, effective January 1, 1987, for a maximum of 150 days; adopted at 11 Ill. Reg. 9853, effective May 8, 1987; amended at 12 Ill. Reg. 15540, effective October 1, 1988; amended at 11 Ill. Reg. , effective

NOTE: Capitalization denotes statutory language.

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5)	Petitions to reinstate a vacated license	
	A) For a vacated new license	\$600
	B) For a vacated transferred license	\$600
	C) For a vacated extended license	\$600
6)	Applications for new or extended non-relocation towing licenses	\$600
b)	Petitions to restate commodity descriptions	\$250 \$ 25
c)	Petitions for certificates of exemption	\$600
d)	Rate filings	
	1) Rates which must be filed but for which no order authorizing the rate is required	\$ 0
	2) Applications for authority to establish a rate other than by special permission and not including applications for authority to establish a released value rate	\$300
	3) Applications for authority to establish a released value rate	\$ 75
	4) Special permission applications	\$ 75
e)	Applications to register as an interstate motor carrier of property	
	1) Applications to register as an authorized interstate motor carrier of property	\$ 25
	2) Applications to register as an exempt interstate motor carrier of property	\$ 25
f)	Motor carrier of property equipment lease filing	\$ 25

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g)	Motor carrier of property annual report and tariff auditing fee (due by May 15 of each year)	\$ 30
h)	Motor carrier of property proof of insurance coverage filing	\$ 25
i)	Interstate motor carrier of passengers registration	\$ 25
j)	Broker's license applications	
	1) Applications for broker's license	\$600
	2) Applications to transfer broker's license	\$300
k)	Intervention	\$ 25 per intervenor

(Source: Amended at Ill. Reg. , effective

ILLINOIS COMMERCE COMMISSION

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1) Heading of the Part: Investigation and Suspension of Rates

2) Code Citation: 92 Ill. Adm. Code 1206

3) Section Numbers: Proposed Action:

1206.20 Amendment

4) Statutory Authority: Implementing Section 18c-3204 and authorized by Section 18c-1202(9) of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1987, 95 1/2, pars. 18c-3204 and 18c-1202(9)).

5) A Complete Description of the Subjects and Issues Involved: The proposed amendment adjusts times for the filing of petitions to investigate and suspend rates to correspond to the proposed 15 day notice period proposed for 92 Ill. Adm. Code 1225. The proposed amendment also requires the filing of a postponement supplement to advise shippers in the event that a complaint is filed.

6) Will this proposed amendment replace an emergency amendment currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: The proposed amendment neither creates nor expands any state mandate on units of local government, school districts, or community college districts.

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

Any person who plans to submit comments should file a notice of intent thereof, within 21 days of the date of this issue of the Illinois Register with:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

Director of Processing

Transportation Division

Illinois Commerce Commission

527 East Capitol Avenue

Springfield, Illinois 62706

Comments should be filed with the Director of Processing within 45 days of the date of this issue of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

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

B) Types of small businesses affected: This amendment will affect those motor carriers of property that are also small businesses as defined in the Illinois Administrative Procedure Act.

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

D) Types of professional skills necessary for compliance: None.

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

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENTTITLE 92: TRANSPORTATION
CHAPTER III: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER a: COMMERCIAL TRANSPORTATION GENERALLYPART 1206
INVESTIGATION AND SUSPENSION OF RATES

Section

- 1206.10 Application of Part to Motor Carrier, Rail & Pipeline Rates
1206.20 Rate Proceedings
1206.30 Burden of Proof

AUTHORITY: Implementing Section 18c-3204 and authorized by Section 18c-1202(9) of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 18c-3204 and 18c-1202(9)).

SOURCE: Adopted at 11 Ill. Reg. 16484, effective October 1, 1987; amended at 12 Ill. Reg. 6089, effective April 1, 1988; amended at Ill. Reg. , effective

NOTE: Capitalization denotes statutory language.

Section 1206.20 Rate Proceedings

- a) General Requirements. Any person may challenge a rate filed with the Commission by filing with the Commission a complaint identifying the rate, stating the relief sought, and stating grounds for the granting of such relief.
- b) Complaint designation
- 1) A complaint referring to a rate that has been filed with the Commission but is not yet effective shall be styled a "petition to investigate and suspend."
 - 2) A complaint referring to a rate that is on file with the Commission and is effective shall be styled a "rate complaint."
 - 3) A "petition to investigate and suspend" which is filed after the deadline for filing such petitions shall be treated as a "rate complaint."

ILLINOIS COMMERCE COMMISSION
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- 4) A "petition to investigate (but not to suspend)" shall be treated as a "rate complaint."
- c) Identification of the Challenged Rate. A complaint must identify the challenged rate by reference to:
- 1) The name of the publishing carrier or agent;
 - 2) The title and number of the tariff or schedule involved; and
 - 3) The specific items or particular provisions complained of.
- d) Filing and Service of Complaints and Replies.
- 1) Petitions which request investigation and suspension of a rate must be filed at least 20 5 calendar days before the effective date of the rate, subject to the following:
 - A) The effective date of the rate under protest (complaint) shall, unless otherwise ordered by the Commission, be automatically postponed for 30 calendar days by the proponent carrier by issuance of a postponement supplement. Failure to postpone will result in rejection by the Commission.
 - B) The postponement supplement title page shall show the following statement: "Issued on one (1) day's notice as authorized by 92 Ill. Adm. Code 1206.20(d)(1)(A)."
 - 2) Replies
 - A) Replies to petitions for investigation and suspension of a rate must be filed and served at least 10 calendar days prior to the postponed effective date of the rate.
 - B) Replies to petitions for investigation (but not suspension) must be filed and served not later than the 15th calendar day after the petition for investigation was filed.

C) Replies to rate complaints must be filed and served not later than the 15th calendar day after the rate complaint was filed.

3) All petitions or rate complaints and all replies must be filed with the Commission at its office in Springfield.

4) Copies of petitions or rate complaints must be simultaneously served upon the publishing carrier or agent.

5) Copies of replies must simultaneously be served upon the person who filed the petition or rate complaint.

6) Telegraphic protests may be filed with the Commission provided that:

A) service is made, in the same manner, on the proponent of the rate(s); and

B) a written protest is filed within 5 calendar days after the telegraphic protest is filed.

e) All rate proceedings will be governed by the Commission's Rules of Practice (63 Ill. Adm. Code 200).

(Source: Amended at Ill. Reg. , effective

1) Heading of the Part: Publication, Posting and Filing of Tariffs, Contracts, Schedules and Related Documents

2) Code Citation: 92 Ill. Adm. Code 1225

3) Section Numbers: Proposed Action:

1225.45

Amendment

4) Statutory Authority: Implementing Section 18c-3203 and authorized by Section 18c-1202(9) of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 18c-3203 and 18c-1202(9)).

5) A Complete Description of the Subjects and Issues Involved: The proposed amendment will reduce from 30 days to 15 days the notice period for changes in tariffs filed by intrastate motor carriers of property. This reduction is designed to enhance the ability of Illinois intrastate carriers to compete with interstate carriers that operate under the current Interstate Commerce Commission requirement of 7 working days' notice for rate increases and 1 working day's notice for rate reductions.

6) Will this proposed amendment replace an emergency amendment currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: The proposed amendment neither creates nor expands any state mandate on units of local government, school districts, or community college districts.

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

Any person who plans to submit comments should file a notice of intent thereof, within 21 days of the date of this issue of the Illinois Register with:

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SUBPART G: ROUTING (NOT APPLICABLE TO MOTOR CARRIERS OF PROPERTY)

Section 1225.600 Inapplicability to Motor Carriers of Property
 1225.601 Routing to be Specified
 1225.605 Open Routing
 1225.610 Where to Publish Routes
 1225.615 Notations in Tariff Publications
 1225.620 Number of Routing Guides
 1225.625 Combined Routing Guide/Participating Carrier Tariff
 1225.630 Emergency Routing Clause
 1225.635 Cancellation of Joint Rail Rates, Routes or Surcharges

SUBPART H: SECTION TARIFFS

Section 1225.700 Sectional Tariffs

SUBPART I: AMENDMENTS

Section 1225.800 Amendments and Supplements
 1225.805 Lists of Participating Carriers
 1225.810 Amendments to Bound Tariffs
 1225.815 Amendments to Loose-leaf Tariffs
 1225.820 Reinstatement of Canceled or Expired Provisions
 1225.825 Changes Are to be Indicated
 1225.830 Reissued Matter
 1225.835 Changes in the Explanation of Reference Marks and Notes
 1225.840 Matter Issued Under Decision or Other Authority
 1225.850 Rail Inflation-Based Rate Increases
 1225.855 Supplements to Transfer Rate Changes from Master Tariffs or Conversion or Percentage Supplements
 Into Base Rates

SUBPART J: SUPPLEMENTS

Section 1225.900 Changing Provisions of a Bound Tariff
 1225.905 Designation and Title Page Requirements
 1225.910 Reference Marks
 1225.915 Updated List of Items and Units in Effective Supplements

1225.215 Exact Name of Carrier must Be Shown; What Individual May Sign Instrument
 1225.220 Official or Employee May Not Act as Agent
 1225.225 Corporation as Agent
 1225.230 Specifications of Forms
 1225.235 Distribution of Copies
 1225.240 Conflicting Authority Must Be Avoided
 1225.245 Alternate Agent
 1225.250 Transfer of Authority from One Agent to Another
 1225.255 Take-over Publications - Motor Carriers
 1225.260 Supplement (or Loose-leaf Page) to be Shown in Series of Former Agent
 1225.265 Series Used by New or Alternate Agent
 1225.270 Cancellation of Instruments
 1225.275 Revocation of Instruments

SUBPART D: JOINT TARIFFS

Section 1225.300 Tariffs Issued by Joint Agents Not Applicable to Contract Carriers

SUBPART E: TARIFF GENERAL REQUIREMENTS

Section 1225.400 Title Page of Original Tariffs
 1225.405 Contents of Tariff

SUBPART F: STATEMENT OF RATES AND FARES

Section 1225.500 Statement of Rates and Fares
 1225.505 Arbitraries
 1225.510 Class Rates
 1225.515 Alternation and Precedence of Rates and Maximum Charges
 1225.520 Mixed Shipments
 1225.525 Commodity Rates
 1225.535 Reference to Items or Lists for Commodities or Descriptions
 1225.540 Application of Aggregate of Intermediate Rates and Combination Rates
 1225.545 Proportional Rates
 1225.550 Tank-line Gauge Books and Equipment Register
 1225.555 Reference Prohibition

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENT

- 1225.920 Number of Supplements, Pages Permitted, and Duration of Tariffs
- 1225.925 Bridge Supplements
- 1225.930 Blanket Supplements
- 1225.935 Percentage and Conversion Supplements

SUBPART K: CANCELLATION OF TARIFF AND TRANSFER OF PROVISIONS

Section

- 1225.1000 Cancellation of an Entire Tariff
- 1225.1005 Cancellation of Part of a Tariff

SUBPART L: TRANSFER OF OPERATIONS - CHANGE IN NAME, OWNERSHIP, OR CONTROL

Section

- 1225.1100 General Provisions of Subpart L
- 1225.1105 Purpose of Adoption Notices
- 1225.1110 When Adoption Notice Only is Required
- 1225.1115 Form of Adoption Notice
- 1225.1130 ILLCC Designation to be Used
- 1225.1135 Effective Date of Adoption Publications
- 1225.1140 When Name of Old Carrier Need Not Be Shown
- 1225.1145 Temporary Control
- 1225.1150 Fiduciaries
- 1225.1155 Tariffs or Schedules, Concurrences, Powers of Attorney, Contracts, and Special Permissions
- 1225.1160 Tariffs Issued by Other Carriers or by Agents
- 1225.1165 Cancellation of Provisions in Partially Adopted Tariffs
- 1225.1170 Reservation of Supplement Numbers for New Carrier's Use
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- 1225.1180 Describe Former Tariffs When Canceling
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SUBPART M: SUSPENDED MATTER

Section

- 1225.1200 Effect of Suspension
- 1225.1205 Supplement Required for Suspensions
- 1225.1210 Contents of Supplement
- 1225.1215 Additional Requirements for Consolidated Supplements
- 1225.1220 Additional Requirements for Separate Suspension Supplements
- 1225.1225 Extension of Suspension Period

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENT

- 1225.1230 Suspended Matter Reissued Prior to Notice
- 1225.1235 Changed Suspended Matter
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SUBPART N: COMMISSION PRESCRIPTION OF PUBLICATION

Section

- 1225.1300 Rates or Other Provisions Prescribed by the Commission

SUBPART O: EXPIRATION DATES

Section

- 1225.1400 How and When Expiration Dates Are to be Shown
- 1225.1405 Extension of Expiration Dates

SUBPART P: OPERATING AUTHORITY DESCRIPTIONS

Section

- 1225.1500 Tariffs Listing Carriers' Operating Authority Applicable to Motor Carriers of Property

SUBPART Q: PARTICIPATING CARRIER TARIFFS

Section

- 1225.1600 Separate Tariffs May Be Filed By Agents
- 1225.1605 List of Carriers
- 1225.1610 List of Tariffs
- 1225.1615 Cancellation of Participating Carriers
- 1225.1620 Reinstatement of Participating Carriers
- 1225.1625 Adoptions
- 1225.1630 Participating Carrier Tariff May Include Other Provisions

SUBPART R: RATE BASIS TARIFFS

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- 1225.1700 Separate Tariffs May Be Filed
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- 1225.1710 Arbitraries or Differentials

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

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Section 1225.2400 Class Rates from or to Unnamed Points Applicable Only to Motor Carriers of Property

1225.2405 Continuous Service Rates

1225.2410 Time-volume Rates

1225.2415 Unit of Time Rates

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Section 1225.2500 Scope of Subpart Z

1225.2505 Substituted Service May Be Provided

1225.2510 Service Conditions

1225.2515 Tariff Conditions for Substituted Service

1225.2520 Changes in Tariff Provisions for Substituted Service

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Section 1225.2600 Restorations of Carrier Participation

1225.2605 Amendment of Participating Carrier List in a Classification or Dangerous Articles Tariff

1225.2610 Extension of Expiration Dates or Postponement of Effective Dates of Comback Provisions

1225.2615 Effective Dates Under This Subpart

1225.2620 Round Trip Excursion Fares

SUBPART BB: CLAIMS RULES

Section 1225.2700 Claims Rules

SUBPART CC: CONTRACTS AND SCHEDULES OF MOTOR CONTRACT CARRIERS OF PROPERTY

Section 1225.2800 Contracts to be Filed

1225.2805 Schedules to be Filed

1225.2810 Publication of Schedules

1225.2815 Contents of Schedules

1225.2820 Prohibition of Filing and Publication by Joinder

1225.2825 Adoption of Other Rate Publications by Joinder

1225.2830 Confidentiality of Contract

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

SUBPART S: MISCELLANEOUS TARIFFS

Section 1225.1800 Classification Tariffs

1225.1805 Exceptions Tariff

1225.1810 Rules Tariffs

1225.1815 Dangerous Articles Tariffs

1225.1820 Participation in Governing Publications

1225.1825 List of Stations Showing Facilities, Additions and Abandonments

SUBPART T: ACCESSORIAL, TERMINAL AND OTHER SERVICES

Section 1225.1900 General Rules

1225.1905 Method of Publication

1225.1910 Pickup and Delivery Service

1225.1915 Switching Charges

SUBPART U: RELEASED RATE PROVISIONS

Section 1225.2000 Rates and Liability Based on Value Provisions

SUBPART V: DISTANCE RATES

Section 1225.2100 Distance Rates May Be Filed

1225.2105 Method of Showing Distances

1225.2110 Determination of Distances

SUBPART W: COMMODITY RATES

Section 1225.2200 Commodity Rates Determined by the Use of Rate Base Numbers - Common Carriers of Property

SUBPART X: APPLICATION OF RATES FROM OR TO INTERMEDIATE POINTS

Section 1225.2300 Scope of Subpart X

1225.2305 Intermediate Application of Rates

1225.2310 Rules Under This Subpart Must Be Complete in Intermediate Point Rules to be Published in

1225.2315 Connection with Regular-route Authority

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

EXHIBIT A Notice of Increased Fares for Regular Route Service
 TABLE A Rail Tariff Items and Titles
 TABLE B Motor Carrier Items and Titles
 TABLE C Abbreviations

AUTHORITY: Implementing Section 18c-3203 and authorized by Section 18c-1202(9) of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 18c-3203 and 18c-1202(9)).

SOURCE: Adopted at 11 Ill. Reg. 17593, effective October 15, 1987; amended at Ill. Reg. , effective

Section 1225.45 Period of Notice Required

a) For railroad tariffs.

- 1) Twenty days for rates or provisions published in connection with new service or changes resulting in increased rates or decreased value of service;
- 2) Ten days for changes resulting in decreased rates or charges or changes resulting in neither increases nor reductions;
- 3) Forty-five days for publications naming surcharges or canceling joint rates under 49 U.S.C. 10705a
†

b) Fifteen calendar days for motor carriers of property.cb) Thirty days for all other carriers.de) Numerous exceptions authorizing shorter notice are contained in these rules, and special permission for shorter notice may also be requested in accordance with Section 1225.15.

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Uniform System of Accounts for Gas Utilities
- 2) Code Citation: 83 Ill. Adm. Code 505
- 3) Section Numbers: 505.10
Proposed Action: Amendment
- 4) Statutory Authority: Implementing Sections 5-102 and 5-103 and authorized by Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. 1987, ch. 111 2/3, pars. 5-102, 5-103, and 10-101).
- 5) A Complete Description of the Subjects and Issues Involved: Part 505 incorporates by reference 18 CFR 201 as the Illinois Commerce Commission's uniform system of accounts for gas utilities. The proposed amendment will update the incorporated material to January 1, 1988 to reflect the Federal repeal of regulations on incremental pricing.
- 6) Will this proposed amendment replace an emergency amendment currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference? Yes.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: The proposed amendment neither creates nor expands any state mandate on units of local government, school districts, or community college districts.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Any person who plans to submit comments should file a notice of intent thereof, within 21 days of the date of this issue of the Illinois Register with:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62706

Comments should be filed with the Chief Clerk within 45 days of the date of this issue of the Illinois Register.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: January 26, 1989

B) Types of small businesses affected: This proposed amendment will affect those gas utilities that are also small businesses as defined in the Illinois Administrative Procedure Act.

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

D) Types of professional skills necessary for compliance: Accounting skills.

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER d: GAS UTILITIES

PART 505
UNIFORM SYSTEM OF ACCOUNTS FOR GAS UTILITIES

SUBPART A: GENERAL PROVISIONS AND ADOPTION OF CFR PROVISIONS BY REFERENCE

Section 505.10 Adoption of 18 CFR 201 by Reference
505.20 Adoption of 18 CFR 216 by Reference

SUBPART B: ADDITIONS TO AND DELETIONS FROM CFR PROVISIONS

Section 505.200 Definitions

505.210 General Instruction 1

505.250 General Instruction 5

505.270 General Instruction 7

505.280 General Instruction 7.1

505.330 General Instruction 12

505.340 General Instruction 13

505.370 General Instruction 16

505.380 General Instruction 17

505.390 General Instruction 18

505.410 General Instruction 20

505.420 Gas Plant Instruction 2

505.430 Gas Plant Instruction 3

505.450 Gas Plant Instruction 5

505.470 Gas Plant Instruction 7

505.500 Gas Plant Instruction 10

505.550 Gas Plant Instruction 15

505.940 Income Chart of Accounts

505.970 Operation and Maintenance Expense Chart of Accounts

505.1020 Account 102

505.1030 Account 103

505.1050 Account 105

505.1051 Account 105.1

505.1080 Account 108

505.1660 Account 166

505.4090 Account 409 (reserved)

505.4160 Account 416

505.4261 Account 426.1

505.4390 Account 439

ILLINOIS COMMERCE COMMISSION
NOTICE OF PROPOSED AMENDMENT

505.5180 Account 518
505.9140 Accounts 914 and 915
505.9302 Account 930.2

APPENDIX G Operation and Maintenance Expense Accounts
EXHIBIT A Accounts 914 and 915

AUTHORITY: Implementing Sections 5-102 and 5-103 and authorize by Section 10-101 of The Public Utilities Act (Ill. Rev. Stat. d 1987, ch. 111 2/3, pars. 5-102, 5-103, and 10-101).

SOURCE: Adopted July 14, 1960. Effective January 1, 1962; old rules repealed, new rules adopted and codified at 8 Ill. Reg. 160, effective January 1, 1984; amended at 9 Ill. Reg. 4016, effective April 1, 1985; amended at 9 Ill. Reg. 13079, effective August 15, 1985; amended at Ill. Reg. , effective

SUBPART A: GENERAL PROVISIONS AND ADOPTION OF CFR PROVISIONS BY REFERENCE

Section 505.10 Adoption of 18 CFR 201 by Reference

The Illinois Commerce Commission adopts 18 CFR 201, as of February 27, 1985 January 1, 1988, as its uniform system of accounts for gas utilities, subject to the exceptions set forth in Section 505.200 et seq. of this Part. No incorporation in this Part includes any later amendment or edition.

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

DEPARTMENT OF CONSERVATION
NOTICE OF PROPOSED AMENDMENTS

- 1) HEADING OF THE PART: Sport Fishing Regulations for the Waters of Illinois
- 2) CODE CITATION: 17 Ill. Adm. Code 810
- 3) SECTION NUMBERS:

810.30	Amendments
810.40	Amendments
810.70	Amendments
- 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 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)
- 5) A COMPLETE DESCRIPTION OF THE SUBJECTS AND ISSUES INVOLVED: Based upon the results of biological surveys and subsequent data analyses, the Department of Conservation, Division of Fisheries has determined that the attached proposed amendments to Sections 810.30, 810.40 and 810.70 are necessary for the maintenance and/or production of quality fisheries in State-managed waters.

All proposed modifications to Part 810 were generated by our District Fisheries Managers and Program Project Managers, reviewed by the Fisheries Administrative Review Committee, evaluated by our Chief Staff and approved by the Chief of the Division of Fisheries. Data pertaining to the need for these regulatory changes are maintained by the Fisheries Division and are available for examination upon request.
- 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 AMENDMENTS

Jack Price

Lincoln Tower Plaza

524 S. Second Street

Springfield, Illinois 62701-1787

(2) 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:

Section

810.10	Sale of Fish
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

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. 1985, 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: 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. 741, 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; 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 amendments at 12 Ill. Reg. 10525, effective June 7, 1988; for a maximum of 150 days; emergency amendments at 12 Ill. Reg. 10525, effective June 7, 1988; amended at 12 Ill. Reg. 15982, effective September 27, 1988; amended at 13 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

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF CONSERVATION

SUBCHAPTER b: FISH AND WILDLIFE

PART 810

SPORT FISHING REGULATIONS FOR THE WATERS OF ILLINOIS

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NOTICE OF PROPOSED AMENDMENTS

Hidden Springs State Forest Ponds, Shelby County
Homer Lake, Champaign County Forest Preserve District, Champaign County

Hornel 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 and LaSalle Counties

Illinois Beach State Park, 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, Vermillion County

Lake Carlton, Morrison-Rockwood State Park, Whiteside County

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

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

Lake Decatur, City of Decatur, Macon County

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

NOTICE OF PROPOSED AMENDMENTS

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 Mattoon, City of Mattoon, Coles County~~

Lake Milliken, Des Plaines Conservation Area, Will County

Lake Mingo, Vermillion County Conservation Area, Vermillion County

Lake Murphysboro, Lake Murphysboro State Park, Jackson 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, City of Mattoon, Coles County

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

Lake Shelbyville Management Area Ponds, Lake Shelbyville Wildlife Management Area, Moultrie County

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

Lake Storey, City of Galesburg, Knox County

Lake Vandalia, City of Vandalia, Fayette County

LaSalle Lake, LaSalle Power Station, LaSalle County

Lincoln Log Cabin State Park Pond, Coles County

Lincoln Trail Lake, Lincoln Trail State Park, Clark County

Little Cedar Lake, Shawnee National Forest, Jackson County

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

Little Sister Lake, County of Fulton, Fulton County

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

Lyerla Lake, Union County Conservation Area, Union County

Macon County Conservation District Ponds, Macon County

Marshall County Conservation Area (Fishing Ditch Portion), Marshall County

Mattoon Lake, City of Mattoon, Coles County

~~Mazonia State Fish and Wildlife Area, Grundy County~~

Mermet State Lake, Mermet Lake Conservation Area, Massac County

Mill Creek Lake, Clark County Park District, Clark County

Miller Park Lake, City of Bloomington, McLean County

Mt. Olive Old and New City Lakes, City of Mt. Olive, Macoupin County

Mundelein Park District (Diamond Lake and Knoll Park Pond), City of Mundelein, Lake County

Nashville City Lake, City of Nashville, Washington County

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

Oakland City Lake, City of Oakland, Coles County

One Horse Gap Lake, Shawnee National Forest, Gallatin County

Pana Lake, City of Pana, Shelby and Christian Counties

Paris East and West Lakes, City of Paris, Edgar County

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

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

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

Rock 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 Lake and Ponds, Kendall County

Sparta City Lakes, City of Sparta, Randolph 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

Te cumseh Lake, Shawnee National Forest, Hardin County

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

Tuscola City Lake, City of Tuscola, Douglas 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, Douglas County

Washington County Lake, Washington County Conservation Area, Washington County

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

NOTICE OF PROPOSED AMENDMENTS

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 13 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.
 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
 Daily catch limit is 6 channel catfish in the following waters:
 Allison Lake, City of Allison, Logan County

NOTICE OF PROPOSED AMENDMENTS

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 County 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 Preserve Park Ponds,
 Champaign County Forest Preserve, 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 Momouth, Warren County

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

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

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

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

Dolan Lake, Hamilton County Conservation Area, Hamilton 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

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

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

Gale Lake, City of 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

Harrisburg New City Reservoir, City of Harrisburg, Saline County

Heidecke Lake, Goose Lake-Prairie-State-Park State Fish and Wildlife Area, Grundy County

Hennepin Canal #3, Hennepin Canal Parkway State Park, Bureau County

Herrick Lake, DuPage County

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

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

Horseshoe Lake, Horseshoe Lake Conservation Area, Alexander County

Horton Lake, Nauvoo State Park, Hancock County

NOTICE OF PROPOSED AMENDMENTS

Lake Mendota, City of Mendota, LaSalle County

Lake Milliken, Des Plaines Conservation Area, Will
County

Lake Mingo, Vermillion County Conservation District,
Vermillion County

Lake Murphysboro, Lake Murphysboro 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 Wildlife Management Area, Moultrie County
Shelbyville Wildlife Management Area, Moultrie County

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

Lake Storey, City of Galesburg, Knox County

Lake Vandajia, City of Vandajia, 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

Lyeria Lake, Union County Conservation Area, Union
County

McCullom Lake, McHenry County Conservation
District, McHenry County

NOTICE OF PROPOSED AMENDMENTS

I&M Canal, Grundy and LaSalle Counties

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

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

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

Kickapoo State Park Lakes and Ponds, Vermillion
County

Lake Atwood, McHenry County Conservation District,
McHenry County

Lake Carlton, Morrison-Rockwood State Park,
Whiteside County

Lake County Forest Preserve District (Banana Lake,
Greenbelt Lake #1, Greenbelt Lake #2, Old School
Pond, Sterling Lake, Taylor Lake, and Wright Woods
Pond), 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

