

2002

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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Editor’s Notes:

Issue 3 - January 10, 2003: Data through	December 31, 2002 (Annual)
Issue 15 - April 11, 2003: Data through	March 31, 2003 (1 st Quarter)
Issue 28 - July 11, 2003: Data through	June 30, 2003 (2nd Quarter)
Issue 41 - October 10, 2003: Data through	September 29, 2003 (3rd Quarter)
Issue 2 - January 9, 2004: Data through	December 29, 2003 (Annual)

May I draw your attention to the following?

Note: Key words being Text and Full Text

**TITLE 1: GENERAL PROVISIONS
CHAPTER I: SECRETARY OF STATE
PART 100
RULEMAKING IN ILLINOIS
SUBPART D: PROPOSED RULES**

100.420 Text of Proposed Rules

The text of proposed rules (see Section 100.220) shall begin on the next page following the last line of information required in Appendix A, Illustration A, shall contain the Register headings, the agency name and the action heading, i.e. NOTICE OF PROPOSED RULES (AMENDMENTS, REPEALER) (Section 5-40 of the IAPA requires a notice of rulemaking to contain the text), and shall contain the following information:

- d) **If the proposal is a repealer of a Section with no other changes to the Part:** the headings, the complete table of contents, the authority note, the main source note, and the text of the Section being repealed. In the table of contents, the Section being repealed must have the word "(Repealed)" underscored immediately after the heading. **No strike-outs shall appear either in the text or the table of contents for Section numbers and headings of proposed repealers.** Subparts and their headings shall be shown in the text and Section source notes shall be included for each Section being repealed.
- e) **If the proposal is a repealer of a Part:** the headings, the complete table of contents, the authority note, the main source note and the full text of the Part being repealed.

(Source: Amended at 17 Ill. Reg. 10414, effective July 1, 1993)

SUBPART E: ADOPTED RULES

100.540 Text of Adopted Rules

- a) The text of the adopted rules shall begin on the next page following the last line of information required on the Notice by Section 100.530(a)(1) through (16) and Appendix B, Illustration A, shall contain the Register headings, the agency name and the action heading (NOTICE OF ADOPTED RULES (AMENDMENTS, REPEALER)), and shall include the following information for publication in the Register:
- 4) If the adopted rule is a repealer of a Part: the full text shall not be published but the file copy must show the headings of the Part with "(Repealed)"; a source note with the repeal citation to the Illinois Register shall replace the main source note if the Part is not being replaced by new text. When the entire Part is being repealed, strike-outs shall not be used. The last line of the required information on the Notice pursuant to Appendix B, Illustration A shall be omitted.
 - 5) If the adopted rule is a repealer of a Section with no other changes to the Part: the full text shall not be published in the Register but a new complete table of contents for the Part showing the word "(Repealed)" following the heading of the repealed Section must be filed along with a replacement page for the repealed Section. (See Section 100.500(d)) When an entire Section is being repealed with no other changes to the Part, strike-outs shall not be used. In this case, the last line of the required information on the Notice pursuant to Appendix B, Illustration A, shall be omitted.

(Source: Amended at 18 Ill. Reg. 13067, effective August 11, 1994)

100.APPENDIX B Adopted Rules

100.ILLUSTRATION A Notice of Adopted Rules

For detailed information on this Notice, please refer to Section 100.530.

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

SUBPART E: ADOPTED RULES

1 Ill. Adm. Code 100.500 Requirements for Filing

- d) The Chapter and its heading, the Section number and its heading or the text of the Section if the Section is longer than one page shall be located at least 2 inches from the top of the page to allow for the Code page header.
- e) When a Section of a Part or a whole Part is repealed or renumbered so that no text remains, a replacement page must be filed: for that Section, when only one Section is involved; or for each Section, when more than one Section is involved; or for the Part, when a Part is totally repealed or renumbered. These replacement pages will carry the Code heading as specified in subsections (b) and (c) above, as well as the following information:

- 1) For Sections which have been repealed and no text remains:
 - A) The Section number, the heading and the word "(Repealed)";
 - B) A Section source note containing the Register citation for the repeal.
- 2) For Sections which have been renumbered or recodified and no text remains:
 - A) The Section number, the heading and the word "(Renumbered)" or "(Recodified)";
 - B) A Section source note containing the Section number to which the Section has been renumbered or recodified and the Register citation for the action.
- 3) For Parts which have been repealed:
 - A) The Chapter and the General Act along with their respective headings;
 - B) The Part number and its heading with the word "(REPEALED)";
 - C) A source note containing the Register citation for the repeal.
- 4) For Parts which have been recodified and no text remains:
 - A) The Chapter and General Act along with their respective headings;
 - B) The Part number and its heading with the word "(RECODIFIED)";
 - C) A source note containing the Register citation for the recodification action.

(Source: Amended at 22 Ill. Reg. 11532, effective July 1, 1998)

100.530 Notice of Adopted Rules

- a) Each adopted rule submitted for Register publication shall be part of a Notice of Adopted Rules (Amendments, Repealers) (see Appendix B, Illustration A) at the beginning of which the information listed in subsections (a)(1) through (15) below shall appear. On the next page, the **full text** of the rules, amendments, or repealer and, if the adopted rulemaking is an amendment to an existing Part **(except for a repeal of an entire Part or a repeal of one or more Sections of a Part with no other rulemaking action occurring at the same time), the text as it is on file in the Index Department with all changes indicated by strike-outs and/or underscoring:**

(Source: Amended at 22 Ill. Reg. 11532, effective July 1, 1998)

INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register will also contain the Cumulative Index and Sections Affected Indices will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are the end of March, June, Sept, Dec.

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

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

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

2002 REGISTER SCHEDULE VOLUME # 26

Issue#	Copy Due by 4:30 pm	Publication Date	Issue#	Copy Due by 4:30 pm	Publication Date
Issue 1	December 26, 2001	January 04, 2002	Issue 38	September 09, 2002	September 20, 2002
Issue 2	January 01, 2002	January 11, 2002	Issue 39	September 16, 2002	September 27, 2002
Issue 3	January 07, 2002	January 18, 2002	Issue 40	September 23, 2002	October 04, 2002
Issue 4	January 14, 2002	January 25, 2002	Issue 41	September 30, 2002	October 11, 2002
Issue 5	January 22, 2002	February 01, 2002	Issue 42	October 07, 2002	October 18, 2002
Issue 6	January 28, 2002	February 08, 2002	Issue 43	October 14, 2002	October 25, 2002
Issue 7	February 04, 2002	February 15, 2002	Issue 44	October 21, 2002	November 01, 2002
Issue 8	February 11, 2002	February 22, 2002	Issue 45	October 28, 2002	November 08, 2002
Issue 9	February 19, 2002	March 01, 2002	Issue 46	November 04, 2002	November 15, 2002
Issue 10	February 25, 2002	March 08, 2002	Issue 47	November 12, 2002	November 22, 2002
Issue 11	March 04, 2002	March 15, 2002	Issue 48	November 18, 2002	December 02, 2002
Issue 12	March 11, 2002	March 22, 2002	Issue 49	November 25, 2002	December 06, 2002
Issue 13	March 18, 2002	March 29, 2002	Issue 50	December 02, 2002	December 13, 2002
Issue 14	March 25, 2002	April 05, 2002	Issue 51	December 09, 2002	December 20, 2002
Issue 15	April 01, 2002	April 12, 2002	Issue 52	December 16, 2002	December 27, 2002
Issue 16	April 08, 2002	April 19, 2002			
Issue 17	April 15, 2002	April 26, 2002			
Issue 18	April 22, 2002	May 03, 2002			
Issue 19	April 29, 2002	May 10, 2002			
Issue 20	May 06, 2002	May 17, 2002			
Issue 21	May 13, 2002	May 24, 2002			
Issue 22	May 20, 2002	May 31, 2002			
Issue 23	May 27, 2002	June 07, 2002			
Issue 24	June 03, 2002	June 14, 2002			
Issue 25	June 10, 2002	June 21, 2002			
Issue 26	June 17, 2002	June 28, 2002			
Issue 27	June 24, 2002	July 05, 2002			
Issue 28	July 01, 2002	July 12, 2002			
Issue 29	July 08, 2002	July 19, 2002			
Issue 30	July 15, 2002	July 26, 2002			
Issue 31	July 22, 2002	August 02, 2002			
Issue 32	July 29, 2002	August 09, 2002			
Issue 33	August 05, 2002	August 16, 2002			
Issue 34	August 12, 2002	August 23, 2002			
Issue 35	August 19, 2002	August 30, 2002			
Issue 36	August 26, 2002	September 06, 2002			
Issue 37	September 02, 2002	September 13, 2002			

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ATTORNEY GENERAL

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Tobacco Product Manufacturers' Escrow Enforcement Act
- 2) Code Citation: 14 Ill. Admin. Code 250
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
250.10	New
250.20	New
250.30	New
250.40	New
250.50	New
- 4) Statutory Authority: Tobacco Product Manufacturers' Escrow Enforcement Act [P.A. 92-0737]
- 5) Complete Description of the Subjects and Issues Involved: Enforcement of the Tobacco Product Manufacturers' Escrow Act [30 ILCS 168].
- 6) Will these proposed rules replace an emergency rules currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed rules contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: Neither creates nor modifies a State mandate within the meaning of 30 ILCS 805/3b of the State Mandates Act.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Don R. Sampen
Chief, Public Interest Division
Office of the Attorney General
100 W. Randolph Street
Chicago IL 60601
(312) 814-6141

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NOTICE OF PROPOSED RULES

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Small businesses that will be affected are those that are licensed cigarette distributors and licensed distributors of roll-your-own tobacco.
 - B) Reporting, bookkeeping or other procedures required for compliance: Quarterly reports; determination of compliance with escrow requirements by tobacco product manufacturers from which distributors purchase.
 - C) Types of professional skills necessary for compliance: Not applicable
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Tobacco Products Manufacturers' Escrow Enforcement Act did not become law until after the publication of the most recently published regulatory agenda.

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

ATTORNEY GENERAL

NOTICE OF PROPOSED RULES

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER II: ATTORNEY GENERALPART 250
TOBACCO PRODUCT MANUFACTURERS' ESCROW ENFORCEMENT

Section	
250.10	General
250.20	Definitions
250.30	Distributor Filings
250.40	Prohibition of Sales of Noncompliant NPM Cigarettes
250.50	Violations

AUTHORITY: Implementing and authorized by Section 25 of the Tobacco Product Manufacturers' Escrow Enforcement Act [30 ILCS 169].

SOURCE: Adopted at 27 Ill. Reg. _____, effective _____.

Section 250.10 General

This Part provides for enforcement of the Tobacco Product Manufacturers' Escrow Act [30 ILCS 168], in accordance with the Tobacco Product Manufacturers' Escrow Enforcement Act [30 ILCS 169] (see P.A. 92-0737). The former Act, passed as a result of the Master Settlement Agreement (MSA) entered into between 46 states, including Illinois, and the major tobacco companies, requires tobacco product manufacturers not participating in the MSA to set up qualified escrow accounts and to deposit funds into the accounts based on the number of manufacturers' cigarettes sold in each state. The latter Act provides for enforcement of the escrow obligations.

Section 250.20 Definitions

"AGO" means the Illinois Attorney General's Office.

"Cigarette" means that term as defined in Section 10 of the Escrow Act [30 ILCS 168], which includes roll-your-own tobacco.

"Department" means the Illinois Department of Revenue.

"Distributor" has the same meaning prescribed in Section 1 of the Cigarette Tax

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NOTICE OF PROPOSED RULES

Act [35 ILCS 130], and Section 1 of the Cigarette Use Tax Act [35 ILCS 135], and, in addition, means a distributor of roll-your-own tobacco in accordance with Section 10-5 of the Tobacco Products Tax Act of 1995 [35 ILCS 143], as appropriate.

“Escrow Act” means the Tobacco Product Manufacturers’ Escrow Act [30 ILCS 168].

“Escrow Enforcement Act” means the Tobacco Product Manufacturers’ Escrow Enforcement Act [30 ILCS 169] (see P.A. 92-0737).

“Filed” means received by the AGO in readable form, however transmitted, or postmarked for delivery by the U.S. mail.

“Liability year” means the calendar year in which a tobacco product manufacturer’s cigarettes are sold in Illinois and to which the requirements of the Escrow Act apply.

“NPM” means non-participating manufacturer.

“Participating manufacturer” has the same meaning prescribed in Section 15(a)(1) of the Escrow Act [30 ILCS 168].

“Stamps or imprints” means revenue tax stamps or imprints as provided for in Section 3 of the Cigarette Tax Act or stamps or imprints evidencing the payment of cigarette use tax as provided for in Section 3 of the Cigarette Use Tax Act, as appropriate.

“Tobacco product manufacturer” has the same meaning prescribed in Section 10 of the Escrow Act.

Section 250.30 Distributor Filings

- a) Each distributor shall report quarterly to the AGO on paper or electronic forms provided by the AGO such information as is necessary for the AGO to ascertain the quantity of each NPM’s cigarettes sold in Illinois by the distributor during the preceding quarter. The quarterly information to be reported shall include:
- 1) The number of each NPM’s cigarettes sold by the distributor within Illinois, by brand.
 - 2) The number of ounces of each NPM’s roll-your-own tobacco sold by the

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NOTICE OF PROPOSED RULES

- distributor within Illinois, by brand.
- 3) The NPM name and address for each brand.
 - 4) The name and address of the person from whom the distributor purchased the brand.
 - 5) The name and address of the first importer of foreign NPM brands.
- b) The information required by subsection (a) shall be filed by the 15th day of the month following the end of the reporting quarter. The filing for:
- 1) January, February, and March is due on or before April 15.
 - 2) April, May, and June is due on or before July 15.
 - 3) July, August, and September is due on or before October 15.
 - 4) October, November, and December is due on or before January 15 of the following year.
- c) Distributors not selling any NPM brands for the relevant time period shall timely file a form as described in subsection (a) marked “none”.
- d) Distributors shall keep all records relating to or reflecting purchases and sales of NPM cigarettes, which records provide a basis for the filings under subsection (a), for a period of not less than three years after the date of sale.
- e) Distributors not complying with this Section 250.30, or filing false or inaccurate information with the AGO, may be deemed to be in violation of the Escrow Enforcement Act and dealt with in accordance with Section 250.50.

Section 250.40 Prohibition of Sales of Noncompliant NPM Cigarettes

- a) As set forth in Section 15(a) of the Escrow Enforcement Act, a distributor shall not affix or cause to be affixed stamps or imprints to individual packages of cigarettes delivered or cause to be delivered by the distributor in Illinois, and may not otherwise deliver or caused to be delivered in Illinois cigarettes in the form of roll-your-own tobacco, if the tobacco product manufacturer of those cigarettes, including roll-your-own tobacco, has:
- 1) failed to become a participating manufacturer; or
 - 2) failed to create a qualified escrow fund for any cigarettes manufactured by the tobacco product manufacturer and sold in Illinois or otherwise failed to bring itself into compliance with Section 15(a)(2) of the Escrow Act. Compliance includes payment by the manufacturer of the statutorily-prescribed amount into the escrow fund in a timely manner and, where the manufacturer has not timely complied, payment of statutorily-prescribed penalties pursuant to 15(a)(2)(C) of the Escrow Act.
- b) The AGO shall publish a list of participating manufacturers and a list of compliant NPMs who have created a qualified escrow fund and who are otherwise in compliance with Section 15(a)(2) of the Escrow Act. The lists shall be published on the AGO’s web site (www.ag.state.il.us) and shall be revised as new information is received by the AGO.
- c) Distributors who affix or cause to be affixed stamps or imprints to packages of cigarettes

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NOTICE OF PROPOSED RULES

manufactured by a tobacco product manufacturer whose name appears on the list of participating manufacturers or on the list of compliant NPMs on the date of stamping or imprinting shall not be deemed to have violated Section 15 of the Escrow Enforcement Act by virtue of that conduct.

- d) Distributors who deliver or cause to be delivered roll-your-own tobacco manufactured by a tobacco product manufacturer whose name appears on the list of participating manufacturers or on the list of compliant NPMs on the date of delivery shall not be deemed to have violated Section 15 of the Escrow Enforcement Act or subsection (a) of this Section by virtue of that conduct. For purposes of this subsection, “delivery” means sale or otherwise passing out of the possession, custody and control of the distributor.
- e) For purposes of enforcement proceedings in accordance with Section 250.50 of this Part, a distributor shall have as a defense the fact that its conduct falls within that permitted by subsection (c) or (d), provided, however, that the burden shall be on the distributor to establish the defense through documentation prepared contemporaneously with their stamping, imprinting or delivery of cigarettes, as the case may be.
- f) The AGO shall not place an NPM on the list of compliant NPMs provided for in subsection (b) unless:
 - 1) the NPM has had sales in one or more liability years prior to the date of the list’s publication and is in full compliance with its escrow requirements under the Escrow Act as to such sales, including the payment of any applicable penalties under the Escrow Act; or
 - 2) the NPM, not having had sales in one or more prior liability years:
 - A) has established a qualified escrow account under the Escrow Act; and
 - B) is in fact depositing funds into the account on a quarterly basis based on sales of its cigarettes in Illinois during its first liability year of sales.
- g) In determining compliance for purposes of placing an NPM on the list of compliant NPMs, the AGO may consider distributor filings provided for in Section 250.30; the NPM’s escrow agreement, if any, submitted to the AGO; the NPM’s timely deposit of the requisite funds into the escrow account; the requirements for placement on the list as set forth in this Part; and other relevant facts that may come to the attention of the AGO. Any NPM dissatisfied with the AGO’s determination of compliance may submit documents relevant to the determination to the AGO and request review of the determination by an Assistant Attorney General who is designated by the Attorney General to undertake such reviews and who did not participate in the initial determination.
- h) A distributor that affixes or causes to be affixed stamps or imprints to individual packages of cigarettes for delivery in Illinois, or that otherwise delivers or causes to be delivered in Illinois cigarettes in the form of roll-your-own tobacco, which cigarettes are

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NOTICE OF PROPOSED RULES

- manufactured by a tobacco product manufacturer whose name:
- 1) on the date of stamping or imprinting, in the case of individual packages of non-roll-your-own cigarettes, or
 - 2) on the date of delivery in the case of roll-your-own cigarettes, does not appear on either the list of participating manufacturers or the list of compliant NPMs, may be deemed to be in violation of the Escrow Enforcement Act and dealt with in accordance with Section 250.50.

Section 250.50 Violations

The AGO may investigate conduct that appears to be in violation of the Escrow Enforcement Act or of this Part and may request the assistance of the Department in accordance with its investigatory powers under the Cigarette Tax Act [35 ILCS 130], the Cigarette Use Tax Act [35 ILCS 135], or the Tobacco Products Tax Act of 1995 [35 ILCS 143]. If the AGO determines that a violation has occurred, it shall give written notice to the distributor that has committed the violation and shall provide written notice of the violation to the Director of the Department of Revenue, including copies of any documents evidencing the violation and a recommendation for revocation or suspension of license pursuant to Section 6 of the Cigarette Tax Act, Section 6 of the Cigarette Use Tax Act, or Section 10-25 of the Tobacco Products Tax Act of 1995, as appropriate.

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Rights and Visitation Privileges
- 2) Code Citation: 20 Ill. Adm. Code 525
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
525.10	Amend
525.12	Amend
525.20	Amend
525.30	Amend
525.40	Amend
525.50	Amend
525.60	Amend
525.100	Amend
525.110	Amend
525.120	Amend
525.130	Amend
525.140	Amend
525.150	Amend
525.200	Amend
525.202	Amend
525.210	Amend
525.220	Amend
525.230	Amend
525.300	Amend
525.302	Amend
525.310	Amend
- 4) Statutory Authority: Implementing Section 3-2-2, 3-7-2, 3-8-7, 3-8-8, 3-10-8, and 3-10-9 of the Unified Code of Corrections [730 ILCS 5/3-2-2, 3-7-2, 3-8-7, 3-8-8, 3-10-8, and 3-10-9] and Section 1-3 of the Juvenile Court Act of 1987 [705 ILCS 405/1-3] and authorized by Section 3-2-2 and 3-7-1 of the Unified Code of Corrections [730 ILCS 5/3-2-2 and 3-7-1].
- 5) A Complete Description of the Subjects and Issues Involved: Rules regarding mail, telephones, visitation, publications, and marriage of offenders are being updated due to organizational changes and clarified. Specifically, the more generic term “offender” is being used instead of “committed person” throughout the rules; rules regarding the number and approval of visitors and non-contact visits have been updated and clarified; mail rules have been amended to require the prior written approval of the Chief Administrative Officer before an offender may correspond with an employee, former

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

employee, or a releasee; definitions have been added to the publication rules and the publication review process has been changed to permit reviews by an individual rather than a committee based on specific criteria that has been added; provides a procedure whereby a publication that has been banned in its entirety may be further reviewed after a specific period of time to determine whether the characteristic content of the publication has changed; provides for a review of facility decisions and recommendations regarding publications by a committee appointed by the Director.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these amendments contain any incorporation by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not create or expand any State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on these proposed amendments: Interested persons may submit written comments during the 45-day First Notice Period which commences on the issue date of this publication of the *Illinois Register* to:

Beth Kiel
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277
Phone: (217) 522-2666, extension 6507

All written comments received after 45 days from the date of this publication will be considered, time permitting.

- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2002

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

DEPARTMENT OF CORRECTIONS

NOTICE OF PROPOSED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT

CHAPTER I: DEPARTMENT OF CORRECTIONS

SUBCHAPTER e: OPERATIONS

PART 525

RIGHTS AND PRIVILEGES

SUBPART A: VISITATION

Section

525.10	Applicability
525.12	Definitions
525.15	Responsibilities
525.20	Visiting Privileges
525.30	Clergy Visitation
525.40	Attorney Visitation - Adult Division and Community Services Divisions
525.50	Attorney Visitation - Juvenile Division (Court Agreement)
525.60	Restriction of Visitors

SUBPART B: MAIL AND TELEPHONE CALLS

Section

525.100	Applicability
525.110	Definitions
525.115	Responsibilities
525.120	Processing of Mail
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SUBPART C: PUBLICATIONS

Section

525.200	Applicability
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SUBPART D: MARRIAGE OF ~~OFFENDERS COMMITTED PERSONS~~

Section	
525.300	Applicability
525.302	Definitions
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525.310	Request for Permission to Marry

AUTHORITY: Implementing Sections 3-2-2, 3-7-1, 3-7-2, 3-8-7, 3-8-8, 3-10-8, and 3-10-9 of the Unified Code of Corrections [730 ILCS 5/3-2-2, 3-7-1, 3-7-2, 3-8-7, 3-8-8, 3-10-8, and 3-10-9] and Section 1-3 of the Juvenile Court Act of 1987 [705 ILCS 405/1-3] and authorized by Sections 3-2-2 and 3-7-1 of the Unified Code of Corrections [730 ILCS 5/3-2-2 and 3-7-1]. Subpart A is also implementing a Consent Decree (Tillman vs. Rowe, #77 C 1008, N.D. Ill., 1977).

SOURCE: Adopted at 8 Ill. Reg. 14598, effective August 1, 1984; amended at 9 Ill. Reg. 10728, effective August 1, 1985; amended at 11 Ill. Reg. 16134, effective November 1, 1987; amended at 12 Ill. Reg. 9664, effective July 1, 1988; amended at 14 Ill. Reg. 5114, effective April 1, 1990; amended at 14 Ill. Reg. 19875, effective December 1, 1990; emergency amendment at 16 Ill. Reg. 3583, effective February 20, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10439, effective July 1, 1992; peremptory amendment at 17 Ill. Reg. 1666, effective January 22, 1993; expedited correction at 17 Ill. Reg. 11903, effective January 22, 1993; peremptory amendment at 17 Ill. Reg. 8069, effective May 27, 1993; amended at 20 Ill. Reg. 15960, effective January 1, 1997; emergency amendment at 21 Ill. Reg. 641, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7139, effective May 31, 1997; amended at 27 Ill. Reg. _____, effective _____.

SUBPART A: VISITATION

Section 525.10 Applicability

This Subpart applies to all correctional facilities within ~~the Adult, Juvenile, and Community Services Divisions of~~ the Department of Corrections.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 525.12 Definitions

"Chief Administrative Officer" means the highest ranking official of a correctional facility.

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"Department" means the Department of Corrections.

"Director" means the Director of the Department of Corrections.