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Mermet Lake, Mermet Lake Conservation Area, Massac County

Mill Creek Lake, Clark County Park District, Clark County

Miller Park Lake, City of Bloomington, McLean County

Monee Reservoir, Will County Forest Preserve District, Will County

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), 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

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

DEPARTMENT OF CONSERVATION

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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

Red Hills Lake, Red Hills State Park, Lawrence County

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

Rock Springs Pond, Macon County Conservation District, Macon County

Roodhouse Park Lake, City of Roodhouse, Greene County

~~Rust Lake, Baldwin Fish and Wildlife Area, Randolph 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

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
 Tecumseh Lake, Shawnee National Forest, Hardin County
 Turner Lake, Chain O'Lakes State Park, Lake County
 Tuscola City Lake, City of Tuscola, Douglas County
 Vandalia Correctional Facility Ponds, State of Illinois, Marion County
 Vanhorn Woods Pond, Will County Forest Preserve District, Will 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, 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
 Whoopie 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 County and Fulton Counties

Borah Lake, City of Olney, Richland 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

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NOTICE OF PROPOSED AMENDMENTS

Oakland City Lake, City of Oakland, Coles County

Pana Lake, City of Pana, Shelby and Christian Counties

Paris-East and West Lakes, City of Paris, Edgar County

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

Peelman Lake, Kickapoo State Park, Vermillion County

Pierce Lake, Rock Cut State Park, Winnebago County

Powerton Lake, Powerton Lake Conservation Area, Tazewell County

Ramsey Lake, Ramsey Lake State Park, Fayette County

Randolph County Lake, Randolph County Conservation Area, Randolph County

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

Sam Dale Lake, Sam Dale Conservation Area, Wayne County

Sand Lake, Illinois Beach State Park, Lake County

Shabbona Lake, Shabbona Lake State Park, DeKalb County

Spring Lake (North and South), Spring Lake Conservation Area, Tazewell County

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

Tuscola City Lake, City of Tuscola, Douglas County

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

Washington County Lake, Washington County Conservation Area, Washington County

Weldon Springs Lake, Weldon Springs State Park, Dewitt County

NOTICE OF PROPOSED AMENDMENTS

Wolf Lake, Wolf Lake Conservation Area, Cook County

All largemouth or smallmouth bass taken must be less than 12 inches in total length or greater than 15 inches in total length in the following waters:

Argyle - Lake, -Argyle -Lake -State -Park, -Madison County

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

Dawson Lake, Moraine View State Park, McLean County

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

East Fork Lake, City of Olney, Richland County

Gillespie New City Lake, City of Gillespie, Macoupin County

Gladstone Lake, Henderson County Conservation Area, Henderson County

Lake Mingo and Ponds at Kennekuk Cove Park, Vermillion County Conservation District, Vermillion County

Lake Storey, City of Galesburg, Knox County

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

Mill Creek Lake, Clark County Park District, Clark County

Siloam Springs Lake, Siloam Springs State Park, Adams and Brown Counties

Walnut Point, Walnut Point State Park, Douglas County

All largemouth (or smallmouth) bass taken must be 15 inches in total length or longer in the following waters:

(iv)

v)

NOTICE OF PROPOSED AMENDMENTS

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. Fish-and-Wildlife-Service 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

Crawford County C.A. Ponds, Crawford County
Conservation Area, Crawford County

Diamond Lake, Lake County

Gale Lake, 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

Lake Jacksonville, City of Jacksonville, Morgan County

Lake Murphysboro, Murphysboro State Park, Jackson
County

Lake Springfield, City of Springfield, Sangamon County

Lake Williamsville, City of Williamsville, Sangamon
County

NOTICE OF PROPOSED AMENDMENTS

Little Sister Lake, Canton Park District, Fulton 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

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

- 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:

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

- 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

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:

LaSalle Lake, LaSalle Fish and Wildlife Area, LaSalle
County

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(x) 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

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

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

Diamond Lake, City of Mundelein, Lake County

Gale Lake, City of Galesburg, Knox 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, Goose Lake-Prairie-State Park State Fish and Wildlife Area, Grundy County

Lake Kakusha, City of Mendota, LaSalle County

Little Sister Lake, Fulton 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

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

(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

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(xi) 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

(xixii) 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

(xixiii) 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

(xixxiv) 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.

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- 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.

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

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

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).

- ii) 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

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.

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

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

~~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~~

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

~~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~~

Governor Bond Lake, City of Greenville, Bond County

Clinton Lake, Clinton Lake State Recreation Area, DeWitt 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

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

iv) 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

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

v) 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

Pierce Lake, Rock Cut State Park, Winnebago 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.

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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 Cave Park, Vermillion County Conservation District, Vermillion County

Lake Murphysboro, Lake Murphysboro State Park, Jackson County

Lake Storey, City of Galesburg, Knox County

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

Frank-Holton Lakes, Frank Holton State Park, St. Clair County

Gale Lake, City of Galesburg, Knox County

Gladstone Lake, Henderson County Conservation Area, Henderson County

Lake Kakusha, City of Mendota, LaSalle County

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

Little Sister Lake, Canton Park District, Fulton County

Shabbona Lake, Shabbona Lake State Park, DeKalb County

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- 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

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. Fish and Wildlife Service 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

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

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

Glen Shoals Lake, City of Hillsboro, Montgomery County

Governor Bond Lake, City of Greenville, Bond County

Lake Bloomington, City of Bloomington, McLean County

DEPARTMENT OF CONSERVATION

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Lake Vandalia, City of Vandalia, Fayette County

Otter Lake, Otter Lake Water Commission, Macoupin 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:

Heidecke Lake, Goose Lake-Prairie-State-Park 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

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, McHenry 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

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Apple River, Jo Daviess County

Atwood Lake, McHenry County Conservation District,
McHenry 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

Ferne Clyffe Lake, Ferne Clyffe State Park, Johnson
County

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

~~Hollows Lake, McHenry County Conservation District,
McHenry 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

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NOTICE OF PROPOSED AMENDMENTS

8) WALLEYE AND SAUGER

A) Statewide Regulations.

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

B) Site Specific Regulations.

i) All walleye and sauger taken must be 14 inches in total length or longer in the following waters:

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

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

Clinton Lake, Clinton Lake State Recreation Area, DeWitt County

Dolan Lake, Hamilton County Conservation Area, Hamilton County

East Fork Lake, City of Olney, Richland County

Heidecke Lake, Goose Lake-Prairie-State-Park 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

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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 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 Spillway, Vermilion County Conservation District, Vermilion County

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

Randolph County Lake, Randolph County Conservation Area, Randolph County

Shabbona Lake, Shabbona Lake State Park, DeKalb County

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

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

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

ii)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENTS

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

Powerton Lake, Tazewell County

ii)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).

iv)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 13 Ill. Reg. _____, effective _____)

Section 810.70 Free Fishing Days /

During the period of June ~~10, 11, 12 and 13, 1988~~ 10, 11 and 12, 1989, it shall be legal for any person to fish in waters wholly or in part within the jurisdiction of the State, including the Illinois portion of Lake Michigan, without possessing a fishing license or salmon stamp.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Educational Service Centers

2) Code Citation: 23 Ill. Adm. Code 500

3) <u>Section Numbers:</u>	<u>Proposed Action:</u>
500.20	Amendment
500.50	Amendment
500.120	New Section

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 122, par. 2-3.62

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

Language has been added to Sections 500.50 and 500.120 to describe the scope and content of Educational Service Centers' programs and services, as well as the standards the State Board will use in evaluating them. These additions were required by P.A. 85-416, as was the change which appears in Section 500.20 (Governance). Language in that Section includes a direct quote from Section 2-3.62(b) of The School Code, which was amended by the legislation, thus necessitating a comparable change in the rule.

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 amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The amendments will not create or enlarge a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Ray Schaljo
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-5728

12) Initial Regulatory Flexibility Analysis: These amendments will not affect small businesses.

The full text of the Proposed Rule(s) begins on the next page:

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER 0: MISCELLANEOUS

PART 500

EDUCATIONAL SERVICE CENTERS

500.10 Purpose of the Educational Service Centers

500.20 Governance

500.30 Role of the Governing Board

500.40 Role of the Administrative Agent

500.50 Programs and Services to be Provided

500.60 Allocation of Funds

500.70 Areas to be Served

500.80 Fiscal Procedures

500.90 Grant Application Format

500.100 Submission of Application

500.110 Review and Approval

500.120 Program Evaluation Standards

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AUTHORITY: Implementing and authorized by Section 2-3.62 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 2-3.62).

SOURCE: Emergency rules adopted at 9 Ill. Reg. 15949, effective October 2, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 18726, effective October 22, 1986; amended at Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

Section 500.20 Governance

a) General requirements for the Governance of all Centers:

1) Section 2-3.62(b) of The School Code provides that "CENTERS WHICH SERVE CLASS 1 COUNTIES COUNTY SCHOOL UNITS SHALL BE GOVERNED BY AN 11-MEMBER BOARD WHICH INCLUDES BUT SHALL NOT BE LIMITED TO PUBLIC SCHOOL TEACHERS, SUPERINTENDENTS, REGIONAL SUPERINTENDENTS, SCHOOL BOARD MEMBERS AND A REPRESENTATIVE OF AN INSTITUTION OF HIGHER EDUCATION. THE MEMBERS OF THE BOARD SHALL BE APPOINTED BY THE REGIONAL SUPERINTENDENTS WHOSE SCHOOL DISTRICTS ARE SERVED BY THE EDUCATIONAL SERVICE CENTER." No more than five members of the eleven-member Governing Board may represent any single category mentioned above.

9) All meetings of the Centers' Governing Boards must comply with the Open Meetings Act (Ill. Rev. Stat. 1985 1987, ch. 102, par. 41 et seq.).

8) The method for filling vacancies on the Governing Boards shall be determined by each Center's Governing Board and shall be specified in each Center's bylaws.

7) The method of determining a board member's initial term of office shall be established by each Center's Governing Board and shall be specified in each Center's bylaws.

C) three of the eleven members shall serve two years.

B) four of the eleven members shall serve three years; and

A) four of the eleven members shall serve four years;

members, whose terms shall be established as follows:

6) Terms of office for Governing Board members shall be four years, with the exception of the initial Governing Board

served by the Center.

boards, or higher education must reside within the area to be

5) The member(s) of the Governing Board who does not represent

be served.

4) The member(s) of the Governing Board who represents higher

education shall be selected from a public degree-granting

postsecondary institution whose campus lies within the area to

3) The member(s) of the Governing Board who represents public

school teachers, superintendents, and board members shall be

selected from school districts within each Center's service

area.

2) For Centers outside Cook County, except when a Center and an

Administrative Agent may be a voting member of the Governing

Board: for Centers within Cook County, except for the Center

serving Chicago School District #299, no Administrative

District shall have a superintendent, board member, or

district employee as a voting member of the Governing Board.

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- b) Requirements for the Governance of Centers located within Cook County:
- 1) Cook County, which is the only non-class I county in Illinois, will be served by four Centers whose corresponding service areas shall be known as North Cook, West Cook, South Cook, and the City of Chicago School District #299.
 - 2) The North Cook, West Cook and South Cook Centers shall each be governed by an eleven-member Governing Board which shall be appointed by a five-member selection committee comprised of district superintendents whose school district boundaries lie within the corresponding Center's service area. Each selection committee shall be elected at a meeting to be convened by the State Board of Education, whereby all district superintendents within an identified service area will be invited to attend, nominate and elect selection committee members. Nominations for selection committee members will come from the floor and only district superintendents shall be eligible nominees.
 - 3) The members of the North Cook, West Cook, and South Cook Center Governing Boards shall include but shall not be limited to public school teachers, superintendents, a regional superintendent (or designee), school board members and a representative of higher education. The Regional Superintendent (or designee) of Cook County shall be a member on each of these three governing boards.
 - 4) The City of Chicago School District #299 shall be served by a Center and shall be governed by an eleven-member board which shall be appointed by the City of Chicago School District #299 School Board.
 - 5) The members of the City of Chicago School District #299 Center's Governing Board shall include but shall not be limited to public school teachers, subdistrict superintendents, and a representative of higher education.

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

Section 500.50 Programs and Services to be Provided

- a) The following programs and services shall be provided by each Educational Service Center. These programs will comprise a core of services common to all Centers, but they shall not limit the range of programs and services that may be offered by one or more

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Centers. The existing Gifted Area Service Centers (Ill. Rev. Stat. ~~1985~~ 1987, ch. 122, par. 14A-6) and Computer Consortia (Ill. Rev. Stat. ~~1985~~ 1987, ch. 122, par. 2-3.43) will come under the direction and supervision of their corresponding Educational Service Center Governing Boards when those Boards become operational.

b) Required Services

- 1) Education of Gifted Children as specified in Section 2-3.62 (1) of The School Code: Each Center shall provide planning, implementation, and evaluation services to classroom teachers and administrators of programs for gifted children. In addition, each Center shall provide inservice training and staff development opportunities through institutes, workshops, or individual consultations with school district staff.
- 2) Computer Technology Education as specified in Section 2-3.62(2) of The School Code: Each Center shall provide planning, implementation, and evaluation services necessary for the establishment of programs designed to achieve computer literacy and high-tech competency. Center services must include, but need not be limited to, inservice training and staff development; use, application, and evaluation of software; technical assistance; and curriculum development.
- 3) Mathematics, Science, and Reading Services as specified in Section 2-3.62(3) of The School Code: Each Center shall provide planning, implementation, and evaluation services as they relate to the continuing education, inservice training, and staff development needs of teachers and administrators in the fields of mathematics, science, and reading. Activities shall include, but need not be limited to, assisting in needs assessment activities, providing workshops and inservice training sessions, providing technical assistance, convening study or assessment groups and acting as a clearinghouse for research materials in mathematics, science, and reading.
- 4) The Centers shall provide services to school districts to assist said districts in their efforts to comply with the provisions of Sections 2-3.63 and 2-3.64 (Student Learning Objectives and Assessment Systems) and Section 10-17a (Better Schools Accountability) of The School Code. Services must include, but need not be limited to, assisting districts in the development of a local plan, receiving district applications for funds to this program, forwarding a copy of

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- B) act as a clearinghouse for instructional materials and information regarding equipment in these areas;
- C) coordinate and promote special projects for populations specified in Title II of Public Law 98-377, Education for Economic Security Act (20 U.S.C. 3961 et seq.); and to
- D) disseminate information relating to exemplary programs in the fields of mathematics, science, foreign languages and computer science.

c) In addition to the above prescribed programs and services, each Educational Service Center shall, upon the written direction of the State Superintendent of Education, develop a plan for the inclusion of additional programs and services in one or more of the areas authorized by Section 2-3.62 of The School Code.

d) The scope and specific content of the program of services, as well as the specific planning, implementation and evaluation services required in Section 500.50(b) and (c) shall be such that:

1) the services are designed to address school district needs identified through analysis of data derived from a needs assessment to be conducted annually by each Center.

2) the services are designed to address the topics enumerated in Section 500.50(b) and (c).

3) the services are delineated in the funding application, to be submitted as required in Section 500.90 of this Part, which identifies goals, objectives, enabling activities, timelines for implementation, budget, and the standards by which the completion of each objective will be evaluated by the Center.

4) the services are delivered by means of on-site consultations, meetings, workshops, conferences, or other efficient means; and

5) the costs for implementing each objective are incorporated into the Center budget pursuant to Section 500.90(g) of this Part.

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

Section 500.120 Program Evaluation Standards

The State Board of Education will annually evaluate programs that receive funds under this Part on the basis of the following standards.

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the district's application and a recommendation for action to the State Superintendent of Education, receiving funds from the State Superintendent of Education and disbursing said funds to school districts whose plans have been approved, and coordinating school district reporting of assessment results to the State Superintendent of Education.

5) The Educational Service Centers shall serve as the primary source for the delivery and coordination of the activities of the Illinois Administrators' Academy as established in Section 2-3.53 of The School Code. Among the duties performed by the Center shall be conducting regional needs assessments, scheduling and providing inservice training opportunities, acting as a clearinghouse for educational materials and research, and keeping accurate records of attendance at inservice training sessions provided under the sponsorship of the State Board of Education and/or the Center.

6) The Centers shall provide assistance and advice to local school districts in the development of Staff Development Plans required of school districts in Sections 2-3.59 and 2-3.60 (Staff Development) of The School Code. Activities shall include providing assistance in needs assessment and goal setting, review of all Staff Development Plans submitted by districts in the Center's service area and recommending action regarding each Plan to the State Superintendent of Education; development and submission to the State Superintendent of Education of a regional Staff Development Plan based on common components of local district plans; distribution of funds to local school districts to aid in conducting staff development programs based on approved plans; and the design of a system in which staff development opportunities are provided to school district personnel on a continuing basis.

7) The Centers shall participate in the development and operation of a statewide network designed to facilitate the electronic transmission of data from school districts to the State Board of Education. The primary purpose of this system will be the general reduction of local data burden.

8) Title II of Public Law 98-377, Education for Economic Security Act (20 U.S.C. 3961 et seq.), provides funds to strengthen the skills of teachers in mathematics, science, computer learning and foreign languages. These funds shall be used by the Centers, in addition to and in coordination with activities listed in Section 500.50(b)(3) above, to:

A) provide inservice training opportunities for the purpose of upgrading teacher skills in the fields of mathematics, science, foreign languages and computer learning;

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- a) A review of Educational Service Center program records and operations reveals that the program complies with the provisions of Section 2-3.62 of The School Code and that it has been conducted in conformance with the provisions of the application approved by the State Superintendent of Education pursuant to Section 500.110 of this Part.
- b) Educational Service Center evaluation procedures conform to the requirements of Section 500.50(d)(3) of this Part; have determined the degree to which the Center has met its objectives; and demonstrate that provisions have been made to remove or alleviate problems identified as affecting the Center's ability to achieve its objectives.

(Source: Added at _____ Ill. Reg. _____, effective _____)

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- 1) The Heading of the Part: General Conditions of Grants for the Financing and Construction of Public Water Supply Facilities
- 2) Code Citation: 35 Ill. Adm. Code 661
- 3) Section Numbers: Proposed Action:
661.302 Amendment
- 4) Statutory Authority: Section 4(x) of the Environmental Protection Act (Ill. Rev. Stat. 1987 Supp., ch. 111 1/2, par. 1004(x)).
- 5) A Complete Description of the Subjects and Issues Involved: This amendment corrects typographical errors in Section 661.302.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rule contain an automatic repeal date? No
- 8) Does this rule contain incorporations by reference? No
- 9) Are there any proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives? This rulemaking does not create or enlarge a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 2203(b)).
- 11) The time, place, and manner in which interested persons may comment on the proposed rulemaking:

The Agency will accept written public comments on this proposal for a period of 45 days after the date of this publication. Comments should be addressed to:

Scott O. Phillips
Division of Public Water Supplies
Illinois Environmental Protection Agency
2200 Churchill Road
Post Office Box 19276
Springfield, Illinois 62794-9276

- 12) Initial Regulatory Flexibility Analysis:
 - A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: January 25, 1989
 - B) Types of small businesses affected: Small businesses should not be affected. Grants issued pursuant to Section 4(x) of the Environmental Protection Act are restricted to units of local government.

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE F: PUBLIC WATER SUPPLIES

CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 661

GENERAL CONDITIONS OF GRANTS FOR THE FINANCING AND CONSTRUCTION OF PUBLIC WATER SUPPLY FACILITIES

SUBPART A: INTRODUCTION

Section 661.101 Purpose

661.102 Definitions

661.103 Severability

SUBPART B: LIABILITIES AND REMEDIES FOR FAILURE TO COMPLY WITH GRANT CONDITIONS

Section 661.201

Noncompliance with grant conditions

661.202

Stop-work Order

661.203

Termination

661.204

Waiver of conditions

661.205

Covenant Against Contingent Fees

SUBPART C: REQUIREMENTS APPLICABLE TO SUBAGREEMENTS OF GRANTEE

Section 661.301

General Conditions for all Subagreements

661.302

Construction Contracts of Grantee

661.303

Contracts for Personal and Professional Services - Consulting

661.304

Equal Opportunity

661.305

Compliance with Procurement Requirements

661.306

Disputes

661.307

Indemnity

SUBPART D: REQUIREMENTS APPLICABLE TO INITIATION, AMENDMENT, COMPLETION AND OPERATION OF PROJECT

Section 661.401

Project Initiation

661.402

Project Changes

661.403

Supervision

661.404

Project Sign

661.405

Final Inspection

661.406

Operation and Maintenance

661.407

User Charges

661.408

Flood Plain Insurance

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(C) Reporting, bookkeeping or other procedures required for compliance: This amendment does not require any additional reporting, bookkeeping or other procedures for compliance.

(D) Types of professional skills necessary for compliance: This amendment does not require any additional professional skills for compliance.

The full text of the proposed rules begins on the next page.

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3) Adequate bidding documents

Bidding documents (invitations for bid) shall be prepared by the grantee and shall be furnished upon request on a first-come, first-served basis. A complete set of bidding documents shall be maintained by the grantee and shall be available for inspection and copying by any party. Such bidding documents shall include:

A) A complete statement of the work to be performed, including necessary drawings and specifications, and a completion schedule. Drawings and specifications may be made available for inspection instead of being furnished;

B) The terms and conditions of the contract to be awarded;

C) A clear explanation of the method of bidding and the method of evaluation of bid prices, and the basis and method for award of the contract;

D) A copy of all the general conditions, special conditions, assurances, agreements, and terms of the grant;

E) Responsibility requirements or criteria which will be employed in evaluating bidders; provided, that an experience requirement may not be utilized unless justified under the Section 661.301(h)(4);

F) The following statement:

"Any contract awarded under this Invitation for Bids is expected to be funded in part by a grant from the State of Illinois. Neither the State of Illinois nor any of its departments, agencies or employees is or will be a party to this Invitation for Bids or any resulting contract."

G) A copy of subsection (e)(3)(H) shall be in the proposal form to be used by bidders and shall constitute a representation and certification to be considered part of the bid. The grantee shall not award any contract to a bidder who has deleted or modified the language contained in subsection (e)(3)(H) as set forth in the proposal form;

H) By submission of the bid, each bidder certifies, and in the case of a joint bid each party thereto certifies as to his own organization, that in connection with the bid:

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4) Sealed Bids

1) The prices in the bid have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, or as to any matter relating to such prices with any other bidder or with any competitor;

1i) Unless otherwise required by law, the prices which have been quoted in the bid have not knowingly been disclosed by the bidder, prior to opening, directly or indirectly to any other bidder or to any competitor; and

1ii) No attempt has been made or will be made by the bidder to induce any other person or firm to submit or not to submit a bid for the purpose of restricting competition; and

1) Each person signing the bid shall certify that:

1) He is the person in the bidder's organization responsible within that organization for the decision as to the prices being bid and that he has not participated, and will not participate, in any action contrary to subsection (e)(3)(H); or

1i) He is not the person in the bidder's organization responsible within that organization for the decision as to the prices being bid, but that he has been authorized to act as agent for the persons responsible for such decision in certifying that such persons have not participated, and will not participate, in any action contrary to subsection (e)(3)(H), and as their agent shall so certify; and shall also certify that he has not participated, and will not participate, in any action contrary to subsection (e)(3)(H).

4) Sealed Bids

The grantee shall provide for bidding by sealed bid and for the safeguarding of bids received until public opening.

5) Amendments to bidding documents

If the grantee desires to amend any part of the bidding documents (including drawings and specifications) during the period when bids are being prepared, the amendments shall be communicated in writing to all firms who have obtained bidding

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documents in time to be considered prior to the bid opening time. The period for submission of bids shall be extended when necessary to assure fair and open competition.

6) Bid modifications

A firm which has submitted a bid shall be allowed to modify or withdraw its bid prior to the time of bid opening.

7) Public opening of bids

The grantee shall provide for a public opening of bids at the place, date and time announced in the bidding documents.

8) Award to the low responsive, responsible bidder.

A) After bids are opened, they shall be evaluated by the grantee in accordance with the methods and criteria set forth in the bidding documents.

B) The grantee may reserve the right to reject all bids. Unless all bids are rejected, award shall be made to the low, responsive, responsible bidder after the bid evaluation has been submitted to the Agency and written notice of Agency approval has been received by the grantee. The Agency's approval shall be based upon a review of the bidding documents, and the grantee's recommendation, for compliance with the grant conditions and this Part.

C) If award is intended to be made to a firm which did not submit the lowest bid, a written statement shall be prepared prior to any award and retained by the grantee explaining why each lower bidder was deemed not responsive or not responsible.

D) Local laws, ordinances, regulations or procedures which are designed or operate to give local or in-state bidders preference over other bidders shall not be employed in evaluating bids.

f) Negotiations of contract amendments (change orders)

1) Grantee responsibility

The grantee is responsible for negotiation of construction contract change orders. This function may be performed by the grantee directly or by the consulting engineer, if authorized by the grantee.

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A) During negotiations the grantee shall:

i) Provide the contractor with a detailed description of the scope and extent of work to be performed;

ii) Require the contractor to demonstrate that he will make available or will obtain the necessary personnel, equipment and materials to accomplish the work within the required time; and

iii) Require a fair and reasonable price for the work.

B) For each change order the grantee shall maintain a written summary of all negotiations and an independent cost estimate prepared by the grantee's consulting engineer.

2) Changes in contract price or time.

The contract price or time may be changed only by a change order. Negotiations shall be conducted in accordance with this subsection (f). The value of any work covered by a change order, or the value of claim for increases or decreases in the contract price, shall be determined by whichever method set forth below is the most advantageous to the grantee:

A) Unit prices

i) Original bid items: Unit prices set forth in the original bid are acceptable for pricing change orders. However, when changes in quantities exceed 15 percent of the original bid quantity, the unit price shall be reviewed by the grantee to determine if a new unit price should be negotiated.

ii) New items: Unit prices of new items shall be negotiated.

B) A lump sum to be negotiated.

C) Cost reimbursement

The actual cost for labor, direct overhead, materials, supplies, equipment, and other services necessary to complete the work plus an amount to be agreed upon to cover the cost of general overhead and profit to be negotiated.

3) For each change order, the contractor shall submit to the grantee cost and pricing data to enable the grantee to determine if the costs are fair and reasonable. Such data shall include:

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- 5) Profit For the purpose of negotiated change orders to construction contracts under Agency grants, profit is defined as the net proceeds obtained by deducting all allowable costs (direct and indirect) from the price. The estimate of profit is to be reviewed by the grantee as are all other elements of price.
- 6) Allowability Allowability of costs for change orders shall be determined in accordance with Section 661.701.
- g) Progress payments to contractors
- 1) Policy Except as may be otherwise required by law, prompt progress payments shall be made by grantees to prime contractors and by prime contractors to subcontractors and suppliers for eligible construction, material, and equipment costs, including those of undelivered specifically manufactured equipment, incurred under a contract under an Agency construction grant.
- 2) Protection of progress payments made for specifically manufactured equipment The grantee shall assure protection of the State's interest in progress payments made for specifically manufactured equipment. This protection must be in a manner or form acceptable to the grantee and shall take the form of recordation under the Uniform Commercial Code (111. Rev. Stat. 1985, ch. 26, pars. 1-101 et seq., as amended), adequate to protect the interest of the grantee and the State.
- 3) Limitations on progress payments

In no case may progress payments for undelivered equipment or items be made in any amount greater than seventy-five percent of the cumulative incurred costs allocable to contract performance with respect to the undelivered equipment or items. Submission of a request for any such progress payments shall be accompanied by a certification furnished by the fabricator of the equipment or item that the amount of progress payment claimed constitutes not more than seventy-five percent of cumulative incurred costs allocable to contract performance, and in addition, in the case of the first progress payment request, a certification that the amount claimed does not exceed 15 percent of the contract or item price quoted by the fabricator.

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- A) As a minimum, proposed change order costs shall be presented in summary format as prescribed by the Agency and shall be supported by a certification executed by the contractor that proposed costs reflect complete, current, and accurate cost and pricing data applicable to the data of the change order.
- B) In addition to the specific elements of cost, the estimated amount of profit shall be set forth separately in the cost summary for fixed price change orders and a specific total dollar amount of profit will be set forth separately in the cost summary for cost reimbursement change orders.
- C) More detailed cost data than that set forth by the summary format may be required to enable the grantee to determine if the costs are fair and reasonable.
- D) For costs under cost reimbursement change orders, the contractor shall have an accounting system which accounts for such costs in accordance with generally accepted accounting principles. This system shall provide for the identification, accumulation, and segregation of allowable and allowable change orders. The contractor shall propose and account for allowable change order costs in a manner consistent with such accounting procedures.
- E) Change orders awarded on the basis of review of a cost element summary and a certification of complete, current, and accurate cost and pricing data shall be subject to downward renegotiation or recoupment of funds where subsequent audit pursuant to this Part substantiates that such certification was not based on complete, current and accurate cost and pricing data and on costs allowable under these regulations at the time of the change order execution.

- 4) Agency review For any change order, the grantee shall submit the following to the Agency for review to determine compliance with this Part:
 - A) The cost and pricing data submitted by the contractor;
 - B) A certification of review and acceptance of the contractor's cost or price; and
 - C) A copy of the change order with a justification describing the need and reasonableness of the change order.

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- 4) A subcontractor or supplier which is determined by the Agency to have frustrated the intent of the provisions regarding progress payments for major equipment or specifically manufactured equipment through failure to deliver the equipment shall be determined nonresponsible.
 - 5) Contract provisions
Appropriate provisions regarding progress payments must be included in each contract and subcontract.
 - 6) The foregoing progress payments policy shall be implemented in invitations for bids under construction grants.
- h) Retention from progress payments
- 1) The grantee may retain a portion of the amount otherwise due the contractor. Except as provided in subsection (h)(1)(D), the amount retained by the grantee shall be limited to the following:
 - A) The withheld amounts shall be not more than 10 percent of the payment claimed until the work is 50 percent complete.
 - B) When work is 50 percent complete, the withheld amount shall be reduced to 5 percent of the dollar value of all work satisfactorily completed to date if the contractor is making satisfactory progress and there is no specific cause for greater withholding (as determined by the grantee).
 - C) When the work is substantially complete (operational or beneficial occupancy), the withheld amount shall be further reduced below 5 percent to only the amount necessary to assure completion.
 - D) The grantee may reinstate up to 10 percent withholding if the grantee determines, at its discretion, that the contractor is not making satisfactory progress or there is other specific cause for such withholding (as determined by the grantee).
 - 2) The foregoing retention policy shall be implemented with respect to all construction projects for which plans and specifications are approved. Appropriate provision to assure compliance with this policy shall be included in the bid documents for such projects initially or by addendum prior to the bid submission date, and as a special condition in the grant agreement or in a grant amendment.

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- 3) A grantee who delays disbursement of grant funds shall be required to credit to the State all interest earned on those funds.
 - i) Required construction contract provisions
Each construction contract shall include the "General Conditions of Construction Contract Document" as set forth in Appendix A. In addition, each construction contract shall include the following provisions:
 - 1) Audit; access to records:
 - A) The contractor shall maintain books, records, documents and other evidence directly pertinent to performance on grant work under this agreement in accordance with generally accepted accounting principles and with American Institute of Certified Public Accountants's Professional Standards (666 Fifth Avenue, New York City, New York 10019; June 1, 1987). (This incorporation contains no later amendments or editions.). The Contractor shall also maintain the financial information and data used by the Contractor in the preparation or support of any cost submissions required under subsection (f) of this Section and a copy of the cost summary submitted to the owner. The Auditor General, the owner, the Agency, or any of their duly authorized representatives shall have access to such books, records, documents, and other evidence for the purpose of inspection, audit, and copying. The contractor will provide proper facilities for such access and inspection.
 - B) If this contract is a formally advertised, competitively awarded, fixed price contract, the contractor agrees to include the language set forth in subsection (i)(1) in all contract amendments or negotiated change orders in excess of \$10,000, which affect the contract price. In the case of all other prime contracts, the contractor agrees to include the language set forth in Section 661.303(i)(1) in all his contracts and all tier subcontracts or change orders thereto directly related to project performance which are in excess of \$10,000.
 - C) Audits conducted pursuant to this provision shall be in accordance with generally accepted auditing standards.

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D) Failure to agree on a reduction shall be subject to 35 Ill. Adm. Code 661. Appendix A, Article 30.

3) Covenant against contingent fees

The contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee. For breach or violation of this warranty the owner shall have the right to annul this contract without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

4) Gratuities

A) The owner shall, by written notice to the contractor, terminate the right of the contractor to proceed under this contract if it is found, after notice and hearing, by the owner that gratuities (in the form of entertainment, gifts, or otherwise) were offered or given by the contractor or any agent or representative of the contractor, to any official or employee of the owner or of the State of Illinois with a view toward securing a contract or securing favorable treatment with respect to the awarding or amending, or the making of any determinations with respect to the performance of this contract: Provided, that if the existence of the facts upon which the owner makes such findings are in issue, they shall be reviewed in proceedings pursuant to 35 Ill. Adm. Code 661. Appendix A, Article 30.

B) In the event this contract is terminated as provided in subsection (i)(4)(A) the owner shall be entitled to pursue the same remedies against the contractor as it could pursue in the event of a breach of the contract by the contractor. The rights and remedies of the owner provided in this clause shall not be exclusive and are in addition to any rights and remedies provided by law or under this contract.

C) The rights and remedies provided in this clause shall not be exclusive and are in addition to any rights and remedies provided by law or under this contract.

f) Subcontracts under construction contracts

The award or execution of all subcontracts by a prime contractor and the procurement and negotiation procedures used by such prime contractor in awarding or executing such subcontracts shall comply with all provisions of Federal, State and local law, including but not limited to all provisions set forth in this Part relating to:

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D) The contractor agrees to the disclosure of all information and reports resulting from access to records pursuant to subsection (i)(1)(A). Where the audit concerns the contractor, the auditing agency will afford the contractor an opportunity for an audit exit conference and an opportunity to comment on the pertinent portions of the draft audit report. The final audit report will include the written comments, if any, of the audited parties.

E) Records under subsection (i)(1)(A) shall be maintained and made available pursuant to Section 661.501 during performance on Agency grant work under this agreement and until three years from the date of final grant payment for the project. In addition, those records which relate to any dispute or litigation or the settlement of claims arising out of such performance, or costs or items to which an audit exception has been taken, shall be maintained and made available until three years after the date of resolution of such dispute, appeal, litigation, claim, or exception.

2) Price reduction for defective cost or pricing data.

A) This clause is applicable only to:

i) any negotiated prime contract in excess of \$10,000;

ii) negotiated contract amendments or change orders affecting the price of a formally advertised, competitively awarded fixed price contract; or

iii) any subcontract or purchase order under a prime contract other than a formally advertised, competitively awarded, fixed price contract.

B) This clause is not applicable for contracts or subcontracts to the extent that they are awarded on the basis of effective price competition.

C) If the Agency determines that any price (including profit) negotiated in connection with this contract, or any cost reimbursable under this contract, was increased by any significant sums because the contractor or any subcontractor furnished incomplete or inaccurate cost or pricing data or data not current as certified in his certification of current cost or pricing data, then such price or cost or profit shall be reduced accordingly and the contract shall be modified in writing to reflect such reduction.

ENVIRONMENTAL PROTECTION AGENCY

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- A) Fraud and other corrupt practices; and
 B) Access to facilities and records, and audit of records.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

4347g/ts

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Storage, Transportation, Sale and Use of Gasoline and Volatile Oils
- 2) Code citation: 41 Ill. Adm. Code 180
- 3) Section numbers: Proposed Action:
- | | |
|--------|-------------|
| 180.10 | Amendment |
| 180.20 | Amendment |
| 180.25 | New Section |
- 4) Statutory Authority: Ill. Rev. Stat. 1987, Ch. 127 1/2, par. 154
- 5) A Complete Description of the Subjects and Issues Involved: Storage of combustible and flammable liquids in outside aboveground tanks is being allowed to a greater extent. The situations in which such tanks are allowed and the safety requirements on such tanks are specified. Kerosene is being allowed to be stored aboveground inside buildings in containers and tanks, and aboveground outside buildings in tanks; safety requirements are imposed on all methods of kerosene storage. All rules regarding aboveground storage are subject to home rule modification.
- 6) Will this proposed rule replace an emergency rule currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? Yes No
 If "yes", please specify the date:
- 8) Does this proposed amendment contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- | <u>Section Numbers</u> | <u>Proposed Action</u> | <u>Illinois Register Citation</u> |
|------------------------|------------------------|-----------------------------------|
| | | |
- 10) Statement of Statewide Policy Objectives: N/A
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Office of the State Fire Marshal will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should be addressed to:

John S. Moore
 Director, Division of Petroleum and Chemical Safety
 Office of the State Fire Marshal
 3150 Executive Park Drive
 Springfield, IL 62703-4599

OFFICE OF THE STATE FIRE MARSHAL
NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

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

B) Types of small businesses affected: Any small business where it is planned to install combustible or flammable liquids aboveground.

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

D) Types of professional skills necessary for compliance: N/A

The text of proposed amendments is identical to the text of emergency amendments which appears on page 1876 of this issue:

OFFICE OF THE STATE FIRE MARSHAL
NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances

2) Code citation: 41 Ill. Adm. Code 170

3) Section numbers: Proposed Action:

Amendment	170.10
New Section	170.71
New Section	170.72
New Section	170.73
Amendment	170.75
New Section	170.106
New Section	170.107
New Section	170.108

4) Statutory Authority: 111. Rev. Stat. Ch. 127 1/2, par. 154

5) A Complete Description of the Subjects and Issues Involved: Owners of registered underground petroleum storage tanks are required to pay an annual fee; this proposed emergency amendment states when, by what method and to whom such payments are to be made. P.A. 85-0861 requires a registration fee for underground storage tanks required to be registered prior to September 24, 1987 but which were not; this proposed emergency amendment states by what method and to whom such payments are to be made. This proposed emergency amendment clarifies the terms "abandonment" and "temporarily out of service", regarding underground storage tanks; a certification that the tank has not leaked in order to obtain a waiver allowing a tank to be abandoned in place is required; paragraphs in Section 170.75(d) and (e)(4) were joined. Also, the notice requirement to remove underground storage tanks was changed from seven to 30 days to comply with federal regulations (40 CFR 280 and 281). P.A. 85-0861 requires installers, repairers, replacers or removers of underground storage tanks to register, pay an annual fee and pay a permit fee to perform such activities; the Act also requires testers of underground storage tanks to pay an annual registration fee; this proposed emergency amendment states when and to whom such payments are to be made, and requires the submission of test results. For safety reasons, air pressure testing of underground storage tanks after installation is prohibited.

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

7) Does this rulemaking contain an automatic repeal date? Yes No If "yes", please specify the date:

8) Does this proposed amendment contain incorporations by reference? Yes

9) Are there any other proposed amendments pending on this Part? No

Section Numbers Proposed Action Illinois Register Citation

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NOTICE OF ADOPTED AMENDMENTS

requirements (Section 620.60), and funding limitations (Section 620.90(a) and (b)) for each of the four categories listed above. The long-term budget previously reviewed in the selection process has been deleted from Section 620.80. A more detailed description of the match requirements for the matching grants has been provided in Section 620.90.

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

Ms. Lori Clark, Manager, Office of Labor-Management Cooperation
Department of Commerce and Community Affairs
620 East Adams Street, 6th floor
Springfield, Illinois 62701
(217) 785-6284

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

of Section 620.60(a)(1)(F), and line 1 of Section 620.60(b)(1)(E).

Deleted the word "detailed" from the following subsections: line 1 of Section 620.60(a)(1)(A), line 2 of Section 620.60(a)(4), line 1 of Section 620.60(b)(1)(A), line 2 of Section 620.60(b)(4), line 1 of Section 620.60(c)(2)(A), line 2 of Section 620.60(c)(4), and line 1 of Section 620.60(d)(2)(A).

Deleted "in detail" from line 2 of Section 620.60(a)(2) and line 2 of Section 620.60(b)(2).

Changed ".i.e." to "e.g." in line 2 of Section 620.60(a)(1)(A), line 2 of Section 620.60(b)(1)(A), line 2 of Section 620.60(c)(1)(A), line 2 of Section 620.60(d)(1)(A), line 3 of Section 620.60(d)(1)(B), and line 2 of Section 620.60(d)(2)(C).

In the second line of Section 620.60(c)(1)(B) inserted "e.g.," before "college students".

In the first line of Section 620.60(d)(2)(C) replaced "a detailed" with "an".

The statutory citation found in Section 620.90(e) has been updated to include language as follows: "as amended by P.A. 85-1214, effective August 30, 1988".

The main source note and all Section source notes reflect volume 13 of the Illinois Register.

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

13) Will these amendments replace emergency amendments currently in effect? Yes.

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

15) Summary and Purpose of Amendments: These amendments implement P.A. 85-1385 which revised the Labor Management Program to allow the Department to award 60 percent of its annual labor-management appropriation as matching grants to existing local labor-management committees; up to 20 percent for matching grants to developing local labor-management committees; up to 10 percent for grants to develop and conduct specialized education and training programs of direct benefit to representatives of labor, management, labor-management committees and/or their staff; and up to 10 percent as grants for research and development projects related to labor-management issues. Amendments serve to specify the eligibility criteria (Section 620.40), application

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

TITLE 14: COMMERCE
 SUBTITLE C: ECONOMIC DEVELOPMENT
 CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 620
 LABOR-MANAGEMENT PROGRAM

Section	
620.10	Purpose
620.20	Statewide Committee
620.30	Area Local Labor-Management Committees
620.40	Eligible Applicants
620.50	Application Cycle
620.60	Application Requirements
620.70	Application Evaluation
620.80	Selection for Funding
620.90	Administrative Requirements

AUTHORITY: Implementing and authorized by Section 46.32a of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 46.32a, as amended by P.A. 85-1385, effective September 2, 1988).

SOURCE: Emergency rules adopted at 9 Ill. Reg. 17875, effective October 30, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 6833, effective April 7, 1986; recodified at 11 Ill. Reg. 2737; amended at 11 Ill. Reg. 16096, effective September 29, 1987; emergency amendments at 12 Ill. Reg. 15207, effective September 8, 1988 for a maximum of 150 days; amended at 13 Ill. Reg. 1758, effective January 27, 1989.

NOTE: Capitalization denotes statutory language.

Section 620.10 Purpose

Through the Labor-Management Program (program), the Department of Commerce and Community Affairs (Department) shall promote positive labor-management relations in the State of Illinois by PROVIDING MATCHING GRANTS, GRANTS AND OTHER RESOURCES TO ESTABLISH OR ASSIST LOCAL LABOR-MANAGEMENT COMMITTEES AND OTHER PROJECTS WHICH SERVE TO IMPROVE LABOR-MANAGEMENT RELATIONS (the Civil Administrative Code of Illinois) (the Act) (Ill. Rev. Stat. 1983 1987, ch. 127, par. 46.32a, as added by P.A. 84-355, effective September 14, 1985 as amended by P.A. 85-1385, effective September 2, 1988). In accordance with the Act, the Department has the authority to award grants or matching grants in four categories. At least 60 percent of the annual appropriation to the Department for providing labor-management grants and resources shall be awarded as matching grants to existing local labor-management committees, up to 20 percent may be awarded as matching grants to developing local labor-management committees, up to 10 percent may be awarded as grants to develop and conduct specialized education and training programs and up to 10

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percent may be awarded as grants for research and development projects. The Labor-Management Program will be administered by the Office of Labor-Management Cooperation within the Department.

(Source: Amended at 13 Ill. Reg. 1758, effective Jan. 27, 1989)

Section 620.30 Area Local Labor-Management Committees

For the purpose of this Act, an area local labor-management committee (committee) is defined as a community-based private sector organization created jointly by labor and management leaders representatives, the purposes of which are specified in Section 46.32a(b)(1)(second list of small numerals (i) through (v)) of "AN ACT in relation to labor relations and workers' compensation, amending certain Acts herein named" (P.A. 85-1385, effective September 2, 1988). The labor and management members of the committee jointly determine and carry out a work program to improve labor-management relations in the community their service area and to maintain and increase their community's competitiveness within the local, state, national and world economies.

(Source: Amended at 13 Ill. Reg. 1758, effective Jan. 27, 1989)

Section 620.40 Eligible Applicants

- a) ~~Any--existing--or--newly-created--labor-management--committee--is eligible-to-apply-for-funding-under-the-program,-providing-the following-criteria-are-met:~~
- 1) ~~the-committee-has-been-organized-jointly-by-employers-and labor-organizations-representing-employees-in-that-plant, area-or-industry;-and;~~
 - 2) ~~the-committee-is-established-for-the-purpose-of-improving labor-management-relations;-job-security;-organizational effectiveness;-enhancing-economic-development-or-involving workers--in--decisions--affecting--their--jobs;-including improving-communications-with-respect-to-subjects-of-mutual interest-or-concern;~~

The grant application has been divided into four separate categories. Separate eligibility criteria have been established for each of the four grant categories established in the Act as follows:

- a) To be eligible for matching grants under Category I, Matching Grants to Existing Local Labor - Management Committees, local labor - management committees must meet the eligibility criteria specified in Section 46.32a(b)(1) (first list of small numerals (i) through (vii)) of "AN ACT in relation to labor relations and

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workers' compensation, amending certain Acts herein named" (P.A. 85-1385, effective September 2, 1988).

However, no funds will be awarded to local labor-management committees under the following circumstances:

- 1) no assistance can be given for plant labor-management committees unless the employees in that plant are represented by a labor organization and there is in effect at that plant a collective bargaining agreement;
- 2) no assistance can be given for an area, public sector or industry-wide labor-management committee unless its participants include any labor organizations certified or recognized as the representative of employees of an employer participating in such a committee. However, employees whose employees are not represented by a labor organization may participate on such area or industry-wide committees; and,
- 3) no assistance can be given to any committee which interferes with the collective bargaining activities in any plant or industry.

- 2) no assistance can be given for an area, public sector or industry-wide labor-management committee unless its participants include any labor organizations certified or recognized as the representative of employees of an employer participating in such a committee. However, employees whose employees are not represented by a labor organization may participate on such area or industry-wide committees; and,
- 3) no assistance can be given to any committee which interferes with the collective bargaining activities in any plant or industry.

To be eligible to apply for matching grants under Category II, Matching Grants to Developing Local Labor - Management Committees, the local labor-management committee must meet the eligibility criteria specified in Section 46.32a(b)(2) (small numerals (1) through (4)) of "AN ACT in relation to labor relations and workers' compensation, amending certain Acts herein named" (P.A. 85-1385, effective September 2, 1988). However, no funds will be awarded to local labor-management committees under the following circumstances:

- 1) no assistance can be given for plant labor-management committees unless the employees in that plant are represented by a labor organization and there is in effect at that plant a collective bargaining agreement;
- 2) no assistance can be given for an area, public sector or industry-wide labor-management committee unless its participants include any labor organizations certified or recognized as the representative of employees of an employer participating in such a committee. However, employees whose employees are not represented by a labor organization may participate on such area or industry-wide committees; and

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- 3) no assistance can be given to any committee which interferes with the collective bargaining activities in any plant or industry.

Eligible applicants for a grant under Category III, Grants for Education and Training, will include any group, organization, committee or individual who can demonstrate an expertise in the development and delivery of education and training programs designed for labor and/or management representatives or labor-management committees.

Eligible applicants for a grant under Category IV, Grants for Research and Development, will include any group, organization, committee or individual who can demonstrate an expertise in the area of research and development projects. Priority consideration will be given to applicants who have experience in the area of labor-management relations and cooperative programs.

In addition, the Department will accept an application for funding from any person, organization or consortium of organizations which contains a project proposal which seeks to improve labor-management relations, job security, organizational effectiveness, enhancing economic development or involving workers in decisions affecting their jobs, including improving communications with respect to subjects of mutual interest and concern.

(Source: Amended at 13 Ill. Reg. 1758, effective Jan. 27, 1989)
 Section 620.50 Application Cycle

Applications under the program will be accepted on an ongoing basis. The availability of funds under the program will be advertised in the official state newspaper, and the Department will supply an application package to interested parties upon request. Applications will be reviewed as received, and grants awarded until program funds are exhausted. The original application should be accompanied by two copies and submitted to the Department's Office of Labor - Management Cooperation, 620 East Adams Street, Springfield, Illinois, 62701. The Department with the advice of the Labor - Management Cooperation Committee, will develop and prioritize annually the type and scope of the education and training projects (Category III) and research and development projects (Category IV) by means of telephone surveys and requests for services or information received from local labor-management organizations.

(Source: Amended at 13 Ill. Reg. 1758, effective Jan. 27, 1989)
 Section 620.60 Application Requirements

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- a) The application for funding under Category I, Matching Grants to Existing Local Labor - Management Committees, must include the following information:
- a) ~~Problem-Statement--a-detailed-description-of-specific-problems-which-face-the-plant,-industry-or-area-and-its-work-force-and-how-problems-will-be-addressed;-if-the-applicant-is-an-existing-area-labor-management-committee;-a-summary-addressing-its-formation, activities,-and-previous-funding-~~
- b) ~~Results--or--Expected--Benefits-----using--specific--goals--and-objectives;-a-detailed-description-of-what-the-applicant-will-accomplish-within-the-grant-period;-for-an-existing-committee;-a-description-of-expanded-results-or-benefits-which-will-result-from-grant-activities-~~
- c) ~~Approach--a-discussion-of-how-goals-and-objectives-will-be-achieved-which-minimally-includes,-if-applicable,-a-list-of-the-committee's-membership--by--name,-title,-and--affiliation; indication-of-the-applicant's-structure-(i.e.,-operates-with-co-chairs,-has-an-executive-director,-has-a-board-of-directors, etc,-and-the-names-of-those-individuals);-applicant's-strategy-to-accomplish--stated--goals--and--objectives;-indication--of-applicant's-employees--and--capacity--of--such--staff;-a-brief-description-of-the-staff's-function(s);-copies-of-any-by-laws-or-documents-relating-to-incorporation,-if-applicable;-a-statement-of-how-often-the-committee-meets/will-meet,-if-applicable;-as-well-as-any-plans-to-form-subordinate-committees-for-particular-purposes-~~
- 1) Eligibility Certification
- A) a description of the structure of the organization (e.g., not-for-profit, incorporated, etc.), including any articles of incorporation, not-for-profit certification and/or current by-laws.
- B) the specific geographic area served by the organization.
- C) a list of the board members and their affiliation, including current letters of commitment from all committee participants and chairpersons.
- D) the name(s), title(s) and job description(s) for all full-time and/or part-time committee staff.
- E) a summary of the committee, including its formation

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- (specifying dates), major activities and past funding.
- F) a list of the name(s) and a summary of the nature of the committee's affiliation with other local, state or federal organizations.
- 2) Goals and Objectives - Using specific goals and objectives, a description of what the labor-management committee will accomplish within the next twelve months (for the duration of the grant). These goals and objectives should be expressed in measurable terms. In addition, a description of the criteria used by the committee to evaluate its success in meeting the specific goals and objectives.
- 3)d) Implementation Timetable - an outline of the applicant's proposed activities during the grant period; major milestones or activities and target dates for accomplishing goals and objectives.
- e) ~~Letters-of-Commitment--current-letters-of-commitment-from-all-proposed-or-existing-applicant-participants-and-chairpersons-indicating-their-support-and-willingness-to-attend-any-scheduled-meetings-~~
- 4)f) Budget - a detailed budget and narrative for the applicant for the grant period, including a detailed summary of the source(s) of the local match; (from the source(s) of the local match) documentation specifying the dollar amount of their commitment; if in-kind contributions are being included as part of the local match, documentation as to what constitutes the in-kind contribution and its estimated dollar value;-a-four-year-funding-plan-outlining-how-the-applicant--intends--to--secure--the--additional--match-requirements-for-second-and-third-year-funding-
- b) An application for funding under Category II, Matching Grants to Developing Local Labor-Management Committees, must include the following information:
- 1) Eligibility Certification
- A) a description of the structure of the organization (e.g., not-for-profit, incorporated, etc.), if applicable, including any articles of incorporation, not-for-profit certification and/or current by-laws or any other documents relating to the structure of the organization.

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C) the name(s) and a summary of the previous experience of the individual(s) who will be involved in the development and/or delivery of the education and training program(s), including references from previous clients where appropriate.

2) Scope of Work

A) a description of the education and/or training program(s) to be developed or delivered with grant funds, including objectives of the program.

B) an explanation of the target audience for the education or training program.

C) the anticipated benefits of the program to its intended audience.

D) a description of the type of evaluation criteria to be used to determine if the program was successful or achieved its objectives.

3) Implementation timetable - an outline of the applicant's proposed activities for the program during the grant period; major milestones or activities and target dates for accomplishing the program's objectives.

4) Budget - a budget and budget narrative for the grant period must be submitted, including a summary of any funds to be used to supplement the state grant, the total project cost, as well as the amount and source of other funds to be devoted to the project.

d) An application for funding under Category IV, Grants for Research and Development, must include the following information: 1) Eligibility Certification

A) a description of the primary nature of the applicant's business (e.g., university, community college, area labor-management committee, etc.)

B) description of the intended beneficiaries of the research and development project to be undertaken (e.g., companies, unions, labor-management committees, industries, etc.).

C) the name(s) and a summary of the previous experience

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B) the specific geographic area served by the organization.

C) a list of the board members or participants in the committee and their affiliation, including current letters of commitment from all committee participants and chairpersons.

D) the name, title and job description of any full-time and/or part-time committee staff.

E) a summary of the committee, including its formation (specifying dates), major activities and past funding.

2) Goals and Objectives - Using specific goals and objectives, a description of what the labor-management committee will accomplish within the next twelve months (for the duration of the grant). These goals and objectives should be expressed in measurable terms. In addition, a description of the criteria used by the committee to evaluate its success in meeting the specific goals and objectives.

3) Implementation timetable - an outline of the applicant's proposed activities during the grant period; major milestones or activities and target dates for accomplishing goals and objectives.