"Offender" means a person committed to the Department or to the custody of the Department.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 525.20 Visiting Privileges

- a) The Chief Administrative Officer of each correctional facility shall establish regular visiting hours.
 - 1) All rules and regulations pertaining to visiting shall be posted and made available to visitors and ~~offenders committed persons~~.
 - 2) Visitors who travel great distances to visit ~~an offender a committed person~~ may request extended visits. These requests should be submitted sufficiently in advance to the Chief Administrative Officer for consideration.
 - 3) Visitors shall be subject to search in accordance with 20 Ill. Adm. Code 501.220.
 - 4) Visitors may be permitted to wear religious headgear if:
 - A) There are no safety or security concerns; and
 - B) The headgear has been removed and thoroughly searched; and
 - C) The visitor has indicated that the headgear has religious significance; and
 - D) Either:
 - i) The headgear is a kufi, yarmulke, turban, habit, or fez; or
 - ii) A written request to wear headgear other than those listed in subsection (a)(4)(D)(i) of this Section was submitted to the Chief Administrative Officer at least ten days prior to the visit and the Chief Administrative Officer approved the request. Failure to submit a timely request shall result in denial of the request.
 - 5) All ~~offenders' committed persons'~~ visits shall be subject to monitoring and recording at any time by departmental staff, unless prior special arrangements have been made for confidential attorney visits or other privileged visits. For purposes of this Section, a privileged visit means any conversation or communication between visitors that is protected by a

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- privilege of law or by decision, rule, or order of the Illinois Supreme Court. Notices stating that visits are subject to monitoring and recording shall be posted in places in which ~~offenders committed persons~~ are normally permitted to visit and in the ~~offenders' committed persons'~~ orientation manual.
- 6) Visits may be restricted to non-contact visits by the Chief Administrative Officer for reasons of safety, security, and order. This may include, but not be limited to, restricting ~~contact~~ visits to non-contact visits for ~~offenders committed persons~~ known or believed to be engaged in gang activity.
- A) Offenders who are assigned to an adult closed maximum security or who are in disciplinary segregation or who are extremely high escape risks shall be restricted to non-contact visits.
- B) Offenders found in possession of illegal drugs or who fail a drug test shall be restricted to non-contact visits for at least 6 months.
- C) Offenders involved in gang activity or found guilty of assault against a Department employee in accordance with 20 Ill. Adm. Code 504 shall be restricted to non-contact visits for a period of at least 6 months.
- b) At the time of admission to a reception and classification center, ~~an offender a committed person~~ shall submit a list of proposed visitors to designated facility staff. A visiting list shall be established after verification, review, and approval by the Chief Administrative Officer. Permission to visit may be denied due to the safety, security, or operations of the facility ~~based on reasons that are reasonably related to legitimate penological concerns~~. Visitors must be approved in order to visit.
- 1) Department staff may interview or request background information from potential visitors to determine whether the individual would pose a threat to the safety or security of the facility or any person or to the order of the facility.
- 2) Visitors ~~1742~~ years of age or older must be on the approved list in order to visit.
- A) An individual 12 years through 16 years of age who is not a member of the ~~offender's committed person's~~ immediate family may ~~be on the approved list~~ only visit with the written consent of his or her parent or guardian. Immediate family shall include children, brothers, sisters, grandchildren, whether step, adopted, half, or whole, and spouses.
- B) When visiting, anyone under the age of 17 years must be accompanied by an approved visitor who is 17 years of age or

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older, unless prior written approval has been granted by the Chief Administrative Officer.

- ~~C)3)~~ Visitors under 12 years of age ~~need not be on the approved list in order to visit. However, such visits~~ may only be permitted to visit:
- ~~iA)~~ When accompanied by a parent or guardian who is an approved visitor;
 - ~~iiB)~~ When prior written consent has been given by a parent or guardian who is in the free community for the child to visit when accompanied by an approved visitor designated in writing who is at least 17 years of age; or
 - ~~iiiC)~~ As otherwise approved by the Chief Administrative Officer.
- ~~34)~~ In determining whether an exception shall be granted pursuant to subsections (b)(2)(B) and ~~(b)(3)(C)~~, the Chief Administrative Officer may consider, among other factors, the proposed visitor's age, emancipation, and relationship to the ~~offender-committed person~~; whether a legal guardian has been appointed for the proposed visitor; the inability of an approved visitor to accompany the proposed visitor; and any applicable court order.
- ~~45)~~ A proposed visitor who has been convicted of a criminal offense or who has criminal charges pending, including, but not limited to, an individual on bond, parole, mandatory supervised release, or probation or an ex-offender, may visit an offender a committed person only with the written approval of the Chief Administrative Officer. In determining whether to approve or deny a request, the Chief Administrative Officer may consider, among other matters, the following:
- A) The nature, seriousness, and the date of commission of the offense.
 - B) The proposed visitor's criminal history.
 - C) The proposed visitor's relationship to the ~~offender-committed person~~.
 - D) The date of discharge from parole, supervision, or probation or of completion of service of a term of incarceration.
- ~~5)~~ The number of approved visitors may be limited by the Department due to operations and security reasons. Any limitations imposed shall be conveyed to offenders.
- ~~6)~~ Offenders may request to change the names of requested visitors no more frequently than monthly except in emergencies or to add or change attorney names.
- ~~76)~~ A visitor may be disapproved ~~The visiting list of a committed person may be amended~~ at any time by the Chief Administrative Officer in accordance

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with this Subpart.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 525.30 Clergy Visitation

Clergy and religious leaders from religious groups may visit ~~offenders committed persons~~ during regularly scheduled visiting hours and during other hours as approved by the Chief Administrative Officer subject to safety and security concerns.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 525.40 Attorney Visitation - Adult ~~Division and Community Services Divisions~~

- a) Licensed attorneys and any investigators, law students, or paralegals working under their supervision may visit ~~an offender a committed person~~ during regularly scheduled visiting hours unless permission has been granted by the Chief Administrative Officer to visit during other hours.
- b) Investigators, law students, or paralegals shall be required to present a written statement from a registered attorney indicating that they are working under the supervision of an attorney ~~who is representing an offender~~ and indicating the names of the ~~offenders committed persons~~ with whom they are authorized to visit.
- c) Attorneys or those working under their supervision are requested to notify the Chief Administrative Officer of the designated time and date of the visit at least two days in advance of the visit in order to make special visiting room arrangements.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 525.50 Attorney Visitation - Juvenile Division (Court Agreement)

- a) To assure that persons committed to the Juvenile Division may privately confer in person with attorneys of their choice or with attorneys retained by their parents or with attorneys appointed by courts, the following procedures are established:
 - 1) Attorneys may routinely visit ~~offenders committed persons~~ between the hours of 9:00 a.m. and 5:00 p.m. daily, unless other arrangements have been made with the Chief Administrative Officer of the facility.
 - A) Except in emergencies, at least 24 hours before the visit, attorneys are requested to notify an employee of the facility designated by the Chief Administrative Officer to arrange visitations, the date

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and time, at which they wish to confer with the ~~offender committed person~~.

- B) The designated employee will immediately confirm or deny the arrangements.
- 2) The visiting attorneys may establish that they are attorneys registered with the Attorney Registration and Disciplinary Commission of the Supreme Court of Illinois (130 East Randolph, Suite 1500, Chicago, Illinois 60601) by exhibiting their Commission identification card.
- A) If no card is available, the facility shall call the Commission (800/826-8625 or 312/565-2600) to determine if the attorneys are registered.
- B) Visiting attorneys not listed with the Commission or those practicing out of state shall be approved by the Chief Administrative Officer only after it has been established that they are licensed to practice law.
- 3) Any time prior to any attorney-~~offender committed person~~-conference, the ~~offender committed person~~ shall sign an authorization. The authorization shall be filed in the ~~offender's committed person's~~ master record file and shall be substantially in the following form:

I, (name of offender committed person), hereby authorize (name of attorney), Attorney at Law, to represent me as my attorney and advocate.

Date: _____

Signature

- A) In the event that the ~~offender's committed person's~~ written authorization is not submitted for the attorney, the designated employee will immediately confer with the ~~offender committed person~~ for the purpose of obtaining written authorization.
- B) In lieu of the above authorization, any time prior to the visit, an attorney may present a copy of a court order appointing the attorney to represent the ~~offender committed person~~.
- b) The aforementioned shall apply also to law students, paralegals, or attorneys' agents to the extent that such persons present a written statement from registered attorneys indicating that the person is working under the supervision of an attorney.

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- c) Before this Section of the Subpart may be modified, the Department legal staff shall be consulted. This Section was promulgated pursuant to the settlement of litigation by order of the court. It may not be modified without the approval of the court.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 525.60 Restriction of Visitors

- a) The Chief Administrative Officer may limit the frequency and duration of visits in accordance with the availability of space and staff.
- b) The Chief Administrative Officer may limit the number of persons allowed per visit in accordance with considerations of space, time, and security.
- c) Visiting privileges may be temporarily suspended by the Chief Administrative Officer during an institutional emergency or lockdown and for a reasonable time thereafter, upon the approval of the Director.
- d) Visitors and ~~offenders committed persons~~ shall not be permitted to exchange any item during a visit, except with prior approval of the Chief Administrative Officer.
- e) The Chief Administrative Officer may deny, suspend, or restrict visiting privileges based, among other matters, upon the following:
- 1) Security and safety requirements;
 - 2) Space availability;
 - 3) Disruptive conduct of the ~~offender committed person~~ or visitor;
 - 4) Abuse of the visiting privileges by the ~~offender committed person~~ or visitor; or
 - 5) Violation of State or federal laws or departmental rules by the ~~offender committed person~~ or visitor.
- f) Any of the following actions on the part of a visitor may result in a temporary restriction of up to six months:
- 1) Disruptive conduct of a minor nature.
 - 2) Disobeying an order or posted rule.
 - 3) Refusal to submit to search.
 - 4) Possession of drugs when the visitor has demonstrated there was no intent to conceal or introduce drugs into the facility.
 - 5) Possession of alcohol when the visitor has demonstrated there was no intent to conceal or introduce alcohol into the facility.
 - 6) Being under the influence of alcohol or drugs.
 - 7) Possession of other contraband as defined under State, federal, or local laws or other departmental rules not specifically outlined in this Subpart.

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- g) Any of the following actions on the part of a visitor may result in a permanent restriction:
- 1) Assaultive behavior on any individual.
 - 2) Sexual misconduct.
 - 3) Possession of weapons.
 - 4) Possession of drugs or drug paraphernalia.
 - 5) Unauthorized possession of money.
 - 6) Possession of escape paraphernalia.
 - 7) Possession of alcohol.
 - 8) Providing false identification or information.
 - 9) Disruptive conduct of a major nature.
 - 10) Violation of State, federal, or local law during a visit, including arrest or conviction based on any action committed during a visit.
 - 11) Any recurrence of an action that previously resulted in a temporary restriction.
- h) Employees who have been involved with ~~offenders committed persons~~ or former employees who have either resigned or have been terminated as a result of involvement with ~~offenders committed persons~~ may be permanently restricted from visits if it is determined they may be a threat to safety or security.
- i) If contraband is discovered in the possession of ~~a-an offender committed person~~ either during or after a visit, it will be assumed that the contraband was introduced by the ~~offender's committed person's~~ visitor.
- j) Visits of ~~offenders committed persons~~ hospitalized in the community may be restricted to the immediate family and shall be subject to the general visiting policies of the hospital.
- k) Written notification of temporary or permanent restriction of visiting privileges shall be sent to the visitor and to the ~~offender-committed person~~. Any person excluded from ~~a-an offender's committed person's~~ visiting list at one correctional facility ~~shall may~~ be excluded at all facilities. The notice of temporary restriction shall state the exact length of the restriction.
- l) Notices of permanent restrictions shall inform visitors and ~~offenders committed persons~~ that they may request that the Chief Administrative Officer review the decision after a six month period. After the initial six month review, permanent restrictions shall be reviewed by the Chief Administrative Officer on an annual basis upon request of the ~~offenders committed persons~~ or their visitors. Written notification of the decision shall be sent to the visitor and to the ~~offender committed person~~.
- m) The Chief Administrative Officer may restore visiting privileges at any time.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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SUBPART B: MAIL AND TELEPHONE CALLS

Section 525.100 Applicability

This Subpart applies to all correctional facilities within the Adult, Juvenile, and Community Services Divisions of the Department of Corrections.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 525.110 Definitions

- a) "Associate Director" means the second highest ranking official of the Department.
- b) "Chief" or "Deputy Director" means the highest ranking official of a bureau, district, or division within the Department.
- ca) "Chief Administrative Officer" means the highest ranking official of a correctional facility.
- db) "Department" means the Department of Corrections.
- e) ~~"Deputy Director" means the highest ranking official of a division or bureau within the Department or the Chief Deputy Director of the Department.~~
- ed) "Director" means the Director of the Department ~~of Corrections.~~
- fe) "Incoming privileged mail" means mail from the following:
- 1) The Director;
 - 2) Associate Director, Chiefs, Deputy Directors, Deputy Chiefs and Assistant Deputy Directors of the Department;
 - 3) Department attorneys;
 - 4) Members of the Administrative Review Board;
 - 5) Members of the Prisoner Review Board;
 - 6) The Governor of Illinois;
 - 7) Federal or Illinois legislators;
 - 8) Chief Executive Officers of the Federal Bureau of Investigation, the Drug Enforcement Administration, the Criminal Division of the Department of Justice, the United States Customs Service, the Secret Service, the Illinois State Police, and Sheriff's Offices and Police Departments in the State of Illinois;
 - 9) John Howard Association; and
 - 10) Legal mail.
- gf) "Outgoing privileged mail" means mail to the following:
- 1) The Director;
 - 2) Associate Director, Chiefs, Deputy Directors, Deputy Chiefs, and

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- Assistant Deputy Directors of the Department;
- 3) Department attorneys;
 - 4) Members of the Administrative Review Board;
 - 5) Members of the Prisoner Review Board;
 - 6) The Governor of Illinois;
 - 7) Federal or Illinois legislators;
 - 8) Chief Executive Officers of the Federal Bureau of Investigation, the Drug Enforcement Administration, the Criminal Division of the Department of Justice, the United States Customs Service, the Secret Service, the Illinois State Police, and Sheriff's Offices and Police Departments in the State of Illinois;
 - 9) John Howard Association;
 - 10) Clerks of courts or of the Illinois Court of Claims; and
 - 11) Legal mail.
- hg)** "Legal mail" means mail to and from the following:
- 1) Registered Attorneys, except Department attorneys;
 - 2) The Illinois Attorney General;
 - 3) Judges or magistrates of any court or the Illinois Court of Claims Judge; and
 - 4) Any organization which provides direct legal representation to offenders ~~committed persons~~, but not including organizations which provide referrals to attorneys, such as bar associations.
- i)** "Offender" means a person committed to the Department or to the custody of the Department.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 525.120 Processing of Mail

- a) Mail shall be delivered and posted promptly.
- b) ~~Offenders Committed persons~~ may correspond with anyone in the free community in accordance with this Subpart without prior written approval of the Chief Administrative Officer, except with employees, former employees, or releasees of the Department. Permission for committed persons to correspond between intra-state and inter-state correctional facilities shall require the approval of the Chief Administrative Officers of both facilities and shall be based on safety and security concerns.
- c) Each facility shall establish procedures in cooperation with the local post office for processing certified or registered mail. To send certified or registered mail, ~~offenders committed persons in adult or juvenile facilities~~ must have sufficient

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funds in their trust fund accounts and must attach to the envelopes signed money vouchers so that the proper postage may be applied and the amount deducted from their trust fund accounts.

- d) ~~Offenders Committed persons~~ shall not be permitted to open, read, or deliver another ~~offender's committed person's~~ mail without the person's permission. However, ~~offenders committed persons~~ may transport mail in sacks or other closed containers under the direct supervision of an employee.
- e) No disciplinary restrictions shall be placed on ~~an offender's a committed person's~~ mail privileges.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 525.130 Outgoing Mail

This Section applies ~~to all correctional facilities within the Department only to the Adult and Juvenile Divisions.~~

- a) ~~Offenders Committed persons~~ shall be permitted to send privileged and non-privileged letters at their own expense. ~~Offenders Committed persons~~ with insufficient money in their trust fund accounts to purchase postage shall be permitted to send reasonable amounts of legal mail and mail to clerks of any court or the Illinois Court of Claims, to certified court reporters, to the Administrative Review Board, and to the Prisoner Review Board at State expense if they attach signed money vouchers authorizing deductions of future funds to cover the cost of the postage. The ~~offender's committed person's~~ trust fund account shall be restricted for the cost of such postage until paid or the ~~offender committed person~~ is released or discharged, whichever is soonest.
- b) ~~Offenders Committed persons~~ must clearly mark all outgoing mail with their name and in ~~adult facilities the Adult Division~~ with their institutional number. Mail that is not properly marked, including privileged mail, shall be opened and returned to the sender if the sender's identity can be determined. If the sender's identity cannot be determined, the mail shall be destroyed.
- c) Outgoing privileged mail must be clearly marked as "privileged" and sealed by the ~~offender committed person~~. Outgoing mail which is clearly marked as privileged and addressed to a privileged party may not be opened for inspection except as provided in subsection (d) of this Section.
- d) In ~~adult facilities the Adult Division~~, outgoing privileged mail shall be examined for dangerous contraband, using an x-ray, fluoroscope, or other similar device. Such examination may be conducted in ~~juvenile facilities the Juvenile Division~~. Outgoing privileged mail may be inspected for dangerous contraband by other means which do not damage the mail and which do not permit the mail to be read.

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Except in an emergency, outgoing privileged mail shall not be opened, unless there is reasonable suspicion that dangerous contraband is contained therein, legal services is consulted, and the mail is opened in the ~~offender's~~ ~~committed person's~~ presence.

- e) With the exception of privileged mail, all mail shall be unsealed when collected or placed in housing unit mailboxes. Sealed mail that is not privileged will be opened and returned to the sender if the sender's identity can be determined. If the sender's identity cannot be determined, the mail shall be destroyed.
- f) Each correctional facility shall establish procedures for the collection of outgoing mail. Collections shall be made daily, Monday through Friday, except on State holidays. Every effort shall be made to ensure that mail is delivered to the U.S. Postal Service on the same day.
- g) Outgoing non-privileged mail shall be inspected for contraband. If a letter from ~~an offender~~ ~~a committed person~~ is confiscated because it contains contraband, the ~~offender~~ ~~committed person~~ shall be notified promptly in writing.
- h) Department employees may spot check and read outgoing non-privileged mail. Outgoing non-privileged mail or portions thereof may be reproduced or withheld from delivery if it presents a threat to security or safety, including the following:
 - 1) The letter contains threats of physical harm against any person or threats of criminal activity;
 - 2) The letter contains threats of blackmail or extortion;
 - 3) The letter contains information regarding sending contraband into or out of the facility, plans to escape, or plans to engage in criminal activity;
 - 4) The letter is in code and its contents cannot be understood by correctional staff;
 - 5) The letter violates any departmental rules or contains plans to engage in activities in violation of departmental or institutional rules;
 - 6) The letter solicits gifts, goods, or money from other than family members;
 - 7) The letter contains information which, if communicated, might result in physical harm to another;
 - 8) The letter contains unauthorized correspondence with another ~~offender~~ ~~committed person~~; or
 - 9) The letter or contents thereof constitute a violation of State or federal law.
- i) Any outgoing letter may be stopped and returned to the sender if the person to whom it is addressed (or a parent or guardian, if the addressee is a minor or incompetent) has notified the Chief Administrative Officer in writing that the person does not wish to receive mail from the ~~offender~~ ~~committed person~~. This rule shall not be construed to prevent ~~offenders~~ ~~committed persons~~ from corresponding with their children unless their parental rights have been terminated.

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- j) If ~~an offender a committed person~~ is prohibited from sending a letter or portions thereof, the ~~offender committed person~~ shall be informed in writing of the decision.
- k) Material from a letter which violates subsection (h) of this Section may be placed in ~~an offender's a committed person's~~ master file.
- l) ~~Offenders Committed persons~~ may not send packages without approval of the Chief Administrative Officer, whose decision shall be based on administrative, safety, and security considerations.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 525.140 Incoming Mail

- a) Incoming privileged mail must be clearly marked as "privileged" and be clearly marked with the name, title, and address of the sender.
- b) Incoming privileged mail may be opened in the presence of the ~~offender committed person~~ to whom it is addressed to inspect for contraband, to verify the identity of the sender, and to determine that nothing other than legal or official matter is enclosed.
- c) Incoming privileged mail may contain communications only from the privileged correspondent whose name and address appear on the envelope. If non-privileged material or correspondence from a third party is found to be enclosed, such material shall be treated as non-privileged mail.
- d) All incoming non-privileged mail, including mail from clerks of courts, shall be opened and inspected for contraband.
- e) Cashier's checks, money orders, and business checks subject to the restrictions imposed by 20 Ill. Adm. Code 205 shall be deposited in the ~~offender's committed person's~~ trust fund account, with a record made of the sender's name, the amount received, and the date. For purposes of this Section a business check shall mean a check written on any agency's or firm's account and any check written on an employer's personal account for wages due a person assigned to ~~a transition center the Community Services Division. Offenders Committed persons~~ shall be notified of all monies received and deposited in their trust fund accounts. However, any checks or money orders which exceed the limitation on the amounts (20 Ill. Adm. Code 205) shall be returned to the sender, and the ~~offender committed person~~ shall be notified.
- f) Personal checks and cash shall be returned to the sender, and the sender shall be notified that funds cannot be received in that form.
- g) Correctional officials may spot check and read incoming non-privileged mail. Incoming mail or portions thereof may be inspected, reproduced, or withheld

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from delivery for any of the reasons listed in Section 525.130(h) of this Subpart or ~~in if determined to be obscene by the Publications Review Committee in accordance with~~ Subpart C of this Part.

- h) When ~~an offender a committed person~~ is prohibited from receiving a letter or portions thereof, the committed person and the sender shall be notified in writing of the decision.
- i) If ~~an offender a committed person~~ has been transferred or released, first class mail shall be forwarded to the person if the address is known. If no forwarding address is available, the mail shall be returned to the sender.
- j) If ~~an offender a committed person~~ has been absent from the facility on a furlough or pursuant to writ, the person's mail shall be held at the facility for a period of one month, unless the ~~offender committed person~~ has made a written request to the Chief Administrative Officer to have the mail forwarded to another address. At the conclusion of the month, first class mail shall be forwarded to the ~~offender's committed person's~~ address, if known, or returned to the sender, unless alternative arrangements have been made.
- k) ~~Offenders Committed persons~~ may receive publications, including books, periodicals and catalogs, in accordance with Subpart C of this Part, and may receive typewriters ordered directly from a supplier through the commissary. Other packages may be received only as approved by the Chief Administrative Officer. All packages shall be opened and searched prior to delivery.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 525.150 Telephone Privileges

- a) Telephone privileges shall be granted to ~~offenders committed persons~~ in accordance with their institutional status and provisions of this Section.
- b) Collect calls may be made to persons in the continental United States and Puerto Rico, where billable.
- c) ~~Offenders Committed persons~~ may not place telephone calls to:
 - 1) Toll free area codes, including but not limited to 800 series area codes, or to area codes or prefixes for which a charge is assessed to the line from which the call was placed, including but not limited to 800 or 900 series area codes or 976 prefixes;
 - 2) Emergency or directory assistance or to long distance carriers;
 - 3) Persons or companies which have requested that a block be placed on their telephone numbers;
 - 4) Numbers suspected of being used fraudulently or for fraudulent purposes;
 - 5) Parolees, ex-offenders, former employees, or current employees absent the

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- approval of the Chief Administrative Officer; or
- 6) Numbers or persons restricted for other legitimate penological reasons, including security and order.
- d) A block may be placed on telephone calls to:
- 1) The local community except to the ~~offender's committed person's~~ friends, family, and others in the local community who request to receive calls from the ~~offender-committed person~~.
 - 2) A telephone number for which there is a large unpaid balance on the account, with the exception of telephone numbers of attorneys and law firms.
 - 3) Any telephone numbers listed in subsection (c) of this Section.
- e) ~~Offenders Committed persons~~ may not engage in call forwarding or in conference calls.
- f) In the case of valid emergencies, such as critical illness or death in ~~an offender's a committed person's~~ immediate family, consideration shall be given to allowing a special telephone call, regardless of the individual's institutional status. Immediate family shall include parent or guardian, children, brother, sister, grandparent, whether step, adopted, half, or whole, and spouse.
- g) ~~Offenders Committed persons~~ who are the subject of a new criminal indictment, information, or complaint shall be permitted to make reasonable telephone calls to attorneys for the purpose of securing defense counsel, regardless of the individual's institutional status.
- h) All ~~offenders' committed persons'~~ telephone calls shall be subject to monitoring and recording at any time by departmental staff, unless prior special arrangements have been made to make or to receive confidential telephone calls to or from their attorneys.
- i) Notices shall be posted at each telephone from which ~~offenders committed persons~~ are normally permitted to place calls and in the ~~offenders' committed persons'~~ orientation manual. The notices shall state that ~~offenders' committed persons'~~ telephone calls may be monitored or recorded or both.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART C: PUBLICATIONS

Section 525.200 Applicability

This Subpart applies to all correctional facilities within the Adult and Juvenile Divisions of the Department of Corrections.

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(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 525.202 Definitions

"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Department" means the Department of Corrections.

"Director" means the Director of the Department of Corrections.

"Obscene" means any material that the average person, applying contemporary adult community standards, would find that, taken as a whole, appeals to the prurient interest; and the average person, applying contemporary adult community standards, would find that it depicts or describes in a patently offensive way, ultimate sexual acts or sadomasochistic sexual acts, whether normal or perverted, actual or simulated, or masturbation, excretory functions or lewd exhibition of the genitals; and taken as a whole, it lacks serious literary, artistic, political, or scientific value [720 ILCS 5/11-20(b)].