4) Budget - a budget and budget narrative for the next twelve months must be submitted, including a summary of the source(s) of the local match. If in-kind contributions are being included as part of the match, documentation must be included as to what constitutes the in-kind contribution and its estimated dollar value.

c) An application for funding under Category III, Grants for Education and Training, must include the following information: 1) Eligibility Certification

A) a description of the primary nature of the applicant's business (e.g., university, community college, area labor-management committee, consultant, etc.).

B) a description of the applicant's primary audience(s) or client base (e.g., college students, retraining older workers, etc.).

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of the individual(s) who will be involved in the research and development project and references or copies of other research projects. (Priority consideration will be given to applicants who have experience in the area of labor-management relations and cooperative programs.)

2) Scope of Work

A) a description of the research and development project to be undertaken with the grant funds, including a list of the objectives of the project.

B) a description of the target audience for the research project information who will benefit from the information, and a summary of anticipated results of the project.

C) an explanation of the methodology to be used in the research and development project (e.g., data collection, surveys, personal interviews, etc.).

3) Implementation Timetable - an outline of the proposed activities of the project over the grant period; major milestones or activities and target dates for accomplishing the project's objectives.

4) Budget - a budget and budget narrative for the grant period must be submitted, including a summary of the source of any funds to be used to supplement the state grant, the total project cost, as well as the amount and source of other funds to be devoted to the project.

(Source: Amended at 13 Ill. Reg. 1758, effective Jan. 27, 1989)

Section 620.70 Application Evaluation

- a) The Department shall screen all applications to determine that all requirements of the application package have been addressed. Complete applications will be reviewed and evaluated by Department staff. This review and evaluation process will be completed within 45 days after receipt of the application package by the Department.
- b) Upon receipt of a completed application for a grant or matching grant, the Director of the Department of Commerce and Community Affairs (Director) will provide copies of the application to the Labor-Management Cooperation Committee for its review and

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comment.

(Source: Amended at 13 Ill. Reg. 1758, effective Jan. 27, 1989)

Section 620.80 Selection for Funding .

a) The Department will consider funding any application which provides all documentation requested; thoroughly addresses all issues with no major problems evident; clearly evidences a need for the public funding; clearly demonstrates a project implementation readiness; and, has demonstrated a positive impact on labor-management relations.

b) Selection Criteria

The Department's will-use-the-following selection criteria will include the following:

- 1) the extent to which the application has clearly identified the problems and justified the needs that the proposed project will address;
- 2) the feasibility of the approach proposed to attain the goals and objectives of the project and the perceived likelihood of accomplishing the intended project results;
- 3) the appropriateness of committee membership, if applicable, and the degree of commitment of participating individuals to the goals of the application;
- 4) the feasibility and thoroughness of the implementation plan in specifying major milestones and target dates;
- 5) the cost effectiveness and fiscal soundness of the application's budget request ~~and long-term budget~~; as well as identification of the amounts and sources of the local match; and,
- 6) the overall feasibility of the proposed project in light of all of the information presented for consideration and quality of the application.

c) The Director will consider the recommendations of the Labor-Management Cooperation Committee in the awarding of funds under the program.

(Source: Amended at 13 Ill. Reg. 1758, effective Jan. 27, 1989)

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provided; if not, an explanation of why these milestones have not been met must be provided. An applicant receiving funding under the program must also submit to the Department monthly and quarterly expenditure summaries describing line item costs charged to the grant and line item matching share supplied by the applicant where applicable. The Department reserves the right to monitor and evaluate the activities of any committee receiving funding under this program.

e)d) Recovery of Grant Funds - Recipients of grant funds under this Grant Funds Recovery Act (Ill. Rev. Stat. 1985, ch. 127, pars. 2301 et seq., as amended by P.A. 85-1214, effective August 30, 1988).

(Source: Amended at 13 Ill. Reg. 1758, effective Jan. 27, 1989)

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Section 620.90 Administrative Requirements

- a) Matching Grant Limitations
 - 1) Matching grants under Category I, Existing Local Labor-Management Committees, to area labor-management committees shall not exceed \$75,000 annually per committee but that amount shall not exceed 75% of the total operating cost of the program for the first year, 50% for the second and 25% for the third year. Funding of eligible committees under Category I shall be limited to five years.
 - 2) Grant awards will be limited to a period of one year. Applications for continued funding must be submitted annually. Matching grants under Category II, Developing Local Labor-Management Committees, shall not exceed 75% of the total operating cost of the program. Funding of eligible committees under this category shall be limited to three years. Previous years' funding under this program will be included in determining whether those committees have reached their funding limit under this category.

b) Grant and Matching Grant Limitations - All grant awards will be limited to a period of one year. Applications for continued funding must be submitted annually.

b) Match-Requirements - In accordance with the Act, matching grants require a proportion of program and operating costs to be supported through a match--for the purpose of this program--may include dollar contributions and in-kind services--(i.e., donated office space, clerical support, equipment, postage, etc.) which directly further accomplishes the objectives directly--further--accomplishment--of--objectives--under--the--grant--

c) Match Requirements - In accordance with the Act, Matching Grants under Sections I and II, require that at least 25 percent of the program and operating costs be supported through local match. For the purpose of this program, match must include at least 50 percent cash and no more than 50 percent "in-kind" services (i.e., donated office space, clerical support, equipment, postage, etc.) which directly further accomplishes the objectives under the grant.

d)e) Reporting Requirements - An applicant receiving funding under the program must submit to the Department a quarterly programmatic report outlining the goals and objectives which have been achieved during the previous quarter. This report must specify if the major milestones identified by the applicant in its application package are being met according to the timetable

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DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

pars. 344, 345, 349, 370, 401, 402, 430, 435, 436, 440, 441, 610 and 611).

SOURCE: Adopted at 11 Ill. Reg. 1853, effective January 7, 1987; amended at 12 Ill. Reg. 1606, effective September 23, 1988; amended at 13 Ill. Reg. 1773, effective Jan. 27, 1989

SUBPART A: GENERAL PROVISIONS

Section 2920.65 Retirement Pay

a)

For the purposes of this part, retirement pay is defined as any pension, annuity, or other similar payment made to an individual:

1) On a periodic basis;

2) Under a plan maintained or contributed to by an employing unit organization or individual on the basis of previous services rendered by the individual to such organization or individual; and

3) Whose period or amount of payments made under the plan are determined at least in part by actuarial computations relating to the life expectancy of the individual upon the attainment of retirement age.

b)

Nothing in this section shall prohibit payments from a plan maintained and operated by a union constituting retirement pay provided that such payments otherwise satisfy the requirements of subsection (a).

Example: Payments made under most profit sharing plans ordinarily would not constitute retirement pay under this definition because the period or amount of payments made under most profit sharing plans are not usually based on actuarial computations relating to the individual's life expectancy. Payments from profit sharing plans which are based upon such considerations would constitute retirement pay under this definition if the other criteria set out in this section were satisfied.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

TITLE 56: LABOR AND EMPLOYMENT

CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY

SUBCHAPTER 9: INELIGIBILITY FOR BENEFITS

PART 2920

DISQUALIFYING INCOME AND REDUCED BENEFITS

SUBPART A: GENERAL PROVISIONS

Section 2920.1

Definitions

Ineligibility to receive benefits due to performing full-time work or due to the receipt of various income

whose sum is equal to or greater than the individual's weekly benefit amount

2920.10

Reduction in benefits due to receipt of vacation pay, holiday pay, retirement pay, and workers' compensation

whose sum is less than the individual's weekly benefit amount

2920.15

Reduction in benefits due to receipt of wages for less than full-time work

2920.20

Reduced benefits: Payment of dependents' allowance or spouse's allowance

2920.25

Payments made during shutdown for inventory or vacation purposes

2920.30

Payments made in connection with separation or layoff as, or in the nature of vacation pay, vacation pay

2920.35

allowance or as pay in lieu of vacation

2920.40

Payments in lieu of notice of separation or layoff

2920.45

Severance pay

2920.50

Back pay awards

2920.55

Receipt of or filing for unemployment insurance benefits under the laws of another state, Canada, or the United States

2920.60

Supplemental unemployment benefits (SUB Pay)

2920.65

Retirement pay

2920.70

Retirement pay considered disqualifying income

2920.75

Allocation of retirement pay

2920.80

Miscellaneous forms of retirement pay

2920.85

Conformity with Federal Unemployment Tax Act

AUTHORITY: Implementing and authorized by Sections 234, 235, 239, 245, 401, 402, 600, 605, 610, 611, 1700 and 1701 of the Unemployment Insurance Act (Ill. Rev. Stat. 1987, ch. 48,

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

- 2) Example 2: A lump sum payment which satisfies the second ~~and third criteria~~ criterion given under this Section will nevertheless not constitute retirement pay as defined by this Section because the payment is not made on a periodic basis. It should be noted, however, that under Section 2920.70 (d), such lump sum payments are considered disqualifying income with respect to the week in which they are paid.

(Source: Amended at 13 Ill. Reg. 1773, effective Jan. 27, 1989)

Section 2920.80 Miscellaneous Forms of Retirement Pay

- a) On the basis of the definitions and principles concerning retirement pay set out in Sections 2920.55 and 2920.70, an individual's receipt of payments from the following sources shall be considered 100% disqualifying income:
- 1) All profit sharing plans funded entirely by an employing unit the individual or organization for whom the individual performed services which constitute retirement pay under Section 2920.65;
 - 2) All Federal military service pensions provided that the individual's eligibility for benefits is based at least in part on wages earned from Federal civilian or military service;
 - 3) All pensions under the Railroad Retirement Act of 1974 (45 U.S.C. 231-231t) provided that the individual's eligibility for benefits is based at least in part on wages earned from Federal civilian or military service.
- b) On the basis of the definitions and principles relating to retirement pay set out in Sections 2920.65 and 2920.70, an individual's receipt of payments from the following sources shall be considered 50% disqualifying income:
- 1) Social Security retirement pensions and disability payments based on the individual's employment, including those based on self-employment;

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENTS

- 2) Federal civilian employment pensions provided that the individual's eligibility for benefits is based at least in part on wages earned from federal civilian or military service;
 - 3) All State of Illinois or local government retirement or disability pensions.
- c) On the basis of the definitions and principles concerning retirement pay set out in Sections 2920.65 and 2920.70, an individual's receipt of payments from the following sources shall not be considered disqualifying income:
- 1) An independent pension or retirement plan which was fully paid for by the individual;
 - 2) Payment from a profit-sharing plan which does not constitute retirement pay under Section 2920.65;
 - 3) A pension under the Railroad Retirement Act of 1974 (45 U.S.C. 231-231t) provided that the individual's eligibility for benefits is not based on any wages earned from federal civilian or military service;
 - 4) Federal civilian employment or military service pensions provided that the individual's eligibility for benefits is not based on wages earned from federal civilian or military service;
 - 5) Retirement payments from a state (other than Illinois) or from a local government outside Illinois, which is not an employing unit under Section 204 of the Act;
 - 6) Any retirement payments from any individual or type of organization (including retirement payments from any partnership, association, trust, estate, joint stock company, insurance company, or corporation, whether domestic or foreign, or from the receiver, trustee in bankruptcy, trustee or successor thereof, or from the legal representative or any deceased person) which is not an employing unit under Section 204 of the Act;

NOTICE OF ADOPTED AMENDMENTS

- 72) Social Security benefits payable to a surviving spouse or dependent, not attributable to the previous work of the surviving spouse or dependent;
 - 87) Social Security disability benefits payable to the individual;
 - 93) Veterans Administration compensation payments which are not federal military service pensions;
 - 94) Any federal (military service or civilian employment) disability payments if they are not part of a retirement plan;
 - 97) Any private-disability-payment;
 - 95) Payments from Individual Retirement Accounts (IRA) and Keogh Accounts.
- (Source: Amended at 13 Ill. Reg. 1773, effective Jan. 27, 1989)

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Pension and Examination Procedure
- 2) Code Citation: 50 Ill. Adm. Code 6301
- 3) Section numbers: Adopted Action:
- 6301 EXHIBIT A Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, Ch. 108 1/2, apr. 22-501.1
- 5) Effective Date of Rule(s) Amendments, Repealer): February 1, 1989
- 6) Does this rulemaking contain an automatic repealer date? No
- 7) Does this rule (amendment, repealer) contain incorporation by reference? No
- 8) Date Filed in Agency's Principal Office: November 2, 1988
- 9) Notice(s) of Proposal Published in Illinois Register: September 16, 1988, 12 Ill. Reg. 14502
- 10) Has JCAR issued a Statement of Objections to this (these) rule(s)? No
- 11) Difference(s) between proposal and final version:
 - a) All of the changes requested in the October 7, 1988 memo from the Administrative Code Division were made.
 - b) In the table of contents for the Part, the Subchapter label "Subchapter fff: PENSIONS" replaced "Subchapter ff"
 - c) In the main source note, the word "SOURCE" replaced "Source"
- 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 (amendment, repealer) currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rule(s) (Amendments, Repealer):

The purpose of this amendment is to indicate in the Department letter sent after the on-site examination phase of a pension fund exam, that any questions be directed to the Pension Division rather than any named individual.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

16) Information and questions regarding this adopted rule (amendment, Repealer) shall be directed to:

Glen R. Gasiorek
Illinois Department of Insurance
100 West Randolph 15-100
Chicago, IL 60601

The full text of the Adopted Rule(s) (Amendments) begins on the next page:

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER fff: PENSIONS

PART 6301
PENSION AND EXAMINATION PROCEDURE

Section	
6301.10	Authority
6301.20	Scope
6301.30	Examinations
6301.40	Hearings
EXHIBIT A-1	A Summary of Procedure Letter
EXHIBIT A-2	B Examiners' Comments Letter
EXHIBIT A-3	C Request for Evidence of Compliance Letter
EXHIBIT A-4	D Pension Fund Examination Letter
EXHIBIT B	E Failure to Comply Letter
EXHIBIT G	F Notice of Hearing Letter

AUTHORITY: Implementing and authorized by Section 22-501.1 of the Illinois Pension Code (Ill. Rev. Stat. 1987, Ch. 108 1/2, par. 22-501.1).

SOURCE: Adopted at 4 Ill. Reg. 37, p. 786, effective September 3, 1980; codified at 7 Ill. Reg. 905; amended at 13 Ill. Reg. 1780, effective February 1, 1989.

NOTICE OF ADOPTED AMENDMENTS

a) At least fourteen (14) calendar days prior to commencement of payroll deductions of fair share fees, the exclusive representative shall provide notice to all nonmembers of the fair share fee and the right to file an objection. Such notice

1) The Heading of the Part: Fair Share Fee Objections

2) Code Citation: 80 Ill. Adm. Code 1125

3) Section numbers: Adopted Actions:

Amendment	1125.10
Amendment	1125.20
Amendment	1125.30
Amendment	1125.50
Repealed	1125.50
Amendment	1125.70
Amendment	1125.80
Amendment	1125.90
Repealed	1125.100
New Section	

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 48, pars. 1703(a), 1711, 1714(a)(1), 1714(b)(1) and 1705(h).

5) Effective Date of Amendments: January 31, 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: July 27, 1988

9) Notice of Proposal Published in Illinois Register:

October 14, 1988 12 Ill. Reg. 16375

10) Has JCAR issued a Statement of Objections to these rules? Yes

A) December 30, 1988 12 Ill. Reg. 22478

B) 13 Ill. Reg.

C) January 6, 1989

11) Differences between proposal and final version:

Section 1125.20 Notice of Fair Share Fees.

NOTICE OF ADOPTED AMENDMENT(S)

Secretary Pension Fund

Dear Secretary:

The Pension Division has concluded the on-site phase of the examination. The next step is the drafting of a report of examination and the filing of that report. The following is a summary of the procedures employed by the Division:

1. A draft of the report will be mailed to you, and you will then have 30 days to comply with any deficiencies noted in the summary or request a hearing if you disagree with the FACTS of the report.
 2. If you request a hearing, a notice of the time, place and date, will be forwarded to you.
 3. If the Board has not responded to the submission letter within 30 days, the report will be filed and a Compliance Order may be issued.
 4. If a Compliance Order is issued and is not satisfied, within 15 days an administrative hearing will be held, and a fine may be assessed and the Attorney General may be asked to seek a court order of compliance.
- Should you have any questions, please contact Mr--Bwizhe-Anderson the Supervisor of the Pension Division in writing.

Very truly yours,

Examiner

(Source: Amended at 13 Ill. Reg. 1780, effective February 1, 1989)

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

shall be provided to nonmembers in a manner calculated to provide proper notice, which may include personal delivery, notice by mail, or notice by posting in a place where employee notices are customarily posted, or if no such place exists, posting in a conspicuous place.

Section 1125.20 Notice of Fair Share Fees

- e) The exclusive representative shall certify in writing to the employer that notice has been provided to nonmembers in accordance with this Section. No payroll deductions of fair share fees shall be made until at least 14 calendar days after such certification.

Section 1125.20 Notice of Fair Share Fees

- f) If Once notice of the fair share fee has been provided to a newly hired employee in accordance with this Section, fair share fees may be collected from a newly-hired such employee fourteen (14) calendar days after the employee's first day of employment.

Section 1125.30 Objections to Fair Share Fees

- b) ~~5) - the effective date and duration of the collective bargaining agreement under which the fee was assessed:~~
- 5) 6) a brief description, to the extent known, of the bargaining unit covered by the collective bargaining agreement.

Section 1125.80 Hearings

- a) Except as provided below, hearings on fair share fee objections shall proceed in the same manner as hearings on ~~unfair labor practice complaints; in both~~ contested cases, ~~in accordance with 80 Ill. Adm. Code 1120.40 and 80 Ill. Adm. Code 1105.90;~~ as set forth in 80 Adm. Code 1105, Subpart B and hearings in unfair labor practice proceedings, as set forth in 80 Ill. Adm. Code 1120.40.
- b) ~~The Board;~~ ~~through~~ The Executive Director shall appoint a fair share Hearing Officer to hold an evidentiary hearing and render a Recommended Decision and Order on the fair share fee objections.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

- 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 modify the existing procedure for the collection of fair share fees and the processing of fair share fee objections. Amendments are made to the fair share fee notice, objection procedure, investigation of fair share objections and the hearing procedure. In addition, it adds a new section allowing an exclusive representative to establish an internal procedure to review challenges to its fair share fees.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Name: Julie K. Hughes, General Counsel
Address: 20 North Wacker Drive, Suite 1000, Chicago, Illinois 60606
Telephone: (312) 793-3170

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

NOTICE OF ADOPTED AMENDMENT(S)

violates Sections 14(a)(1) and (b)(1) of the Act. The nature of this unfair labor practice requires that special procedures be adopted for its efficient resolution.

The procedures set forth in this Part do not preclude the filing of unfair labor practice charges pursuant to 80 Ill. Adm. Code 1120 alleging violations of Section 11 of the Act resulting from fees in excess of THE DUES UNIFORMLY REQUIRED OF MEMBERS or FEES FOR CONTRIBUTIONS RELATED TO THE ELECTION OR SUPPORT OF ANY CANDIDATE FOR POLITICAL OFFICE.

(Source: Amended at 13 Ill. Reg. 1784, effective January 31, 1989)

Section 1125.20 Notice of Fair Share Fees

a) Whenever an exclusive representative certifies to an employer the amount of fair share fee to be required of each employee in the bargaining unit who is not a member of the exclusive representative, the exclusive representative shall also serve notice of the fee by posting the notice on bulletin boards and other places where notices for employees are customarily posted. Notice shall remain posted as long as the collective bargaining agreement authorizing the fair share fee is in effect. Whenever there is a change in the amount of the fair share fee, an updated notice shall be posted.

a) At least fourteen (14) calendar days prior to commencement of payroll deductions of fair share fees, the exclusive representative shall provide notice to all nonmembers of the fair share fee and the right to file an objection. Such notice shall be provided to nonmembers in a manner calculated to provide proper notice, which may include personal delivery, notice by mail, or notice by posting in a place where employee notices are customarily posted or, if no such place exists, posting in a conspicuous place.

b) Notice shall be on a form developed by the Board or a form developed by the exclusive representative and shall contain the following information:

- 1) the names of the employer and exclusive bargaining representative;
2) the effective date and duration of the collective bargaining agreement authorizing the fair share fee;
3) the amount of the fair share fee expressed either as a dollar amount or as a percentage of regular union dues and the period for which it is assessed;

NOTICE OF ADOPTED AMENDMENT(S)

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

PART 1125

FAIR SHARE FEE OBJECTIONS

Table listing sections 1125.10 through 1125.100 including General Statement of Purpose, Notice of Fair Share Fees, Objections to Fair Share Fees, Escrow Accounts, Responses to Objections, Consolidation of Fair Share Fee Objections, Investigation of Fair Share Fee Objections, Hearings, Consideration by the Board, Internal Review Procedure.

NOTE: Capitalization denotes statutory language.

AUTHORITY: Implementing Sections 3(a), 11, 14(a)(1) and (b)(1) and authorized by Section 5(h) of the Illinois Educational Labor Relations Act (Ill. Rev. Stat. 1987, ch. 48, pars. 1703(a), 1711, 1714(a)(1), 1714(b)(1) and 1705(h)).

SOURCE: Emergency rules adopted at 9 Ill. Reg. 12873, effective August 5, 1985, for a maximum period of 150 days; adopted at 10 Ill. Reg. 206, effective December 19, 1985; emergency amendments at 12 Ill. Reg. 13707, effective August 10, 1988, for a maximum of 150 days; emergency expired January 7, 1989; amendment at 13 Ill. Reg. 1784, effective January 31, 1989.

Section 1125.10 General Statement of Purpose

a) The Illinois Educational Labor Relations Board (Board) finds that Section 3(a), 11, 14(a)(1) and 14(b)(1) of the Illinois Educational Labor Relations Act ("the Act") (Ill. Rev. Stat. 1984 1987 Supp., ch. 48, pars. 1703(a) and 1711, 1714(a)(1), and 1714(b)(1)) prohibit Govern the collection and/or expenditure of fair share fees over an employee's objection, in manners and amounts and for purposes that are inconsistent with the first and fourth amendments to the United States Constitution: The procedures in this Part provide the exclusive method for handling fair share fees upon the filing of an objection by an employee. Failure to abide by these procedures

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NOTICE OF ADOPTED AMENDMENT(S)

1120.40 and 1105, Subpart B, and hearings in unfair labor practice proceedings, as set forth in 80 Ill. Adm. Code 1105.90

1120.40.

The Executive Director shall appoint a fair share hearing officer to hold an evidentiary hearing and render a Recommended Decision and Order on the fair share fee objections.

In hearings on objections to fair share fees, the burden of proof proving how the fair share fee money was spent shall be on the exclusive representative.

The hearing set forth in subsection (b) above, shall commence no later than 30 days from the last day for filing of an objection pursuant to Section 1125.30(a) of this Part. A Recommended Decision and Order shall be issued within 60 days of the close of the record, unless additional time (up to 30 days) is required due to the length of the record and/or the complexity of the issues involved. The Recommended Decision and Order shall be served on all parties to the proceeding.

Within 21 days of the date of the Recommended Decision and Order, any party may file exceptions and briefs in support of those exceptions with the Board. If no exceptions have been filed in that 21-day period, the parties will be deemed to have waived their exceptions.

If timely exceptions are filed, the Board shall issue and serve on all parties a copy of its decision and order.

Upon direction of the Board, the employer shall cease transmitting the fee to the Board and shall deduct, from the objector's pay, the amount determined by the Board to be appropriate and pay same to the exclusive representative. The Board shall disperse the amount held in escrow to the employee and the exclusive representative in accordance with its determination in the case. Interest earned by disputed fees during the time they were held in escrow shall be apportioned pro rata between the employee and the exclusive representative.

(Source: Amended at 13 Ill. Reg. 1784, effective January 31, 1989)

Section 1125.90 Consideration by the Board (Repealed)

Fair share fee objections shall be considered by the Board in the same manner as unfair labor practice complaints pursuant to 80 Ill. Adm. Code 1120.50:

a) Upon direction of the Board, the employer shall cease transmitting the fee to the Board and shall deduct, from the nonmember's pay, the amount determined by the Board to be appropriate and pay same to the exclusive representative. The Board shall disperse the amount held in escrow to the employee cases, in accordance with as set forth in 80 Ill. Adm. Code

b) (Source: Amended at 13 Ill. Reg. 1784, effective January 31, 1989)

NOTICE OF ADOPTED AMENDMENT(S)

Section 1125.50 Responses to Objections (Repealed)

Within 15 days after service of an objection, the exclusive representative shall file a response in accordance with 80 Ill. Adm. Code 1100.20(d). The response shall be on a form developed by the Board and shall include:

a) the name, address and telephone number of the exclusive representative and of its representative, if any;

b) a description of how the amount of the fair share fee was calculated;

c) the dates on which the exclusive representative's fiscal year begins and ends; and

d) the effective date and duration of the collective bargaining agreement authorizing the fair share fee assessments.

(Source: Repealed at 13 Ill. Reg. 1784, effective January 31, 1989)

Section 1125.70 Investigation of Fair Share Fee Objections

The Board's Executive Director shall investigate and process all fair share fee objections and shall issue complaints or dismiss objections in accordance with 80 Ill. Adm. Code 1120.30(a) and (b).

An objecting employee may file exceptions to the Executive Director's dismissal of the objections. Such exceptions shall be filed and processed in the same manner as exceptions to the Executive Director's dismissal of an unfair labor practice charge, in accordance with 80 Ill. Adm. Code 1120.30(c):

b) If the Executive Director dismisses a fair share fee objection, the objecting employee may file exceptions with the Board within fourteen (14) days of the date of receipt of the Executive Director's decision. The exclusive representative may file a response within fourteen (14) days of receipt of the exceptions. In reviewing the exceptions, the Board will consider whether the Executive Director's decision is consistent with the Act and this Part and whether there has been an abuse of discretion (e.g., failure to issue a complaint when questions of law or fact exist).

a) Except as provided in Section 1125.80(b) below, hearings on fair share fee objections shall proceed in the same manner as hearings on unfair labor practice complaints in both contested cases, in accordance with as set forth in 80 Ill. Adm. Code

Section 1125.80 Hearings

(Source: Amended at 13 Ill. Reg. 1784, effective January 31, 1989)

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENT(S)

~~and--the--exclusive--representative--in--accordance--with--its
determination--in--the--case--Interest--earned--by--disputed--fees
during--the--time--they--were--held--in--escrow--shall--be--apportioned
pro-rata--between--the--employee--and--the--exclusive--representative:~~

(Source: Repealed at 13 Ill. Reg. 1784, effective January 31, 1989)

Section 1125.100 Internal Review Procedure

Nothing in this Part shall preclude an exclusive representative from establishing an internal procedure to review challenges to its fair share fees.

(Source: Added at 13 Ill. Reg. 1784, effective January 31, 1989)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Sewer Discharge Criteria
- 2) Code Citation: 35 Ill. Adm. Code 307
- 3) Section Numbers:

<u>Section Numbers:</u>	<u>Adopted Action:</u>
307.1508	Amendment
307.1704	Amendment
307.2101	Amendment
307.2903	Amendment
307.3110	Amendment
307.3129	Amendment
307.3500	Amendment
307.3501	Amendment
307.3503	Amendment
307.3509	Amendment
307.3590	New Section
307.4004	Amendment
307.8100	Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 1/2, pars. 1013, 1013.3 and 1027.
- 5) Effective Date of Amendments: January 31, 1989
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Does this Amendment contain incorporations by reference? Yes.