"Offender" means a person committed to the Department or to the custody of the Department.

"Publication" means any book, booklet, magazine, newspaper, periodical, or similar materials.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 525.210 General Guidelines

- a) Each facility shall maintain a current approved list of publications. ~~Additions to this list, including all books, magazines, newspapers and other publications found acceptable by the Publications Review Committee, shall be made every three months.~~
- b) Offenders shall be informed of the procedures governing publications during orientation and this Subpart shall be available to offenders. This Subpart, the updated approved list, further explication or interpretation of institutional policies regarding publications, and the current names and positions held by each member of the Publications Review Committee shall be prominently posted.
- c) Each offender committed person may subscribe to, solicit free copies of, or buy

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~~individual~~ copies of ~~approved~~ newspapers, magazines, books and other publications for delivery to the facility in accordance with this Subpart by placing a request with the Chief Administrative Officer. ~~A member of the individual's family or a friend may also order, solicit or bring approved publications to the facility.~~

- d) All ~~approved~~ publications shall be delivered promptly after necessary inspection for contraband. If it appears to violate the standards set forth in Section 525.230, the publication shall first be referred to the Publication Review Officer for review and determination.
- e) Publications determined to be unacceptable shall be disposed of as contraband in accordance with 20 Ill. Adm. Code 501: Subpart C ~~or shall be returned to the sender at the sender's expense.~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 525.220 Publications Review Officer ~~Committee~~

The Chief Administrative Officer shall appoint at least 2 employees to serve as Publication Review Officers to review publications. At least one individual shall be from program staff and at least one individual shall be from security staff. ~~A Publications Review Committee shall be established at each facility to handle requests for publications not on the approved list. The Committee shall be a standing body of not less than three nor more than five persons appointed by the Chief Administrative Officer and shall be composed of members of the treatment, counseling and security staff. The Committee shall take no action in review of a publication unless all members participate and vote, and all decisions shall require a majority vote.~~

- a) ~~The approval of publications may vary in the different facilities because of the variance in the nature of the facility and the communities they contain, but only to the extent that these factors may relate to the evaluation of publications set forth under the standards indicated in subsection (c)(2) of Section 525.230.~~
- b) ~~Policies underlying the approval or disapproval of publications shall be explained in writing, both to staff and committed persons.~~

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 525.230 Procedure for Review of Appeal Process for Non-approved Publications

- a) A Publication Review Officer, hereafter referred to as Officer, shall review publications to determine whether to recommend prohibiting acceptance of any publications that he or she finds to contain material determined to be: ~~When a requested publication is not on the approved list, the Chief Administrative Officer~~

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~~shall transmit the request to the Publications Review Committee for review. If the Committee decides that the requested material is acceptable, it shall respond within seven working days, whenever possible.~~

- ~~1) Obscene;~~
 - ~~2) Detrimental to security, good order, rehabilitation, or discipline or if it might facilitate criminal activity, or be detrimental to mental health needs of an offender as determined by a mental health professional.~~
- b) A publication may not be rejected solely because its content is religious, philosophical, political, social, or sexual or because its contents are unpopular or repugnant. A publication that may be rejected includes, but is not limited to, a publication or portion thereof that meets one of the following criteria:
- ~~1) It is obscene;~~
 - ~~2) It is written in code or facilitates communication between offenders;~~
 - ~~3) It depicts, describes, or encourages activities that may lead to the use of physical violence or group disruption or it facilitates organizational activity without approval of the Chief Administrative Officer;~~
 - ~~4) It advocates or encourages violence, hatred, or group disruption or it poses an intolerable risk of violence or disruption;~~
 - ~~5) It encourages or instructs in the commission of criminal activity;~~
 - ~~6) In includes sexually explicit material that by its nature or content poses a threat to security, good order, or discipline or it facilitates criminal activity;~~
 - ~~7) It is otherwise detrimental to security, good order, rehabilitation, or discipline or it might facilitate criminal activity or be detrimental to mental health.~~
- cb) If a review is initiated, the offender Committee shall be notified ~~order two issues of the periodical or a copy of the book requested, if such material is available and/or accessible. At the same time, the committee shall immediately notify the committed person in writing that the publication his request is under review and the notice shall include an explanation why the publication is deemed to contain unacceptable material in accordance with the standards set forth in this Section. The written notice, and shall indicate in the notice that:~~
- ~~1) He or she may submit a written supportive statement or other documentation within 7 days after the date of the notice that the publication is under review. An extension will be granted if in the opinion of the Officer there is a legitimate reason why relevant information could not be submitted timely. He has the right to submit a written supportive statement, book reviews or opinions of other individuals with regard to the merits of the publication in question.~~
 - ~~2) He may correspond with five publishers, reviewers, experts, critics or~~

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- ~~other persons concerning the requested publication using a form letter provided by the Committee. If an individual is unable to pay the postage for such correspondence, it shall be sent at the facility's expense.~~
- 23) ~~He or she may request and, at the Committee's discretion, he may be allowed to appear before the Officer. The appearance will be allowed if the Officer determines that such appearance is necessary for an appropriate review Committee when the circumstances warrant an oral presentation.~~
- 34) ~~He or she may ask for assistance or, information regarding the publication review procedure Committee's procedure, or a further specification of the alleged offending portions of the publication in question. One or more members of the Committee may confer with him in his cell or any other place of mutual convenience.~~
- 4) ~~If the publication is approved, it will be forwarded to the offender upon completion of the review. If the publication is not provided to the offender within 60 days after the date of the written notice, the publication shall be deemed disapproved and the offender may file a grievance in accordance with 20 Ill. Adm. Code 504: Subpart F.~~
- 5) ~~The Committee shall complete its review and render its final decision within four weeks, unless delay is caused by circumstances beyond its control.~~
- 6) ~~He may have an extension of time to prepare his presentation. When an extension of time is granted, the four week review period shall be suspended until after the last day of the extension or the date on which he informs the committee in writing that his preparation is concluded, whichever is sooner.~~
- e) ~~The Committee shall only prohibit acceptance of any material it finds to be:~~
- 1) ~~Obscene, according to the definition of obscenity established by the U.S. Supreme Court; or~~
- 2) ~~A clear and present danger to the physical safety and security of persons and property within the facility.~~
- d) ~~Any recommendation for denial shall be forwarded to the Chief Administrative Officer with an explanation. If the Chief Administrative Officer concurs with the recommendation to deny the publication, the publication shall be disapproved. If a request for a publication is denied, the Committee shall prepare a written statement explaining why the material is unacceptable. The statement shall explain briefly how the requested material violated the standards for review and shall reasonably identify the offending portions of the publication. Copies of this statement shall be forwarded to the requesting individual and to the Chief Administrative Officer.~~

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- e) ~~The Publication Review Officer shall maintain copies of decisions in a designated area for at least 3 years. The Publications Review Committee shall record and maintain for a period of five years a written summary of all proceedings in review, conferences and meetings, and shall preserve file copies of all notices and other documents pertinent to the case. These files shall be kept in an area of the facility readily accessible to individuals using the legal library. The names of individuals shall be deleted from the file copies maintained in the legal library. The fact that a deletion has been made shall be noted on the copy.~~
- f) ~~The Chief Administrative Officer shall review all recommendations of the Committee. When the Chief Administrative Officer overrules the Committee's decision, he must advise the Director.~~
- fg) ~~If after 6 consecutive issues of a publication have been denied and it is determined unlikely that future issues of the publication will be approved, the publication may be banned. Once a publication has been approved by the Committee and the Chief Administrative Officer, it shall not be excluded because an occasional feature violates the standards for review.~~
- 1) ~~The offending issue of the periodical, upon determination of unacceptability by the Committee, shall be retained in the Committee's file.~~
- 2) ~~If, over a period of time, the record indicates that the characteristic content of an approved publication has changed, it shall be reviewed again by the Committee. Notice of such review shall be given to all individuals then receiving the publication and they shall be afforded a hearing.~~
- gh) ~~If the characteristic content of a banned publication significantly changes to no longer warrant denial of the publication in accordance with this Section, an offender may request another review of the publication by the Publication Review Officer. A previously banned publication shall be subject to review no more frequently than every 4 months. If a review is to be initiated, the offender shall be advised to arrange for one or more issues of the publication to be submitted to the Publication Review Officer at the offender's expense. If, over a period of time, the characteristic content of a disapproved publication changes so as to warrant its acceptability, the Committee shall again review the publication upon request of any individual.~~
- 1) ~~The review shall be conducted in the same manner as the initial review of the publication.~~
- 2) ~~If an issue of a previously banned publication is approved, an offender may request subsequent issues to be reviewed notwithstanding the 4 month review period.~~
- 3) ~~The Publication Review Officer may recommend that a previously banned publication be approved.~~

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- h) The Director may establish a Central Publication Review Committee to periodically review and make recommendations regarding facility determinations or recommendations to the Director who may approve or disapprove the recommendations based on the standards set forth in this Section. If a Committee is appointed:
- 1) Committee members shall consist of at least one representative each from administrative and operational staff.
 - 2) Reviews need only be conducted by one member of the Committee.
 - 3) The facility and the offender shall be notified of any decision made by the Director.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART D: MARRIAGE OF OFFENDERS ~~COMMITTED PERSONS~~**Section 525.300 Applicability**

This Subpart applies to all correctional facilities within ~~the Adult, Juvenile, and Community Services Divisions of~~ the Department of Corrections.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 525.302 Definitions

"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Department" means the Department of Corrections.

"Director" means the Director of the Department ~~of Corrections~~.

"Offender" means a person committed to the Department or to the custody of the Department.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 525.310 Request for Permission to Marry

- a) Marriage between two offenders ~~committed persons~~ confined in Department facilities shall be prohibited.

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- b) ~~An offender A committed person~~ who wishes to become married shall submit a written request to the Chief Administrative Officer a minimum of 30 days in advance of the date requested for the marriage ceremony.
- 1) The notice shall include the name and address of the intended spouse and a description of any actions which have been taken in obtaining a marriage license and in complying with applicable provisions of the law.
 - 2) All financial obligations shall be the responsibility of the offended or the intended spouse ~~committed person~~.
 - 3) A request for a transition community correctional ~~center~~ leave may be submitted at the same time as the request to marry. The request shall be reviewed in accordance with 20 Ill. Adm. Code 530: Subpart D.
- c) The facility chaplain or an individual designated by the Chief Administrative Officer shall conduct a pre-marital counseling session with the offender ~~committed person~~ or the intended spouse or both.
- d) The Chief Administrative Officer shall review the request to marry and shall approve or deny the request based on security concerns, the best interest of the offender ~~committed person~~, or other legitimate penological interests. The Chief Administrative Officer's decision regarding the request to marry and, if applicable, the leave request, shall be made in writing. A, and a copy of the written decision shall be provided to the offender ~~committed person~~.
- e) Except as provided in Section 525.310(f), the ~~The~~ facility shall make its chapel or another suitable location available for the performance of the approved marriage ceremony.
- 1) The facility's chaplain shall review the type of ceremony that ~~which~~ is requested and refer a description of the proposed ceremony to the Chief Administrative Officer for approval.
 - 2) Witnesses and guests shall not exceed six in number, excluding the officiating clergyman. Witnesses and guests must be on the offender's ~~committed person's~~ approved visiting list, except as otherwise approved by the Chief Administrative Officer.
 - 3) Facilities for the consummation of marriages or for a reception shall not be provided.
- f) The marriage ceremony and reception, if any, of an offender housed at a transition center shall be at the offender's or intended spouse's expense and at a suitable location in the free community as approved by the Chief Administrative Officer.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Procedure for Issuing Grants from the Anti-Pollution Bond Act for Sewage Treatment Works
- 2) Code Citation: 35 Ill. Adm. Code 363
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
363.205	Amended
363.801	New Section
363.802	New Section
363.803	New Section
363.804	New Section
- 4) Statutory Authority 30 ILCS 750/1-3 and 415 ILCS 5/4
- 5) A Complete Description of the Subjects and Issues Involved: These amendments are proposed in order to implement the distribution of wastewater compliance grants from the Build Illinois Bond Fund to units of local government under the Unsewered Communities Grants Program. In order to be eligible for up to 5 million dollars of the approximately 70 million dollars in available grant funds, the applicant must be a municipality or sanitary district established on or before the date the Build Illinois Program was adopted (July 1, 1988), have entered into an enforceable compliance schedule and lack a sewer system. No research studies were relied on or developed by the Agency or its contractors in support of this rulemaking (see 5 ILCS 100/5-40(3.5)).
- 6) Will these proposed amendments replace any 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 State wide Policy Objectives: This proposed amendment is consistent with the policy objectives set out in the Environmental Protection Act [415 ILCS 5]] and does not create or expand a mandate under Section 3 of the State Mandates Act [30 ILCS 805/3].
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

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The Illinois EPA 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:

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

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small business affected: None
 - B) Reporting, book keeping or other procedures required for compliance: These amendments may impose additional reporting and bookkeeping requirements on units of local government seeking funding from the Unsewered Communities Grants Program.
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2002

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 363

PROCEDURE FOR ISSUING GRANTS FROM THE ANTI-POLLUTION
BOND ACT AND THE BUILD ILLINOIS ACT FOR SEWAGE TREATMENT WORKS

SUBPART A: INTRODUCTION

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363.101	Purpose
363.102	Definitions

SUBPART B: GENERAL CRITERIA

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363.201	Relationship to Title II Grants
363.202	Reimbursement
363.203	Allocation of Grant Funds
363.204	Supplemental Grants
363.205	Required Content and Filing of Applications for Bond Act Grants
363.206	Limitations Upon Grants for Collection Systems
363.207	State Owned Facilities

SUBPART C: STANDARD PRIORITY PROJECT GRANTS

Section	
363.301	Project Priority Requirement
363.302	Consolidation of Priorities

SUBPART D: HEALTH RISK GRANTS

Section	
363.401	Determination of Health Risk
363.402	Priorities for Issuance

SUBPART E: REGIONALIZATION PROJECT GRANTS

Section	
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- 363.501 Availability of Funding
 363.502 Priorities for Issuance

SUBPART F: BACKLOG PROJECT GRANTS

- Section
 363.601 Availability of Funding
 363.602 State/Federal Piggyback Grants
 363.603 State Reimbursement Grants

SUBPART G: BUILD ILLINOIS BOND FUND GRANTS

- Section
 363.701 Availability of Funding
 363.702 Build Illinois Bond Fund Grants
 363.703 Supplemental State/Federal Piggyback Grants
 363.704 Supplemental State Reimbursement Grants
 363.705 Supplemental Build Illinois Bond Fund Grants

SUBPART H: UNSEWERED COMMUNITIES GRANTS

- Section
363.801 Applicability
363.802 Eligibility
363.803 Grant Percentage and Design Grants
363.804 Limitations

AUTHORITY: Implementing and authorized by Section 4 of the Anti-Pollution Bond Act [30 ILCS 405/4], Section 1-3 of the Build Illinois Act [30 ILCS 750/1-3] and Section 4 of the Environmental Protection Act [415 ILCS 5/4].

SOURCE: Adopted and codified at 8 Ill. Reg. 15914, effective August 17, 1984; amended at 9 Ill. Reg. 3951, effective March 15, 1985; amended at 10 Ill. Reg. 216, effective December 20, 1985; amended at 27 Ill. Reg. _____, effective _____.

SUBPART B: GENERAL CRITERIA

Section 363.205 Required Content and Filing of Applications for Bond Act Grants

- a) Bond Act grants will be made only for the funding of eligible project costs which

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comply with the requirements of 40 CFR 35 Subpart I Appendix A and B (1984), as published on February 17, 1984, in the Federal Register (as amended at 55 Fed. Reg. 27098, June 29, 1990). No later editions are included in the incorporation.

- b) Any of the requirements of 40 CFR 35 Subpart I (1984), except facilities planning, sewer system evaluation, user charges, sewer use ordinance, and initiation of construction may be waived in writing by the Agency, in whole or in part, if the purpose of the requirement has been accomplished or if the requirement waived is not considered by the Agency to be necessary to assure that the project attains pollution control goals in a cost-effective manner.
- c) Bond Act grants will not be offered for any project unless a complete application for the project is filed prior to the filing deadline and unless the Agency has entered the project on the priority list for the fiscal year in which the grant is requested as determined by Agency Rules entitled "Procedures and Requirements for Determining Construction Grant Priorities for Municipal Sewage Treatment Works Needs." (35 Ill. Adm. Code 364).
- d) Any of the requirements of Subpart H of this Part, except Sections 363.802(c), 363.803(a), and 363.803(b)(2) and any provisions of Part 360 or Part 365 (as applicable) that may not be waived pursuant to those Parts, may be waived in writing by the Agency, in whole or in part, if the purpose of the requirement has been accomplished or if the requirement is not considered by the Agency to be necessary to assure that the project attains the goals of the Unsewered Communities Grant Program.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART H: UNSEWERED COMMUNITIES GRANTSSection 363.801 Applicability

- a) All projects receiving unsewered communities grants pursuant to this Subpart must comply with the requirements of 35 Ill. Adm. Code 360 (General Conditions of State of Illinois Grants under the Anti-Pollution Bond Act of 1970).
- b) For projects receiving unsewered communities grants pursuant to this Subpart that also receive a Water Pollution Control Loan Program loan, compliance with 35 Ill. Adm. Code 365 (Procedures for Issuing Loans from the Water Pollution Control Loan Program) will satisfy the requirements of Part 360.

(Source: Added at 27 Ill. Reg. _____, effective _____)

Section 363.802 Eligibility

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A unit of local government is eligible for an unsewered communities grant if it has met all of the following requirements:

- a) it is a municipality as defined in Article VII, Section 1 of the Illinois Constitution and was incorporated on or before July 1, 1988 or a Sanitary District established on or before July 1, 1988 under the Sanitary District Acts of 1917 [70 ILCS 2405] or 1936 [70 ILCS 2805];
- b) it lacks a permitted sanitary sewerage system;
- c) it is on an enforceable compliance schedule as defined in 35 Ill. Adm. Code 366.102(b); and
- d) it has submitted a pre-application to be scored in accordance with 35 Ill. Adm. Code 366 and appears on the current fiscal year priority list.

(Source: Added at 27 Ill. Reg. _____, effective _____)

Section 363.803 Grant Percentage and Design Grants

- a) Grant Percentage
Communities receiving grants under the unsewered communities grant program will be eligible to receive grants of between 10 and 70% of eligible project costs depending on the relationship between the community's median household income (MHI) to the statewide MHI based on the latest census as incorporated by reference at 35 Ill. Adm. Code 366.103. The following table lists the percentage of eligible project costs that may be provided to an applicant based on the applicant's MHI percentage above or below the statewide MHI:

<u>State MHI</u>	<u>Grant Percentage</u>
<u>80% and below</u>	<u>70%</u>
<u>81%</u>	<u>69%</u>
<u>82%</u>	<u>68%</u>
<u>83%</u>	<u>67%</u>
<u>84%</u>	<u>66%</u>
<u>85%</u>	<u>65%</u>
<u>86%</u>	<u>64%</u>
<u>87%</u>	<u>63%</u>
<u>88%</u>	<u>62%</u>
<u>89%</u>	<u>61%</u>
<u>90%</u>	<u>60%</u>
<u>91%</u>	<u>59%</u>

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<u>92%</u>	<u>58%</u>
<u>93%</u>	<u>57%</u>
<u>94%</u>	<u>56%</u>
<u>95%</u>	<u>55%</u>
<u>96%</u>	<u>54%</u>
<u>97%</u>	<u>53%</u>
<u>98%</u>	<u>52%</u>
<u>99%</u>	<u>51%</u>
<u>100%</u>	<u>50%</u>
<u>101%</u>	<u>49%</u>
<u>102%</u>	<u>48%</u>
<u>103%</u>	<u>47%</u>
<u>104%</u>	<u>46%</u>
<u>105%</u>	<u>45%</u>
<u>106%</u>	<u>44%</u>
<u>107%</u>	<u>43%</u>
<u>108%</u>	<u>42%</u>
<u>109%</u>	<u>41%</u>
<u>110%</u>	<u>40%</u>
<u>111%</u>	<u>39%</u>
<u>112%</u>	<u>38%</u>
<u>113%</u>	<u>37%</u>
<u>114%</u>	<u>36%</u>
<u>115%</u>	<u>35%</u>
<u>116%</u>	<u>34%</u>
<u>117%</u>	<u>33%</u>
<u>118%</u>	<u>32%</u>
<u>119%</u>	<u>31%</u>
<u>120%</u>	<u>30%</u>
<u>121%</u>	<u>29%</u>
<u>122%</u>	<u>28%</u>
<u>123%</u>	<u>27%</u>
<u>124%</u>	<u>26%</u>
<u>125%</u>	<u>25%</u>
<u>126%</u>	<u>24%</u>
<u>127%</u>	<u>23%</u>
<u>128%</u>	<u>22%</u>
<u>129%</u>	<u>21%</u>
<u>130%</u>	<u>20%</u>
<u>131%</u>	<u>19%</u>

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<u>132%</u>	<u>18%</u>
<u>133%</u>	<u>17%</u>
<u>134%</u>	<u>16%</u>
<u>135%</u>	<u>15%</u>
<u>136%</u>	<u>14%</u>
<u>137%</u>	<u>13%</u>
<u>138%</u>	<u>12%</u>
<u>139%</u>	<u>11%</u>
<u>140% or above</u>	<u>10%</u>

b) Design Grants

- 1) Design grants may be made upon submission of an approved facilities plan pursuant to 35 Ill. Adm. Code 365 and an architectural/engineering agreement for design services.
- 2) An applicant will be eligible for a design grant of between 10 and 70% of the architectural/engineering agreement for design services depending on the relationship between the community's MHI and the state-wide MHI as provided in subsection (a) of this Section.
- 3) An applicant may elect to receive a design grant prior to the start of design or as a reimbursement at the start of construction.

(Source: Added at 27 Ill. Reg. _____, effective _____)

Section 363.804 Limitations

- a) Grant participation for sewers shall be limited to sanitary sewers necessary to cost-effectively serve buildings in existence on July 1, 2001.
- b) The maximum amount of grant assistance is \$5 million for any one applicant on a cumulative basis.
- c) The maximum percentage of grant assistance from all available sources is 85% of eligible project costs. The maximum financial assistance from all sources including grants and loans cannot exceed 100%.

(Source: Added at 27 Ill. Reg. _____, effective _____)

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- 24) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Illinois EPA 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:

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

- 25) Initial Regulatory Flexibility Analysis:
- A) Types of small business affected: None
 - B) Reporting, book keeping or other procedures required for compliance: These Amendments may impose additional reporting and bookkeeping requirements on units of local government seeking funding from the Unsewered Communities Grant Program.
 - C) Types of professional skills necessary for compliance: None
- 26) Regulatory agenda on which this rulemaking was summarized: July 2002

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCYPART 366
PROCEDURES AND REQUIREMENTS FOR
DETERMINING LOAN PRIORITIES FOR MUNICIPAL WASTEWATER
TREATMENT WORKS

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366.103	Incorporations by Reference
366.104	Priority System and Project Priority List
366.105	Funding Allocations
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SUBPART B: PROCEDURE FOR CALCULATING THE LOAN PRIORITY
INDEX OF SERVICE CONTINUATION PROJECTS

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366.201	Formula for Computing the Loan Priority Index for Service Continuation Projects
366.202	A1 Factor (Financial Impact)
366.203	A2 Factor (Water Quality)
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366.205	A4 Factor (Assessment of Existing Facilities)
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PRIORITY INDEX OF SERVICE EXPANSION PROJECTS

Section	
366.301	Formula for Computing the Loan Priority Index for Service Expansion Projects
366.302	B1 Factor (Financial Impact)
366.303	B2 Factor (Water Quality)
366.304	B3 Factor (Economic Benefit)
366.305	B4 Factor (Existing Utilization)

ENVIRONMENTAL PROTECTION AGENCY

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- 366.306 B5 Factor (Operational Excellence)
 366.307 B6 Factor (Health Hazard)

SUBPART D: PROCEDURE FOR CALCULATING ~~THE~~ LOAN
 PRIORITY INDEX FOR NEW SERVICE PROJECTS

Section

- 366.401 Formula for Computing ~~the~~ Loan Priority Index for New Service Projects
 366.402 C1 Factor (Financial Impact)
 366.403 C2 Factor (Water Quality)
 366.404 C3 Factor (Organic Load)
 366.405 C4 Factor (Health Hazard)
366.406 C5 Factor (Enforceable Schedule)

SUBPART E: PROCEDURE FOR CALCULATING ~~THE~~ LOAN
 PRIORITY INDEX FOR COMBINED SEWER SERVICE PROJECTS

Section

- 366.501 Formula for Computing the Loan Priority Index for Combined Sewer Projects
 366.502 D1 Factor (Financial Impact)
 366.503 D2 Factor (Drainage Area)
 366.504 D3 Factor (Flooding Frequency)
 366.505 D4 Factor (Basement Backups)
 366.506 D5 Factor (Percentage of Basements Affected)

SUBPART F: PROCEDURE FOR APPLICATION OF SCORING CONVENTIONS

Section

- 366.601 Scoring Conventions

- APPENDIX A Waterbody Specific Information
 APPENDIX B Service Continuation A4 Factor Scoring Review Sheet
 APPENDIX C Excellence of Operation Scoring Review Sheet ~~for~~~~For~~ Local Government
 Units That Own Wastewater Treatment Facilities
 APPENDIX D Excellence of Operation Scoring Review Sheet ~~for~~~~For~~ Local Government
 Units That Own Only Wastewater Collection Facilities

AUTHORITY: Implementing and authorized by Sections 19.1 through 19.8 of the
 Environmental Protection Act [415 ILCS 5/19.1-19.8]

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SOURCE: Adopted at 14 Ill. Reg. 8121, effective May 14, 1990; amended at 20 Ill. Reg. 15598, effective November 26, 1996; amended at 27 Ill. Reg. _____, effective _____.