This Part incorporates federal regulations by reference. Section 13.3 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1013.3) provides that Section 6.02 of the APA does not apply to this rulemaking.
- 8) Date filed in Board's Principal Office: Order of December 15, 1988
- 9) Notice of Proposal Published in Illinois Register:

October 14, 1988; 12 Ill. Reg. 16396
- 10) Has JCAR issued a Statement of Objections to these rules? No.

Section 13.3 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1013.3) provides that this rulemaking is not subject to Section 5 of the APA. It is therefore not subject to second notice review by JCAR.
- 11) Differences between proposal and final version:

Minor editorial corrections.

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

Section 13.3 of the Environmental Protection Act (111. Rev. Stat. 1987, Ch. 111 1/2, par. 1013.3) provides that this rulemaking is not subject to Section 5 of the APA. It is therefore not subject to second notice review by JCAR.

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

14) Are there any other amendments pending on this Part? Yes, in R88-9.

Section Numbers	Proposed Action	Illinois Register Citation
307.1102	Amendment	April 22, 1988; 12 111. Reg. 7141

15) Summary and Purpose of Amendments:

A complete description is contained in the Board's Opinion of December 15, 1988 in R88-18, which Opinion is available from the address below.

This proposal amends the Board's pretreatment rules, which govern discharges by industrial users to publicly owned treatment works (POTWs). The rules are intended to prevent industrial discharges from passing through POTW treatment plants, without adequate treatment, to waters of the State, and to prevent industrial discharges from interfering with the operation of the treatment plant. The Board's pretreatment rules are contained in 35 111. Adm. Code 307 and 310. This rulemaking updates the pretreatment rules to correspond with amendments to the USEPA pretreatment rules during the period 1/1/88 through 6/30/88.

These amendments mainly correct typographical errors which occurred in adoption of the pretreatment rules in R86-44. The USEPA amendments are 53 Fed. Reg. 1704 and 9176, January 21 and March 21, 1988. These affect the primary tungsten and leather tanning subcategories.

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

Morton F. Dorothy
Illinois Pollution Control Board
104 W. University
Urbana, IL 61801
217/ 333-5575

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

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER I: POLLUTION CONTROL BOARDPART 307
SEWER DISCHARGE CRITERIA

SUBPART A: GENERAL PROVISIONS

Section	
307.101	Preamble (Renumbered)
307.102	General Requirements (Renumbered)
307.103	Mercury (Renumbered)
307.104	Cyanide (STORET number 00720) (Renumbered)
307.105	Pretreatment Requirements (Repealed)
307.1001	Preamble
307.1002	Definitions
307.1003	Test Procedures for Measurement
307.1005	Toxic Pollutants

SUBPART B: GENERAL AND SPECIFIC PRETREATMENT REQUIREMENTS

Section	
307.1101	General and Specific Requirements
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Section

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effective November 2, 1978; amended in R76-17, at 31 PCB 713, at 2 111. Reg. 45, p. 101, effective November 5, 1978; amended in R76-21, at 44 PCB 203, at 6 111. Reg. 563, effective December 24, 1981; codified at 6 111. Reg. 7818; amended in R82-5, 10, at 54 PCB 411, at 8 111. Reg. 1625, effective January 13, 1984; amended in R86-44 at 12 111. Reg. 2592, effective January 13, 1988; amended in R88-11 at 12 111. Reg. 13094, effective July 29, 1988; amended in R88-18 at 13 111. Reg. 1794, effective January 31, 1989.

SUBPART F: DAIRY PRODUCTS PROCESSING

Section 307.1508 Ice Cream, Frozen Desserts, Novelties and Other Dairy Desserts

a) Applicability. This Section applies to discharges resulting from the manufacture of ice cream, ice milk, -shebep-shebet, water ices, stick confections, frozen novelties products, frozen desserts, melon, pudding and other dairy product base desserts. If fluid mixes prepared at another plant are employed, the appropriate values from Section 307.1507 should be deducted from the limitations.

b) Specialized definitions. The Board incorporates by reference 40 CFR 405.81-(1986)-(1987). This incorporation includes no later amendments or editions.

c) Existing sources:

1) The Board incorporates by reference 40 CFR 405.84 -(1986)-(1987). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

1) The Board incorporates by reference 40 CFR 405.-85 (1986)-86 (1987). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after December 20, 1973.

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Section 307.7901

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307.8102 Magnesium Forming

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307.8106 Titanium Forming

307.8107 Uranium Forming

307.8108 Zinc Forming

307.8109 Zirconium-Hafnium Forming

307.8110 Metal Powders

Appendix References to Previous Rules (Repealed)

AUTHORITY: Implementing Sections 13 and 13.3 and authorized by Section 27 of the Environmental Protection Act (111. Rev. Stat. 1987, ch. 111 1/2, pars. 1013, 1013.3 and 1027).

SOURCE: Adopted in R70-5, at 1 PCB 426, March 31, 1971; amended in R71-14, at 4 PCB 3, March 7, 1972; amended in R74-3, at 19 PCB 182, October 30, 1975; amended in R74-15, 16, at 31 PCB 405, at 2 111. Reg. 44, p. 151.

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(Source: Amended at 13 Ill. Reg. 1794 , effective January 31 , 1989)

SUBPART H: CANNED AND PRESERVED FRUITS AND VEGETABLES

Section 307.1704 Frozen Potato Products

- a) Applicability. This Section applies to discharges resulting from the processing of white potatoes ~~into~~ into frozen potato products.
- b) Specialized definitions. The Board incorporates by reference 40 CFR 407.41 ~~-(1986)-(1987)~~. This incorporation includes no later amendments or editions.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 407.44 ~~-(1986)-(1987)~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources:
 - 1) The Board incorporates by reference 40 CFR 407.46 ~~-(1986)-(1987)~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after November 9, 1974.

(Source: Amended at 13 Ill. Reg. 1794 , effective January 31 , 1989)

SUBPART L: CEMENT MANUFACTURING

Section 307.2101 Nonleaching

- a) Applicability. This Section applies to discharges resulting from the process in which several mineral ingredients (limestone or other natural sources of calcium carbonate, silica, alumina, and iron

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together with gypsum) are used in the manufacturing of cement and in which kiln dust is not ~~contracted~~ contacted with water as an integral part of the process and water is not used in wet scrubbers to control kiln stack emissions.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 411.11 ~~-(1986)-(1987)~~. This incorporation includes no later amendments or editions.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 411.14 ~~-(1986)-(1987)~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources:
 - 1) The Board incorporates by reference 40 CFR 411.16 ~~-(1986)-(1987)~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after September 7, 1973.

(Source: Amended at 13 Ill. Reg. 1794 , effective January 31 , 1989)

SUBPART T: PETROLEUM REFINING

Section 307.2903 Petrochemical

- a) Applicability. This Section applies to discharges from any facility that produces petroleum products by the use of topping, cracking and petrochemical operations whether or not the facility includes any process in addition to topping, cracking and petrochemical operations. This Section does not apply, however, to facilities that include the processes specified in Sections 307.2904 ~~or~~ or 307.2905.
- b) Specialized definitions. The Board incorporates by reference 40 CFR

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reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

(d) New sources:

- 1) The Board incorporates by reference 40 CFR 421.106 -(1986)- (1987), as amended at 53 Fed. Reg. 1711, January 21, 1988. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

(d) New sources:

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after February 17, 1983.

(Source: Amended at 13 Ill. Reg. 1794, effective January 31, 1989)

Section 307.3129 Secondary Tungsten and Cobalt

- a) Applicability. This Section applies to discharges resulting from the production of tungsten or cobalt at secondary-tungsten-tungsten or cobalt facilities processing tungsten or or tungsten carbide raw materials.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 421.311 -(1986)-(1987). This incorporation includes no later amendments or editions.

(c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 421.315 -(1986)-(1987). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

(d) New sources:

- 1) The Board incorporates by reference 40 CFR 421.316 -(1986)-(1987). This incorporation includes no later amendments or editions.

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419.31 -(1986)-(1987). This incorporation includes no later amendments or editions.

(c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 419.35 -(1986)-(1987). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

(d) New sources:

- 1) The Board incorporates by reference 40 CFR 419.37 -(1986)-(1987). This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after December 21, 1979.

(Source: Amended at 13 Ill. Reg. 1794, effective January 31, 1989)

SUBPART V: NONFERROUS METALS MANUFACTURING

Section 307.3110 Primary Tungsten

- a) Applicability. This Section applies to discharges resulting from the production of tungsten at primary tungsten facilities.

- b) Specialized definitions. The Board incorporates by reference 40 CFR 421.101 -(1986)-(1987). This incorporation includes no later amendments or editions.

(c) Existing sources:

- 1) The Board incorporates by reference 40 CFR 421.105 -(1986)-(1987), as amended at 53 Fed. Reg. 1711, January 21, 1988. This incorporation includes no later amendments or editions.

- 2) No person subject to the pretreatment standards incorporated by

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- 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- 3) "New source" means any building, structure, facility or installation the construction of which commenced after June 27, 1984.

(Source: Amended at 13 Ill. Reg. 1794, effective January 31, 1989)

SUBPART Z: LEATHER TANNING AND FINISHING

Section 307.3500 General Provisions

- a) Applicability. This Subpart applies to any leather tanning and finishing facility which introduces or may introduce process wastewater pollutants into a POTW.
- b) General definitions. The Board incorporates by reference 40 CFR 425.02 ~~-(1986)-(1987)~~, as amended at 53 Fed. Reg. 9181, March 21, 1988. This incorporation includes no later amendments or editions.
- c) Sulfide analytical method. The Board incorporates by reference 40 CFR 425.03 ~~-(1986)-(1987)~~, as amended at 53 Fed. Reg. 9181, March 21, 1988. This incorporation includes no later amendments or editions.
- d) Applicability of sulfide standards. The Board incorporates by reference 40 CFR 425.04 ~~-(1986)-(1987)~~, as amended at 53 Fed. Reg. 9181, March 21, 1988. This incorporation includes no later amendments or editions.
- e) Compliance dates. The Board incorporates by reference 40 CFR 425.05 ~~-(1986)-(1987)~~, as amended at 53 Fed. Reg. 9181, March 21, 1988. This incorporation includes no later amendments or editions.
- f) Monitoring requirements. The Board incorporates by reference 40 CFR 425.06 ~~-(1986)-(1987)~~. This incorporation includes no later amendments or editions.

(Source: Amended at 13 Ill. Reg. 1794, effective January 31, 1989)

Section 307.3501 Hair Pulp, Chrome Tan, Retan-Wet Finish

- a) Applicability. This Section applies to discharges resulting from any tannery which, either exclusively or in addition to other unhairing and tanning operations, processes raw or cured cattle or cattle-like hides into finished leather by chemically dissolving the hide hair, chrome tanning and retan-wet finishing.

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- b) Specialized definitions. None.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 425.15 ~~-(1986)-(1987)~~, as amended at 53 Fed. Reg. 9181, March 21, 1988. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
- d) New sources:
 - 1) The Board incorporates by reference 40 CFR 425.16 ~~-(1986)-(1987)~~. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 - 3) "New source" means any building, structure, facility or installation the construction of which commenced after July 2, 1979.

(Source: Amended at 13 Ill. Reg. 1794, effective January 31, 1989)

Section 307.3503 Hair Save or Pulp, Non-Chrome Tan, Retan-Wet Finish

- a) Applicability. This Section applies to discharges resulting from any tannery which processes raw or cured cattle or cattle-like hides into finished leather by hair save or pulp unhairing, vegetable tanning or alum, syntans, oils and other agents for tanning and retan-wet finishing.
- b) Specialized definitions. None.
- c) Existing sources:
 - 1) The Board incorporates by reference 40 CFR 425.35 ~~-(1986)-(1987)~~, as amended at 53 Fed. Reg. 9181, March 21, 1988. This incorporation includes no later amendments or editions.
 - 2) No person subject to the pretreatment standards incorporated by

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standards.
 3) "New source" means any building, structure, facility or installation the construction of which commenced after July 2, 1979.

(Source: Amended at 13 Ill. Reg. 1794, effective January 31, 1989)

Section 307.3590 Potassium Ferricyanide Titration Method

The Board incorporates by reference 40 CFR 425, Appendix A, as adopted at 53 Fed. Reg. 9181, March 21, 1988. This incorporation includes no later amendments or editions.

(Source: Added at 13 Ill. Reg. 1794, effective January 31, 1989)

SUBPART BE: PULP, PAPER AND PAPERBOARD

Section 307.4004 Unbleached Kraft-Neutral Sulfite Semi-Chemical (Cross Recovery)

a) Applicability. This Section applies to discharges resulting from the production of pulp and paper at unbleached kraft-neutral sulfite semi-chemical (cross recovery) mills.

b) Specialized definitions. The Board incorporates by reference 40 CFR 430.31 (1986)-41 (1987). This incorporation includes no later amendments or editions.

c) Existing sources:

1) The Board incorporates by reference 40 CFR 430.46 (1986)-1 (1987). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

1) The Board incorporates by reference 40 CFR 430.47 (1986)-1 (1987). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such

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reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.
 d) New sources:

1) The Board incorporates by reference 40 CFR 425.36 (1986)-1 (1987). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

3) "New source" means any building, structure, facility or installation the construction of which commenced after July 2, 1979.

(Source: Amended at 13 Ill. Reg. 1794, effective January 31, 1989)

Section 307.3509 Retan-Wet Finish-Splitts

a) Applicability. This Section applies to discharges resulting from any tannery which processes previously unhaird and tanned splitts into finished leather by retan-wet finishing.

b) Specialized definitions. None.

c) Existing sources:

1) The Board incorporates by reference 40 CFR 425.95 (1986)-1 (1987), as amended at 53 Fed. Reg. 9181, March 21, 1988. This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (c)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such standards.

d) New sources:

1) The Board incorporates by reference 40 CFR 425.96 (1986)-1 (1987). This incorporation includes no later amendments or editions.

2) No person subject to the pretreatment standards incorporated by reference in subsection (d)(1) shall cause, threaten or allow the discharge of any contaminant to a POTW in violation of such

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standards.

- 3) "New source" means any building, structure, facility or installation the construction of which commenced after January 6, 1981.

(Source: Amended at 13 Ill. Reg. 1794, effective January 31, 1989)

SUBPART CT: NONFERROUS METALS FORMING AND METAL POWDERS

Section 307.8100 General Provisions

a) Applicability.

- 1) This Subpart applies to the introduction of pollutants into a POTW from the forming of nonferrous metals (including nonferrous metal alloys), except beryllium, copper and aluminum, and their alloys. Aluminum alloys are defined as any alloy in which aluminum is the major constituent in percent by weight. Copper alloys are defined as any alloy in which copper is the major constituent in percent by weight except when copper is alloyed with precious metals. Any copper-precious metal alloy containing 30 percent or greater precious metal is considered a precious metal alloy for the purpose of this -s-Subpart. Beryllium alloys are any alloy in which beryllium is present at 0.1 percent or greater. This -s-Subpart applies to:

- A) Forming operations, including rolling (both hot and cold), extruding forging, drawing, swaging, cladding and tube reducing, and
- B) Ancillary operations performed as an integral part of the forming of these metals, including casting for subsequent forming, heat treatment, surface treatment, alkaline cleaning, solvent degreasing, product testing, surface coating, sawing, grinding, tumbling, burnishing and wet air pollution control.

- 2) This -s-Subpart also applies to introduction of pollutants into a POTW from mechanical metal powder production operations, forming of parts from metal powders, and associated ancillary operations of:

- A) Iron, copper and aluminum and their alloys; and
- B) The nonferrous metal and their alloys described in subsection(a)(1). This -s-Subpart does not regulate the production of metal powders by chemical means such as precipitation. The production of metal powder as the final

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step in refining metal is regulated under nonferrous metals manufacturing, Subpart V.

- 3) Surface treatment includes any chemical or electrochemical treatment applied to the surface of the metal. For the purposes of this -s-Subpart, surface treatment of metals is considered to be an integral part of the forming of metals whenever it is performed at the same plant site at which the metals are formed. Such surface treatment operations are not regulated under the electroplating or metal finishing regulations, -s-Subparts N or AH.

- 4) Casting is covered by this -s-Subpart when it is performed as an integral part of the metal forming process and takes place at the same plant site at which metals are formed. Such casting is not regulated under the provisions of metal molding and casting (Subpart CM).

- 5) This -s-Subpart does not apply to the forming of the metals cadmium, chromium, gallium, germanium, indium, lithium, manganese, neodymium or praseodymium.

- b) General definitions. The Board incorporates by reference 40 CFR 471.02 -~~(1986)~~-(1987). This incorporation includes no later amendments or editions.
- c) Compliance dates. The Board incorporates by reference 40 CFR 471.03 -~~(1986)~~-(1987). This incorporation includes no later amendments or editions.

(Source: Amended at 13 Ill. Reg. 1794, effective January 31, 1989)

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Difference Between Proposal and Final Version:

11) The name of Part 750 has been changed to: FOOD SERVICE SANITATION CODE. In Section 750.10, the citation "(21 U.S.C. 301 et seq.)," has been added after the first appearance of the words "Federal Food, Drug and Cosmetic Act,".

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?

No changes were recommended by the Joint Committee.

13) Will the Rules Replace an Emergency Rule Currently in Effect? Yes.

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

Summary and Purpose of Rules:

15) This rulemaking deletes the exemption of "clean, whole, uncracked, odor free shell eggs" from the definition of "potentially hazardous food" at Section 750.10. This change will require that whole shell eggs be refrigerated to 45°F or less until use under Section 750.140. This revision has the effect of including whole shell eggs in the existing standards established to insure proper handling and refrigeration of a potentially hazardous food such as meat, milk, poultry or fish (and now, whole shell eggs) before use to deter multiplication of any bacterial contamination that may be present.

Salmonella serotype enteritidis has occurred with increasing frequency in the northeastern United States during the past several years resulting in a 500% increase since 1975. Much of this increase is due to foodborne outbreaks which may be associated with eating raw or undercooked commercial Grade A shell eggs according to an April, 1988 article in the Journal of the American Medical Association. (JAMA, Vol. 259, No. 14, pp 2103-7)

During a recent investigation in Illinois, this Salmonella serotype enteritidis has been identified in fresh egg yolk, organs of newly hatched chicks and ovaries of adult chickens. The hatchery investigated produces fertile eggs which are sold and hatched for use as egg laying flocks in an eight-state area. This investigation corroborates other recent investigations in northeastern states which had similar findings.

Consequently, whole, uncracked eggs, previously thought to be safe with no potential for internal contamination, can no longer be considered safe if stored at room temperature. Whole, uncracked eggs must be

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Heading of the Part:

1) Food Service Sanitation Code

2) Code Citation:

77 Ill. Adm. Code 750

3) Section Numbers:

750.10

750.140

Statutory Authority:

Implementing the Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1987, ch. 56 1/2, pars. 501 et. seq.) and "AN ACT to prevent the

preparation, manufacture, packing, storing, or distributing of food

intended for sale, or sale of food, under insanitary, unhealthful or

unclean conditions or surroundings, to create a sanitary inspection, to

declare that such conditions shall constitute a nuisance, and to provide

for the enforcement thereof" (Ill. Rev. Stat. 1987, ch. 56 1/2, pars. 67

et. seq.) and authorized by Section 21 of the Illinois Food, Drug and

Cosmetic Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 521) and Section

11.1 of "AN ACT to prevent the preparation, manufacture, packing,

storing, or distributing of food intended for sale, or sale of food,

under insanitary, unhealthful or unclean conditions or surroundings, to

create a sanitary inspection, to declare that such conditions shall

constitute a nuisance, and to provide for the enforcement thereof" (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 77.1).

5) Effective Date of Rules:

January 30, 1989

6) Does this Rulemaking Contain an Automatic Repeal Date? No.

7) Does this Rulemaking Contain Any Incorporations by Reference? No.

8) Date Filed in Agency's Principal Office:

January 30, 1989

9) Date Notice(s) of Proposal was Published in Illinois Register:

12 Ill. Reg. 14113 September 9, 1988

10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? No.

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SUBPART E: CLEANING, SANITIZING, AND STORAGE OF
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750.850 Equipment, Utensil, and Tableware Handling

750.860 Equipment, Utensil, and Tableware Storage

750.870 Pre-Set Tableware

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750.890 Prohibited Storage Area

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SUBPART I: TEMPORARY FOOD SERVICE

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750.1640 Water
750.1650 Wet Storage
750.1660 Waste Disposal
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750.1680 Floors
750.1690 Walls and Ceilings of Food Preparation Areas
750.1700 Single-Service Articles

AUTHORITY: Implementing the Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1987, ch. 56 1/2, pars. 501 et. seq.) and "AN ACT to prevent the preparation, manufacture, packing, storing, or distributing of food intended for sale, or sale of food, under insanitary, unhealthful or unclean conditions or surroundings, to create a sanitary inspection, to declare that such conditions shall constitute a nuisance, and to provide for the enforcement thereof" (Ill. Rev. Stat. 1987, ch. 56 1/2, pars. 67 et. seq.) and authorized by Section 21 of the Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 521) and Section 11.1 of "AN ACT to prevent the preparation, manufacture, packing, storing, or distributing of food intended for sale, or sale of food, under insanitary, unhealthful or unclean conditions or surroundings, to create a sanitary inspection, to declare that such conditions shall constitute a nuisance, and to provide for the enforcement thereof" (Ill. Rev. Stat. 1987, ch. 56 1/2, par. 77.1).

SOURCE: Adopted December 23, 1975; amended at 2 Ill. Reg. 19, P. 180, effective May 3, 1978; old rules repealed and new rules adopted and codified at 7 Ill. Reg. 1336, effective January 25, 1983; amended at 11 Ill. Reg. 2345, effective February 1, 1987; amended at 11 Ill. Reg. 18735, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 14380, effective September 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17918, effective December 1, 1988; amended at 13 Ill. Reg. 1819, effective January 30, 1989

SUBPART A: GENERAL PROVISIONS

Section 750.10 Definitions

The following definitions shall apply in the interpretation and the enforcement of this Part:

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"Certified food service manager or supervisor" means a person certified in compliance with Section 750.540.

"Commercially prepared sweet baked goods" means an individually portioned and wrapped, non-potentially hazardous yeast or cake type bread, bun, croissant or roll with or without filling and/or icing.

"Commissary" means a catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged or stored.

"Corrosion-resistant materials" means those materials that maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bactericidal solutions, and other conditions-of-use environment.

"Easily cleanable" means that surfaces are readily accessible and made of such material and finish and so fabricated that residue may be effectively removed by normal cleaning methods.

"Employee" means individuals having supervisory or management duties, and any other person working in a food service establishment.

"Equipment" means stoves, ovens, ranges, hoods, slicers, mixers, meatblocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, and similar items other than utensils, used in the operation of a food service establishment.

"Extensively remodeled" means whenever an existing structure is converted for use as a retail food establishment; any structural additions or alterations to existing establishments; changes, modifications and extensions of plumbing systems, excluding routine maintenance.

"Food" means any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.

"Food contact surface" means those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces from which food may drain, drip, or splash back onto surfaces normally in contact with food.

"Food processing establishment" means a commercial establishment in which food is manufactured or packaged for human consumption. The term does not include a food service establishment, retail food store, or commissary operation.

"Pushcart" means a non-self-propelled vehicle limited to serving nonpotentially hazardous foods or commissary-wrapped food maintained at proper temperatures, or limited to the preparation and serving of frankfurters.

"Reconstituted" means dehydrated food products recombined with water or other liquids.

"Regulatory authority" means the State and/or local enforcement authority or authorities having jurisdiction over the food service establishment.

"Safe materials" means articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food. If materials used are food additives or color additives as defined in section 201(s) or (t) of the Federal Food, Drug, and Cosmetic Act, (21 U.S.C. 301 et seq.), they are "safe" only if they are used in conformity with regulations established pursuant to Section 409 or Section 706 of the Act. Other materials are "safe" only if, as used, they are not food additives or color additives as defined in section 201(s) or (t) of the Federal Food, Drug, and Cosmetic Act and are used in conformity with all applicable regulations of the Food and Drug Administration.

"Sanitization" means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level (when those disease organisms which may be present are destroyed so as to prevent transfer) on cleaned food-contact surfaces of utensils and equipment.

"Sealed" means free of cracks or other openings that permit the entry or passage of moisture.

"Single service articles" means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, toothpicks, and similar articles intended for one-time, one-person use and then discarded.

"Tableware" means multi-use eating and drinking utensils.

"Temporary food service establishment" means food service establishment that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration.

"Food service establishment" means any place where food is prepared and intended for, though not limited to, individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term also includes delicatessen type operations that prepare foods intended for individual portion service. The term does not include lodging facilities serving only a continental breakfast, (a continental breakfast is one limited to only coffee, tea, and/or juice and commercially prepared sweet baked goods), private homes or a closed family function where food is prepared or served for individual family consumption, retail food stores or the location of food vending machines.

"Hermetically sealed container" means a container designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its content after processing.

"Kitchenware" means all multi-use utensils other than tableware.

"Law" includes State and local statutes, ordinances, and regulations.

"Lodging facilities" means any hotel, motel, motor inn, lodge, inn or other quarters which provides temporary sleeping facilities open to the public.

"Mobile food unit" means a vehicle-mounted food service establishment designed to be readily movable.

"Packaged" means bottled, canned, cartoned, or securely wrapped.

"Person" includes any individual, partnership, corporation, association, or other legal entity.

"Person in charge" means the individual present in a food service establishment who is the apparent supervisor of the food service

establishment at the time of inspection. If no individual is the apparent supervisor, then any employee present is the person in charge.

"Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxicogenic microorganisms. The term does not include steaks, whole, breaded, breaded-free, shell-eggs or foods

which have a pH level of 4.6 or below or a water activity (a_w) value of 0.85 or less.

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11) Difference Between Proposal and Final Version:

The name of Part 760 has been changed to: RETAIL FOOD STORE SANITATION CODE

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?

Yes.

13) Will the Rules Replace an Emergency Rule Currently in Effect? Yes.

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

15) Summary and Purpose of Rules:

This rulemaking deletes the exemption of "clean, whole, uncracked, odor free shell eggs" from the definition of "potentially hazardous food" at Section 760.20. This change will require that whole shell eggs be refrigerated to 45°F or less until use under Section 760.150. This revision has the effect of including whole shell eggs in the existing standards established to insure proper handling and refrigeration of a potentially hazardous food such as meat, milk, poultry or fish (and now, whole shell eggs) before use to deter multiplication of any bacterial contamination that may be present.

Salmonella serotype enteritidis has occurred with increasing frequency in the northeastern United States during the past several years resulting in a 50% increase since 1975. Much of this increase is due to foodborne outbreaks which may be associated with eating raw or undercooked commercial Grade A shell eggs according to an April, 1988 article in the Journal of the American Medical Association. (JAMA, Vol. 259, No. 14, pp 2103-7)

During a recent investigation in Illinois, this Salmonella serotype enteritidis has been identified in fresh egg yolk, organs of newly hatched chicks and ovaries of adult chickens. The hatchery investigated produces fertile eggs which are sold and hatched for use as egg laying flocks in an eight-state area. This investigation corroborates other recent investigations in northeastern states which had similar findings. Consequently, whole, uncracked eggs, previously thought to be safe with no potential for internal contamination, can no longer be considered safe if stored at room temperature. Whole, uncracked eggs must be treated in the same manner as other raw animal products such as meat, milk, poultry or fish and must be stored at 45° Fahrenheit or less. This form of storage should retard the growth of any bacteria in whole

uncracked eggs and thus provide the consuming public with a healthier and safer product.

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:

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

PART 760
RETAIL FOOD STORE SANITATION CODE OF RETAIL-FOOD STORES

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760.15 Incorporated Materials
760.20 Definitions

SUBPART B: FOOD

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760.110 Special Requirements for Food Supplies
760.120 General - Food Protection
760.130 Emergency Occurrences
760.140 General - Food Storage
760.150 Refrigerated/Frozen Storage
760.160 Hot Storage
760.165 Damaged Food Containers
760.170 General - Food Preparation
760.180 Preparing Raw Fruits and Raw Vegetables
760.190 Cooking Potentially Hazardous Foods
760.200 Bakery Product Fillings
760.210 Reheating
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760.230 Thawing Potentially Hazardous Foods
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760.510 Solder
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760.530 Plastics and Rubber Materials
760.540 Cutting Surfaces
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760.560 General - Design and Fabrication
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760.580 Cleaned in Place (CIP)
760.590 Food Product Thermometers
760.600 Non-Food-Contact Surfaces
760.610 Ventilation Hoods
760.620 Maintenance of Equipment and Utensils
760.630 General - Equipment Installation and Location
760.640 Table-Mounted Equipment
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AND STORAGE OF EQUIPMENT AND UTENSILS

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760.750 Retail Food Stores Without Equipment and Utensil Cleaning Facilities
760.760 Equipment and Utensil Handling
760.770 Equipment and Utensil Storage
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760.910 Water Delivery
760.920 Water Under Pressure
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SUBPART H: NEW FACILITIES AND EXISTING EQUIPMENT AND FACILITIES

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 760.1610 Existing Equipment and Facilities

SUBPART I: TEMPORARY RETAIL FOOD STORES

SECTION

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 760.1710 Restricted Operations
 760.1720 Wet Storage
 760.1730 Waste Disposal
 760.1740 Handwashing
 760.1750 Floors
 760.1760 Ceilings

AUTHORITY: Implementing the Illinois Food, Drug and Cosmetic Act (111. Rev. Stat. 1987, ch. 56 1/2, pars. 501 et. seq.) and "AN ACT to prevent the preparation, manufacture, packing, storing, or distributing of food intended for sale, or sale of food, under insanitary, unhealthy or unclean conditions or surroundings, to create a sanitary inspection, to declare that such conditions shall constitute a nuisance, and to provide for the enforcement thereof" (111. Rev. Stat. 1987, ch. 56 1/2, pars. 67 et. seq.) and authorized by Section 21 of the Illinois Food, Drug and Cosmetic Act (111. Rev. Stat. 1987, ch. 56 1/2, par. 521) and Section 11.1 of "AN ACT to prevent the preparation, manufacture, packing, storing, or distributing of food intended for sale, or sale of food, under insanitary, unhealthy or unclean conditions or surroundings, to create a sanitary inspection, to declare that such conditions shall constitute a nuisance, and to provide for the enforcement thereof" (111. Rev. Stat. 1987, ch. 56 1/2, par. 77.1).

SOURCE: Adopted September 16, 1968; old rules repealed and new rules adopted and codified at 7 111. Reg. 1382, effective January 25, 1983; amended at 11 111. Reg. 2440, effective February 1, 1987; amended at 11 111. Reg. 18743, effective January 1, 1988; emergency amendment at 12 111. Reg. 14391, effective September 2, 1988, for a maximum of 150 days; amended at 12 111. Reg. 17935, effective December 1, 1988; amended at 13 111. Reg. 1830, effective January 30, 1989

760.960 Nonpotable Water System
 760.970 Backflow
 760.980 Grease Traps
 760.990 Garbage Grinders
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 760.1020 Toilet Design
 760.1030 Toilet Rooms
 760.1040 Toilet Facility Maintenance
 760.1050 Handwashing Facility Installation
 760.1060 Handwashing Facility Faucets
 760.1070 Handwashing Supplies
 760.1080 Handwashing Facility Maintenance
 760.1090 Garbage and Refuse Containers
 760.1100 Garbage and Refuse Container Storage
 760.1110 Garbage and Refuse Disposal
 760.1120 General - Insect and Rodent Control
 760.1130 Openings to be Protected Against Entry of Rodents and Insects

SUBPART G: CONSTRUCTION AND MAINTENANCE OF PHYSICAL FACILITIES

SECTION

760.1200 Floor Construction
 760.1210 Floor Carpeting
 760.1220 Prohibited Floor Covering
 760.1230 Mats and Duckboards
 760.1240 Utility Line Installation
 760.1250 Wall and Ceiling Maintenance
 760.1260 Wall and Ceiling Construction
 760.1270 Exposed Construction of Walls and Ceilings
 760.1280 Utility Line Installation in or on Walls and Ceilings
 760.1290 Attachments to Walls and/or Ceilings
 760.1300 Wall and Ceiling Covering Material Installation
 760.1310 General - Cleaning Physical Facilities
 760.1320 Service Sinks for Cleaning
 760.1330 General - Lighting
 760.1340 Protective Light Shielding
 760.1350 General - Ventilation
 760.1360 Dressing Rooms and Areas
 760.1370 Locker Areas
 760.1380 Poisonous or Toxic Materials Permitted
 760.1390 Labeling of Poisonous or Toxic Materials
 760.1400 Storage of Poisonous or Toxic Materials
 760.1410 Use of Poisonous or Toxic Materials
 760.1420 Storage and Display of Poisonous or Toxic Materials for Retail Sale
 760.1430 First-Aid Supplies and Personal Medications
 760.1440 General - Premises

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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

accurate to +30F. The sensing element shall be located to measure the air temperature in the unit at a location that is representative of the air temperature in the unit. The thermometer scale shall be located to be easily readable. Recording thermometers, accurate to +30F may be used in lieu of indicating thermometers.

(c) Potentially hazardous food requiring refrigeration after preparation shall be rapidly cooled to an internal temperature of 450F or below. Potentially hazardous foods of large volume or prepared in large quantities shall be rapidly cooled utilizing such methods as shallow pans, agitation, quick chilling, or water circulation external to the food container so that the cooling period shall not exceed four (4) hours. Potentially hazardous food to be transported shall be pre-chilled and held at a temperature of 450F or below unless maintained in accordance with the hot storage requirements of this Part.

(d) Potentially hazardous frozen foods shall be kept frozen and should be stored at an air temperature of 00F or below except for defrost cycles and brief periods of loading or unloading.

(e) Ice used as a cooling medium for food storage shall not be used or sold for human consumption.

(f) Upon delivery, intact shell eggs shall be stored at a temperature of 45 degrees Fahrenheit or less.

(Source: Amended at 13 Ill. Reg. 1830, effective January 30, 1989)

indirectly, in their becoming a component or otherwise affecting the characteristics of any food.

"Sanitization" means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level (when those disease organisms which may be present are destroyed so as to prevent transfer) on cleaned food-contact surfaces of utensils and equipment.

"Sealed" means free of cracks or other openings that permit the entry or passage of moisture.

"Single-service articles" means items used by the retailer or consumer such as cups, containers, lids, and packaging materials, including bags and similar articles, intended for contact with food, and designed for one-time use. The term does not include "single use" articles such as number 10 cans, aluminum pie pans, bread wrappers and similar articles into which food has been packaged by the manufacturer.

"Temporary Retail Food Store" means a retail store that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration. The term does not include establishments that handle only fresh fruits and fresh vegetables, or temporary food service establishments.

"Transportation" (transported) means movement of food within the retail food store or delivery of food from that retail food store to another place while under the control of the person in charge.

"Utensil" means any food-contact implement used in the storage, preparation, transportation, or dispensing of food.

"Warewashing" means the cleaning and sanitizing of food-contact surfaces of equipment and utensils.

(Source: Amended at 13 Ill. Reg. 1830, effective January 30, 1989)

SUBPART B: FOOD

Section 760.150 Refrigerated/Frozen Storage

a) Refrigeration units or effectively insulated units shall be provided in such number and of such capacity to assure the maintenance of potentially hazardous food at required temperatures during storage.

b) Each mechanically refrigerated unit storing potentially hazardous food shall be provided with a numerically scaled indicating thermometer,

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Ownership, Partnership and Stable Name
- 2) Code Citation: 11 Ill. Adm. Code 1409
- 3) Section Numbers:

1409.120	<u>Adopted Action:</u>
1409.130	Amendment
1409.132	Amendment
	Repealed
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch.8, pars 37-9(b), 37-15.
- 5) Effective Date of Amendments: January 27, 1989
- 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: December 17, 1988
- 9) Notice of Proposed Rulemaking Published in Illinois Register:
12 Ill. Reg. 17761, November 4, 1988
- 10) Has JCAR issued a Statement of Objections to this rule?
Yes
If answer is "yes", please complete the following:
 - A) Statement of Objection: _____, 1989, Ill. Reg. _____
 - B) Agency Response: _____, Ill. Reg. _____
 - C) Date Agency Response Submitted for Approval to JCAR:
January 17, 1989
- 11) Difference between proposal and final version:
Section 1409.120 was amended to state:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

"Such materials shall consist of the name, social security number, fingerprints, or other material required by an applicant for an owner's license."

Section 1409.130 was amended to state:
 "Such materials shall consist of the name, social security number, fingerprints, or other material required of an applicant for an owner's license."

The Authority citation was amended to reflect the 1987 edition of the Illinois Revised Statutes.

- 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 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:
This rulemaking establishes procedures for licensure of partnerships and corporations, and their partners and shareholders, who own horses.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Name:	Michael B. McClure
	Board Counsel
Address:	State of Illinois Center
	Illinois Racing Board
	Suite 11-100
	100 West Randolph Street
	Chicago, Illinois 60601
Telephone:	(312) 917-2600

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

NOTICE OF ADOPTED AMENDMENT(S)

Partners of a general partnership shall be licensed as owners. In the case of a limited partnership, all general partners and limited partners owning a 5% or more interest in the limited partnership shall be licensed as owners. These license requirements shall apply to all partnerships owning any interest in a horse. All non-licensed partners shall be eligible for license. Any non-licensed partner shall submit application materials sufficient for the Board to verify this status whenever the stewards have determined that it is more probable than not that such person is ineligible for license. Such materials shall consist of the name, social security number, fingerprints, or other material required of an applicant for an owner's license. If any non-licensed partner is ineligible for license then all partners and the partnership shall be ineligible for license.

(Source: Amended at 13 Ill. Reg. 1841, effective January 27, 1989)

Section 1409.130 Corporations

All corporations having an interest in a horse shall file with the state steward at the time of filing application for an owner's license a statement in duplicate setting forth the names and addresses of all officers, directors, and stockholders of said corporation, together with the amount of the respective holdings of each stockholder and a statement as to whether or not said stock is paid in full, and including the designation of an authorized agent or agents of said corporation. The said statement shall be signed by the president of the corporation, attested to by its secretary, and the corporate seal attached. A copy of said statement shall be transmitted promptly to the office of the Illinois Racing Board by the state steward. All officers, directors and shareholders owning 5% or more of any class of stock of a corporation shall be licensed as owners. These license requirements shall apply to all corporations owning any interest in a horse. All non-licensed shareholders shall be eligible for license. Any non-licensed shareholder shall submit application materials sufficient for the Board to verify this status whenever the stewards have determined that it is more probable than not that such person is ineligible for license. Such materials shall consist of the name, social security number, fingerprints, or other material required of an applicant for an owner's license. If any non-licensed shareholder is ineligible for license then all shareholders and the corporation shall be ineligible for license.

(Source: Amended at 13 Ill. Reg. 1841, effective January 27, 1989)

Section 1409.133 Number of Stockholders (Repealed)

No license as an owner shall be granted to a corporation or the licensee or stockholders of any corporation unless such corporation shall have no more than 20 stockholders or members each of whom shall be the registered and beneficial owner of stock or membership in such corporation. Further no corporation

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER 1: ILLINOIS RACING BOARD

SUBCHAPTER 9: RULES AND REGULATIONS OF HORSE RACING (THOROUGHBRED)

PART 1409

OWNERSHIP, PARTNERSHIP, AND STABLE NAME

1409.05	Registration of Colors
1409.10	Application for Colors
1409.20	Deviation
1409.30	Register Name of Real Owner
1409.40	Owner-Trainer Registrations
1409.50	Change in Ownership
1409.60	Raise Registration
1409.70	List of Changes
1409.80	Stable Names
1409.90	Registration of Stable Names
1409.100	Trainers' Use of Stable Names
1409.110	Attitude of Ownership
1409.120	Partnerships
1409.130	Corporations
1409.132	Number of Stockholders (Repealed)
1409.135	File Reports with Board
1409.138	Board May Impose Requirements
1409.140	Change in Officers
1409.150	Entries, Declarations and Winnings
1409.160	Signature by Racing Secretary
1409.170	Consent of Partners
1409.180	Name All Owners
1409.185	Corporation with Stable Name

AUTHORITY: Enjoining and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1987, ch. 8, par. 37-9(b)).

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication) codified at 5 Ill. Reg. 10973, amended at 13 Ill. Reg. 1841, effective January 27, 1989.

Section 1409.120 Partnerships

All partnerships not already registered and the name and address of every person having any interest in a horse, the relative proportions of such interests and the terms of any sale with contingencies, lease or arrangement must be signed by all the parties or by their authorized agents and be lodged with the racing secretary, a copy of which shall be transmitted after the race meeting to the office of the Illinois Racing Board. All the partners and each of them shall be jointly and severally liable for all stakes and forfeits. All

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TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER 9: RULES AND REGULATIONS OF HORSE RACING

(THOROUGHbred)

PART 1410

TRAINERS AND OWNERS

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

Summary and Purpose of Amendments:

The amendment specifies a procedure whereby an alternate trainer is appointed in the event of the absence of the principal trainer for a period greater than six days.

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

Name: Michael B. McClure

Board Counsel

Address: State of Illinois Center

Illinois Racing Board

Suite 11-100

100 West Randolph Street

Chicago, Illinois 60601

Telephone: (312) 917-2600

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

Section 1410.10

Absence of Trainers

Deadline on Absence (Repealed)

Report Disabled Horses

Deceased or Sick Horses

Horses Entered in the Daily Double (Repealed)

State Veterinarians' List

Obey Sanitary, Humane and Safety Laws

Halters

Report Deaths of Horses

Filles and Mares Bred

Trainer Responsibility

Employment of Veterinarians

Harboring Unauthorized Persons

Harboring of Drug Addicts

Workout After Finish

Addition to Owner-Trainer Rules

1410.115

Ownership of Horses

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1981, ch.8, par. 37-9(b)).

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); amended October 17, 1975, filed October 21, 1975; codified at 5 Ill. Reg. 10975; amended at 6 Ill. Reg. 10014, effective August 3, 1982; amended at 13 Ill. Reg. 1846, effective January 25, 1989).

Section 1410.10 Absence of Trainers

In the absence of a trainer (more than six consecutive days from the stable), due to sickness or any other cause, he shall, with the approval of the stewards, appoint another alternate trainer licensed by the Board, to fulfill his duties. In this event, joint responsibility will rest with both parties, and the names of both parties shall appear in the racing program.

(Source: Amended at 13 Ill. Reg. 1846, effective January 25, 1989).

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 1410.15 Deadline on Absence (Repealed)

~~Should a trainer be absent from his stable more than six consecutive days, the second or alternate trainer shall then become the trainer of record, and his name shall appear on the program pending return of the trainer.~~

(Source: Repealed at 13 Ill. Reg. 1846, effective January 25, 1989).

DEPARTMENT OF REHABILITATION SERVICES

89

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medical, Psychological and Related Services
- 2) Code Citation: 89 Ill. Adm. Code 587
- 3) Section Numbers:

587.50	<u>Adopted Action:</u>
587.110	amendment
587.130	amendment
587.500	new Section
	amendment
- 4) Statutory Authority: Sections 3(a), (b), and (k) of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1987, ch. 23, pars. 3434(a), (b), and (k))
- 5) Effective Date of Rule(s) (Amendments, Repealer): January 27, 1989
- 6) Does this rulemaking contain an automatic repeal date?
 Yes No
- 7) Does this rule (amendment, repealer) contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 27, 1989
- 9) Notice of Proposal Published in Illinois Register:
January 29, 1988, 12 Ill. Reg. 2192
 (issue date)
- 10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No If answer is "yes," please complete the following:
 - A) Statement of Objection: _____, ___ Ill. Reg. ___
 (issue date)
 - B) Agency Response: _____, ___ Ill. Reg. ___
 (issue date)
 - C) Date Agency Response Submitted for Approval to JCAR:
- 11) Difference(s) between proposal and final version: Pursuant to agreements with the staff of the Joint Committee on Administrative Rules, the following changes have been made:

NOTICE OF ADOPTED AMENDMENTS

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

Ms. Leigh Reed
Regulations and Procedures Section
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429
Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734

The full text of Adopted Rule(s) begins on the next page:

1. To add the following language "587.200 Low Vision Aids" in the Table of Contents.

2. To add the language "or Procedures" after the words, "Therapeutic Devices" in the Table of Contents in Section 587.600.

3. To add the language "amended at 12 Ill. Reg. 15621, effective September 16, 1988; amended at 13 Ill Reg. _____, effective _____" in the Source Note.

4. To change "(j)" to "(k)" in the Authority Note.
5. To change the word "therapist" to "therapists" in the first sentence in Section 587.50.

In response to public comments, the following changes have also been made:

1. Section 587.110 was changed to add "Language" to the name of the Association referred to.

2. In Section 587.130 the term "therapist" was changed to "pathologist" and the term "dysphagia" was added.

3. Section 587.500 was changed to add "or by the National Association of Retail Drugists" to subsection(c).

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 replace an Emergency Rule(s) currently in effect? No

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

Section Numbers Proposed Action Illinois Register Citation

15) Summary and Purpose of Rule(s): These amendments promulgate policies relating primarily to the qualifications of the vendors which provide the particular services addressed in these amendments, i.e., hospitals, speech and language pathologists, and prosthetic/orthotic providers. In addition, Section 587.130 sets forth policies establishing the standards used for providing speech and language services, and amendments to Section 587.500 provide grammatical revisions.

NOTICE OF ADOPTED AMENDMENTS

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NOTICE OF ADOPTED RULES

1) Heading of Part: Certification and Training of Electronic Criminal Surveillance Officers

2) Code Citation: 20 Ill. Adm. Code 1295

3) Section Numbers: 1295.10, 1295.20, 1295.30, 1295.40, 1295.50, 1295.60, 1295.70, 1295.80
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section
Adopted Action

c) Prosthetic/orthotic vendors must be certified by the American Board of Certification in Orthotics and Prosthetics, Incorporated or by the National Association of Retail Druggists.

(Source: Amended at 13 Ill. Reg. 1850, effective January 27, 1989)

NOTICE OF ADOPTED AMENDMENTS

4) Statutory Authority: Authorized by "AN ACT relating to electronic criminal surveillance devices and amending certain acts herein named" (P.A. 85-1203, effective January 1, 1989) and by Section 5a of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 55a).

5) Effective Date of Rules: January 26, 1989

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

7) Does this rulemaking contain incorporations by reference? No.

8) Date filed in Agency's Principal Office: January 23, 1989

9) Notice of proposal published in Illinois Register: October 21, 1988, 12 Ill. Reg. 17064

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

11) Differences between proposal and final version:

In the table of contents, the following text has been deleted: "Exhibit A" and "Exhibit B."

In the authority note, the title of the first Act has been placed within quotation marks:

In Section 1295.20(a), the title of the Act has been placed within quotation marks.

In Section 1295.20(b), the list of definitions has been moved to the right 1/2 inch.

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED RULES

In Section 1295.20(b), in the definition of "Act," the title of the Act has been placed within quotation marks.

In Section 1295.20(b), in the definition of "Electronic Criminal Surveillance Officer Certification," "and the Illinois Local Governmental Law Enforcement Officers Training Board" has been inserted after the phrase "issued by the Department."

In Section 1295.20(b), the following text has been added to the definition of "Act": "(P.A. 85-1203, effective January 1, 1989)."

In Section 1295.20(b), the following definitions have been added:

"Department" means the Illinois Department of State Police.

"Director" means the Director of the Illinois Department of State Police.

In Section 1295.30 in line 1, the word "intercept" has been changed to "interception."

In Section 1295.30(b), "(3)" has been added after the words "three" before the words "levels" and "courses."

In Section 1295.30(a)(2), the words "home and" have been deleted.

In Section 1295.30(a)(6) after the word "his" the following has been added: "/her."

In Section 1295.30(b)(1), an "s" has been added to the word "petition."

In Section 1295.30(b)(1), "(3)" has been added after the word "three."

In Section 1295.30(b)(2), "(3)" has been added after the word "three."

In Section 1295.30(b)(3), "(18)" has been added after the word "eighteen."

Section 1295.40(c) has been amended by adding the following words: "for a period of five (5) years."

In Section 1295.40(e), the following text has been added after "notify": ", within ten (10) days of such decision,".

In Section 1295.60(b) in the first line, an "s" has been added to the word "Monitor."

In Section 1295.70(e) the word "of" has been changed to "or."

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED RULES

- 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 replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Rules: Recent legislation expands the scope of legally allowable electronic eavesdropping. The Director of the Illinois State Police is required to establish regulations relating to the training, certification, and authorized activities of electronic criminal surveillance officers. These rules delineate those regulations.
- 16) Information and questions regarding this adopted rule shall be directed to:

Mr. James W. Redlich
 Legal Advisor
 Illinois State Police
 201 Armory Building
 Springfield, Illinois 62706
 217 - 782-7658

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

NOTICE OF ADOPTED RULES

title that serves as the head of a law enforcement agency.

"Department" means the Illinois Department of State Police.

"Dialed Number Recorder" means a device used to register telephone numbers, either dialed or pulse dialed.

"Director" means the Director of the Illinois Department of State Police.

"Electronic Criminal Surveillance Officer Certification" refers to registered credentials issued by the Department and the Illinois Local Governmental Law Enforcement Officers Training Board, which identify those aspects of electronic criminal surveillance that the officer is authorized to perform.

"Electronic Criminal Surveillance Officers Training Course" means a course or series of courses of instruction provided by the Department, in cooperation with the Illinois Local Governmental Law Enforcement Officers Training Board, in the legal, practical, and technical aspects of the interception of private oral communications and related investigative and prosecutive techniques.

"Minimization" refers to measures initiated to prevent the interception of privileged communications and to limit the interception of conversations which are innocent and lack evidentiary or investigative value.

"Technical Service Unit" is a component of a law enforcement agency charged with the responsibility for providing support to investigative activities by operating electronic surveillance apparatus, including electronic criminal surveillance devices, alarms, communications apparatus, video equipment, photographic equipment, and night vision devices.

Section 1295.30 Qualification, Certification, and Recertification of Officers

No person shall engage in the interception of private oral communication as described in the Act, unless authorized to do so pursuant to certification provisions elaborated in this Part.

a) Qualifications - The qualifications of all candidates for certification as electronic criminal surveillance officers shall be specified in an application to the Director from the chief executive officer of the law enforcement agency which the candidate represents. Such application shall identify the specific level of training/certification which the candidate is authorized to receive and shall include a recommendation of the candidate by the chief executive officer. Other information to be supplied shall include:

NOTICE OF ADOPTED RULES

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICE

PART 1295

CERTIFICATION AND TRAINING OF
ELECTRONIC CRIMINAL SURVEILLANCE OFFICERS

Section	1295.10	Purpose
	1295.20	Definitions
	1295.30	Qualification, Certification, and Recertification of Officers
	1295.40	Revocation of Certification
	1295.50	Recording and Minimization Standards
	1295.60	Documentation Requirements
	1295.70	Evidence Handling Procedures
	1295.80	Specifications for Materials and Equipment

AUTHORITY: Implementing "AN ACT relating to electronic criminal surveillance devices and amending certain acts herein named" (P.A. 85-1203, effective January 1, 1989) and authorized by Section 5a of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 55a).

SOURCE: Adopted at 13 Ill. Reg. 1856, effective January 26, 1989.

Section 1295.10 Purpose

The purpose of this Part is to delineate regulations for the certification, periodic recertification, and revocation of certification of electronic criminal surveillance officers; to specify standards for procedures and equipment used to intercept and record private oral communications; and to adopt measures to protect privileged communications and minimize monitoring of nonpertinent conversations, while permitting the legitimate investigative aims of law enforcement to be pursued.

Section 1295.20 Definitions

a) Unless specified otherwise, all terms shall have the meanings set forth in "AN ACT relating to electronic criminal surveillance devices and amending acts herein named" (Public Act 85-1203, effective January 1, 1989).

b) For purpose of this Part, the following additional definitions apply: "Act" means "AN ACT relating to electronic criminal surveillance devices and amending certain acts herein named" (Public Act 85-1203, effective January 1, 1989).

"Chief Executive Officer of a Law Enforcement Agency" means a chief of police, sheriff, director, superintendent, or other

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for each call, identification of the call as outgoing or incoming and the caller and called parties; the start and finish time of the call; the tape footage; whether the call was pertinent; whether any minimization was required; if any spot checks were made; a summary of the call; and the initials of the party making the entry.

b) Monitor's Post Log shall be maintained. It shall include the case number; the shift and date; the case investigator; and for each individual present at the monitor post, the person's name and agency; the time in and time out of the monitor post; the person's reason for being at the monitoring post; and an acknowledgment that the person is aware of all instructions from judges, prosecutors, and supervising officers concerning the execution of the court order authorizing the intercept.

c) Investigative Report by each officer participating in the electronic surveillance shall be completed. It shall include the times and dates of the officer's surveillance; a list of the calls monitored by the officer and the pertinent information derived; and the steps taken to secure and safeguard the evidentiary tapes generated.

Section 1295.70 Evidence Handling Procedures

The following procedures shall apply to the handling of evidence tapes generated pursuant to these provisions:

a) A new cassette tape shall be placed in the recorder at the beginning of each shift, regardless of whether or not conversation has been recorded by officers assigned to the previous shift.

b) The recording tabs will immediately be broken off upon removing the cassette from the recorder. Such action must precede any other, including the rewinding of cassettes.

c) Each cassette shall be marked and placed within its own individual evidence envelope. Notations shall be entered on the exterior of referenced evidence envelope identifying its contents.

d) At the conclusion of the shift, all such evidence envelopes shall be placed within a larger evidence envelope in company with any related original register tape from the dial number recorder and the original Intercept Logs for the shift. Identifying information must then be entered on the envelope which contains the cassettes, logs, and register tapes. Such information shall include, but is not limited to, the following:

1) Information identifying the specific investigation.

2) A listing of the individual exhibits which the envelope contains.