SUBPART A: INTRODUCTION

Section 366.102 Definitions

- a) Unless specified otherwise, all terms shall have the meanings set forth in the Environmental Protection Act [415 ILCS 5], the Federal Clean Water Act (33 USC U.S.C. 1281 et seq.) and regulations adopted under these Acts, including 35 Ill. Adm. Code 365.
- b) For purposes of these rules, the following definitions apply:

"Agency" – Illinois Environmental Protection Agency.

"Combined Sewer Service Projects" – Projects constructed in a combined sewer service area which are intended to reduce or eliminate street, area and basement flooding.

"Enforceable Schedule" – A Court or Illinois Pollution Control Board order requiring wastewater collection and treatment by date certain, or a Compliance Commitment Agreement entered into by a community and the Agency pursuant to Section 31 of the Environmental Protection Act [415 ILCS 5/31].

"Fund" – The Water Pollution Control Revolving Fund as authorized by P.A. 85-1135, effective September 1, 1988.

"Intended Use Plan" – A plan which includes a description of the short and long term goals and objectives of the Fund, project categories, discharge requirements, terms of financial assistance and the communities to be served.

"Monitoring Reports" – Reports submitted in response to permits issued under the authority of the Federal Clean Water Act (33 USC U.S.C. 1281 et seq.), the Environmental Protection Act [415 ILCS 5], and regulations adopted under these Acts, including discharge (NPDES) permits and State operating permits.

"New Service Project" – Projects which will provide wastewater

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collection, transportation or treatment for an unsewered local government unit.

"P.E. BOD" – A term used to evaluate the impact of industrial or other waste on a treatment works or streams in terms of five day biochemical oxygen demand. One P.E. BOD equals 0.17 pounds (77g).

"Permits" – National Pollutant Discharge Elimination System (NPDES) permits and State operating permits as described in 35 Ill. Adm. Code 309.

"Priority System" – A methodology used to rank projects for inclusion on the project priority list.

"Project Priority List" – An ordered listing of projects which the Agency has determined are eligible to receive financial assistance from the Fund.

"Service Continuation Project" – Projects for the improvement, upgrade, rehabilitation, renovation, and/or replacement of wastewater treatment works.

"Service Expansion Project" – Projects to expand capacity of existing wastewater treatment works.

"Title VI" – Title VI of the Federal Clean Water Act (33 USC U.S.C. 1281 et seq.).

"USEPA Reach File" – Hydrologic Nomenclature System developed by USEPA to identify and locate specific waterbodies.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 366.103 Incorporations by Reference

U.S. Department of Commerce, Economics and Statistics Administration, Bureau of the Census: 20001990 Census of Population and Housing: Profile of Selected Economic Characteristics~~Summary Social, Economic, and Housing Characteristics~~, Illinois, Table DP-340, 20001990-CPH-5-15, available at <http://censtats.census.gov/pub/Profiles.shtml> (no later editions or amendments).

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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SUBPART D: PROCEDURE FOR CALCULATING THE LOAN PRIORITY INDEX FOR NEW SERVICE PROJECTS

Section 366.401 Formula for Computing the Loan Priority Index for New Service Projects

The Loan Priority Index (LPI) for new service projects is a number that is the product of 5 ~~four~~ ~~(4)~~ factors. The LPI is calculated as follows: C1 x C2 x C3 x C4 x C5 = LPI.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 366.402 C1 Factor (Financial Impact)

C1 is a factor that adds points for applicants that have higher rates of unemployment (as provided by the Illinois Department of Employment Security) and includes points for Median Household Income and the Percentage of Persons in Poverty as determined by U.S. Census figures as incorporated by reference in Section 366.103 of this Part. The financial hardship factor is calculated by adding the sum of the three components from the following charts: ~~addresses the financial ability of the unit of local government as in A1 above.~~

<u>Percentage of Statewide Median Household Income</u>	<u>Points</u>
<u>Below 80%</u>	<u>4.0</u>
<u>80% to 100%</u>	<u>3.0</u>
<u>Greater than 100% to 120%</u>	<u>2.0</u>
<u>Greater than 120%</u>	<u>1.0</u>

The percentage of unemployment above the State’s average rate of unemployment:

<u>Percentage above State Rate</u>	<u>Points</u>
<u>0.1 - 2.0</u>	<u>1.0</u>
<u>2.1 - 4.0</u>	<u>2.0</u>
<u>4.1 - 6.0</u>	<u>3.0</u>
<u>6.1 and above</u>	<u>4.0</u>

The Percentage of Persons in Poverty from the latest U.S. Census as incorporated by reference in Section 366.103 of this Part:

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<u>Percentage above State Rate</u>	<u>Points</u>
<u>5.0 - 12.0</u>	<u>1.0</u>
<u>12.1 - 19.0</u>	<u>2.0</u>
<u>19.1 - 25.0</u>	<u>3.0</u>
<u>25.1 and above</u>	<u>4.0</u>

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 366.403 C2 Factor (Water Quality)

C2 is a factor representative of the existing receiving stream water quality as in B2 above. For those projects that have demonstrated negative water quality impacts in the approved facilities planning conducted pursuant to 35 Ill. Adm. Code 365, the calculation procedure as in A2 above will be used. In all others, the calculation as in B2 above will be used.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 366.406 C5 Factor (Enforceable Schedule)

C5 is a factor that denotes that an enforceable schedule is in effect to construct the proposed project. The C5 factor is equal to 5.0.

(Source: Added at 27 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Ambulatory Surgical Treatment Center Licensing Requirements

2) Code Citation: 77 Ill. Adm. Code 205

3) <u>Section Numbers:</u>	<u>Proposed Action:</u>
205.310	Amendment
205.1360	Amendment

4) Statutory Authority: Ambulatory Surgical Treatment Center Act [210 ILCS 5]

5) A complete description of the subjects and issues: Section 205.310 (Personnel Policies) is being amended to add two new requirements. Each ambulatory surgical treatment center (ASTC), prior to employing an individual in a position that requires a State license, will be required to contact the Illinois Department of Professional Regulation to verify that the individual’s license is active. ASTCs will also be required to check the status of all employment applicants with the Nurse Aide Registry prior to hiring.

Section 205.1360 (Clinical Facilities) is being amended to replace references to beds or recovery beds with stretchers and to change requirements for the number of required recovery spaces. For each procedure room using general, spinal, or epidural anesthesia, or IV sedation, at least one stretcher for Stage I recovery and two additional stretchers or lounge chairs for Stage II recovery will be required.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

6) Will this rulemaking replace an emergency rulemaking currently in effect? No

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

8) Does this rulemaking contain any incorporations by reference? No

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

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
205.110	Amendment	26 Ill. Reg. 4572; 3/29/02
205.115	Amendment	26 Ill. Reg. 4572; 3/29/02
205.135	New Section	26 Ill. Reg. 4572; 3/29/02

DEPARTMENT OF PUBLIC HEALTH

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205.1400	Amendment	26 Ill. Reg. 4572; 3/29/02
205.1410	Amendment	26 Ill. Reg. 4572; 3/29/02
205.1540	Amendment	26 Ill. Reg. 4572; 3/29/02
205.1760	Amendment	26 Ill. Reg. 4572; 3/29/02
205.1770	Amendment	26 Ill. Reg. 4572; 3/29/02

10) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State Mandate under the State Mandates Act [30 ILCS 805].

11) Time, place, and manner in which interested persons may comment on this rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

Peggy Snyder
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St., 5th Floor
Springfield, Illinois 62761
217/782-2043
e-mail: rules@idph.state.il.us

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Peggy Snyder at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected: Ambulatory surgical treatment centers

B) Reporting, Bookkeeping or Other Procedures Required for Compliance: None

C) Types of Professional Skills Necessary for Compliance: Skills necessary to operate an ASTC

13) Regulatory Agenda on which this rulemaking was summarized: July 2001

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER b: HOSPITAL AND AMBULATORY CARE FACILITIESPART 205
AMBULATORY SURGICAL TREATMENT CENTER LICENSING REQUIREMENTS

SUBPART A: GENERAL

Section

- 205.110 Definitions
- 205.115 Incorporated and Referenced Materials
- 205.118 Conditions of Licensure
- 205.120 Application for Initial Licensure
- 205.125 Application for License Renewal
- 205.130 Approval of Surgical Procedures
- 205.135 Diagnostic Cardiac Catheterization Procedures

SUBPART B: OWNERSHIP AND MANAGEMENT

Section

- 205.210 Ownership, Control and Management
- 205.220 Organizational Plan
- 205.230 Standards of Professional Work
- 205.240 Policies and Procedures Manual

SUBPART C: PERSONNEL

Section

- 205.310 Personnel Policies
- 205.320 Presence of Qualified Physician
- 205.330 Nursing Personnel
- 205.340 Basic Life Support
- 205.350 Laboratory Services

SUBPART D: EQUIPMENT, SUPPLIES, AND FACILITY MAINTENANCE

Section

- 205.410 Equipment
- 205.420 Sanitary Facility

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SUBPART E: GENERAL PATIENT CARE

Section

205.510	Emergency Care
205.520	Preoperative Care
205.530	Operative Care
205.540	Postoperative Care

SUBPART F: RECORDS AND REPORTS

Section

205.610	Clinical Records
205.620	Statistical Data

SUBPART G: LIMITED PROCEDURE SPECIALTY CENTERS

Section

205.710	Pregnancy Termination Specialty Centers
205.720	Personnel (Repealed)
205.730	General Patient Care (Repealed)
205.740	Preoperative Requirements (Repealed)
205.750	Postoperative Requirements (Repealed)
205.760	Reports (Repealed)

SUBPART H: LICENSURE PROCEDURES

Section

205.810	Complaints
205.820	Notice of Violation
205.830	Plan of Correction
205.840	Adverse Licensure Action
205.850	Fines and Penalties
205.860	Hearings

SUBPART I: BUILDING DESIGN, CONSTRUCTION STANDARDS,
AND PHYSICAL REQUIREMENTS

Section

205.1310	Plant and Service Requirements
205.1320	General Considerations
205.1330	New Construction, Additions and Major Alterations

DEPARTMENT OF PUBLIC HEALTH

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205.1340	Minor Alterations and Remodeling Changes
205.1350	Administration Department and Public Areas
205.1360	Clinical Facilities
205.1370	Support Service Areas
205.1380	Diagnostic Facilities
205.1390	Other Building Services
205.1400	Details and Finishes
205.1410	Construction, Including Fire-Resistive Requirements, and Life Safety

SUBPART J: MECHANICAL

Section	
205.1510	General
205.1520	Thermal and Acoustical Insulation
205.1530	Steam and Hot Water Systems
205.1540	Air Conditioning, Heating and Ventilating Systems

SUBPART K: PLUMBING AND OTHER PIPING SYSTEMS

Section	
205.1610	General
205.1620	Plumbing Fixtures
205.1630	Water System
205.1640	Drainage Systems
205.1650	Identification

SUBPART L: ELECTRICAL

Section	
205.1710	General
205.1720	Switchboards and Power Panels
205.1730	Panelboards
205.1740	Lighting
205.1750	Receptacles (Convenience Outlets)
205.1760	Grounding
205.1770	Equipment Installation in Special Areas
205.1780	Emergency Electric Service
205.1790	Fire Alarm System

TABLE A	General Pressure Relationships and Ventilation Rates of Ambulatory Surgery Area
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NOTICE OF PROPOSED AMENDMENTS

AUTHORITY: Implementing and authorized by the Ambulatory Surgical Treatment Center Act [210 ILCS 5].

SOURCE: Amended July 18, 1974; emergency amendment at 3 Ill. Reg. 10, p. 43, effective February 23, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 30, p. 371, effective July 23, 1979; amended at 5 Ill. Reg. 12756, effective November 4, 1981; amended at 6 Ill. Reg. 6220, 6225, and 6226, effective May 17, 1982; amended at 6 Ill. Reg. 10974, effective August 30, 1982; amended at 6 Ill. Reg. 13337, effective October 20, 1982; amended at 7 Ill. Reg. 7640, effective June 14, 1983; codified at 8 Ill. Reg. 9367; amended at 9 Ill. Reg. 12014, effective July 23, 1985; amended at 10 Ill. Reg. 8806, effective June 1, 1986; amended at 10 Ill. Reg. 21906, effective January 15, 1987; amended at 11 Ill. Reg. 14786, effective October 1, 1987; amended at 12 Ill. Reg. 3743, effective February 15, 1988; amended at 12 Ill. Reg. 15573, effective October 1, 1988; amended at 13 Ill. Reg. 16025, effective November 1, 1989; emergency amendment at 14 Ill. Reg. 5596, effective March 26, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13802, effective August 15, 1990; amended at 15 Ill. Reg. 17770, effective December 1, 1991; amended at 17 Ill. Reg. 3507, effective March 3, 1993; amended at 18 Ill. Reg. 11939, effective July 22, 1994; amended at 18 Ill. Reg. 17250, effective December 1, 1994; amended at 22 Ill. Reg. 9335, effective May 20, 1998; amended at 22 Ill. Reg. 22019, effective December 4, 1998; amended at 24 Ill. Reg. 2691, effective February 18, 2000; amended at 25 Ill. Reg. 7471, effective May 31, 2001; amended at 26 Ill. Reg. 16556, effective October 25, 2002; amended at 27 Ill. Reg. _____, effective _____.

SUBPART C: PERSONNEL

Section 205.310 Personnel Policies

- a) Each ambulatory surgical treatment center shall have written personnel policies including job descriptions for each staff position, which shall include minimum qualifications required for the position. There shall be a documented procedure for orientation of new employees to the facility's policies and procedures as well as the personnel policies including a copy of the appropriate job description.
- b) Prior to employing any individual in a position that requires a State license, the ambulatory surgical treatment center shall contact the Illinois Department of Professional Regulation to verify that the individual's license is active. A copy of the license shall be placed in the individual's personnel file.
- c) The ambulatory surgical treatment center shall check the status of all applicants with the Nurse Aide Registry prior to hiring.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

SUBPART I: BUILDING DESIGN, CONSTRUCTION STANDARDS,
AND PHYSICAL REQUIREMENTS**Section 205.1360 Clinical Facilities**

- a) Examination rooms
 - 1) Each examination room shall have a minimum clear floor area of 80 square feet, and a minimum dimension of 8 feet, exclusive of vestibule, toilet, closet, and work counter (whether fixed or movable). A minimum clear dimension of 2'6" on each side and at both ends of the examination table shall be provided.
 - 2) A lavatory or sink equipped for handwashing with electronic or knee or foot control shall be provided.
 - 3) A counter or shelf space for writing shall be provided.
- b) Procedure rooms – Sterile area
 - 1) At least one procedure room with a minimum clear area of 250 square feet and a minimum dimension of 14 feet, exclusive of closet, cabinet, and work counter (whether fixed or movable) shall be provided. There shall be a minimum clearance of 3'6" at each side and at both ends of the operating table.
 - 2) Any new construction of other procedure rooms shall not be less than 120 square feet with a minimum dimension of 10 feet, exclusive of closet, cabinet, and work counter (whether fixed or movable). There shall be a minimum of 3' clearance at each side and at both ends of the operating table.
 - 3) A communication system connecting with the control station shall be provided.
 - 4) Special features such as x-ray film illuminators, and storage space as required by the program, shall be provided.
- c) Procedure rooms – Non-sterile area
 - 1) Laser rooms
 - A) Rooms used solely for procedures where lasers are employed shall have a minimum clear floor area of 100 square feet and a minimum clear dimension of 10 feet, exclusive of vestibule, toilet, closet, and work counter (whether fixed or movable). There shall be a minimum 2'6" clearance at each side and both ends of the treatment chair/table.
 - B) If a water cooling system for the laser equipment is used, a water supply and trapped waste line shall be provided to service the laser.
 - C) A communication system connected to the control station shall be provided.

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- 2) Gastrointestinal endoscopy rooms
 - A) Rooms used solely for gastrointestinal endoscopic procedures shall have a minimum clear floor area of 200 square feet and a minimum clear dimension of 12 feet, exclusive of such spaces as vestibule, toilet, closet, and work counter (whether fixed or movable). There shall be a minimum 2'6" clearance at each side and at both ends of the treatment table.
 - B) A storage area for overgowns, gloves, masks, and goggles adjacent to the hand-washing lavatory shall be provided.
 - C) An area for the disposal of overgowns, gloves, masks, and goggles shall be provided.
 - D) An endoscopic instrument cabinet for easy access and proper maintenance of fiberoptic equipment shall be provided.
 - E) An instrument processing work area with storage cabinets, work counter, drip rack, and double sink shall be provided.
 - F) A communication system connected to the control station shall be provided.
- d) Recovery rooms
 - 1) Rooms for post-anesthesia recovery for surgical patients shall be provided. These rooms shall be classified as Stage I recovery, Stage II recovery, or combined Stage I and Stage II recovery. For the purpose of this Section, lounge chair means recliner.
 - A) Stage I or combined Stage I and II recovery rooms
 - i) Stage I recovery rooms shall include spaces for patients who are recovering from surgical procedures requiring general, spinal or any other type of sedation that requires a more intense level of monitoring.
 - ~~ii) There shall be at least one recovery bed and two additional beds or lounge chairs for each procedure room using general, spinal or epidural anesthesia, or IV sedation.~~
 - ~~iii) Stage I recovery rooms shall have a minimum clear area of 70 square feet for single or multiple patient occupancy. The ~~stretchers~~beds and lounge chairs shall be arranged so that there is a minimum clear dimension of 3' on the sides of the ~~stretchers~~beds or lounge chairs and 4' at the foot of the ~~stretchers~~beds or lounge chairs.~~
 - B) Stage II recovery rooms
 - i) Stage II recovery rooms shall include spaces for patients who are able to leave the Stage I recovery room but require additional time for all of the patient's vital signs to be stabilized to the point where the patient may leave the

DEPARTMENT OF PUBLIC HEALTH

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- facility. These rooms may also serve those patients who have undergone surgical procedures under local anesthesia.
- ii) Stage II recovery rooms shall have a minimum clear area of 50 square feet per station with a minimum clear dimension of 2'6" on both sides and 3' at the foot of the ~~stretchers~~beds or lounge chairs.
- C) Number of required recovery spaces
- i) For each procedure room using general, spinal, or epidural anesthesia, or IV sedation, there shall be at least one stretcher for Stage I recovery and two additional stretchers or lounge chairs for Stage II recovery.
- ~~iii) For each procedure room using only local anesthesia, at least one recovery bed and one additional bed or lounge chair shall be provided.~~
- iii) For each gastrointestinal endoscopy room, there shall be a minimum of one ~~stretcher~~recovery bed and one other ~~stretcher~~recovery bed or lounge chair.
- 2) The recovery area shall contain a drug distribution station, hand-washing facility, charting facilities, nurses' station, and storage space for supplies and equipment.
- 3) The recovery rooms ~~shall~~must have accessibility to a toilet without having to leave the recovery room to reach it. The water closet shall be equipped with a gray diverter valve.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Emergency Medical Services and Trauma Center Code
- 2) Code Citation: 77 Ill. Adm. Code 515
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
515.100	Amendment
515.370	Repealer
515.590	Amendment
515.610	Amendment
515.725	Amendment
515.730	Amendment
- 4) Statutory Authority: Emergency Medical Services (EMS) Systems Act [210 ILCS 50]
- 5) A complete description of the subjects and issues: Part 515 regulates the provision of emergency medical services in Illinois. The rules are being amended to reflect changes in the First Responder – AED, EMT-B and EMT-I curriculum in regard to the use of Automated External Defibrillators.

Section 515.100 (Definitions) is being amended to add a definition of “CPR for Healthcare Providers.”

Section 515.370 (Automated Defibrillator) is being repealed. Separate courses will no longer be required, since AED training is now part of the training courses.

Sections 515.590 (EMT License Renewals) and 515.610 (EMT Reciprocity) are being amended to include reference to the CPR for Healthcare Providers course.

Section 515.725 (First Responder – AED) is being amended to change the AED training component to Lesson 4-3 of the EMT-Basic Curriculum. Reference to the CPR for Healthcare Providers is also included.

Section 515.730 (Pre-Hospital Registered Nurse) is being amended to include reference to the CPR for Healthcare Providers.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

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- 6) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain any incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
515.100	Amendment	26 Ill. Reg. 13165; 9/6/02
515.220	Amendment	26 Ill. Reg. 11363; 7/26/02
515.380	Amendment	26 Ill. Reg. 11363; 7/26/02
515.450	New Section	26 Ill. Reg. 11363; 7/26/02
515.500	Amendment	26 Ill. Reg. 11363; 7/26/02
515.510	Amendment	26 Ill. Reg. 11363; 7/26/02
515.520	Amendment	26 Ill. Reg. 11363; 7/26/02
515.540	Amendment	26 Ill. Reg. 11363; 7/26/02
515.590	Amendment	26 Ill. Reg. 11363; 7/26/02
515.700	Amendment	26 Ill. Reg. 11363; 7/26/02
515.710	Amendment	26 Ill. Reg. 11363; 7/26/02
515.830	Amendment	26 Ill. Reg. 13165; 9/6/02
515.400	New Section	26 Ill. Reg. 7978; 5/31/02
515.4010	New Section	26 Ill. Reg. 7978; 5/31/02
Appendix K	New Section	26 Ill. Reg. 7978; 5/31/02
Appendix L	New Section	26 Ill. Reg. 7978; 5/31/02
Appendix M	New Section	26 Ill. Reg. 7978; 5/31/02

- 10) Statement of Statewide Policy Objective: The rulemaking does not create or expand a State Mandate under the State Mandates Act [30 ILCS 805].
- 11) Time, place, and manner in which interested persons may comment on this rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

Peggy Snyder
 Division of Legal Services
 Illinois Department of Public Health
 535 West Jefferson St., 5th Floor
 Springfield, Illinois 62761
 217/782-2043

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

e-mail: rules@idph.state.il.us

These amendments may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present its comments in writing to Peggy Snyder at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these amendments shall indicate its status as such, in writing, in its comments.

- 12) Initial Regulatory Flexibility Analysis:
- A) Type of small businesses, small municipalities and not-for-profit corporations affected: Ambulance service providers
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2002

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER f: EMERGENCY SERVICES AND HIGHWAY SAFETY

PART 515

EMERGENCY MEDICAL SERVICES AND TRAUMA CENTER CODE

SUBPART A: GENERAL

Section	
515.100	Definitions
515.125	Incorporated and Referenced Materials
515.150	Waiver Provisions
515.160	Violations, Hearings and Fines
515.170	Employer Responsibility

SUBPART B: EMS REGIONS

Section	
515.200	Emergency Medical Services Regions
515.210	EMS Regional Plan Development
515.220	EMS Regional Plan Content
515.230	Resolution of Disputes Concerning the EMS Regional Plan

SUBPART C: EMS SYSTEMS

Section	
515.300	Approval of New EMS Systems
515.310	Approval and Renewal of EMS Systems
515.315	Bypass Status Review
515.320	Scope of EMS Service
515.330	EMS System Program Plan
515.340	EMS Medical Director's Course
515.350	Data Collection and Submission
515.360	Approval of Additional Drugs and Equipment
515.370	Automated Defibrillation (<u>Repealed</u>)
515.380	Do Not Resuscitate (DNR) Policy
515.390	Minimum Standards for Continuing Operation
515.400	General Communications
515.410	EMS System Communications
515.420	System Participation Suspensions
515.430	Suspension, Revocation and Denial of Licensure of EMTs

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AUTHORITY: Implementing and authorized by the Emergency Medical Services (EMS) Systems Act [210 ILCS 50].

SOURCE: Emergency Rule adopted at 19 Ill. Reg. 13084, effective September 1, 1995 for a maximum of 150 days; emergency expired January 28, 1996; adopted at 20 Ill. Reg. 3203, effective February 9, 1996; emergency amendment at 21 Ill. Reg. 2437, effective January 31, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 5170, effective April 15, 1997; amended at 22 Ill. Reg. 11835, effective June 25, 1998; amended at 22 Ill. Reg. 16543, effective September 8, 1998; amended at 24 Ill. Reg. 8585, effective June 10, 2000; amended at 24 Ill. Reg. 9006, effective June 15, 2000; amended at 24 Ill. Reg. 19218, effective December 15, 2000; amended at 25 Ill. Reg. 16386, effective December 20, 2001; amended at 27 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 515.100 Definitions

For the purposes of this Part:

Act – the Emergency Medical Services (EMS) Systems Act [210 ILCS 50].

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Advanced Life Support (ALS) Services – an advanced level of pre-hospital and inter-hospital emergency care and non-emergency medical care that includes basic life support care, cardiac monitoring, cardiac defibrillation, electrocardiography, intravenous therapy, administration of medications, drugs and solutions, use of adjunctive medical devices, trauma care, and other authorized techniques and procedures as outlined in the Advanced Life Support National Curriculum of the United States Department of Transportation and any modifications to that curriculum specified in this Part. (Section 3.10 of the Act)

Aeromedical Crew Member or Watercraft Crew Member or Off-road SEMSV Crew Member – an individual, other than an EMS pilot, who has been approved by an SEMSV Medical Director for specific medical duties in a helicopter or fixed-wing aircraft, on a watercraft, or on an off-road SEMSV used in a Department-certified SEMSV Program.

Alternate EMS Medical Director or Alternate EMSMD – the physician who is designated by the Resource Hospital to direct the ALS/ILS/BLS operations in the absence of the EMS Medical Director.

Ambulance – any publicly or privately owned vehicle that is specifically designed, constructed or modified and equipped for, and is intended to be used for, and is maintained or operated for, the emergency transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless, or the non-emergency medical transportation of persons who require the presence of medical personnel to monitor the individual's condition or medical apparatus being used on such an individual. (Section 3.85 of the Act)

Ambulance Service Provider or Ambulance Provider – any individual, group of individuals, corporation, partnership, association, trust, joint venture, unit of local government or other public or private ownership entity that owns and operates a business or service using one or more ambulances or EMS vehicles for the transportation of emergency patients.

Associate Hospital – a hospital participating in an approved EMS System in accordance with the EMS System Program Plan, fulfilling the same clinical and communications requirements as the Resource Hospital. This hospital has neither the primary responsibility for conducting training programs nor the responsibility for the overall operation of the EMS System program. The Associate Hospital must have a basic or comprehensive emergency department with 24-hour physician coverage. It must have a functioning Intensive Care Unit and/or a Cardiac Care Unit.

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Associate Hospital EMS Coordinator – the EMT-P or Registered Nurse at the Associate Hospital who shall be responsible for duties in relation to the ALS, ILS or BLS System, in accordance with the Department-approved EMS System Program Plan.

Associate Hospital EMS Medical Director – the physician at the Associate Hospital who shall be responsible for the day-to-day operations of the Associate Hospital in relation to the ALS, ILS, or BLS System, in accordance with the Department-approved EMS System Program Plan.

Basic Emergency Department – a classification of a hospital emergency department where at least one physician is available in the emergency department at all times; physician specialists are available in minutes; and ancillary services including laboratory, x-ray and pharmacy are staffed or are "on-call" at all times in accordance with Section 250.710 of the Hospital Licensing Code (77 Ill. Adm. Code 250).

Basic Life Support (BLS) Services – a basic level of pre-hospital and inter-hospital emergency care and non-emergency medical care that includes airway management, cardiopulmonary resuscitation (CPR), control of shock and bleeding and splinting of fractures, as outlined in a Basic Life Support National Curriculum of the United States Department of Transportation and any modifications to that curriculum specified in this Part. (Section 3.10 of the Act)

Board Eligible in Emergency Medicine – completion of a residency in Emergency Medicine in a program approved by the Residency Review Committee for Emergency Medicine or the Council on Postdoctoral Training (COPT) for the American Osteopathic Association (AOA).

Certified Registered Nurse Anesthetist or CRNA – a licensed registered professional nurse who has had additional education beyond the registered professional nurse requirements at a school/program accredited by the National Council on Accreditation, and passed the certifying exam given by the National Council on Certification, and who by participating in 40 hours of continuing education every two years, has been recertified by the National Council on Recertification.

Channel, Half-Duplex – a radio channel that transmits and receives signals, but in only one direction at a time.

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CME – continuing medical education.

Comprehensive Emergency Department – a classification of a hospital emergency department where at least one licensed physician is available in the emergency department at all times; physician specialists shall be available in minutes; and ancillary services including laboratory and x-ray are staffed at all times; and pharmacy is staffed or "on-call" at all times in accordance with Section 250.710 of the Hospital Licensing Code (77 Ill. Adm. Code 250).

CPR for Healthcare Providers – a course in cardiopulmonary resuscitation that meets or exceeds the American Heart Association course "BLS for Healthcare Providers".

Department – the Illinois Department of Public Health. (Section 3.5 of the Act)

Director – the Director of the Illinois Department of Public Health or his/her designee. (Section 3.5 of the Act)

Dysrhythmia – a variation from the normal electrical rate and sequences of cardiac activity, also including abnormalities of impulse formation and conduction.

Effective Radiated Power (ERP) – the power gain of a transmitting antenna multiplied by the net power accepted by the antenna from the connected transmitter.

Electrocardiogram (EKG) – a single lead graphic recording of the electrical activity of the heart by a series of deflections that represent certain components of the cardiac cycle.

Emergency – a medical condition of recent onset and severity that would lead a prudent lay person, possessing an average knowledge of medicine and health, to believe that urgent or unscheduled medical care is required. (Section 3.5 of the Act)

Emergency Communications Registered Nurse or ECRN – a registered professional nurse, licensed under the Illinois Nursing Act of 1987, who has successfully completed supplemental education in accordance with this Part and who is approved by an EMS Medical Director to monitor telecommunications from and give voice orders to EMS System personnel, under the authority of the EMS Medical Director and in accordance with System protocols. (Section 3.80)

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of the Act) These individuals were formerly called MICNS.

Emergency Medical Dispatcher – a person who has successfully completed a dispatching course meeting or exceeding the National Curriculum of the United States Department of Transportation in accordance with this Part, who accepts calls from the public for emergency medical services and dispatches designated emergency medical services personnel and vehicles. (Section 3.70 of the Act)

Emergency Medical Services (EMS) System or System – an organization of hospitals, vehicle service providers and personnel approved by the Department in a specific geographic area, which coordinates and provides pre-hospital and inter-hospital emergency care and non-emergency medical transports at a BLS, ILS and/or ALS level pursuant to a System Program Plan submitted to and approved by the Department and pursuant to the EMS Regional Plan adopted for the EMS Region in which the System is located. (Section 3.20 of the Act)

Emergency Medical Services System Survey – a questionnaire that provides data to the Department for the purpose of compiling annual reports.

Emergency Medical Technician-Basic or EMT-B – a person who has successfully completed a course of instruction in basic life support as prescribed by the Department, is currently licensed by the Department in accordance with standards prescribed by the Act and this Part and practices within an EMS System. (Section 3.50 of the Act)

Emergency Medical Technician-Coal Miner – for purposes of the Coal Mine Medical Emergencies Act, an EMT-B, EMT-I or EMT-P who has received training emphasizing extrication from a coal mine.

Emergency Medical Technician-Intermediate or EMT-I – a person who has successfully completed a course of instruction in intermediate life support as prescribed by the Act and this Part and practices within an Intermediate or Advanced Life Support EMS System. (Section 3.50 of the Act)

Emergency Medical Technician-Paramedic or EMT-P – a person who has successfully completed a course of instruction in advanced life support care as prescribed by the Department, is licensed by the Department in accordance with standards prescribed by the Act and this Part and practices within an Advanced Life Support EMS System. (Section 3.50 of the Act)

EMS Administrative Director – the administrator, appointed by the Resource

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Hospital with the approval of the EMS Medical Director, responsible for the administration of the EMS System.

EMS Medical Director or EMSMD – the physician, appointed by the Resource Hospital, who has the responsibility and authority for total management of the EMS System.

EMS Lead Instructor – a person who has successfully completed a course of education as prescribed by the Department in this Part, and who is currently approved by the Department to coordinate or teach education, training and continuing education courses, in accordance with this Part. (Section 3.65 of the Act)

EMS Regional Plan – a plan established by the EMS Medical Director's Committee in accordance with Section 3.30 of the Act.

EMS System Coordinator – the designated individual responsible to the EMS Medical Director and EMS Administrative Director for coordination of the educational and functional aspects of the System program.

EMS System Program Plan – the document prepared by the Resource Hospital and approved by the Department that describes the EMS System program and directs the program's operation.

First Responder – a person who has successfully completed a course of instruction in emergency first response as prescribed by the Department, who provides first response services prior to the arrival of an ambulance or specialized emergency medical services vehicle, in accordance with the level of care established in the emergency first response course. (Section 3.60 of the Act)

First Response Services – a preliminary level of pre-hospital emergency care that includes cardiopulmonary resuscitation (CPR), monitoring vital signs and controlling of bleeding, as outlined in the First Responder Curriculum of the United States Department of Transportation and any modifications to that curriculum specified in this Part. (Section 3.10 of the Act)

Fixed-Wing Aircraft – an engine-driven aircraft that is heavier than air, and is supported in-flight by the dynamic reaction of the air against its wings.
Intermediate life

Full-Time – on duty a minimum of 36 hours, four days a week.

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Health Care Facility – a hospital, nursing home, physician's office or other fixed location at which medical and health care services are performed. It does not include "pre-hospital emergency care settings" which utilize EMTs to render pre-hospital emergency care prior to the arrival of a transport vehicle, as defined in the Act and this Part. (Section 3.5 of the Act)

Helicopter or Rotorcraft – an aircraft that is capable of vertical take offs and landings, including maintaining a hover.

Hospital – has the meaning ascribed to that term in Section 3 of the *Hospital Licensing Act* [210 ILCS 85]. (Section 3.5 of the Act)

Instrument Flight Rules or IFR – the operation of an aircraft in weather minimums below the minimums for flight under visual flight rules (VFR). (See General Operating and Flight Rules, 14 CFR 91.115 through 91.129.)

Instrument Meteorological Conditions (IMC) – meteorological conditions expressed in terms of visibility, distance from clouds and ceiling, which require Instrument Flight Rules.

Intermediate Life Support (ILS) Services – an intermediate level of pre-hospital and inter-hospital emergency care and non-emergency medical care that includes basic life support care, plus intravenous cannulation and fluid therapy, invasive airway management, trauma care, and other authorized techniques and procedures as outlined in the *Intermediate Life Support National Curriculum of the United States Department of Transportation* and any modifications to that curriculum specified in this Part. (Section 3.10 of the Act)

Level I Trauma Center – a hospital participating in an approved EMS System and designated by the Department pursuant to Section 515.2030 of this Part to provide optimal care to trauma patients and to provide all essential services in-house, 24 hours per day.

Level II Trauma Center – a hospital participating in an approved EMS System and designated by the Department pursuant to Section 515.2040 of this Part to provide optimal care to trauma patients, to provide some essential services available in-house 24 hours per day, and to provide other essential services readily available 24 hours a day.

Limited Operation Vehicle – a vehicle which is licensed by the Department to

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provide basic, intermediate or advanced life support emergency or non-emergency medical services that are exclusively limited to specific events or locales. (Section 3.85 of the Act)

Local System Review Board – a group established by the Resource Hospital to hear appeals from EMTs or other providers who have been suspended or have received notification of suspension from the EMS Medical Director.

Mobile Radio – a two-way radio installed in an EMS vehicle, which may not be readily removed.

Morbidity – a negative outcome that is the result of the original trauma and/or treatment rendered or omitted.

911 – an emergency answer and response system in which the caller need only dial 9-1-1 on a telephone to obtain emergency services including police, fire, medical ambulance and rescue.

Non-emergency Medical Care – medical services rendered to patients whose condition does not meet the Act's definition of emergency, during transportation of such patients to health care facilities for the purpose of obtaining medical or health care services which are not emergency in nature, using a vehicle regulated by the Act and this Part. (Section 3.10 of the Act)

Off-Road Specialized Emergency Medical Services Vehicle or Off-Road SEMSV or Off-Road SEMS Vehicle – a motorized cart, golf cart, all-terrain-vehicle (ATV), or amphibious vehicle that is not intended for use on public roads.

Participating Hospital – a hospital participating in an approved EMS System in accordance with the EMS System Program Plan, which is not a Resource Hospital or an Associate Hospital.

Pediatric Trauma Patient – trauma patient from birth to 15 years of age.

Physician – any person licensed to practice medicine in all of its branches under the Medical Practice Act of 1987 [225 ILCS 90].

Pilot or EMS Pilot – a pilot certified by the Federal Aviation Administration who has been approved by an SEMSV Medical Director to fly a helicopter or fixed-wing aircraft used in a Department-certified SEMSV Program.

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Portable Radio – a hand-held radio that accompanies the user during the conduct of emergency medical services.

Pre-Hospital Care – those emergency medical services rendered to emergency patients for analytic, resuscitative, stabilizing, or preventive purposes, precedent to and during transportation of such patients to hospitals. (Section 3.10 of the Act)

Pre-Hospital Care Provider – a System Participant or any EMT-B, I, P, Ambulance, Ambulance Provider, EMS Vehicle, Associate Hospital, Participating Hospital, EMS System Coordinator, Associate Hospital EMS Coordinator, Associate Hospital EMS Medical Director, ECRN or Physician serving on an ambulance or giving voice orders over an EMS System and subject to suspension by the EMS Medical Director of that System in accordance with the policies of the EMS System Program Plan approved by the Department.

Pre-Hospital Registered Nurse or Pre-Hospital RN – a registered professional nurse, licensed under the Illinois Nursing Act of 1987, who has successfully completed supplemental education in accordance with this Part and who is approved by an EMS Medical Director to practice within an EMS System as emergency medical services personnel for pre-hospital and inter-hospital emergency care and non-emergency medical transports. (Section 3.80 of the Act)
This individual was formerly called a Field RN.

Regional EMS Advisory Committee – a committee formed within an Emergency Medical Services (EMS) Region to advise the Region's EMS Medical Directors Committee and to select the Region's representative to the State Emergency Medical Services Advisory Council, consisting of at least the members of the Region's EMS Medical Directors Committee, the Chair of the Regional Trauma Committee, the EMS System Coordinators from each resource hospital within the Region, one administrative representative from an associate hospital within the Region, one administrative representative from a participating hospital within the Region, one administrative representative from the vehicle service provider which responds to the highest number of calls for emergency service within the Region, one administrative representative of a vehicle service provider from each System within the Region, one Emergency Medical Technician (EMT)/Pre-Hospital RN from each level of EMT/Pre-Hospital RN practicing within the Region, and one registered professional nurse currently practicing in an emergency department within the Region. Of the two administrative representatives of vehicle service providers, at least one shall be an administrative representative of a private vehicle service provider. The Department's Regional EMS Coordinator for each

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Region shall serve as a non-voting member of that Region's EMS Advisory Committee. (Section 3.25 of the Act)

Regional EMS Coordinator – the designee of the Chief, Division of Emergency Medical Services and Highway Safety, Illinois Department of Public Health.

Regional EMS Medical Directors Committee – a group *comprised of the Region's EMS Medical Directors, along with the medical advisor to a fire department vehicle service provider. For Regions that include a municipal fire department serving a population of over 2,000,000 people, that fire department's medical advisor shall serve on the Committee. For other Regions, the fire department vehicle service providers shall select which medical advisor to serve on the Committee on an annual basis. (Section 3.25 of the Act)*

Regional Trauma Advisory Committee – a committee formed within an Emergency Medical Services (EMS) Region, to advise the Region's Trauma Center Medical Directors Committee, consisting of at least the Trauma Center Medical Directors and Trauma Coordinators from each trauma center within the Region, one EMS Medical Director from a resource hospital within the Region, one EMS System Coordinator from another resource hospital within the Region, one representative each from a public and private vehicle service provider which transports trauma patients within the Region, an administrative representative from each trauma center within the Region, one EMT representing the highest level of EMT practicing within the Region, one emergency physician and one Trauma Nurse Specialist (TNS) currently practicing in a trauma center. The Department's Regional EMS Coordinator for each Region shall serve as a non-voting member of that Region's Trauma Advisory Committee. (Section 3.25 of the Act)

Registered Nurse or Registered Professional Nurse or RN – a person who is licensed as a professional nurse under the Nursing and Advanced Practice Nursing Act [225 ILCS 65].

Resource Hospital – the hospital with the authority and the responsibility for an EMS System as outlined in the Department-approved EMS System Program Plan. The Resource Hospital, through the EMS Medical Director, assumes responsibility for the entire program, including the clinical aspects, operations and educational programs. This hospital agrees to replace medical supplies and provide for equipment exchange for participating EMS vehicles.

SEMSV Medical Control Point or Medical Control Point – the communication

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center from which the SEMSV Medical Director or his or her designee issues medical instructions or advice to the aeromedical, watercraft, or off-road SEMSV crew members.

SEMSV Medical Director or Medical Director – the physician appointed by the SEMSV Program who has the responsibility and authority for total management of the SEMSV Program, subject to the requirements of the EMS System of which the SEMSV Program is a part.

SEMSV Program or Specialized Emergency Medical Services Vehicle Program – a program operating within an EMS System, pursuant to a program plan submitted to and certified by the Department, utilizing specialized emergency medical services vehicles to provide emergency transportation to sick or injured persons.

Specialized Emergency Medical Services Vehicle or SEMSV – a vehicle or conveyance, other than those owned or operated by the federal government, that is primarily intended for use in transporting the sick or injured by means of air, water, or ground transportation, that is not an ambulance as defined in the Act. The term includes watercraft, aircraft and special purpose ground transport vehicles not intended for use on public roads. (Section 3.85 of the Act)

"Primarily intended", for the purposes of this definition, means one or more of the following:

Over 50 percent of the vehicle's operational (e.g., in-flight) hours are devoted to the emergency transportation of the sick or injured;

The vehicle is owned or leased by a hospital or ambulance provider and is used for the emergency transportation of the sick or injured;

The vehicle is advertised as a vehicle for the emergency transportation of the sick or injured;

The vehicle is owned, registered or licensed in another state and is used on a regular basis to pick up and transport the sick or injured within or from within this State; or

The vehicle's structure or permanent fixtures have been specifically designed to accommodate the emergency transportation of the sick or injured.

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Standby Emergency Department – a classification of a hospital emergency department where at least one of the registered nurses on duty in the hospital is available for emergency services at all times; and a licensed physician is "on-call" to the emergency department at all times in accordance with Section 250.710 of the Hospital Licensing Code (77 Ill. Adm. Code 250).

Special-Use Vehicle – any public or privately owned vehicle that is specifically designed, constructed or modified and equipped, and is intended to be used for, and is maintained or operated solely for, the emergency or non-emergency transportation of a specific medical class or category of persons who are sick, injured, wounded or otherwise incapacitated or helpless (e.g., high-risk obstetrical patients, neonatal patients). (Section 3.85 of the Act)

State EMS Advisory Council – a group that advises the Department on the administration of the Act and this Part whose members are appointed in accordance with Section 3.200 of the Act.

System Participation Suspension – the suspension from participation within an EMS System of an individual or individual provider, as specifically ordered by that System's EMS Medical Director.

Substantial Compliance – meeting requirements except for variance from the strict and literal performance that results in unimportant omissions or defects given the particular circumstances involved.

Substantial Failure – the failure to meet requirements other than a variance from the strict and literal performance that results in unimportant omissions or defects given the particular circumstances involved.

Sustained Hypotension – two systolic blood pressures of 90 mmHg five minutes apart or, in the case of a pediatric patient, two systolic blood pressures of 80 mmHg five minutes apart.

Telecommunications Equipment – a radio capable of transmitting and/or receiving voice and electrocardiogram (EKG) signals.

Telemetry – the transmission of data by wire, radio, or other means from remote sources to a receiving station for recording and analysis.

Trauma – any significant injury which involves single or multiple organ systems. (Section 3.5 of the Act)

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Trauma Category I – a classification of trauma patients in accordance with Section 515.Appendix C and 515.Appendix F of this Part.

Trauma Category II – a classification of trauma patients in accordance with Section 515.Appendix C and 515.Appendix F of this Part.

Trauma Center – a hospital which: within designated capabilities provides care to trauma patients; participates in an approved EMS System; and is duly designated pursuant to the provisions of the Act. (Section 3.90 of the Act)

Trauma Center Medical Director – the trauma surgeon appointed by a Department-designated Trauma Center who has the responsibility and authority for the coordination and management of patient care and trauma services at the Trauma Center. He or she must have 24-hour independent operating privileges and shall be board certified in surgery with at least one year of experience in trauma care.

Trauma Center Medical Directors Committee – a group composed of the Region's Trauma Center Medical Directors. (Section 3.25 of the Act)

Trauma Coordinator – a registered nurse working in conjunction with the trauma medical director. The Trauma Coordinator is responsible for the organization of service and systems necessary for a multidisciplinary approach throughout the continuum of trauma care.

Trauma Nurse Specialist or TNS – a registered professional nurse who has successfully completed education and testing requirements as prescribed by the Department, and is certified in accordance with this Part. (Section 3.75 of the Act)

Trauma Nurse Specialist Course Coordinator (TNSCC) – a registered nurse appointed by the Chief Executive Officer of a hospital designated as a TNS Training Site, who meets the requirements of Section 515.750 of this Part.

Trauma Service – an identified hospital surgical service in a Level I or Level II Trauma Center functioning under a designated trauma director in accordance with Sections 515.2030(c) and 515.2040(c) of this Part.

Unit Identifier – a number assigned by the Department for each EMS vehicle in the State to be used in radio communications.

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Vehicle Service Provider – an entity licensed by the Department to provide emergency or non-emergency medical services in compliance with the Act and this Part and an operational plan approved by its EMS System(s), utilizing at least ambulances or specialized emergency medical service vehicles (SEMSV).
(Section 3.85 of the Act)

Watercraft – a nautical vessel, boat, airboat, hovercraft or other vehicle that operates in, on or across water.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART C: EMS SYSTEMS

Section 515.370 Automated Defibrillation (Repealed)

- a) ~~Automated Defibrillator Operation training is a mandatory component of the EMT-P training established by Section 515.520 of this Part. Separate course approval is therefore not necessary.~~
- b) ~~To be approved by the Department, a First Responder, EMT-B or EMT-I Automated Defibrillator Operation course shall include the following:~~
 - 1) ~~A curriculum based on Section 9 of the United States Department of Transportation, Emergency Medical Technician-Intermediate: National Standard Curriculum;~~
 - 2) ~~A requirement that the First Responder, EMT-B or EMT-I shall pass both a written and a practical examination as a condition of completing the course. The examinations shall be developed and evaluated by the EMS Medical Director or designee and shall be designed to measure the First Responder's or EMT's knowledge and skills to operate an automated defibrillator safely and effectively.~~
- e) ~~A System may include the course in Automated Defibrillator Operation as part of an initial First Responder, EMT-B or EMT-I training program or may offer such training to persons already approved as First Responders or licensed as an EMT-B or EMT-I.~~

(Source: Repealed at 27 Ill. Reg. _____, effective _____)

SUBPART D: EMERGENCY MEDICAL TECHNICIANS

Section 515.590 EMT License Renewals

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- a) To be relicensed as an EMT:
- 1) The licensee shall file an application for renewal with the Department on a form prescribed by the Department at least 30 days prior to the license expiration date.
 - A) The submission of a transaction card (Form No. IL 482-0837) by the EMS Medical Director will satisfy the renewal application requirement for a licensee who has been recommended for relicensure by the EMS Medical Director.
 - B) A licensee who has not been recommended for relicensure by the EMS Medical Director must independently submit to the Department an application for renewal. The EMS Medical Director shall provide the licensee with a copy of the appropriate form to be completed.
 - 2) A written recommendation signed by the EMS Medical Director must be provided to the Department regarding completion of the following requirements:
 - A) One hundred twenty hours of continuing education, seminars and workshops, addressing both adult and pediatric care. The System shall define in the Program Plan the number of continuing education hours to be accrued each year for relicensure. No more than 25 percent of those hours may be in the same subject.
 - B) Any System continuing education requirements for an EMT approved to operate an automated defibrillator shall be included in the required 120 continuing education hours.
 - C) A current CPR for Healthcare Providers ~~completion~~ card that covers:
 - i) Adult one-rescuer CPR,
 - ii) Adult foreign body airway obstruction management,
 - iii) Pediatric one-rescuer CPR,
 - iv) Pediatric foreign body airway obstruction management, ~~and~~
 - v) Adult two-rescuer CPR, ~~and-~~
 - vi) AED (if applicable).
 - D) Functioning within a State-approved EMS System providing the licensed level of life support services as verified by that System's EMS Medical Director.
- b) Composition of continuing education programs and qualifications of instructors shall be submitted to the Department for approval not less than 60 days prior to the scheduled event. Program approval will be granted provided the program is conducted in accordance with guidelines of the Department of Transportation's National Standard Curriculum for EMTs and contains material relevant to that level of licensure. Qualifications of instructors shall be consistent with Section

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515.700.