3) The inclusive times and dates during which the referenced evidence exhibits were obtained.

4) The identity of the interception officer(s).

e) The envelope, containing the referenced documents and cassettes, shall then be deposited in an evidence locker or other secure facility.

f) Officers shall retain copies of the referenced documents and cassettes for investigative and disclosure purposes as authorized by law.

Electronic Criminal Surveillance Officers shall comply with the minimization standards required by the Act and this part:

a) Minimization requires that the intercepting officer must use his/her judgement and background knowledge of the criminal investigation and its participants, together with facts and circumstances that develop in the overheard conversations, to refrain from intercepting nonpertinent, innocent, or privileged conversations as they take place.

b) Judgments concerning minimization decisions shall be based on the knowledge possessed by the interception officer at the time of the decision. Examples of factors to be considered are as follows:

1) The nature and scope of the criminal activity being investigated.

2) The use of ambiguous, guarded, coded, or foreign language.

3) The location of the telephone or facility.

4) The expectation of the intercepted conversation containing statements relating to criminal conduct.

5) The likelihood of the interception containing privileged communications.

c) Officers authorized to supervise the interception of private oral communications shall, if possible, ascertain the identities and phone numbers of targeted conspirators, spouses, attorneys, clergymen, and physicians. Such available information shall be disseminated to all officers charged with responsibility for intercepting the referenced communications in order to assist in identifying potentially privileged communications.

d) Minimization shall be a simultaneous process involving the cessation of audio interception, monitoring and recording, and the registering of such information on the output tape of the dial number recorder (if such device is utilized). All such transactions shall be documented on the Intercept Log.

e) Spot monitoring of apparently privileged and nonpertinent conversations shall be permitted in order to ensure that such conversations do not lose their privileged and innocent character. This process shall be used to safeguard against instances where conspirators assume the identities of privileged parties to initiate nonpertinent conversations to mask criminal communications. All such spot monitoring shall be reflected on the Intercept Log.

Section 1295.60 Documentation Requirements

The following documents shall be completed and maintained with respect to any interception of private oral communication authorized by the Act:

a) Monitor's Intercept Log shall be maintained. It shall include the monitor's name(s); the date and shift; the intercept case number; the cassette number; the name of the subject; the court order number; and

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Section 1295.80 Specifications for Materials and Equipment

The materials and equipment used for electronic criminal surveillance shall be of a type and quality sufficient to satisfy the requirements of the Act and ensure adequate collection and preservation of evidence. The following standards shall be met or exceeded:

- a) Dialed Number Recorder equipment shall:
 - 1) Operate in direct connect, loop extender, or slave modes.
 - 2) Include audio monitoring capabilities.
 - 3) Document minimization incidents.
 - 4) Include real time monitor for display and printer.
 - 5) Include capacity to drive audio recorders.
 - 6) Include battery backup sufficient to maintain operation in the event of power outage.
 - 7) Include key pad controls to facilitate minimization.
 - 8) Include controls to enable 1-button minimization action.
- b) Audio recording equipment shall be 3-head audio cassette format with counter.
- c) Audio recording tapes shall be virgin leaderless standard cassette format with one mil minimum thickness and shall only be used to record on one side of tape.
- d) The make, model, and serial numbers of all equipment used for electronic criminal surveillance under the provisions of the Act and this Part shall be registered by the Department.

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- 1) Heading of Part: Vending Machines in Rest Areas
- 2) Code Citation: 92 Ill. Adm. Code 534
- 3) Section Numbers: 534.210 Adopted Action: Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 121, par. 9-113.1
- 5) Effective date of rules: January 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: January 26, 1989
- 9) Notice of proposal published in Illinois Register: October 7, 1988, 12 Ill. Reg. 15952
- 10) Has JCAR issued a Statement of Objections to these rules?
No
- 11) Differences between proposal and final version:
The Department, in Sections 534.210(a)(2), (3), (5) and (6), moved the periods outside the closing parentheses.
In Sections 534.210(a)(9) and 534.210(b), the Department added parentheses around the years which were cited.
The Department, in compliance with the Code Division's comment and JCAR's editing changes, grammatically reworked the references to the Department of Rehabilitation Services' rules and CDB's rules in Sections 534.210(a)(11)(D), (H) and (b).
The Department, in agreement with JCAR, changed the text of Section 534.210(a)(11)(E)(i).
The Department reinserted the comma following "Blind" in Sections 534.210(a)(11)(D) and (H) in the text of the

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Section 9-113.1(b) of the Illinois Highway Code reads in part as follows:

The Department [of Transportation] may permit the placement and operation of vending machines in safety rest areas constructed or located on rights-of-way of non-toll fully access controlled State highways. The Department shall adopt rules and regulations governing the type of services provided, location and operation of machines, and all other aspects necessary to provide the best public service consistent with federal and State statutes.

Subsequent to the Department's discussions with the JCAR staff on the issue of the size standard, the Joint Committee issued its first objection to these rules. The Joint Committee contends that the Department lacks the statutory authority to determine that a vending operation will not be placed in a rest area facility that has less than 700 square feet: The Department responded to the Joint Committee's objection by refusing to modify or withdraw its proposed rulemaking to meet the objection.

After publishing the Department's response in the Illinois Register, the Department adopted the rule over the JCAR objection. A short time later, the Department received a letter stating that the Department, in offering to provide the standard and adopting it over the Joint Committee's objection, had made a substantive change in violation of Section 5.01(b) of the Illinois Administrative Procedure Act (IAPA). Specifically, that the Department did not adopt the rule in the agreed upon form. The Department stated in response to this problem that it was the Department's understanding that language suggested and directed by the staff of the Joint Committee during prehearing conferences is language agreed upon between the agency and the Joint Committee and not in violation of Section 5.01(b) of the IAPA.

Section 5.01(b) of the IAPA states in part as follows: After commencement of the second notice period, no substantive change may be made to a proposed rulemaking unless it is made in

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adopted rulemaking, but did not indicate them as having been added as new language.

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

13) Will this rule replace an Emergency Rule currently in effect? No

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

15) Summary and purpose of rules:

At this time, the Department is amending Part 534, the Department's existing rules on the placement of vending machines in rest area facilities, in response to an objection from the Joint Committee on Administrative Rules (JCAR). The Department worked closely with the staff of the Joint Committee when these rules were first promulgated, and, in agreement with JCAR, made extensive changes before adopting them.

During prehearing conferences on the previously proposed rules, the JCAR staff analyst stated that a major concern for the Joint Committee was the problem of what the size standard should be describing which rest area facilities will and will not use vending. The Department was instructed by the JCAR staff analyst to provide language describing the minimum size standard for lobby space in rest areas and to insert this standard in Section 534.210, IDOT/IDORS Responsibilities, or face an objection. Notwithstanding its belief that the rule adequately addressed this issue, the Department complied with the Joint Committee's request and provided the JCAR staff with the 700 square feet minimum size standard for lobby space in rest areas. The Department determined and explained to the JCAR staff that 550 square feet would be necessary for the lobby area including storage, and an additional 150 square feet would be necessary to accommodate vending. To prevent the rest area lobby from being transformed into a vending facility, the Department determined that 700 square feet is the minimum space necessary to accommodate the vending program. The Department believes it has sufficient authority under Section 9-113.1(b) of the Illinois Highway Code to determine that vending operations will not be placed in rest area facilities that have less than 700 square feet.

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8) The IDOT shall provide for the installation and maintenance of water lines and electrical connections to the vending facilities.

9) Vending items to be dispensed shall be limited to hot and cold non-alcoholic beverages, candy, gum, snacks, cigarettes, sandwiches, soups, and sundry items. Sundry items include non-food items that can be dispensed by machines such as fingernail clippers, pencils and tissues. No petroleum products or vehicle replacement parts shall be dispensed by any means at safety rest areas (23 CFR 752.5(b) (1987)). No later amendments or editions are incorporated. All beverages shall be dispensed in cans except for hot coffee, tea, chocolate, soups, milk, and fruit juices. No glass containers shall be dispensed.

10) The IDOT shall provide advance highway signing, to be located on existing rest area informational signs, in conformance with the IDOT's Manual on Uniform Traffic Control Devices (92 III. Adm. Code 546). The IDOT shall provide signs at shelters identifying the Illinois Department of Rehabilitation Services as the agency providing vending machines.

11) All Vendors or Private Contractors selected by the IDORS for the operation of vending facilities at safety rest areas pursuant to the provisions of Section 9-113.1 of the Act shall conform with the requirements specified in this Section, and IDORS will include with its agreement with the Vendor or Private Contractors the following:

A) The Vendor or Private Contractor shall pay for all metered utilities used for vending facilities located at rest areas under the provisions of Section 9-113.1 of the Act.

B) The Vendor or Private Contractor shall be responsible for the operation, maintenance, and security of vending machines located at rest areas.

C) The Vendor or Private Contractor shall service vending facilities to ensure, except for conditions resulting from acts of God such as tornadoes, flooding, earthquakes, etc., that those services are available to rest area patrons 24 hours per day, every day, all year.

D) The Vendor or Private Contractor shall comply with all laws and regulations regarding licensing from public

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1) THE IDORS SHALL ASSIGN LICENSED BLIND VENDORS TO OPERATE VENDING MACHINES IN ALL SAFETY REST AREAS CONSTRUCTED OR LOCATED ON RIGHTS-OF-WAY OF NON-TOLL FULLY ACCESS CONTROLLED STATE HIGHWAYS (Section 9-113.1(b) of the Act).

2) IF, AFTER NOTIFICATION TO ALL LICENSED BLIND VENDORS OF THE AVAILABILITY OF A PARTICULAR SITE, NONE IS INTERESTED IN OPERATING THAT SITE, THE IDORS MAY CONTRACT FOR THE OPERATION OF THAT SITE BY A PRIVATE CONTRACTOR. ANY INCOME, AFTER DEDUCTION FOR COST OF ITEMS, LABOR AND A NEGOTIATED PERCENTAGE OF PROFIT, SHALL ACCRUE TO THE IDORS FOR THE EXCLUSIVE BENEFIT OF THE VENDING FACILITIES FOR THE BLIND PROGRAM OR OTHER PROGRAMS OF REHABILITATION AND TRAINING FOR THE BLIND ADMINISTERED BY THE IDORS (Section 9-113.1(b) of the Act).

3) THE IDORS SHALL, EVERY THREE (3) YEARS, NOTIFY LICENSED BLIND VENDORS OF THE AVAILABILITY OF SUCH CONTRACTUALLY OPERATED SITES AND MAKE THEM AVAILABLE TO INTERESTED BLIND VENDORS (Section 9-113.1(b) of the Act).

4) The IDORS shall submit an annual report to the IDOT detailing gross vending sales, profits, number of persons involved in all aspects of servicing and operating the approved vending machines.

5) To the extent that federal funds are involved, all written contracts between the IDORS and any Vendor or Private Contractor shall include nondiscrimination provisions in accordance with the State assurance with regard to 42 U.S.C. 2000d--2000d-5 (Civil Rights Act of 1964) (23 CFR 752.8(c)(6)) and 29 U.S.C. 794 (Rehabilitation Act).

6) THE IDOT SHALL NOT REQUIRE THE VENDING MACHINE OPERATORS TO PERFORM ANY SERVICES OTHER THAN THOSE RELATED TO SERVICING AND OPERATING THE APPROVED VENDING MACHINES (Section 9-113.1(c) of the Act).

7) The IDOT shall determine the location, type, and appearance of vending machine facilities to be located in rest areas. The contract with IDORS shall provide:

A) The IDORS shall locate and install vending equipment and appurtenances only in vending machines facilities.

B) The IDORS shall provide money changers which are in good working order at each vending facility for use by rest area patrons.

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health departments and other agencies responsible for the regulation of the vending business as explained in Section 650.1000 of the Department of Rehabilitation Services' rules entitled "Vending Stand Program for the Blind", (89 Ill. Adm. Code 650.1000).

- E) The Vendor or Private Contractor shall provide an effective method for the return of lost monies to patrons through one of the following procedures:
- i) Refunds made directly to the customer by the Vendor or Private Contractor or an employee of the Vendor's or Private Contractor employee.
 - ii) Refunds made through the use of refund request cards which can be mailed by the customer to an address specified by IDORS. The cards will identify the vending machine that did not operate properly, the date, time, and type of problem. IDORS will determine whether the refund request is valid and will handle the refund.
- F) The Vendor or Private Contractor shall provide the IDOT with the name and telephone number of the person who should be contacted for response when problems with the vending operations arise during time periods when no Vendor or Private Contractor personnel are present at a rest area.
- G) The Vendor or Private Contractor shall assume all responsibility for liability resulting from the operation and maintenance of vending machines.
- H) The Vendor or Private Contractor shall provide that personnel assigned to service vending machines wear work uniforms which have been approved by both IDOT and IDORS pursuant to Section 650.1000 of the rules of as explained in the Department of Rehabilitation Services' rules entitled "Vending Stand Program for the Blind", 89 Ill. Adm. Code 650.1000 at the rest area sites.
- I) Whenever complaints having to do with the quality of service or goods, the activities of Vendor or Private Contractor employees, or return of lost monies, are made to IDOT or IDORS from vending customers at a vending site and the complaints exceed one per day, the Vendor or Private Contractor shall make improvements in vending

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operations to reduce complaints to below the occurrence of one per day.

- b) The IDOT shall, in cooperation with IDORS, provide for the design, construction, and maintenance of vending machine facilities with full consideration and accommodation for the handicapped (23 CFR 752.5(a) (1987)) in accordance with the rules of the Capital Development Board entitled "Illinois Accessibility Code," 71 Ill. Adm. Code 400. No later editions or amendments are incorporated.
- e) ~~The IDOT shall, in cooperation with IDORS, provide for Vending Machine Facilities at Interstate Rest Areas in accordance with the following requirements:~~
- 1) ~~Vending Machine Facilities shall be installed within rest area building lobbies which are more than 700 square feet in floor size.~~
 - 2) ~~When rest area building lobbies are 700 square feet or less in floor size:~~
 - A) ~~Vending Machine Facilities shall be installed within lobby additions provided by the IDOT when building renovations are being constructed or.~~
 - B) ~~Vending Machine Facilities shall be installed within lobby additions provided for that purpose which are funded by IDORS in cooperation with IDOT.~~

(Source: Amended at 13 Ill. Reg. 1866, effective Jan. 27, 1989.)

TITLE 41: FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 180

STORAGE, TRANSPORTATION, SALE AND USE OF GASOLINE AND
VOLATILE OILS--GASOLINES-AND-VOLATILE-OILS---GENERAL-RULES

Section	180.10	Definitions Classes-of-flammable-liquids-Defined
EMERGENCY	180.20	Aboveground Storage - Dispensing Small-Storage-Limited
EMERGENCY	180.25	Home Rule Modification of Aboveground Storage -- Dispensing
180.30	Gasoline Containers Must Be Red	
180.40	Industrial and Commercial Use	
180.50	Use Within Buildings Restricted	
180.60	No Pouring Into Sewers	
180.70	Storage in Public Buildings Restricted	
180.80	Use in Starting Fires	
180.90	Keep Fire Away	
180.100	Heating and Lighting Appliances	
180.150	Dry Cleaning Plants	
180.200	Oil Burning Equipment	

AUTHORITY: Implementing and authorized by Section 2 of "AN ACT to regulate the storage, transportation, sale and use of gasoline and volatile oils" (Ill. Rev. Stat. 1987, ch. 127 1/2, par. 154).

SOURCE: Gasoline and Volatile Oils - General Rules, filed July 10, 1958; amended July 23, 1965 and April 14, 1977; codified at 5 Ill. Reg. 10695; emergency amendment at 8 Ill. Reg. 24744, effective December 7, 1985 for a maximum of 150 days; amended at 9 Ill. Reg. 12719, effective August 12, 1985; emergency amendments at 13 Ill. Reg. 1875, effective January 27, 1989 for a maximum of 150 days.

Section 180.10 Definitions Classes-of-flammable-liquids-Defined
EMERGENCY

a) for-the-purposes-of-the-rules-and-regulations-of-the-office-of-the-state-fire-marshal-on-the-subject-of-gasoline-and-volatile-oils; flammable-liquids-are-divided-into-three-classes-according-to-flash point-as-follows:

CLASS-I---liquids-with-a-flash-point-at-or-below-25-degrees-fahrenheit-(4-degrees-centigrade)-closed-cup-tester-

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

Name: John S. Moore
Address: Office of the State Fire Marshal
Division of Petroleum and Chemical Safety
3150 Executive Park Drive, Springfield, Illinois 62703-4599
Telephone: 217/524-6289

12) Information and questions regarding these emergency rules shall be directed to:

11) Statement of Statewide Policy Objectives: N/A

10) Are there any other proposed amendments pending to this Part? No
Section Numbers Proposed Action Illinois Register Citation

9) A Complete Description of the Subjects and Issues Involved: Storage of combustible and flammable liquids in outside aboveground tanks is being allowed to a greater extent. The situations in which such tanks are allowed and the safety requirements on such tanks are specified. Kerosene is being allowed to be stored aboveground inside buildings in containers and tanks, and aboveground outside buildings in tanks; safety requirements are imposed on all methods of kerosene storage. All rules regarding aboveground storage are subject to home rule modification.

8) Reason for Emergency: These emergency amendments are urgent because increased regulation of underground storage tanks necessitates that greater aboveground storage be allowed.

7) Date Filed in Agency's Principal Office: January 27, 1989

6) If this Emergency Amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A

5) Effective Date of Amendments: January 27, 1989

4) Statutory Authority: Ill. Rev. Stat. 1987, Ch. 127 1/2, par. 154

180.10	Amendment
180.20	Amendment
180.25	New Section

3) Section numbers: Emergency Action:

2) Code citation: 41 Ill. Adm. Code 180

1) Heading of the Part: Storage, Transportation, Sale and Use of Gasoline and Volatile Oils

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52) A top-fill opening shall be provided and shall be equipped with a closure designed so that it may be locked.

62) A vent shall be provided to relieve such vacuum or pressure as will develop in normal operation: such vent shall have a minimum unobstructed opening of 1-1/2 inches in diameter.

72) Tanks shall be equipped with a permanently attached pumping device listed by Underwriters Laboratories or FM Engineering: the pump shall be equipped with a padlock to prevent tampering: an effective anti-siphoning device shall be included in the pump discharge and siphons or internal pressure discharge devices are prohibited: gravity method of discharge is prohibited.

82) Tanks for the storage of flammable or combustible liquids for limited use shall be marked with the name of the product which they contain and "FLAMMABLE - KEEP FIRE AND FLAME AWAY", both in letters at least four inches high and in contrasting color from the tank on which they are marked.

92) Tanks for limited storage of flammable or combustible liquids in a maximum of two aboveground containers per facility of up to 2,500 gallons each shall be allowed, provided such liquid is stored outside buildings in containers of single compartment design and constructed throughout of steel and made vapor tight: tanks shall be designed and constructed according to standards specified in Part 160: and

102) Tanks as provided in subsection (b) shall be kept outside and at least 30 feet from any building, or combustible or flammable stored liquid, and shall be so located or such additional distance to buildings shall be provided so as will insure that no vehicle, equipment or vessel being filled directly from such containers shall be closer than 30 feet to any building, combustible stored liquid, LP gas tank or property lines, except that a tank protected within a two-hour fire resistant enclosure may be located adjacent to a structure after a request in writing to construct such an enclosure has been submitted to the Office of the State Fire Marshal, and the Office has issued an approval in writing.

11) Agricultural (farm)-storage-of-flammable-liquids

A) Underground-storage-with-approved-dispensing-pump-is recommended-on-farms-the-installation-to-conform-to-rules governing--service--stations--the--term--farm--means conventional-farms-as-well-as-tree-nurseries--fish-farms+ free-farms--sed-farms-and-orchards+

b) "Facility" means any location or site within a single perimeter (including all contiguous land and structures, and other appurtenances and improvements) where there is storage of flammable or combustible liquids.

(Source: Emergency amendments at 13 Ill. Reg. 1875, effective January 27, 1989, for a maximum of 150 days)
Section 180.20 Aboveground Storage -- Dispensing Small-Storage-Limited EMERGENCY

a) Storage of Class I, II and III liquids shall be in accordance with 41 Ill. Adm. Code 160 and 41 Ill. Adm. Code 170 except aboveground storage for dispensing may occur at the following facilities under the following circumstances:

- 1) Agricultural storage, which is limited to farms, tree nurseries, fish farms, tree farms, sod farms or orchards:
- 2) Storage at commercial, industrial, governmental or manufacturing establishments for fueling vehicles used in connection with their business.
- 3) Storage at construction sites for refueling construction equipment; or
- 4) A waiver allowing aboveground storage may be granted where it is infeasible to require underground storage, and aboveground storage shall be in compliance with 41 Ill. Adm. Code 160 -- except that all such aboveground tanks shall be placed on a concrete slab which covers at least the entire base of the tank.

b) Dispensing at the facilities specified in subsection (a)(2) (3) or (4) shall only be in accordance with the following:

- 1) After an inspection of the premises and operations has been made and approval granted by the Office of the State Fire Marshal:
- 2) The dispensing is done on premises not open to the public.
- 3) The tanks are safeguarded against collision, spillage or overflow to the satisfaction of the authorities having jurisdiction.
- 4) Each tank system is listed or approved for such aboveground use by the Office of the State Fire Marshal.

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- B) ~~A fill opening shall be provided and shall be equipped with a closure designed so that it may be locked.~~
- C) ~~A vent shall be provided to relieve such vacuum or pressure as will develop in normal operation. Such vent shall have a minimum unobstructed opening of 1 1/2 inches in diameter.~~
- D) ~~Containers as provided in this subsection shall be kept outside and at least 50 feet from any building or combustible stored materials, and must be so located or such additional distance to buildings must be provided so as will insure that no vehicle, equipment or vessel being filled directly from such containers shall be closer than 50 feet to any building, combustible stored materials, LP gas tanks, or property lines. Combustible materials have the meaning as defined in Fire Prevention Handbook (15th ed.) published by NFPA.~~

2) ~~It is permissible to have agricultural (farm) storage of flammable and combustible liquids in aboveground containers of 60 to 2500 gallons, total aggregate capacity, provided such liquid is stored outside buildings in containers of single compartment design and constructed throughout of steel and made vapor tight. Metal thickness shall be as follows:~~

GALLONS	MATERIAL THICKNESS
0/300	14-Gauge
301/1000	12-Gauge
1001/2500	7-Gauge

3) ~~Containers constructed and located as provided in this subsection shall be designed with all openings in the top of the tank and shall be mounted and equipped as follows:~~

A) ~~Stationary Containers~~

- i) ~~Stationary containers shall be mounted on timbers or blocks approximately six inches in height so as to protect the bottom of the container from corrosion from contact with the ground and placed to be in a position to avoid movement from vibration, filling or dispensing operations; or containers may, at the option of the user, be equipped with attached metal legs resting on shoes or runners to be at least one tank diameter apart, which in turn~~

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~~rests upon the ground, designed so that the container is supported in a stable position as stated above and so that the entire container and its supports may be moved as a unit.~~

- ii) ~~Containers shall be equipped with a permanently attached pumping device listed by Underwriters Laboratories or FM Engineering. The pump shall be equipped with a padlock to prevent tampering. An effective antisiphoning device shall be included in the pump discharge. Siphons or internal pressure discharge devices are prohibited.~~

B) ~~Containers Elevated for Gravity Discharge. Containers may be designed with an opening in the bottom or the end of the tank for gravity dispensing of flammable liquids and shall be mounted and equipped as follows:~~

- i) ~~Supports to elevate the tank for gravity discharge shall provide stability.~~
- ii) ~~Bottom opening for gravity discharge shall be equipped with an internal safety valve, which will close automatically in the event of fire through the operation of a heat releasing device and which may also be operated manually.~~

4) ~~Marking of Containers. Containers for the storage of flammable liquids for agricultural (farm) use shall be marked with the name of the product which they contain and "FLAMMABLE - KEEP FIRE AND FLAME AWAY." Containers of 60/2500 gallons capacity shall bear the additional marking "KEEP 50 FEET FROM BUILDINGS."~~

5) ~~For personal or private use, 12 gallons of kerosene may be stored aboveground in blue approved containers which meets the requirements of NFPA 30 (1987) 4-2 and 60 gallons may be stored for the retail trade within a building, providing storage is in a tank of at least 14 gauge steel or aluminum. The tank shall set in a metal pan extending at least 8 inches beyond outside of tank at sides and rear and 18 inches in front.~~

c) Storage of kerosene inside buildings.

- 1) At a facility, for personal or private use, a maximum of 12 gallons of kerosene inside buildings may be stored aboveground in containers which meet the requirements of NFPA 30 (1987).

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- 2) other areas used by vehicles for customers or to deliver products. The dispensing nozzle or spigot shall be spring loaded so as to return to the off position when pressure is stopped, and so that pressure is constantly required to cause the release of the product kerosene.
- 3) The tanks shall be on a noncombustible base and the area under the tanks and for twenty-four (24) inches in all directions shall be either paved or covered with gravel and kept free of vegetation and combustible material.
- 4) The tanks shall be blue in color and labeled with the word "Kerosene" in letters three (3) inches high in height in a contrasting color.
- 5) The nozzle or spigot shall be locked when the product is not being dispensed. and
- 6) The product may only be dispensed by the owner, or an employee of the owner or lessee of the facility, or their employees of the facility. No self-service of kerosene from aboveground tanks shall be allowed. No self-service of kerosene from an aboveground tank shall be allowed.
- 7) A sign with the following caution shall be posted at the point of sale and the dispensing point. This sign shall be of all weather material and not less than 12" x 18" in size with letters on a contrasting background. These signs shall read as follows: "Caution-Portable-Inverted-Kerosene-Heaters-Must-Only-Be-Fueled-With-Grade-1-K-Kerosene"
- 8) Where other grades of kerosene than 1-K are offered for sale the grade of kerosene must be identified at the points of sale or dispensing.
- e) For personal or private use, not to exceed two (2) six-gallon containers of Class I, II or III liquids may be kept on hand if stored in a container, which meets National Fire Protection Association #30 (1981) 512, remote from flame or open fire. Such storage must not be in any cellar, basement or pit and should be in a room with direct ventilation to the outside and preferably in an out-building.
- e) Any spill of Class I, II or III liquids in excess of 20 gallons at any facility they may be dispensed at pursuant to Section 180.20.