- c) If the EMS Medical Director does not recommend relicensure, he/she shall submit all reasons for denial in writing to the EMT and the Department.
- d) The license of an EMT who has failed to file an application for renewal shall terminate on the day following the expiration date shown on the license.
- e) At any time prior to the expiration of the current license, an EMT-I or EMT-P may revert to the EMT-B status for the remainder of the license period. The EMT-I or EMT-P must make this request in writing to the Department. To relicense at the EMT-B level, the individual must meet the EMT-B requirements for relicensure.
- f) An EMT-I or EMT-P who has reverted to EMT-B status may be subsequently relicensed as an EMT-I or EMT-P, upon the recommendation of an EMS Medical Director who has verified that the individual's knowledge and clinical skills are at an active EMT-I or EMT-P level, and that the individual has completed any retraining, education or testing deemed necessary by the EMSMD for resuming EMT-I or EMT-P activities.
- g) Any EMT whose license has expired for a period of more than 60 days shall be required to reapply for licensure, complete the training program and pass the test, and pay the fees as required for initial licensure (see subsection (i) below).
- h) The Department *shall require the licensee to certify on the renewal application form, under penalty of perjury, that he or she is not more than 30 days delinquent in complying with a child support order.* (Section 10-65(c) of the Illinois Administrative Procedure Act [5 ILCS 100/10-65(c)])
- i) An EMT whose license has expired may, within 60 days after licensure expiration, submit all relicensure material as required in this Part and a fee of \$50 in the form of a certified check or money order (cash or personal check will not be accepted). If all material is in order and there is no disciplinary action pending against the EMT, the Department will relicense the EMT.
- j) At any time prior to the expiration of the current license, an EMT may revert to First Responder status for the remainder of the license period. The EMT must make this request in writing to the Department. To re-register as a First Responder, the individual must meet the requirements for First Responder registration.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 515.610 EMT Reciprocity

- a) EMTs from other states who wish to function in Illinois as an Emergency Medical Technician may apply to the Department for licensure by reciprocity.
- b) Such application shall be in writing and contain the following information:

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- 1) Proof of current registration by the state in which he/she currently functions and written verification from that state or current registration with the National Registry of Emergency Medical Technicians and written verification thereof;
 - 2) A written statement of satisfactory completion of a training program that meets or exceeds the requirements of the Department as set forth in this Part;
 - 3) A letter of recommendation from the EMS Medical Director of the EMS System in the state from which the individual came. This letter should include a statement that the EMT is currently in good standing and up to date with continuing education hours; and
 - 4) A current CPR ~~for Healthcare Providers completion~~ card.
- c) The Department will review requests for reciprocity to determine compliance with the applicable provisions of this Part. Continuing education hours from the state of current licensure will be prorated based on the expiration date of the current license.
- d) Individuals who meet the requirements for licensure by reciprocity will be State licensed consistent with the expiration date of their current license but not to exceed a period of four years.
- e) Following licensure by reciprocity, the individual must comply with the requirements of this Part for relicensure.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

SUBPART E: EMS LEAD INSTRUCTOR, EMERGENCY MEDICAL DISPATCHER, FIRST RESPONDER, PRE-HOSPITAL REGISTERED NURSE, EMERGENCY COMMUNICATIONS REGISTERED NURSE, AND TRAUMA NURSE SPECIALIST

Section 515.725 First Responder – AED

- a) *A person currently approved as a First Responder may utilize an automated external defibrillator (AED) if the First Responder:*
- 1) *Has successfully completed a Department approved course in automated external defibrillator operation; and*
 - 2) *Is functioning within a Department approved EMS System providing first response services as verified by the EMSMD. (Section 3.55(a-5) of the Act)*
- b) Continuing education classes, seminars, clinical time, workshops or other types of programs shall be approved by the Department before being offered to First Responder – AEDs. An application for approval shall be submitted to the Department on a form prescribed, prepared and furnished by the Department, at

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- least 60 days prior to the scheduled event.
- c) Approval will be granted provided the application is complete and the content of the program is based on topics or materials from the United States Department of Transportation National Standard Curriculum for EMT-Basic, Lesson 4-3, Cardiovascular Emergencies~~First Responder – AEDs~~. Upon approval, the Department will issue a site code to the class, seminar, workshop or program.
- d) A First Responder – AED shall be responsible for submitting written proof of continuing education attendance to the EMS System Coordinator or the Department Regional EMS Coordinator. The EMS System Coordinator or Department Regional EMS Coordinator shall be solely responsible for verifying whether specific continuing education hours have been earned by the First Responder – AED.
- e) A First Responder – AED shall be responsible for maintaining copies of all documentation concerning continuing education programs that he or she has completed.
- f) A First Respondent – AED registration shall be valid for a period of four years. To be re-registered as a First Responder – AED, the First Responder – AED shall file an application for renewal with the Department, on a form prescribed by the Department, at least 30 days prior to the license expiration date.
- 1) The submission of a transaction card (Form No. IL 482-0837) by the EMS Medical Director will satisfy the renewal application requirement for a First Responder – AED who has been recommended for re-registration by the EMS Medical Director.
 - 2) A First Responder – AED who has not been recommended for re-registration by the EMS Medical Director must independently submit to the Department an application for renewal. The EMS Medical Director shall provide the First Responder – AED with a copy of the appropriate form to be completed.
- g) A written recommendation signed by the EMSMD must be provided to the Department regarding completion of the following requirements:
- 1) Twenty-four hours of continuing education every four years. The System shall define in the EMS Program Plan the number of continuing education hours to be accrued each year for re-registration; and
 - 2) A current CPR for Healthcare Providers ~~completion~~ card that covers:
 - A) Adult one-rescuer CPR,
 - B) Adult foreign body airway obstruction management,
 - C) Pediatric one-rescuer CPR,
 - D) Pediatric foreign body airway obstruction management, and
 - E) Adult two-rescuer CPR.
- h) At any time prior to the expiration of the current registration, a First Responder – AED may revert to First Responder status for the remainder of the registration

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period. The First Responder must make this request in writing to the Department. To re-register at the First Responder – AED level, the individual must meet the First Responder – AED requirements for re-registration.

- i) A First Responder – AED who has reverted to First Responder status may be subsequently re-registered as a First Responder – AED, upon the recommendation of an EMS Medical Director who has verified that the individual's knowledge and clinical skills are at an active First Responder – AED level, and that the individual has completed any retraining, education or testing deemed necessary by the EMSMD for resuming First Responder – AED activities.
- j) Any First Responder – AED whose registration has expired for a period of more than 60 days shall be required to reapply for registration, complete the training program and pass the test.
- k) A First Responder – AED whose registration has expired may, within 60 days after registration expiration, submit all re-registration material as required in this Part and a fee of \$50 in the form of a certified check or money order (cash or personal check will not be accepted). If all material is in order and there is no disciplinary action pending against the First Responder – AED, the Department will re-register the First Responder – AED.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

Section 515.730 Pre-Hospital Registered Nurse

- a) To be approved as a Pre-Hospital RN, an individual shall:
 - 1) Be a Registered Professional Nurse in accordance with the Nursing and Advanced Practice Nursing Act;
 - 2) Complete an education curriculum formulated by an EMS System and approved by the Department, which consists of at least 24 hours of classroom and practical training, including *extrication, telecommunications, and pre-hospital cardiac and trauma care* of both the adult and pediatric population (Section 3.80(c)(1)(A) of the Act);
 - 3) Complete a minimum of 10 ALS runs supervised by a licensed physician, an approved Pre-Hospital RN or an EMT, only as authorized by the EMS Medical Director; and
 - 4) Complete the Pre-Hospital RN application form as prescribed by the Department.
- b) The EMS Medical Director shall approve individuals meeting subsection (a) of this Section as a Pre-Hospital RN for four years.
- c) The EMS Medical Director shall reapprove Pre-Hospital RNs every four years if the Pre-Hospital RN:
 - 1) Is a Registered Professional Nurse in accordance with the Nursing and

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- Advanced Practice Nursing Act; and
- 2) Has completed 120 hours of continuing education, the content of which shall be consistent with the System's continuing education requirements for EMT-Ps; and
 - 3) Has a current CPR for Healthcare Providers completion-card that covers:
 - A) Adult one-rescuer CPR,
 - B) Adult foreign body airway obstruction management,
 - C) Pediatric one-rescuer CPR,
 - D) Pediatric foreign body airway obstruction management, and
 - E) Adult two-rescuer CPR.
- d) Inactive Status
- 1) Prior to the expiration of the current approval, a Pre-Hospital RN may request to be placed on inactive status. The request shall be made in writing to the EMS Medical Director and shall contain the following information:
 - A) Name of individual,
 - B) Date of approval,
 - C) Circumstances requiring inactive status, and
 - D) A statement that recertification requirements have been met by the date of the application for inactive status.
 - 2) The EMS Medical Director will review and grant or deny requests for inactive status.
 - 3) For the Pre-Hospital RN to return to active status, the EMS Medical Director must document that the Pre-Hospital RN has been examined (physically and mentally) and found capable of functioning within the EMS System, that the Pre-Hospital RN's knowledge and clinical skills are at the active Pre-Hospital RN level, and that the Pre-Hospital RN has completed any refresher training deemed necessary by the EMS system. If the inactive status was based on a temporary disability, the EMSMD shall also verify that the disability has ceased.
 - 4) During inactive status, the individual shall not function as a Pre-Hospital RN.
 - 5) The EMS Medical Director shall notify the Department in writing of a Pre-Hospital RN's approval, reapproval, or granting or denying of inactive status within 10 days after any change in a Pre-Hospital RN's approval status.
- e) A Pre-Hospital RN shall notify the Department within 30 days after any change in name or address. Notification may be in person, or by mail, phone, fax, or electronic mail.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Regulations under the Illinois Securities Law of 1953
- 2) Code Citation: 14 Ill. Adm. Code 130
- 3) Section Number: 130.492 Proposed Action:
New Section
- 4) Statutory Authority: 815 ILCS 5
- 5) A complete description of the Subjects and Issues Involved: This proposed amendment is to add specific exemption from registration.

Section 130.492 Added to remedy certain transactions for Canadian citizens temporarily residing in Illinois.
- 6) Will this proposed rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does the proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: To implement a uniform exemption from registration pertaining to certain self directed retirement accounts held by Canadian citizens temporarily in Illinois.
- 11) Time, Place and Manner in which interested parties may comment on this proposed rulemaking:

Tanya Solov
Illinois Securities Department
69 West Washington Street
Suite 1220
Chicago IL 60602
(312)793-3384

All comments must be in writing.
- 12) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping and other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2002

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATEPART 130
REGULATIONS UNDER ILLINOIS SECURITIES LAW OF 1953

SUBPART A: RULES OF GENERAL APPLICATION

Section	
130.100	Business Hours of the Securities Department
130.101	Computation of Time
130.110	Payment of Fees
130.120	Place of Filing
130.130	Date of Filing
130.135	Registration of Securities under Section 5 or 7 of the Act Utilizing the SRD
130.140	Requirements as to Proper Form
130.141	Additional Information
130.142	Additional Exhibits (Repealed)
130.143	Information Unknown or Not Reasonably Available
130.144	Requirements as to Paper, Printing, and Language
130.145	Number of Copies – Signatures
130.190	Provisions for Granting of Variance from Rules

SUBPART B: DEFINITIONS

Section	
133.200	Definitions of Terms Used in the Act and the Rules
130.201	Definition of the Term "Investment Contract", as Used in Section 2.1 of the Act
130.202	Definition of the Term "Fractional Undivided Interest", as Used in Section 2.1 of the Act with Reference to Oil and/or Gas Leases, Rights or Royalties
130.205	Definition of the Term "Issuer" as Used in Section 2.2 of the Act as Applied to Fractional Interests in Oil, Gas and Other Mineral Leases, Rights or Royalties
130.210	Definition of Acts Not Constituting a "Sale" or "Offer" as Used in Section 2.5 or 2.5a of the Act
130.211	Definition of Acts Not Constituting an "Offer" of Securities under Section 5, 6, 7 or 8 of the Act
130.212	Definition of Acts Not Constituting An "Offer" Under Section 2.5a of the Act (Testing the Waters)
130.215	Definition of "Commission From an Underwriter or Dealer Not in Excess of the

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- Usual and Customary Distributors' or Sellers' Commissions", as Used in Section 2.6 of the Act for Certain Transactions
- 130.216 Definition of "Participates" and "Participation", as Used in Section 2.6 of the Act in Relation to Certain Transactions
- 130.220 Definition of "Regularly Engaged in Securities Sales Activities", as Used in Section 2.9 of the Act
- 130.221 Exclusion of Certain Persons from the Definition of Investment Adviser in Section 2.11 of the Act
- 130.225 Definition of "Investment Fund Shares", as Used in Section 2.15 of the Act in Relation to Certain Issuers
- 130.233 Definition of the Phrase "Promissory Note or Draft, Bill of Exchange or Bankers' Acceptance" as Used in Section 3(L) of the Act
- 130.234 Definition, For Certain Purposes, of the Terms "Employee Security-Purchase Plan", "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.N and Section 3.O of the Act (Repealed)
- 130.235 Definition, For Certain Purposes, of the Terms "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.O of the Act (Repealed)
- 130.241 Definition of the Term "Institutional Investor" under Sections 4C and 4D of the Act
- 130.242 Definition of the Term "Financial Institution" under Section 4.C of the Act
- 130.244 Definition of "Issuer Required to File Reports Pursuant to the Provisions of Section 13 or Section 15(d) of the Federal 1934 Act" with Respect to Certain Foreign Private Issuers and "Reports Required to be Filed at Regular Intervals Pursuant to the Provisions of Section 13 or Section 15(d)" as Used in Section 4(F)(1) of the Act
- 130.245 Definition of the Terms "Balance Sheet" and "Income Statement", as Used in Section 4.F of the Act
- 130.246 Definition of the Terms "Residents of this State", "Aggregate Sales Price" and "Sales Made in Reliance Upon the Exemption" Under Section 4.G of the Act and "General Advertising or General Solicitation" Under Sections 4.G, 4.H, 4.M and 4.R of the Act
- 130.247 Definition of the Term "Public" as Used in Section 4(G)(4) of the Act
- 130.248 Definition of the Terms "Offers for Sale" and "Solicitations of Offers to Buy", as Used in Section 4.L of the Act
- 130.250 Definition, For Certain Purposes, of the Terms "Commissions, Remuneration or Discounts", as Used in Section 4 and Section 5 of the Act
- 130.251 Definition of the Term "Maximum Aggregate Price", as Used in Section 5 of the Act
- 130.270 Definition of Certain Persons Not Considered to Be Dealers Under Section 2.7 of

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- the Act
- 130.280 Definition of the Term "Branch Office" of a Registered Dealer, as Used in Section 8 of the Act
- 130.281 Definition of the Term "Branch Office" of a Registered Investment Adviser, as Used in Section 8 of the Act
- 130.282 Definition, For Certain Purposes, of the Term "Officers", as Used in Section 2.9 and Section 8.B.(6) of the Act
- 130.285 Definition, For Certain Purposes, of the Terms "Inequitable", "Tend to Work a Fraud or Deceit", "Inequitable Practice in the Sale of Securities", and "Fraudulent Business Practices", as Used in Section 8 and Section 11 of the Act
- 130.291 Definition of the Terms "Fraudulent" and "Work or Tend to Work a Fraud or Deceit" as Used in Sections 11.E and 12.F of the Act for Purposes of the Payment of Completion Costs in Connection with the Offer or Sale of Securities involving an Oil, Gas or Other Mineral Lease, Right or Royalty

SUBPART C: FEDERAL COVERED SECURITIES AND TRANSACTIONS

- Section
- 130.293 Issuers of Covered Securities Required to File Notifications and Pay Fees and the Refusal to File Notifications or Pay Fees
- 130.370 Automated Quotation System Deemed to Have Substantially Equivalent Standards for Designation as Required By One or More Exchanges Set Forth in Section 3(G) of the Act (Repealed)

SUBPART D: EXEMPT TRANSACTIONS

- Section
- 130.420 Uniform Limited Offering Exemption Pursuant to Section 4.D of the Act
- 130.436 Procedures for Applying for Trading Authorization Pursuant to Section 4(F)(2) of the Act
- 130.440 Procedures for Filing Reports of Sale under Section 4.G of the Act
- 130.441 Calculation of Number of Persons Under Section 4.G or 4.M of the Act
- 130.442 Report of Sale of Securities pursuant to Section 4.G of the Act
- 130.490 Procedures for Filing Reports of Sale under Section 4.P of the Act
- 130.491 Report of Sale of Securities Pursuant to Section 4(P) of the Act
- 130.492 Exemption from Registration for Certain Canadian Broker-Dealers and Agents and for Transactions Effected by Certain Canadian Broker-Dealers.

SUBPART E: REGISTRATION OF SECURITIES

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Section	
130.501	Title of Securities
130.502	Financial Statement Requirements
130.503	Disclaimer of Control
130.505	Formal Requirements as to Consents
130.506	Consents Required in Special Cases
130.507	Application to Dispense with Consent
130.508	Consent to Use of Material Incorporated by Reference
130.510	Procedures for Registration of Securities by Coordination under Section 5.A of the Act
130.520	Procedures for Registration of Securities by Qualification under Section 5.B of the Act
130.525	Procedures for Registration of Securities by Qualification under Section 5.B(7) of the Act, Small Company Offering Registration ("SCOR") on Form U-7
130.530	Renewal of Registration of Securities Under Section 5.E of the Act
130.531	Computation of Fees
130.532	Registration of Additional Securities Pursuant to Section 5(C)(2) of the Act
130.533	Formal Requirements for Amendments Under Section 5 of the Act
130.534	Powers to Amend or Withdraw Registration Statement
130.535	Signatures of Amendments
130.536	Delaying Amendments
130.538	Withdrawal of Registration Statement, Amendment or Exhibit Filed Under the Federal 1933 Act
130.540	Procedure with Respect to Abandoning Registration Statements, Applications for Trading Authorizations and Post-Effective Amendments
130.550	Additional Fees Under Section 5 of the Act
130.570	Legibility of Prospectuses
130.571	Presentation of Information in Prospectuses
130.572	Summaries or Outlines of Documents
130.573	Preparation of Application for Registration
130.574	Incorporation of Certain Information by Reference
130.575	Form of and Limitation Upon Incorporation by Reference
130.576	Statement Required in Prospectuses
130.577	Prospectuses Supplementing Preliminary Material Supplied Previously
130.578	Application of Amendments to this Part Governing Contents of Prospectuses
130.581	Statement as to Stabilizing Required in Prospectuses Filed Under Section 5.B of the Act
130.582	Contents of Prospectus When Two or More Registrations Are in Effect Under Section 5.B of the Act
130.590	Identifying Statements

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- 130.591 Requirements as to Appraisals
- 130.592 Omission of Substantially Identical Documents
- 130.593 Incorporation of Exhibits by Reference

SUBPART F: FACE AMOUNT CERTIFICATE CONTRACTS

- Section
- 130.600 Preamble
- 130.610 Procedures for Registration of Face Amount Certificate Contracts by Coordination under Section 6.A of the Act
- 130.630 Renewal of Registration of Face Amount Certificate Contracts Under Section 6.F of the Act
- 130.650 Additional Fees Under Section 6 of the Act

SUBPART G: INVESTMENT FUND SHARES

- Section
- 130.700 Preamble
- 130.701 Title of Investment Fund Shares Registered Under Section 5 or 7 of the Act
- 130.710 Procedures for Registration of Investment Fund Shares by Coordination under Section 7.A of the Act
- 130.715 Amendatory Statement for the Registration of Additional Class or Classes or the Reporting of a Change in Organization or Operations Pursuant to Section 7(D) of the Act
- 130.730 Renewal of Registration of Investment Fund Shares Under Section 7(G) of the Act
- 130.750 Additional Fees Under Section 7 of the Act
- 130.771 Acts Which "Work or Tend to Work a Fraud or Deceit", in Connection with Offers, Sales or Dispositions of Investment Fund Shares

SUBPART H: REGISTRATION OF DEALERS, SALESPERSONS, INVESTMENT ADVISERS AND INVESTMENT ADVISER REPRESENTATIVES

- Section
- 130.805 Exemptions From Registration as an Investment Adviser Under Section 8.A of the Act
- 130.806 Acts Not Requiring a Notification Filing of a Federal Covered Investment Adviser or Registration as an Investment Adviser or Investment Adviser Representative Under Section 8 of the Act
- 130.810 Procedures for Registration as a Dealer Under Section 8.B of the Act

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- 130.811 Procedures for Perfecting an Investment Adviser Exemption Under Section 2.11(6) of the Act (Repealed)
- 130.820 Procedures for Renewal and Withdrawal from Registration as a Dealer
- 130.821 Reporting of Dealer Branch Office Location(s) and Required Fees
- 130.822 Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge of Each Principal Under Section 8.B(9)(a) of the Act Prior to Registration as a Dealer
- 130.823 Procedure for Requesting Waiver of Dealer, Salesperson, Investment Adviser, Investment Adviser Representative, or Principal Examination Requirements
- 130.824 Financial Statements to be Filed by a Registered Dealer
- 130.825 Records Required of Dealers and Customer Fees
- 130.826 Registered Dealer Net Capital Requirements
- 130.827 Confirmations
- 130.828 Notice of Materially Adverse Financial Condition Required to Be Filed With the Securities Department By a Registered Dealer
- 130.829 Investor Protection Requirement of a Dealer Registered Under Section 8 of the Act
- 130.832 Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge Under Section 8.C(7) of the Act for Registration as a Salesperson
- 130.836 Hardship Exemption
- 130.837 Transition to Electronic Filing
- 130.838 Procedures for Federal Covered Investment Adviser Notification Filing and Fees Under Section 8.C-5 of the Act
- 130.839 Procedures for Registration as an Investment Adviser Representative Under Section 8.D-5 of the Act
- 130.840 Procedures for Registration as an Investment Adviser Under Section 8.D of the Act
- 130.841 Reporting of Investment Adviser Branch Office Locations and Required Fees
- 130.842 Examinations and Education Programs Deemed Satisfactory for Purposes of Determining Sufficient Knowledge for Each Principal Under Section 8.D.(9) of the Act Prior to Registration as an Investment Adviser
- 130.843 Examination and Education Program Requirements for Registration as an Investment Adviser Representative Under Section 8.D-5 of the Act
- 130.844 Statement of Financial Condition to Be Filed By a Registered Investment Adviser Which Retains Custody of Client's Cash or Securities or Accepts Pre-Payment of Fees in Excess of \$500.00 Per Client and Six (6) or More Months in Advance and Interim Financial Statements
- 130.845 Records Required of Investment Advisers
- 130.846 Written Disclosure Statements of a Registered Investment Adviser
- 130.847 Financial and Disciplinary Information That Investment Advisers Must Disclose

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130.850	Account Transactions
130.851	Commission, Profit or Other Compensation
130.852	Compensation
130.853	Account Transactions
130.854	Use of the Term "Investment Counsel"
130.860	Additional Fees Under Section 8 of the Act
130.872	Procedure with Respect to Abandoned Dealer Applications
130.873	Procedure with Respect to Abandoned Investment Adviser Applications

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130.1001	Service of Process upon the Secretary of State

SUBPART K: PROCEDURES FOR ADMINISTRATIVE HEARINGS

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130.1100	Preamble
130.1101	Qualifications and Duties of the Hearing Officer
130.1102	Notice of Hearing
130.1103	Institution of a Contested Case by the Securities Department
130.1104	Requirement to File an Answer
130.1105	Amendment or Withdrawal of the Notice of Hearing
130.1106	Representation
130.1107	Special Appearance
130.1108	Substitution of Parties
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130.1110	Motions
130.1111	Requirements Relating to Continuances
130.1112	Rules of Evidence
130.1113	Form of Papers
130.1114	Bill of Particulars (Repealed)
130.1115	Discovery
130.1116	Examination of Witnesses
130.1117	Subpoenas
130.1118	Pre-Hearing Conferences
130.1119	Record of a Pre-Hearing Conference
130.1120	Hearings
130.1121	Record of Proceedings

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130.1122	Record of Hearing
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130.1125	Stipulations
130.1126	Open Hearings
130.1127	Corrections to the Transcript
130.1128	Imposition of Fines
130.1129	Application for Hearing to Present Newly Discovered Evidence
130.1130	Failure to Comply With Order or Rules
130.1131	Application to Vacate an Order Issued Due to Default
130.1132	Disqualification of a Hearing Officer

SUBPART O: EVIDENTIARY MATTERS AND NON-BINDING STATEMENTS

Section	
130.1520	Request for Non-Binding Statements

SUBPART P: SAVINGS PROVISIONS

Section	
130.1661	Investors Syndicate of America, Inc.
130.1662	State Bond and Mortgage Company

SUBPART Q: PUBLIC INFORMATION

Section	
130.1701	Inspection of Applications
130.1702	Inspection of Dealer, Salesperson and Investment Adviser Records
130.1703	Non-Public Distribution of Information

APPENDIX A	Uniform Consent to Service of Process
APPENDIX B	Uniform Application to Register Securities
APPENDIX C	Uniform Application for Broker-Dealer Registration
APPENDIX D	Subordinated Loan Agreement for Equity Capital

AUTHORITY: Implementing and authorized by the Illinois Securities Law of 1953 [815 ILCS 5].

SOURCE: Filed February 23, 1977, effective March 5, 1977; amended at 5 Ill. Reg. 9139, effective August 27, 1981; amended at 6 Ill. Reg. 6455, effective May 19, 1982; codified at 6 Ill.

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Reg. 12674; emergency amendment at 7 Ill. Reg. 17427, effective December 31, 1983, for a maximum of 150 days; emergency expired May 31, 1984; emergency amendment at 8 Ill. Reg. 1476, effective January 18, 1984, for a maximum of 150 days; emergency expired June 17, 1984; emergency amendment at 8 Ill. Reg. 3803, effective March 14, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13419, effective July 12, 1984; amended at 8 Ill. Reg. 13840, effective July 19, 1984; emergency amendment at 8 Ill. Reg. 13889, effective July 20, 1984, for a maximum of 150 days; emergency expired December 17, 1984; amended at 9 Ill. Reg. 208, effective December 20, 1984; emergency amendment at 10 Ill. Reg. 393, effective January 1, 1986, for a maximum of 150 days; emergency expired May 30, 1986; amended at 10 Ill. Reg. 10753, effective June 3, 1986; recodified at 10 Ill. Reg. 19554; emergency amendment at 13 Ill. Reg. 11017, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 14 Ill. Reg. 884, effective December 30, 1989; amended at 14 Ill. Reg. 5188, effective March 26, 1990; emergency amendment at 15 Ill. Reg. 14303, effective November 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 6000, effective March 27, 1992; amended at 20 Ill. Reg. 14185, effective October 21, 1996; amended at 21 Ill. Reg. 7523, effective May 23, 1997; amended at 21 Ill. Reg. 7770, effective May 23, 1997; amended at 21 Ill. Reg. 8415, effective June 20, 1997; emergency amendment at 21 Ill. Reg. 9828, effective July 8, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 15892, effective December 1, 1997; amended at 22 Ill. Reg. 1933, effective January 1, 1998; emergency amendment at 24 Ill. Reg. 341, effective December 31, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 7401, effective May 1, 2000; emergency amendment at 25 Ill. Reg. 973, effective January 1, 2001, for a maximum of 150 days; emergency expired May 30, 2001; amended at 25 Ill. Reg. 8817, effective July 6, 2001; amended at 26 Ill. Reg. 14843, effective September 30, 2002; amended at 27 Ill. Reg. _____, effective _____.

SUBPART D: EXEMPT TRANSACTIONS

Section 130.492 Exemption from Registration for Certain Canadian Broker-Dealers and Agents and for Transactions Effected by Certain Canadian Broker-Dealers

- a) A broker-dealer who is a resident of Canada and who has no office or other physical presence in this State is exempted from the broker-dealer registration requirements in Section 8 of the Act, provided the broker-dealer:
- 1) is registered with or is a member of a self-regulatory organization in Canada, stock exchange in Canada or the Bureau des Services Financiers;
 - 2) maintains in good standing its provincial or territorial registration and its registration with or membership in a self-regulatory organization in Canada, stock exchange in Canada or the Bureau des Services Financiers;
and
 - 3) effects or attempts to effect transactions in securities only;

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- A) with or for a person from Canada who is temporarily present in this State with whom the Canadian person had a bona fide business-client relationship before the person entered this State;
 - B) with or for a person present in this State whose transactions are in a Canadian self-directed tax advantaged retirement account of which the person is the holder or contributor.
- b) Salesperson registration under Section 8 of the Act is not required if the salesperson:
- 1) represents a Canadian broker-dealer acting in accordance with the provisions of subsection (a) of this Section; and
 - 2) is registered and maintains in good standing the agent's provincial or territorial registration.
- c) An offer or sale of a security is exempt from the securities registration requirements of Sections 5 and 7 of the Act if the offer or sale is effected by a Canadian broker-dealer acting in accordance with the provisions of subsection (a) of this Section.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Illinois Liquor Control Commission
- 2) Code Citation: 11 Ill. Adm. Code 100
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
100.10	Amend
100.400	Repeal
100.410	Repeal
- 4) Statutory Authority: 235 ILCS 5/3-12(a)(2)
- 5) Effective Date of Amendments: December 9, 2002
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposed Rules Published in Illinois Register: 26 Ill. Reg. 13112, September 6, 2002
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Difference between proposed rules and final version: Minor changes to two definitions ("Tasting" and "Wine") in 100.10 were made based on JCAR recommendation.
- 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 rulemaking replace emergency rulemaking currently in effect? No
- 14) Are there any proposed Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: In 100.10, reword the definition of "Tasting" and "Wine" at JCAR's request. Strike the definition of Fair Dealing Act in 100.10 and all of 100.400 due to P.A. 92-0761, effective August 5, 2002, which repealed the Illinois Wine and Spirits Industry Fair Dealing Act of 1999, the subject of the aforementioned

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definition and section. The repeal of 100.410 is based on an agreement with trade associations and ISBA.

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

Anne T. Treonis
Staff Attorney
Illinois Liquor Control Commission
100 W. Randolph St. #5-300
Chicago IL 60601
312/814-2604
anne.treonis@cms.state.il.us

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

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TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE A: ALCOHOL
CHAPTER I: ILLINOIS LIQUOR CONTROL COMMISSIONPART 100
THE ILLINOIS LIQUOR CONTROL COMMISSION

Section	
100.5	Penalties
100.10	Definitions
100.20	Employment of Minors
100.30	Violation of Federal Law, State Statute or City, Village or County Ordinance or Regulation
100.40	Registration of Tasting Representatives
100.50	Advertising
100.60	Geographical Territories
100.70	Labels
100.80	Bonds (Repealed)
100.90	Credit to Retail Licensees
100.100	Internal Changes Within Corporations
100.110	Application Forms
100.120	Railroad Licenses
100.130	Books and Records
100.140	Miniatures (Repealed)
100.150	Salvaged Alcoholic Liquors
100.160	Sanitation
100.170	Taps
100.180	Procedure Before Commission on Citations
100.190	Procedure Before Commission on Request for Continuance of Any Hearing
100.200	Wagering Stamps (Repealed)
100.210	Inducements
100.220	Retail Licensee Clubs (Repealed)
100.230	Resumption of Business on Appeal
100.240	Transactions Involving Use of Checks and Their Equivalent (Repealed)
100.250	Transfer of Alcohol
100.260	Uniform Systems of Accounts
100.270	Multi-Use Facilities
100.280	Giving Away of Alcoholic Liquors
100.290	Refilling
100.300	Authorization to Remove Bottles

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100.310	Food Service at Park Districts
100.320	Airplanes
100.330	Advertising
100.340	Petitions for the Adoption, Amendment or Repeal of a Rule
100.350	Procedures For Filing Appeals From an Order of the Local Liquor Control Commissioner
100.360	Review on Record – Certification of Ordinance
100.370	Procedures Before the Commission
100.380	Ex Parte Consultations
100.390	Transcripts – Administrative Review
100.400	Procedures Before the Commission on Disputes under Section 35 of the Illinois Wine and Spirits Industry Fair Dealing Act (<u>Repealed</u>)
100.410	Representation of Licensees Before the Commission (<u>Repealed</u>)

AUTHORITY: Implementing and authorized by Section 3-12(a)(2) of the Liquor Control Act [235 ILCS 5/3-12(a)(2)].

SOURCE: Rules and Regulations of the Illinois Liquor Commission, amended March 31, 1977; amended July 7, 1977; amended at 3 Ill. Reg. 12, p. 65, effective March 22, 1979; codified at 5 Ill. Reg. 10706; amended at 8 Ill. Reg. 6041, effective April 19, 1984; amended at 12 Ill. Reg. 19387, effective November 7, 1988; amended at 18 Ill. Reg. 4811, effective March 9, 1994; amended at 20 Ill. Reg. 834, effective January 2, 1996; expedited correction at 20 Ill. Reg. 4469, effective January 2, 1996; amended at 21 Ill. Reg. 5542, effective May 1, 1997; amended at 23 Ill. Reg. 3787, effective March 15, 1999; emergency amendment at 23 Ill. Reg. 8687, effective July 13, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13609, effective October 28, 1999; amended at 25 Ill. Reg. 13596, effective October 15, 2001; amended at 26 Ill. Reg. 17966, effective December 9, 2002.

Section 100.10 Definitions

The following words or phrases are defined as follows:

"Act" means the Illinois Liquor Control Act [235 ILCS 5].

"Airplane" shall be deemed to include railroads and airplanes.

"Alcoholic Liquor" includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and, in the judgment of the Commission, capable of being consumed as a beverage by a human being. The word "solid" means any substance which, by dilution or

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processing, becomes an alcoholic beverage.

"Commission" means Illinois Liquor Control Commission.

"Co-partnership" means an association of two or more persons to carry on as co-owners of a business for profit.

"Corporation" means any corporation, domestic or foreign, qualified to do business in the State of Illinois under the Business Corporation Act of 1983 [805 ILCS 5], including a limited liability company as defined in this Section.

"Event" means a single theme.

~~"Fair Dealing Act" means the Illinois Wine and Spirits Industry Fair Dealing Act [815 ILCS 725] (see P.A. 91-2, effective May 21, 1999).~~

"IAPA" means the Illinois Administrative Procedure Act [5 ILCS 100].

"Limited Liability Company" means a legal business entity created and recognized under the Illinois Limited Liability Company Act [805 ILCS 180].

"Manager" or "Agent" means any individual employed by any licensed place of business, provided the individual possesses the same qualifications required of the licensee. Satisfactory evidence of such employment will be furnished the Commission in the form and manner as the Commission shall from time to time prescribe.

"Manufacturer" shall include every person who, in the process of filling or refilling an original package with alcoholic liquors purchased by such person, changes the degree or quality of such alcoholic liquors by any manner or means whatsoever.

"Meal" means food that is prepared and served on the licensed premises and excludes the serving of snacks.

"Minor" means a person under 18 years of age. (See A.G. opinion No. S-672 12/27/73.)

"Partner" is any individual who is a member of a co-partnership.

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"Person" includes corporations, co-partnerships, associations, clubs, individuals, trustees, receivers, assignees, and executors, administrators or other personal representatives of decedents.

"Premises" or "Place of Business" means the place or location where alcoholic beverages are manufactured, stored, displayed, or offered for sale or where drinks containing alcoholic beverages are mixed, concocted and served for consumption. Not included are sidewalks, streets, parking areas and grounds adjacent to any such place or location.

"Resident" means any person (other than a corporation) who has resided, and maintained a bona fide residence, in the State of Illinois for at least one year and in the city, village or county in which the premises covered by the license are located for at least 90 days prior to making application for such license.

"Service Bar" means a place or location not within view of the general public where beer and wine may be poured and served through a draught system. A service bar may only be located in a kitchen, food preparation area, or wait or server station area of a retail licensee who primarily serves meals, as described in this Section.

"Tasting" means a supervised presentation of alcoholic products to the public at an off-premise licensed retailer for the purpose of disseminating product information and education, with consumption of alcoholic products being an incidental part of the presentation thereof. Only products registered with the Commission may be tasted in the following amounts: Distilled Spirits ¼ oz., Wine 1 oz., and Beer 2 oz.; notice of the tasting may be given. Tasting must be done by a licensee and/or a registered tasting representative in accordance with Section 100.40.

"Test Marketing" means to test new products or products unfamiliar to the sampler through a marketing firm or the like.

"Wine" means any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, provided that the alcoholic content thereof does not exceed 24 per cent of alcohol by volume.

(Source: Amended at 26 Ill. Reg. 17966, effective December 9, 2002)

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Section 100.400 Procedures Before the Commission on Disputes under Section 35 of the Illinois Wine and Spirits Industry Fair Dealing Act (Repealed)

~~Pursuant to the Illinois Wine and Spirits Industry Fair Dealing Act [815 ILCS 725] (see P.A. 91-2, effective May 21, 1999), Section 6-9 of the Liquor Control Act [235 ILCS 5/6-9], Section 100.60 of this Part, and the Illinois Administrative Procedure Act [5 ILCS 100], in all disputes presented to the Commission under Section 35 of the Fair Dealing Act, the following procedures shall be followed:~~

- a) ~~Initiating a dispute resolution proceeding.~~
The aggrieved party shall file an application (petition, request for relief) with the Commission that shall include, at a minimum, the following information (the application may be supported by documentation, which shall be made a part of the application, supplying all or any part of the information):
 - 1) ~~The party's license classification (i.e., distributor, importing distributor) and Illinois liquor license number and date of expiration.~~
 - 2) ~~All opposing parties' license classification (i.e., non-resident dealer) and Illinois liquor license number and date of expiration, if known.~~
 - 3) ~~A copy of any written agreement between the parties under which the "distributorship relationship" was established; if no written agreement exists or is otherwise unavailable, the essential terms of the agreement shall be pled.~~
 - 4) ~~A copy of all Registration Statements filed with the Commission granting to the distributor the right to sell at wholesale in Illinois; if no such Registration Statement is available, a statement specifying the trademark, brand or name of alcoholic liquor (product), the geographic area or areas, and the period of time for which the rights are granted.~~
 - 5) ~~A copy of the Withdrawal of Registration filed with the Commission withdrawing from the distributor the right to sell at wholesale distilled spirits and/or wine in Illinois; if no such Withdrawal is available, a statement specifying the trademark, brand or name of alcoholic liquor (product), the geographic area or areas, and the period of time for which such rights are withdrawn.~~
 - 6) ~~A detailed statement of the facts and circumstances giving rise to the allegations of violation of the Fair Dealing Act. Evidence shall not be pled.~~
 - 7) ~~Requests for relief, which may include both temporary (preliminary) and permanent relief, if applicable.~~
 - 8) ~~The document shall be certified as provided in subsection (g)(15). The matter shall be docketed by the Commission and given a file number that should be used on all subsequent documents.~~

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~~The parties to a request for resolution of a dispute under the Fair Dealing Act shall be designated as "Petitioner" and "Respondent". There shall be no other parties joined in the matter without the filing of a motion or petition and the entry of an order by the Commission allowing the joinder of additional parties.~~

- b) ~~Response to application for dispute resolution.~~
The responding party shall file a response (answer) to the application (petition, request for relief), admitting, denying, averring no knowledge, or such other response as it may deem appropriate, to each allegation in the application; information or documentation supplying additional information in response to the application may also be made a part of the response. ~~The responsive document shall contain the information required under subsections (a)(1) through (6) and (8) of this Section if any allegations in the application are denied. Evidence shall not be pled.~~
The response shall be filed with the Commission not later than 21 days after service upon the party.
- e) ~~Appearance.~~
Each party appearing before the Commission shall file an appearance, using the Commission form or a reasonable facsimile, that shall contain all information requested in the Commission form. ~~The filing of an appearance with the Commission shall be deemed to authorize the Commission to direct all subsequent communication, verbal, written and electronic, to the listed address or addressee. Service of the communication to that address or addressee shall be deemed service upon the party or attorney.~~
- d) ~~Motions and petitions:~~
- 1) ~~Motions directed to the adequacy or sufficiency of the application may be filed with the Commission in lieu of a response under subsection (b); the motion shall be filed not later than 14 days after service of the application. The Petitioner may file a response to the motion within 7 days after service of the motion.~~
 - 2) ~~Motions or petitions seeking to vacate, alter or otherwise modify orders entered by the Commission shall state all relief sought and all bases upon which relief is sought, and shall be supported by all documentation bearing upon the relief and bases. If documentation is unavailable, the content may be pled with specificity and the party's inability to produce documentation shall be detailed in the motion or petition. The opposing parties may file their response to the motion or petition not later than 7 days after service.~~
 - 3) ~~The Commission shall take motions or petitions and any responses under advisement and enter its written ruling on the documents filed. Oral~~

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~~argument on motions or petitions and responses shall not be allowed except on order of the Commission.~~

- e) Preliminary relief.
- 1) ~~If the Petitioner has requested or filed a supplementary (additional) request (motion, petition) for preliminary relief, the Respondent shall be served with notice of the intent of the Petitioner to appear before the Commission to request the entry of an Order granting the relief. The Respondent shall be allowed to file a written response to the notice of intent to request preliminary relief not later than 7 days after service of the notice, and the Commission shall set the request and response for hearing as soon as practicable. The party moving the Commission for the entry of a preliminary order shall have the burden of establishing the entitlement to relief, unless the Fair Dealing Act provides to the contrary.~~
 - 2) ~~No preliminary order directing the parties to continue business on a pre-termination basis shall be entered without notice to the opposing party or attorney, as the case may be, unless it clearly appears from the facts shown by verified application or by affidavit if by supplemental request (motion, petition) that immediate and irreparable harm, damage or loss will result to the movant before notice can be served and a hearing on the application can be had. In the event the Commission issues, without prior notice, any preliminary order it deems necessary and appropriate, it shall set the matter for preliminary status report at its next regularly scheduled hearing, or within 30 days after the entry of the order, or upon motion of any party, whichever occurs first.~~
 - 3) ~~However, no immediate and irreparable harm, damage, or loss shall be deemed to result, for purposes of obviating the necessity of the required notice to Respondent and denying Respondent the requisite 7 days to respond, if the Petitioner previously received at least 14 days prior written notice of Respondent's intent to terminate Petitioner.~~
 - 4) ~~In the event the Commission enters an order granting the preliminary relief, the order shall remain in full force and effect during the pendency of the matter and until the occurrence of any event set forth in Section 35(e) and (f) of the Fair Dealing Act, unless previously vacated, dissolved or modified by subsequent order.~~
 - 5) ~~Documents seeking such preliminary relief and opposing same shall be certified as provided herein.~~
- f) Discovery.
- 1) ~~"Document" as used in this subsection (f) shall include but not be limited to: papers; photographs; video; audio; electronic or magnetic recordings; memoranda; books; records; accounts; all written or oral communications;~~

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- ~~and retrievable information in computer storage.~~
- 2) ~~Any party may obtain by discovery the full disclosure of information concerning the subject matter of the proceeding, which may be secured through any or all of the following discovery methods. Discovery shall not be duplicative or repetitious.~~
- 3) ~~Methods of discovery:~~
- A) ~~Depositions upon oral questions or written interrogatories.~~
- B) ~~Written Interrogatories.~~
- C) ~~Requests for production of documentation.~~
- D) ~~Requests for the admission of facts or the genuineness of documents.~~
- 4) ~~Parties shall serve discovery documents upon the opposing party or attorney. The notice of filing and proof of service of the discovery shall be filed with the Commission stating the nature of the discovery served (i.e., interrogatories, request for production of documents, etc.) but the documents served upon the opposing party or attorney shall not be filed with the Commission.~~
- 5) ~~Response to discovery documents shall be served upon the opposing party or attorney and the original response shall be filed with the Commission.~~
- 6) ~~Discovery to which written responses are required shall be responded to within 30 days after service of the discovery upon the party or attorney requested to respond.~~
- 7) ~~Motions with respect to discovery shall be filed with the Commission and copies served upon the opposing party or attorney. The opposing party or attorney may file with the Commission a response to the motion. Motions and responses shall contain all grounds upon which the movant and respondent rely. Copies of the discovery to which the motions are directed shall be filed with the motion. Privilege, relevance, materiality, work product or other claims asserted in avoidance of responding to discovery hereunder shall be defined in accordance with Section 10-40 of the IAPA [5 ILCS 100/10-40], and such claims shall be promptly communicated to the opposing party and the Commission by the filing of an objection to the discovery claimed to be exempt from production.~~
- 8) ~~The Commission shall take the motions and responses under advisement and enter its written ruling on the motion and response. Oral argument on the motions and responses shall not be allowed except on order of the Commission.~~
- g) ~~Miscellaneous provisions:~~
- 1) ~~Hearing. Conduct of the hearing shall be in accordance with Section 10-25 of the IAPA.~~

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- 2) ~~Record.~~ A record of all proceedings before the Commission in open hearing shall be maintained in accordance with Section 10-35 of the IAPA.
- 3) ~~Standard of Proof.~~ The standard of proof shall be the preponderance of the evidence in accordance with Section 10-15 of the IAPA.
- 4) ~~Rules of Evidence.~~ The admission of evidence shall be in accordance with Section 10-40 of the IAPA.
- 5) ~~Stipulations.~~ The Commission directs the parties and attorneys to prepare written stipulations of facts not in dispute, of the applicable law, and of all other matters to which there is agreement. The stipulation shall be filed with the Commission as soon as practical.
- 6) ~~Subpoenas.~~ Any party may request the Commission to issue a subpoena requiring the presence of any party or witness or for the production of documentation.
- 7) ~~Legal Precedent.~~ Any party citing case law or other legal precedent for the Commission's consideration shall file with the Commission copies of the case law or precedent. If the case law or precedent is cited in a motion, brief or other document filed with the Commission, copies of the case law or precedent shall be appended to the document.
- 8) ~~Notice of filing and proof of service shall be required on all documents filed with the Commission and served upon the opposing party or attorney.~~
- 9) ~~Service of Documents.~~ All applications for relief under the Fair Dealing Act shall be sent to the opposing party by certified or registered mail with return receipt requested; the original return receipts shall be filed with the Commission. All subsequent documents shall be served upon the opposing party or attorney via regular mail, unless the Commission orders that the documents be served by another method. Any documents may be personally served upon the opposing party or attorney. Facsimile service of any document may be had unless any party or attorney files a written objection to that type of service. So-called "express company", "overnight", or "next day" delivery provided by the U.S. Postal Service or express carrier may be utilized for service upon the opposing party or attorney. E-mail service may be had of any document or communication unless any party or attorney files a written objection to that type of service. The Commission's e-mail address is: lcc_webmaster@proceeding shall be filed with the Commission office at 100 West Randolph Street, Suite 5-300, Chicago, Illinois 60601.
- 10) ~~Status Reports.~~ The Commission shall set by order any status reports and status hearings it deems necessary to assure the progress of the matter.
- 11) ~~Pre-Final Hearing Memoranda.~~ The parties shall file, not later than 14

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- ~~days prior to the Pre-Final Hearing Conference, a Pre-Final Hearing Memorandum utilizing the Commission form or other reasonably similar format that contains responses to all of the information requested on the Commission form.~~
- 12) ~~Pre-Final Hearing Conference. Any party or attorney may file a written request, or the Commission may order, that the parties and attorneys attend a Pre-Final Hearing Conference at which the Commission shall consider:~~
- ~~A) the simplification of issues;~~
 - ~~B) the amendments to any documents previously filed;~~
 - ~~C) the possibility of any or additional stipulations or admissions of fact, document or law;~~
 - ~~D) the anticipated scheduling of the final hearing;~~
 - ~~E) any other matters that the parties or attorneys may request the Commission to consider; and~~
 - ~~F) any other matters that may aid in the simplification of issues or the disposition of the matter.~~
- ~~At the request of any party or attorney, or in the exercise of the sound discretion of the Commission, further or additional conferences may be scheduled in the interests of justice and the resolution of the matter. At the conclusion of the conference process, the Commission may enter an order it deems in the interests of justice and the resolution of the matter. At the conclusion of the conference process, if there has been no resolution of the matter, the Commission shall set the final hearing date.~~
- 13) ~~Hearing Exhibits. At the final hearing, the parties shall provide the Commission with an original and 6 copies of all documents, identified as either "Petitioner's Exhibit No. _____" or "Respondent's Exhibit No. _____", which are sought to be introduced into evidence at the hearing.~~
- 14) ~~Filing of Documents. An original and 6 copies of any documents in connection with the matter shall be filed with the Commission.~~
- 15) ~~Certification of Documents. Any document required under this Part to be under oath shall be under penalty of perjury, and may be accomplished by the use of a certification substantially stating as follows:~~
- ~~"I, _____, (capacity), certify that the statements set forth in the foregoing document are made upon my personal knowledge and such statements are true and correct, except as to matters stated to be on information and belief, and as to such matters I certify that I believe same to be true and correct. (Signed)"~~

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- ~~Certification of any document may also be accomplished via an appropriate attestation statement before a notary public.~~
- 16) ~~Telephone Communication. Recognizing that the parties to disputes under the Fair Dealing Act may not be geographically amenable to receipt of written communication, especially when matters that may be deemed to be of an emergency nature are presented to the Commission for action, telephone communication may be employed, and on a case by case basis that communication will be evaluated for a determination of whether it is prohibited communication within the meaning of Section 10-60 of the IAPA and Section 100.380 of this Part. So called "conference calls" shall include all affected parties and/or their attorneys and shall not be deemed to be prohibited communication. All oral communication shall be directed to the Commission office in Chicago, telephone number 312-814-2206, or other number as may be communicated to the parties and attorneys.~~
- 17) ~~Hearing Officer. The Commission may appoint one or more of its members to act in the capacity of hearing officer to assist it in the exercise of the powers and the performance of the duties imposed upon it by the Fair Dealing Act, on any matters the Commission may refer for consideration, including but not limited to matters concerning discovery, the conducting of a preliminary hearing, the taking of evidence on motions, or other aspects of the matter it may deem necessary for the proper performance of the duties vested in it.~~
- 18) ~~Hearing Schedule. The Commission's regular hearing schedule is set not less than one calendar year in advance and is published in accordance with the Open Meetings Act. The Commission shall set preliminary and final hearings to conform with its published schedule. The Commission shall set such special hearing dates as it deems necessary.~~

(Source: Repealed at 26 Ill. Reg. 17966, effective December 9, 2002)

Section 100.410 Representation of Licensees before the Commission (Repealed)