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- 2) Sixty gallons may be stored at a facility for retail trade within a building, providing storage is in compliance with the following:
 - A) Storage is in a tank of at least 14 gauge steel or aluminum.
 - B) The tank shall set in a metal pan extending at least eight inches beyond the sides and rear of the tank and 18 inches beyond the front.
 - C) A) The tank may shall be located only on the first floor in an area supplied with natural light and ventilation; and
 - D) B) The room or area shall be separated from any heat producing appliance, such as a hot water heater, furnace, or space heater (radiators and hot air ducts are not considered heating appliances for this purpose) by one (1) hour fire resistance as defined in ASTM (American Society for the Testing of Materials) E 119 (1979); and
 - E) C) The dispensing nozzle, or spigot, shall be spring loaded so as to return to the off position when pressure is stopped (sometimes called a deadman-type of spigot) and so that pressure is constantly required to cause the release of kerosene; and
 - F) B) The tank shall be blue in color marked with the word "Kerosene" in letters at least two inches high in contrasting color; and
 - G) E) The tank shall be a skid tank or on a noncombustible base and the area under the tank and for 24 inches in all directions shall be either paved or covered with gravel, and kept free of vegetation and flammable or combustible material.
- 1) When located at a service station, the dispensing tanks shall be in a location at least eight (8) feet away from driveways and 500 gallons or less capacity under the following conditions:
 - d) b) Storage of kerosene outside buildings shall be in accordance with 41 Ill. Adm. Code 160 and 170, 41 Ill. Adm. Code 160 and 41 Ill. Adm. Code 170, except a maximum of three hundred (300) gallons of kerosene (total aggregate) may be kept aboveground at a facility outside of buildings (including at service stations) in a tank container or tanks containers of 500 gallons or less capacity under the following conditions:

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TITLE 41 FIRE PROTECTION

CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 170

STORAGE, TRANSPORTATION, SALE AND USE OF GASOLINE-AND-VOLATILE-OILS, RULES-AND-REGULATIONS-RELATING-TO-SERVICE-STATIONS PETROLEUM AND OTHER REGULATED SUBSTANCES

Section 170.10

Definitions

- 170.11 Incorporation of National Standards
- 170.15 Bulk Sales Prohibited
- 170.20 Storage Underground and Limited
- 170.30 Setting of Tanks (Repealed)
- 170.40 Clearance Required for Underground Tanks
- 170.41 Location
- 170.50 Material and Construction of Tanks
- 170.60 Venting of Tanks
- 170.65 Underground Tank Installations
- 170.70 Fill Pipes
- 170.71 Registration of Underground Storage Tanks

EMERGENCY

Late Registration Fee

Access to the Underground Storage Tank Fund

EMERGENCY

Abandonment of Underground Storage Tanks-~~or-Change-of-Ownership~~

EMERGENCY

Leaking Underground Tanks

- 170.76 Unloading Operations
- 170.80 Pumps
- 170.90 Labeling of Containers and Pumps
- 170.100 Piping
- 170.105 Approval of Plans
- 170.106 Installer, Repairer or Remover of Underground Storage Tanks

EMERGENCY

Tester of Underground Storage Tanks and Cathodic Protection

EMERGENCY

Pressure Testing

EMERGENCY

Building

- 170.110 Building
- 170.115 Safe Heat Required
- 170.120 No Flammable or Combustible Liquids Within Building - Exception
- 170.130 Greasing Pits
- 170.140 Wash and Greasing Rooms
- 170.145 Fire Extinguishers
- 170.150 Self-Service - No Self-Service Without Permit; Procedures and Regulations

NOTICE OF EMERGENCY AMENDMENTS

9) A Complete Description of the Subjects and Issues Involved: Owners of registered underground petroleum storage tanks are required to pay an annual fee; this proposed emergency amendment states when, by what method and to whom such payments are to be made. P.A. 85-0861 requires a registration fee for underground storage tanks required to be registered prior to September 24, 1987 but which were not; this proposed emergency amendment states by what method and to whom such payments are to be made. This proposed emergency amendment clarifies the terms "abandonment" and "temporarily out of service", regarding underground storage tanks; a certification that the tank has not leaked in order to obtain a waiver allowing a tank to be abandoned in place is required; paragraphs in Section 170.75(d) and (e)(4) were joined. Also, the notice requirement to remove underground storage tanks was changed from seven to 30 days to comply with federal regulations (40 CFR 280 and 281). P.A. 85-0861 requires installers, repairers, replacers or removers of underground storage tanks to register, pay an annual fee and pay a permit fee to perform such activities; the Act also requires testers of underground storage tanks to pay an annual registration fee; this proposed emergency amendment states when and to whom such payments are to be made, and requires the submission of test results. For safety reasons, air pressure testing of underground storage tanks after installation is prohibited.

- 10) Are there any other proposed amendments pending to this Part? No

Section Numbers Proposed Action Illinois Register Citation

11) Statement of Statewide Policy Objectives: N/A

12) Information and questions regarding these emergency rules shall be directed to:

Name: John S. Moore
 Address: Office of the State Fire Marshal
 Division of Petroleum and Chemical Safety
 3150 Executive Park Drive, Springfield, Illinois 62703-4599
 Telephone: 217/524-6289

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

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF EMERGENCY AMENDMENTS

- 170.160 Care and Attendance
- 170.170 Fire Extinguishers (Repealed)
- 170.180 Sale of Fireworks
- 170.190 Approval of Plans (Repealed)
- 170.200 Defective Equipment
- 170.210 Deliveries from Portable Tanks Restricted
- 170.310 Unattended Self-Service Other Than Fleet Operations

AUTHORITY: Implementing and authorized by Section 2 of "AN ACT to regulate the storage, transportation, sale and use of gasoline and volatile oils" (Ill. Rev. Stat. 1987, ch. 127 1/2, par. 154)

SOURCE: Rules and Regulations Relating to Service Stations filed July 10, 1958; codified at 5 Ill. Reg. 10692; emergency amendment at 7 Ill. Reg. 1477, effective January 26, 1983, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 10058, effective June 29, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 9514, effective October 1, 1985; emergency amendment at 10 Ill. Reg. 12324, effective July 2, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 19976, effective January 5, 1987; amended at 12 Ill. Reg. 8023, effective April 26, 1988; emergency amendments at 13 Ill. Reg. 1886, effective January 27, 1989, for a maximum of 150 days.

Section 170.10 Definitions
EMERGENCY

- a) -A- "Service station" ~~is~~ means any place of business where gasoline, fuel oil or any other volatile fuels for motor vehicles or internal combustion engines are sold or offered for retail sale, at retail, and/or or dispensed into the fuel tanks of such motor vehicles, or into approved containers as defined in Section 170.150, except hobby shops and small engine repair facilities.
 - 1) This definition shall include also the private storage and dispensing of such products for the same purposes as those served by a service station, whether the storage is maintained for the use or benefit of the owner, lessee, agents or employees of either, or of any others.
 - 2) The requirements covering service stations shall also govern underground storage maintained at general storage plants and places other than service stations, so far as applicable.
- b) ~~Other-Definitions~~
- b) "ANSI" - American National Standards Institute.
- c) "ASTM" - American Society for Testing and Materials.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF EMERGENCY AMENDMENTS

- d) "CFR" - Code of Federal Regulations.
- e) "Combustible Liquids" are defined in NFPA 30 ~~(1981)~~ (1987), known as Class II and III liquids. They are further subdivided into Class II, IIIa, and IIIb liquids in NFPA 30.
- f) "Flammable liquids" are defined in NFPA 30 ~~(1981)~~ (1987) and are divided into Class Ia, Ib, and Ic liquids.
- g) "NFPA" - National Fire Protection Association. The standard number will appear in context. The edition will be referenced in parentheses. Where no edition appears, the edition in effect will be the edition appearing in the 1984-1988 edition of the National Fire Codes published by N-F-P-A- NFPA.
- h) "U-L"- Underwriters Laboratories, Inc.
- i) Class I liquids - See Flammable Liquids.
- j) Classes II and III liquids - See Combustible Liquids.
- e) k) "Fire extinguisher ratings". Fire extinguisher ratings shall be determined by applying Underwriters Laboratories standards ~~(1983)~~ (1987) ~~or these of the U.S. Coast Guard (1983)~~.
- l) "Installer". Any person, corporation or other entity engaged in the installation of any regulated "underground storage tank" or "UST".
- m) "Remover". Any person, corporation or other entity engaged in the removal of any regulated "underground storage tank" or "UST".
- n) "Repairer". Any person, corporation or other entity engaged in repairing any regulated "underground storage tank" or "UST".
- o) "Tester". Any person, corporation or entity engaged in the testing of any regulated "underground storage tank" or "UST" for the purpose of determining either whether a regulated "underground storage tank" or "UST" is leaking, or whether the cathodic protection system is functioning properly.
- p) "Person". For the purpose of paying any annual registration fee by any "installer", "remover", "repairer" or "tester", the term "person" refers only to corporations, partnerships or other business entities.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF EMERGENCY AMENDMENTS

- 8) Liquid traps or associated gathering lines directly related to oil or gas production and gathering operations; or storage tank situated in an underground area (such as a basement, cellar, mineworking, drift, shaft or tunnel) if the storage tank is situated upon or above the surface of the floor.
- 9) Tank abandoned by filling with inert material in compliance with regulations issued by the Office of the State Fire Marshal;
- 10) Tank with a capacity less than 110 gallons;
- 11) Hydraulic lift tank; or
- 12) The term "underground storage tank" or "UST" shall not include any pipes connected to any tank which is described in subsections (1) through (12) of this definition.

"New tank system" means an UST system for which installation has commenced after the effective date of this regulation. Installation will be considered to have commenced if the owner or operator has obtained all federal, state and local approvals or permits necessary to begin physical construction of the site or installation of the tank and if either:

(Source: Emergency amendments at 13 Ill. Reg. 1886, effective January 27, 1989, for a maximum of 150 days)

Section 170.71 Registration of Underground Storage Tanks

EMERGENCY

The owner of any underground tank used to stored regulated substances since January 1, 1974 shall register any such tank on forms prescribed by the Office of the State Fire Marshal, and the owner of any registered underground petroleum storage tank shall pay an annual fee of \$100 on or before 90 days from the date on the invoice requesting payment of the fee. The payment is to be by check or money order made payable to "Office of the State Fire Marshal".

(Source: Emergency rule added at 13 Ill. Reg. 1886, effective January 27, 1989 for a maximum of 150 days)

Section 170.72 Late Registration Fee

EMERGENCY

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF EMERGENCY AMENDMENTS

g) "Petroleum" means crude oil, crude oil fractions or refined petroleum fractions, including gasoline, kerosene, heating oils or diesel fuels.

r) "Hazardous substance" means any substance defined in Section 101 (14) of the "Comprehensive Environmental Response, Compensation and Liability Act of 1980", 42 U.S.C. 9601, other than any substance regulated as a hazardous waste under Subtitle C of the "Solid Waste Disposal Act" (RCRA), 42 U.S.C. 6921-6934.

s) "Regulated substance" means any petroleum product or hazardous substance as defined in this section.

t) "Underground storage tank" or "UST" means any one or combination of tanks (including underground pipes connected thereto) that is used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is 10 percent or more beneath the surface of the ground. Such term does not include any:

- 1) Farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes;
- 2) Tank of 1,100 gallons or less capacity used exclusively for storing heating oil for consumptive use on the premises where stored;
- 3) Septic tank;
- 4) Pipeline facility (including gathering lines);

A) Regulated under the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1671, et seq.).

B) Regulated under the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. 2001, et seq.), or

C) Which is an intrastate pipeline facility regulated under state laws comparable to the provisions of the law referred to in subsection (4)(A) or (4)(B) of this definition.

5) Surface impoundment, pit, pond or lagoon;

6) Storm-water or wastewater collection system;

7) Flow-through process tank;

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OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF EMERGENCY AMENDMENTS

Immediately subsequent year unless a waiver is granted pursuant to subsection (e) below. The process for such abandonment shall be:

- 1) Remove all flammable or combustible liquids from tank and from connecting lines+.
- 2) Disconnect piping at all tank openings+.
- 3) Remove sections of connecting lines which are not to be used further, and cap or plug all tank openings+.
- 4) Remove tanks from ground+.
- 5) After removal, the tank may be gas freed (vapors from the combustible or flammable liquid from the tank are not present in a concentration sufficient to support combustion) on the premises as required by NFPA 327 (1982) or may be transported to an area not accessible to the public and the gas freeing completed at that location.

c) Disposal of Tanks

- 1) If a tank is to be disposed of as junk, it shall be retested for flammable vapors, and if necessary, rendered gas free (vapors from the combustible or flammable liquid from the tank are not present in a concentration sufficient to support combustion). After junking removal and before releasing to junk dealer, a sufficient number of holes or openings (at least 2% of the total surface area of the tank) should be made in it to render it unfit for further use. NFPA 327, (1982) (1987) "Standard Procedures for Cleaning or Safeguarding Small Tanks and Containers", provides information on safe procedures for such operation.
- 2) Notice of removal of abandoned tanks shall be given to the Office of the State Fire Marshal, Division of Fire Prevention, in writing, at least one-week 30 days prior to the removal, giving the location of the underground tank, the size of the tank, and any other information which would help identify which tank has-been is to be removed if there is more than one tank underground at that location+, unless such action is in response to corrective action. The required assessment of the excavation zone under Section 170.620 must be performed after notifying the Office of the State Fire Marshal but before completion of the removal. The 30 day notice requirement applies to all USI tanks and does not exclude any farm, residential or heating oil tank regardless

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF EMERGENCY AMENDMENTS

Petroleum Institute, 1220 L Street, Northwest, Washington, D.C., 20005-1

- 4) 5) Where a tank is allowed to be abandoned in place due to loss of support of adjacent tanks, the tank(s) shall be removed when the support is no longer needed. This shall be when the tank needing support is abandoned-1
- 5) 6) When ~~underground~~ tanks are abandoned in place, the owner of the tank shall keep a permanent record of the tank location, the date of abandonment, and the method of conditioning the tank for abandonment, and forward a copy of same to the Office-1
- 6) 7) Persons seeking a waiver shall provide all documentation required in this subsection to the Underground Storage Tank Coordinator of the Office of the State Fire Marshal. Only the State Fire Marshal or the Underground Storage Tank Coordinator shall grant such a waiver.

(Source: Emergency amendments at 13 Ill. Reg. 1886, effective January 27, 1989 for a maximum of 150 days)

Section 170.106 Installer, Repairer or Remover of Underground Storage Tanks
EMERGENCY

Any person who is an installer, repairer or remover of underground storage tanks is to register with, and

- a) Pay an annual registration fee of \$100 to the Office of the State Fire Marshal on or before 30 days from the date on the invoice requesting payment of the fee. The payment is to be by check or money order made payable to "Office of the State Fire Marshal".
- b) Pay \$100 per site to the Office of the State Fire Marshal for a permit to install, repair, remove or abandon in place underground storage tanks.
- 1) This fee is to be paid by check or money order made payable to "Fire Prevention Fund".
- 2) This fee is waived regarding all persons who repair an underground storage tank for themselves.
- 3) This permit expires six months from the date it is issued, except that the applicant may apply for and be entitled to one six-month extension of the permit during the time the

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF EMERGENCY AMENDMENTS

permit is valid, with no additional fee required.

- c) For purposes of Section 170.106, the terms "installer" includes "replacer" and "install" includes "replace".

(Source: Emergency rule added at 13 Ill. Reg. 1886, effective January 27, 1989 for a maximum of 150 days)

Section 170.107 Tester of Underground Storage Tanks and Cathodic Protection
EMERGENCY

Any person who is a tester of underground storage tanks or its piping or cathodic protection for another, except a lessor for his or her lessee, is to register with, and pay an annual registration fee of \$100 to the Office of the State Fire Marshal 30 days from the date on the invoice requesting payment of the fee. The payment is to be by check or money order made payable to "Fire Prevention Fund". The results of such tests are to be reported to the Office of the State Fire Marshal within one-month from the date of each such test in a format prescribed by Office of the State Fire Marshal, except when a tank fails a test and is suspected of leaking, the result shall be submitted within three working days of the test.

(Source: Emergency rule added at 13 Ill. Reg. 1886, effective January 27, 1989 for a maximum of 150 days)

Section 170.108 Pressure Testing
EMERGENCY

After installation, pressure testing with air or other gases, of underground storage tanks or piping, containing flammable or combustible liquids, is prohibited.

(Source: Emergency rule added at 13 Ill. Reg. 1886, effective January 27, 1989 for a maximum of 150 days)

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENTS

- 11) Statement of Statewide Policy Objectives:
No local governmental units will be required to increase expenditures as a result of this rulemaking.
- 12) Information and questions regarding this rule shall be directed to:

Name: Michael B. McClure

Address: Board Counsel
100 W. Randolph St.
Suite 11-100
Chicago, IL 60601

Telephone: (312) 917-2600

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

- 1) The Heading of the Part: Pick Six Rules
- 2) Code Citation: 11 Ill. Adm. Code 417
- 3) Section Numbers:
417.30
417.35
417.100
Emergency Action:
Amendment
New Section
New Section
- 4) Statutory Authority: 111. Rev. Stat., 1987, ch.8, par. 9(b)
- 5) Effective Date of Rules: January 27, 1989
- 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: January 7, 1989
- 8) Reason for Emergency: This rulemaking project was initiated at the request of National Jockey Club for their use at their 1989 thoroughbred race meeting, which begins on February 24, 1989. The Board feels that allowing Pick Six wagering as reflected in these rules will increase the overall amount of money wagered at the National Jockey Club meeting, thus increasing revenue to both the state and horsemen through increased purse monies. Consequently, the Board identifies the threat of lost revenue if this wagering pool were not to be allowed as the threat to the public interest and welfare which justifies emergency rulemaking. Although discussions were initiated in December of 1988 relative to new wagering pools, resolution of problematic issues did not occur in time for Board approval of these rules until its January 7, 1989 meeting. Consequently, the use of regular rulemaking procedures would not allow for the use of this pool by National Jockey Club's February 24, 1989 opening date.
- 9) A Complete Description of the Subjects and Issues Involved: These rules amend the current regulations governing Pick Six wagering to allow for a carryover pool to increase the amount which a person who correctly picks six winners may collect.
- 10) Are there any proposed amendments to this Part pending? No.

ILLINOIS RACING BOARD

NOTICE OF EMERGENCY AMENDMENTS

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JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

(page 2)

Second Notice Expires
Scheduled for Consideration by JC&R

3/13/89 Secretary of State, Credit Services Organizations (14 Ill. Adm. Code 177) 12/9/88 12 III. Reg. 20434

3/13/89 Department of Transportation, Carriage by Public Highway (92 Ill. Adm. Code 177) 12/2/88 12 III. Reg. 20027

3/13/89 Department of Transportation, General Information, Regulations and Definitions (92 Ill. Adm. Code 171) 12/2/88 12 III. Reg. 20032

3/13/89 Department of Transportation, Hazardous Materials Table and Hazardous Materials Communications (92 Ill. Adm. Code 172) 12/2/88 12 III. Reg. 20040

3/13/89 Department of Transportation, Shipping Container Specifications (92 Ill. Adm. Code 178) 12/2/88 12 III. Reg. 20045

3/13/89 Department of Transportation, Shippers General Requirements for Shipments and Packagings (92 Ill. Adm. Code 173) 12/2/88 12 III. Reg. 20055

3/13/89 Department of Transportation, Disadvantaged, Minority and Woman-Owned Businesses (92 Ill. Adm. Code 10) 11/18/88 12 III. Reg. 19365

3/13/89 Illinois Commerce Commission, Charitable Contributions, Repeal of (83 Ill. Adm. Code 325) 11/14/88 12 III. Reg. 18021

3/13/89 Illinois Commerce Commission, Designation of Agent Upon Whom Service of All Notices and Process May Be Made (G.O. 37) (83 Ill. Adm. Code 215) 11/14/88 12 III. Reg. 18026

3/13/89 Department of Rehabilitation Services, Sex Equity (89 Ill. Adm. Code 829) 4/1/88 12 III. Reg. 5990

3/13/89 Department of Agriculture, Bovine Brucellosis (8 Ill. Adm. Code 75) 11/18/88 12 III. Reg. 19172

3/13/89 Department of Agriculture, Animal Diagnostic Laboratory Act (8 Ill. Adm. Code 110) 11/18/88 12 III. Reg. 19153

3/13/89 Department of Public Health, The Illinois Formulary for the Drug Product Selection Program (77 Ill. Adm. Code 790) 12/9/88 12 III. Reg. 20411

3/10/89 Secretary of State, Remittance Agents (92 Ill. Adm. Code 1019) 11/28/88 12 III. Reg. 19652

3/10/89 Department of Public Aid, Drug Manual (89 Ill. Adm. Code 141) 12/9/88 12 III. Reg. 20370

3/9/89 Illinois Commerce Commission, Independent Review Board Rules of Practice (92 Ill. Adm. Code 1235) 10/21/88 12 III. Reg. 17045

3/9/89 Illinois Commerce Commission, Motor Carrier of Property Fitness Standards (92 Ill. Adm. Code 1304) 8/19/88 12 III. Reg. 13381

Second Notice Expires
Scheduled for Consideration by JC&R

3/13/89 Department of Transportation, Agency and Rule 12/2/88 12 III. Reg. 20027

3/13/89 Department of Transportation, Carriage by Public Highway (92 Ill. Adm. Code 177) 12/2/88 12 III. Reg. 20027

3/13/89 Department of Transportation, General Information, Regulations and Definitions (92 Ill. Adm. Code 171) 12/2/88 12 III. Reg. 20032

3/13/89 Department of Transportation, Hazardous Materials Table and Hazardous Materials Communications (92 Ill. Adm. Code 172) 12/2/88 12 III. Reg. 20040

3/13/89 Department of Transportation, Shipping Container Specifications (92 Ill. Adm. Code 178) 12/2/88 12 III. Reg. 20045

3/13/89 Department of Transportation, Shippers General Requirements for Shipments and Packagings (92 Ill. Adm. Code 173) 12/2/88 12 III. Reg. 20055

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3/13/89 Department of Public Health, The Illinois Formulary for the Drug Product Selection Program (77 Ill. Adm. Code 790) 12/9/88 12 III. Reg. 20411

3/10/89 Secretary of State, Remittance Agents (92 Ill. Adm. Code 1019) 11/28/88 12 III. Reg. 19652

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 23, 1988 through January 27, 1989 and have been scheduled for review by the Committee at its March 1, 1989 meeting. Other items not contained in this published list may also be considered by the Joint Committee at its March meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

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PROCLAMATION

89-041

Illinois Lumber And Material Dealers Days

WHEREAS, the lumber industry is vital in maintaining the growth and stability of our country and state; and

WHEREAS, the Illinois Lumber and Material Dealers Association (ILMDA) represents more than 500 retail lumber and building material dealers within the state; and

WHEREAS, the first official meeting of ILMDA was held in 1890 in Springfield, Illinois; and

WHEREAS, ILMDA will hold the 100th annual meeting of its members on February 22 of this year; and

WHEREAS, the association and its members have continued a long tradition of quality service to the citizens of Illinois by their active involvement in the housing and construction industry;

WHEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim February 20-22, 1989, as ILLINOIS LUMBER AND MATERIAL DEALERS DAYS, recognizing the 100th anniversary of this fine organization.

PROCLAMATION

89-040

Illinois Jaycee Week

WHEREAS, the civic bodies and service organizations of our community, as well as the departments of government, recognize the great service rendered to this state by the Illinois Jaycees; and

WHEREAS, the United States Jaycees, and its affiliated state and local organizations, have set aside the week of January 15-21, 1989, to observe the founding of the Jaycees 69 years ago; and

WHEREAS, this organization of young people has contributed materially to the betterment of Illinois through its participation and involvement in such programs as Individual Development and Community Service for the past year;

WHEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim January 15-21, 1989, as ILLINOIS JAYCEE WEEK and urge all citizens of our state to give full consideration to the past and future services of the Illinois Jaycees.

PROCLAMATION
89-042
Consumers Week**"CONSUMERS' OPEN MARKETS"****CONSUMERS WEEK CELEBRATION IN CHICAGO & ILLINOIS**

WHEREAS, citizens make daily decisions in an increasingly complex financial environment, making consumer information and education vital; and

WHEREAS, we live in the most prosperous nation in the world with an unequalled availability of goods and services, and an effective and efficient system of commerce depends on an informed and educated public; and

WHEREAS, through cooperation among consumers, business and government, we can provide educational opportunities to improve consumer skills and awareness;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 23-29, 1989, as CONSUMERS WEEK in Illinois, and I encourage the development of programs and information to make consumer and economic education readily available to all.

Issued January 20, 1989. Filed January 30, 1989.

PROCLAMATION
89-043
African-American History Month

WHEREAS, Kennedy-King College will recognize African-American History Month during the month of February; and

WHEREAS, Kennedy-King College has diligently sought to foster a better understanding to enrich the promise of the future and to provide a keener appreciation for the heritage and culture of African-Americans; and

WHEREAS, for more than 400 years and in every field of endeavor, Black Americans have contributed to America's progress; and

WHEREAS, whether organizing early explorations, establishing settlements, helping America fight for its freedoms, or making contributions to the arts, sciences and educations, African-Americans have played a significant role in our country's rise to a position of world leadership; and

WHEREAS, Kennedy-King College provides the catalyst for the myriad of events celebrating African-American History Month;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim February 1989 as AFRICAN-AMERICAN HISTORY MONTH in Illinois, in conjunction with the national observance, which underscores the nation's quest to fulfill the promise of full equality for all its citizens.

Issued January 24, 1989. Filed January 30, 1989.

PROCLAMATION
89-044
Lions Of Illinois Eye Bank Day

WHEREAS, Lions have for many years been preeminent in the ranks of those serving the blind and deaf free of charge through the voluntary efforts of Lions Club members; and

WHEREAS, there is a shortage of eye tissue available to meet the needs of those who, in an effort to have their sight restored, are awaiting corneal transplants; and

WHEREAS, Lions, in an effort to help meet the demand for eye tissue, have since 1976 spearheaded efforts in their communities to obtain eye donor pledges, currently surpassing an estimated 35,000 pledges; and

WHEREAS, Lions, in their continuing efforts to help meet the healthcare needs of Illinois residents, are dedicating their own Eye Bank--the Lions of Illinois Eye Bank--on Sunday, February 19, 1989. The Eye Bank will serve all Illinois citizens, irrespective of race, ethnic origin, sex or age, at no charge, on the sole basis of need;

WHEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim February 19, 1989, as LIONS OF ILLINOIS EYE BANK DAY and encourage all Illinoisans to support Lions and their services to the best of their ability.

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77 Ill. Adm. Code 2510	Data Collection (P-13694/88; A-334)
50 Ill. Adm. Code 919	Improper Claims Practice (P-13535/88; C-17456/88; A-1204)
50 Ill. Adm. Code 2008	Minimum Standards for Individual & Group Medicare Supplement Insurance (P-251) (E-586)
50 Ill. Adm. Code 6301	Pension & Examination Procedure (P-14502/88; A-1780)
50 Ill. Adm. Code 754	Rules & Rate Filings (P-2057/88; A-1542)
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80 Ill. Adm. Code 2700	State (of Ill.) Employees' Deferred Compensation Plan (P-253) (E-629)
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80 Ill. Adm. Code 1125	Fair Share Fee Objections (P-16375/88; O-22478/88; R-1905; A-1784)
80 Ill. Adm. Code 1100	General Procedures (P-1327)
80 Ill. Adm. Code 1105	Hearing Procedures (P-1335)
80 Ill. Adm. Code 1110	Representation Procedures (P-1355)
80 Ill. Adm. Code 1120	Unfair Labor Practice Proceedings (P-1379)
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62 Ill. Adm. Code 220	Surface Installation Health & Safety (P-23) (P-756)
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TYPE OF RULEMAKING	
am	= amendment to existing Section
cc	= codification changes
n	= new Section
r	= repeal of existing Section
rc	= recodified
#	= renumbered
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850.230	am (A-1510)
850.240	am (A-1510)
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