~~In connection with any matter pending before the Commission:~~

- a) ~~Any licensee may be represented by an attorney who is admitted to practice in the State of Illinois or a representative if a power of attorney is executed.~~
- b) ~~A sole proprietor licensee may appear and represent him or herself and may be represented by a person under authority of a properly executed power of attorney.~~
- c) ~~A partnership licensee may be represented by any general or limited partner, upon representation to the Commission from a majority of the partnership authorizing~~

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- ~~him or her to act.~~
- d) ~~A corporate licensee may be represented by a sole or majority shareholder or an officer if authorized to act.~~
- e) ~~A limited liability company licensee may be represented by a member, upon representation to the Commission from a majority of members authorizing him or her to act.~~

~~All attorneys and licensees, or their agents as designated in this Section, shall file an appearance using the form the Commission has promulgated, or a reasonable facsimile of that form.~~

(Source: Repealed at 26 Ill. Reg. 17966, effective December 9, 2002)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Business Enterprise Program: Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities
- 2) Code Citation: 44 Ill. Adm. Code 10
- 3) Section Numbers: Adopted Action:
10.64 Amend
10.100 Amend
- 4) Statutory Authority: Implementing and authorized by the Business Enterprise for Minorities, Females and Persons with Disabilities Act [30 ILCS 575]
- 5) Effective Date of Amendments: December 6, 2002
- 6) Do these amendments contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: August 16, 2002, 26 Ill. Reg. 12515
- 10) Has JCAR issued a Statement of Objection to the Amendments? No
- 11) Differences between proposal and final version. None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were necessary
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The amendment reflects the change made by Public Act 92-670 raising from \$14,000,000 to \$27,000,000 the annual gross sales a company may have and be eligible for standard certification as a company owned and controlled by minorities, females and persons with disabilities.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

Ben Bagby
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield IL 62706
(217)782-9669

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENTS,
AND PROPERTY MANAGEMENT

SUBTITLE A: PROCUREMENT AND CONTRACT PROVISIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 10

BUSINESS ENTERPRISE PROGRAM: CONTRACTING WITH BUSINESSES OWNED
AND CONTROLLED BY MINORITIES, FEMALES AND PERSONS WITH DISABILITIES

SUBPART A: GENERAL

Section

- 10.05 Introduction
- 10.10 Definitions

SUBPART B: GOAL AND GOAL MEASUREMENT

Section

- 10.20 Goal
- 10.21 Contracts and Expenditures Subject to the Goal
- 10.22 Categories of Contracts and Expenditures Exempt from Goal
- 10.23 Council Review of Agency Requests for Specific Exemptions
- 10.24 Goal Measurement
- 10.25 Subcontracting

SUBPART C: AGENCY COMPLIANCE AND REPORTING

Section

- 10.30 Agency Compliance
- 10.35 Professional and Artistic Contract Reporting

SUBPART D: PROGRAM ELIGIBILITY

Section

- 10.40 Program Eligibility

SUBPART E: CERTIFICATION

Section

- 10.50 General

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10.55 List of Certified Businesses

SUBPART F: CERTIFICATION REQUIREMENTS AND PROCEDURES

Section

- 10.60 Application
- 10.61 Applicant Requirements
- 10.62 Time to Determine Eligibility
- 10.63 Certification by Other Certifying Entities
- 10.64 ~~\$27,000,000~~ ~~\$14,000,000~~ Sales Limitation; Exception
- 10.65 Citizenship/Permanent Residency
- 10.66 Ownership/Control by Members of Eligible Groups
- 10.67 Ownership
- 10.68 Control
- 10.69 Notice of Certification or Denial

SUBPART G: RECONSIDERATION, DECERTIFICATION AND RECERTIFICATION

Section

- 10.70 Review and Reconsideration
- 10.71 Decertification Process
- 10.72 Recertification Process

SUBPART H: SPECIAL ASSISTANCE FOR CERTIFIED BUSINESSES

Section

- 10.80 Special Assistance

SUBPART I: CONTRACT REQUIREMENTS

Section

- 10.90 Change in Eligibility
- 10.91 Contract Commitment; Good Faith Effort

SUBPART J: VIOLATIONS BY VENDOR

Section

- 10.100 Violations by Vendor

AUTHORITY: Implementing and authorized by the Business Enterprise for Minorities, Females

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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and Persons with Disabilities Act [30 ILCS 575].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 12584, effective July 1, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 20560, effective November 16, 1998; amended at 25 Ill. Reg. 4831, effective March 19, 2001; amended at 26 Ill. Reg. 17980, effective December 6, 2002.

SUBPART F: CERTIFICATION REQUIREMENTS AND PROCEDURES

Section 10.64 ~~\$27,000,000~~ ~~\$14,000,000~~ Sales Limitation; Exception

- a) Annual gross sales of the applicant business for its most recent fiscal year must be less than ~~\$27~~ ~~\$14~~-million.
 - 1) In determining the annual gross sales, sales of any affiliated business shall also be counted.
 - 2) An affiliated business is one related to the other by virtue of significant commonality of management, or commonality of ownership (at least 5% of one company owned by owner or management personnel of the other). Other factors that may be considered in determining affiliation include, but are not limited to, sharing of office space, workers or equipment.
- b) A business with annual gross sales of ~~\$27~~ ~~\$14~~-million or more in its most recent fiscal year is eligible to participate in the program if the business can show that if it were to receive a particular contract or subcontract, there would be a significant impact on employment of minorities, females or persons with disabilities, or in the use of BEP certified subcontractors or suppliers.
 - 1) For the impact to be significant in terms of employment, the business would have to hire new employees to perform the work of the contract and at least 51% of those new hires must be minority, female or persons with disabilities.
 - 2) For the impact to be significant in terms of use of subcontractors or suppliers, the business must direct 51% of the value of the contract to BEP certified vendors as subcontractors or suppliers.

Such vendors must meet all certification requirements but will not be certified or be listed in the Directory.
- c) If the business makes contractual commitments regarding hiring or use ~~of~~ ~~or~~ subcontractors or suppliers, agrees to appropriate enforcement mechanisms, such as bonding or damage provisions, and meets the other requirements for certification, the Secretary, on behalf of the Council, will approve counting expenditures under that contract toward the agency's goal.

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(Source: Amended at 26 Ill. Reg. 17980, effective December 6, 2002)

SUBPART J: VIOLATIONS BY VENDOR

Section 10.100 Violations by Vendor

Should a vendor violate the Act, this Part, or the terms of contracts let pursuant to this Program, the State may pursue any or all of the following actions.

- a) A certified vendor may be decertified and an applicant for certification may be denied certification for reasons including, but not limited to:
 - 1) refusal to supply information sufficient for the Secretary or the Council to make a determination for eligibility or continued eligibility;
 - 2) refusal to supply additional proof of eligibility for the Program, particularly after receiving a contract with Section 10.80 (Special Assistance) provisions;
 - 3) accepting a contract with Section 10.80 (Special Assistance) provisions when the vendor does not qualify for the Program; or
 - 4) any other violation of the Act or this Part.
- b) The State may cancel, without penalty to the State, any contract entered into by a vendor in violation of:
 - 1) the Act or this Part;
 - 2) the requirements of a contract let with Section 10.80 (Special Assistance) provisions; or
 - 3) commitments regarding use of certified vendors, including, but not limited to, those in Section 10.64 (~~\$27,000,000~~ ~~\$14,000,000~~ Sales Limitation; Exception) and Section 10.91 (Contract Commitment; Good Faith Effort).
- c) In the case of a cancellation under subsection (b)(2) or (b)(3), the amount of profit applicable to amounts paid to the vendor shall be withheld from any amounts owed to the vendor. If the amount owed the vendor is insufficient to off-set profits, the vendor shall be liable to pay back to the State any balance of those profits. The profit rate shall be deemed 20% unless a lesser or greater amount can be conclusively proved.
- d) The Secretary may suspend a vendor from the program for a period of no more than one year and a contracting agency may cancel a contract for a violation of:
 - 1) the Act or this Part;
 - 2) the requirements of a contract let with Section 10.80 (Special Assistance) provisions; or
 - 3) commitments regarding use of certified vendors, including, but not limited to, those in Section 10.64 (~~\$27,000,000~~ ~~\$14,000,000~~ Sales Limitation; Exception) and Section 10.91 (Contract Commitment; Good Faith Effort).

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- e) Depending on the seriousness of the violation, the suspension shall be:
 - 1) from participation in the BEP ~~Program~~ ~~program~~; or
 - 2) from further contracting with the State.
- f) A vendor may appeal any of the actions of the Council taken pursuant to this Section in the same manner as a vendor denied certification (see Subpart G of this Part).
- g) The Secretary shall notify the Chief Procurement Officers, State Purchasing Officers and other interested parties of the revocation of certification or of suspension.
- h) If any agency finds or suspects that a business is in violation of the Act or of this Part, ~~the such~~ violation should be reported to the Secretary as soon as practicable after the finding.

(Source: Amended at 26 Ill. Reg. 17980, effective December 6, 2002)

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- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Numbers: Adopted Action:
Table AA Amended
Table AB Amended
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a]
- 5) Effective Date of Amendments: December 9, 2002
- 6) Do these amendments contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: September 6, 2002; Issue #36; 26 Ill. Reg. 13128
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version? None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace any emergency amendments currently in effect? No
- 14) Are there any proposed amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
Table AA	Amend	26 Ill. Reg. 1774, 2/15/02
310.280	Amend	26 Ill. Reg. 13739, 9/20/02
310.280	Amend	26 Ill. Reg. 13901, 9/27/02
310.280	Amend	26 Ill. Reg. 14302, 10/4/02
310.280	Amend	26 Ill. Reg. 15154, 10/25/02

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Table O	Amend	26 Ill. Reg. 15350, 11/1/02
Appendix G	Amend	26 Ill. Reg. 16351, 11/8/01

- 15) Summary and Purpose of Amendments: In Section 310.Appendix A, Table AA NR-916 (Department of Natural Resources, Teamsters), the salary schedule was updated as illustrated in the text, effective July 1, 2002.

In Section 310.Appendix A, Table AB VR-007 (Plant Maintenance Engineers, Operating Engineers), the salaries for the Plant Maintenance Engineer I and II classifications were upgraded to reflect the recent increase given to the Operating Engineers in Local #399 – Chicago, effective July 1, 2002.

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

Ms. Marianne Armento
Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, Illinois 62706
217/785-8609

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICESPART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 2003
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

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

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

SUBPART C: MERIT COMPENSATION SYSTEM

Section	
310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases
310.455	Intermittent Merit Increase
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units (Repealed)
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase Guidechart for Fiscal Year 2003
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

APPENDIX A	Negotiated Rates of Pay
TABLE A	HR-190 (Department of Central Management Services – State of Illinois Building – SEIU)
TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
TABLE AB	VR-007 (Plant Maintenance Engineers, Operating Engineers)
TABLE B	HR-200 (Department of Labor – Chicago, Illinois - SEIU) (Repealed)
TABLE C	RC-069 (Firefighters, AFSCME) (Repealed)
TABLE D	HR-001 (Teamsters Local #726)
TABLE E	RC-020 (Teamsters Local #330)
TABLE F	RC-019 (Teamsters Local #25)
TABLE G	RC-045 (Automotive Mechanics, IFPE)

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TABLE H	RC-006 (Corrections Employees, AFSCME)
TABLE I	RC-009 (Institutional Employees, AFSCME)
TABLE J	RC-014 (Clerical Employees, AFSCME)
TABLE K	RC-023 (Registered Nurses, INA)
TABLE L	RC-008 (Boilermakers)
TABLE M	RC-110 (Conservation Police Lodge)
TABLE N	RC-010 (Professional Legal Unit, AFSCME)
TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
TABLE Q	RC-033 (Meat Inspectors, IFPE)
TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
TABLE S	HR-012 (Fair Employment Practices Employees, SEIU) (Repealed)
TABLE T	HR-010 (Teachers of Deaf, IFT)
TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE V	CU-500 (Corrections, Meet and Confer Employees)
TABLE W	RC-062 (Technical Employees, AFSCME)
TABLE X	RC-063 (Professional Employees, AFSCME)
TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
APPENDIX B	Schedule of Salary Grades – Monthly Rates of Pay for Fiscal Year 2003
APPENDIX C	Medical Administrator Rates for Fiscal Year 2003
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 2003
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2003

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

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill.

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Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080,

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effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for

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a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective

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February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143,

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effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; emergency expired September 28, 2002; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002.

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE AA NR-916 (Department of Natural Resources, Teamsters)**Effective: July 1, 2002~~Effective: January 16, 2001~~

	Minimum Salary	Maximum Salary
Cartographer III	<u>3035</u> 2860	<u>5420</u> 5210
Civil Engineer I	<u>2955</u> 2785	<u>4575</u> 4395
Civil Engineer II	<u>3155</u> 2970	<u>5250</u> 5045
Civil Engineer III	<u>3470</u> 3270	<u>5880</u> 5650
Civil Engineer Trainee	<u>2780</u> 2620	<u>3885</u> 3735
Engineering Technician I	<u>1715</u> 1570	<u>3090</u> 2970
Engineering Technician II	<u>2055</u> 1915	<u>3705</u> 3560
Engineering Technician III	<u>2495</u> 2350	<u>4415</u> 4245
Engineering Technician IV	<u>3055</u> 2880	<u>5735</u> 5510
Technical Manager I	<u>2340</u> 2205	<u>4170</u> 4005

(Source: Amended at 26 Ill. Reg. 17987, effective December 9, 2002)

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NOTICE OF ADOPTED AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE AB VR-007 (Plant Maintenance Engineers, Operating Engineers)**

Effective July 1, 2002

~~Effective July 1, 2000~~

Title	Standard Rate
Plant Maintenance Engineer I	<u>5729.82</u>
	5260.02
Plant Maintenance Engineer II	<u>6003.00</u>
	5510.58

(Source: Amended at 26 Ill. Reg. 17987, effective December 9, 2002)

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- 1) Heading of the Part: Illinois Credit Union Act
- 2) Code Citation: 38 Ill. Adm. Code 190
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
190.2	New
190.50	Amendment
190.60	Amendment
190.90	Amendment
190.140	Amendment
190.170	Amendment
190.210	New
190.220	New
- 4) Statutory Authority: 205 ILCS 305/8
- 5) Effective Date of Amendments: December 9, 2002
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any materials incorporated by reference is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: June 28, 2002 (26 Ill. Reg. 9162)
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposed and final version: Non-substantive formatting and grammatical changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been as indicated in the agreement issued by JCAR? Yes
- 13) Will these amendments replace emergency any amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No

DEPARTMENT OF FINANCIAL INSTITUTIONS

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- 15) Summary and Purpose of Amendments: The Department is adopting amendments to adjust fees as well as several technical changes.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Ms. Susan J. Gold
Deputy Counsel
James R. Thompson Center
100 W. Randolph, Suite 15-700
Chicago IL 60601
(312) 814-3202

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

DEPARTMENT OF FINANCIAL INSTITUTIONS

NOTICE OF ADOPTED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER I: DEPARTMENT OF FINANCIAL INSTITUTIONSPART 190
ILLINOIS CREDIT UNION ACT

SUBPART A: GENERAL PROVISIONS

Section

<u>190.2</u>	<u>Definitions</u>
190.5	Credit Union Service Organizations
190.10	Field of Membership Procedures
190.20	Hearings
190.30	Cease and Desist Procedures
190.40	Removal or Suspension Procedures
190.50	Fees
190.60	General Accounting Procedures
190.70	Loan Loss Accounting Procedures
190.80	Use of Electronic Data Processing
190.90	Fixed Asset Investments
190.100	Classes of Share and Special Purpose Share Accounts
190.110	Share Drafts
190.120	Bond and Insurance Requirements
190.130	Verification of Share and Loan Accounts
190.140	Real Estate Lending
190.150	Reverse Mortgage
190.160	Lending Limits – Other Than First Mortgage Loans
190.165	Business Loans
190.170	Group Purchasing
190.180	Investments
190.190	Liquidation
190.200	Conversion of Charter
<u>190.210</u>	<u>Reimbursement for Financial Records</u>
<u>190.220</u>	<u>Registration of Out of State Credit Unions</u>

SUBPART B: HIGH RISK HOME LOANS

190.500	Definitions
190.505	Applicability of Rule
190.510	Good Faith Requirements

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190.515	Fraudulent or Deceptive Practices
190.520	Prohibited Refinances
190.525	Negative Amortization
190.530	Negative Equity
190.535	Balloon Payments
190.540	Financing of Certain Points and Fees
190.545	Financing of Single Premium Insurance Products
190.550	Lending Without Due Regard to Ability to Repay
190.555	Verification of Ability to Repay
190.560	Payments to Contractors
190.565	Counseling Prior to Perfecting Foreclosure
190.570	Mortgage Awareness <u>Awareness</u> Program
190.575	Offer of Mortgage Awareness Program
190.580	Third Party Review

APPENDIX A Estimated Monthly Income and Expenses Worksheet

APPENDIX B Mortgage Ratio Worksheet

AUTHORITY: Implementing and authorized by the Illinois Credit Union Act [205 ILCS 305].

SOURCE: Adopted at 4 Ill. Reg. 20, p. 17, effective May 7, 1980; amended at 6 Ill. Reg. 11154, effective September 7, 1982; amended and codified at 7 Ill. Reg. 14973, effective October 26, 1983; emergency amendment at 9 Ill. Reg. 14378, effective September 11, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 16231, effective October 10, 1985; amended at 10 Ill. Reg. 14667, effective August 27, 1986; amended at 12 Ill. Reg. 10464, effective June 7, 1988; amended at 12 Ill. Reg. 17383, effective October 24, 1988; amended at 13 Ill. Reg. 3793, effective March 10, 1989; amended at 13 Ill. Reg. 15998, effective October 2, 1989; emergency amendment at 16 Ill. Reg. 12781, effective July 29, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17073, effective October 26, 1992; amended at 19 Ill. Reg. 2826, effective February 24, 1995; amended at 20 Ill. Reg. 5803, effective April 8, 1996; emergency amendment at 20 Ill. Reg. 13093, effective September 27, 1996, for a maximum of 150 days; emergency expired February 17, 1997; amended at 22 Ill. Reg. 17317, effective September 15, 1998; emergency amendment at 23 Ill. Reg. 3086, effective February 23, 1999, for a maximum of 150 days; emergency expired July 22, 1999; amended at 23 Ill. Reg. 12614, effective October 4, 1999; amended at 23 Ill. Reg. 14031, effective November 12, 1999; amended at 25 Ill. Reg. 6244, effective May 17, 2001; amended at 25 Ill. Reg. 13278, effective October 19, 2001; amended at 26 Ill. Reg. 17999, effective December 9, 2002.

SUBPART A: GENERAL PROVISIONS

DEPARTMENT OF FINANCIAL INSTITUTIONS

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Section 190.2 Definitions

For purposes of the Illinois Credit Union Act and this Part, the words and phrases defined in this Section shall have the meanings ascribed to them unless the context requires otherwise.

"Act" means the Illinois Credit Union Act [205 ILCS 305].

"Credit union" means a credit union chartered under the Illinois Credit Union Act, or, as the context permits, under the Federal Credit Union Act or the laws of any state.

"Director" means the Director of the Illinois Department of Financial Institutions.

"Net worth" means retained earnings, as defined under generally accepted accounting principles (Wiley GAAP, published by John Wiley & Sons, 605 Third Avenue, New York NY 110158-0012, 2002, no later editions or amendments included), and secondary capital.

"Retained earnings" includes undivided earnings, regular reserve, other reserves, and any other appropriations designated by management or regulatory authorities.

"Secondary capital" means a secondary capital account or other form of non-share account, including without limitation a debt instrument, subject to the following conditions:

The maturity or the account shall not be less than three years and the account shall not be redeemable prior to maturity or the expiration of a minimum withdrawal notice period of three years.

The account shall not be insured by the National Credit Union Share Insurance Fund or any governmental or private entity.

The account holder's claim against the credit union must be subordinate to all other claims, including shareholders, creditors and the National Credit Union Share Insurance Fund.

Funds in the account, including interest accrued and paid into the account, must be available to cover operating losses realized by the credit union that exceed its net available reserves and undivided

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earnings. In lieu of being paid into the account, interest may be paid directly to the account holder or into a separate account from which the account holder may make withdrawals. Losses shall be distributed pro-rata among all secondary capital accounts held by the credit union at the time losses are realized.

The account may not be pledged or provided by the account holder as security on a loan or obligation with the credit union or any other party.

In the event of liquidation of the credit union, the accounts will, to the extent they are not needed to cover losses at the time of liquidation, be paid out to the account holder.

"Paid-in and unimpaired capital" or "unimpaired capital" means shares as defined in Section 1.1 of the Illinois Credit Union Act.

"Person" or "persons" means individuals and bodies politic and corporate, including without limitation corporations, limited liability companies, general partnerships, limited partnerships and joint ventures; unless, from the context and facts, the intention is plain to apply only to individuals. Persons who reside in or live in a geographical area include non-natural persons located within the geographical area.

"State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico and any of the several territories and possessions of the United States.

"Surplus" means undivided earnings.

(Source: Added at 26 Ill. Reg. 17999, effective December 9, 2002)

Section 190.50 Fees

The schedule of annual regulatory fees is examination fees and supervision fees are contained in Section 12 of the Illinois Credit Union Act (Ill. Rev. Stat. 1987, ch. 17, par. 4413). In addition, pursuant to Sections 8 and 9 of the Illinois Credit Union Act, the Director prescribes the following fees:

- a) Service Fee Charges:
 - 1) Investigation of application for permission to

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- organize a new credit union..... ~~\$250~~ ~~25.00~~
- 2) Preparation and/or approval of an amendment
to the Articles of Incorporation or to the By-
Laws: ~~5.00~~

Other than to add or convert to a community common bond:

Credit unions with assets less
than \$5 million \$10

Credit unions with assets of \$5 million
and less than \$30 million..... \$15

Credit unions with assets of \$30
million and greater \$25

To add or convert to a community common
bond (irrespective of credit union asset size) \$250

- 3) Preparation and/or approval of standard revised set
of By-Laws ~~\$50~~ ~~10.00~~
- 4) Preparation and/or approval of non-standard revised
set of By-Laws (excluding individual or minor
revisions) ~~\$250~~ ~~50.00~~
- 5) Photocopy of any documents per page..... ~~\$1.50~~
Minimum charge for photocopying 1.00
- 6) Late filing of any report for each day late (excluding
5300 Reports):..... 5.00

Credit unions with assets less than \$5 million..... \$15

Credit unions with assets of \$5 million and less
than \$30 million..... \$25

Credit unions with assets of \$30 million and
greater..... \$50

- 7) Late filing of any 5300 Report for any credit union for each day late:

Credit unions with assets less than \$5 million..... \$25

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- Credit unions with assets of \$5 million and greater \$50
- 87) Preparation of a list of credit unions by name and address ~~\$100~~50.00
- 9) Credit Union Act, Rules & Regulations and standard By-Laws in hardback binder..... \$200
- Credit Union Act (no binder)..... \$50
- Rules & Regulations (no binder) \$50
- Standard By-Laws (no binder)..... \$50
- Hardback Binder \$50
- b) Mergers, Conversions, Investigations, ~~and~~ Hearings and Failure to Maintain Books:
- 1) Supervision of merger or conversion, including completion of transfer of accounting records of merging credit union to surviving credit union's records (excluding involuntary or unsolicited mergers for which there shall be no fee) ~~\$250~~125.00
- 2) Special investigation or examination of a credit union when the opinion of the Director, there is reasonable cause to believe the credit union is engaged or has engaged, or is about to engage in an unsafe or unsound practice, or is violating or has violated a law, rule or regulation or any condition imposed in writing by the Department, or to enable the Director to determine the safety of a credit union's operation or its solvency.
Charge per examiner per man-day or part thereof *\$190

*Provided that such charges may not exceed the annual regulatory fee provided in Section 12 of the Illinois Credit Union Act (~~Ill. Rev. Stat. 1987, ch. 17, par. 4413~~) for an annual examination.

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- 3) The cost of any formal hearing requested by a credit union in accordance with procedures in 38 Ill. Adm. Code 190.20, will be as assessed by the Director.
- 4) A credit union failing to have its books and records available and currently posted* when contacted by the Department's examiner ~~accountant~~ for examination, resulting in the Department's inability to conduct the examination, will be assessed a fee of: ~~\$50.00~~

<u>Credit unions with assets of less than \$1 million</u>	<u>\$50</u>
<u>Credit unions with assets of \$1 million and less than \$5 million.....</u>	<u>\$100</u>
<u>Credit unions with assets of \$5 million and less than \$10 million.....</u>	<u>\$250</u>
<u>Credit unions with assets of \$10 million and less than \$30 million</u>	<u>\$500</u>
<u>Credit unions with assets of \$30 million and less than \$100 million</u>	<u>\$1,000</u>
<u>Credit unions with assets of \$100 million and less than \$500 million</u>	<u>\$2,500</u>
<u>Credit unions with assets of \$500 million and greater.....</u>	<u>\$5,000</u>

*Currently posted means that the accounts are posted by the 15th of the following month.

The fee authorized under this subsection (b)(4) shall not be assessed if an immaterial number of accounts is not posted by the 15th day of the following month, as determined under generally accepted accounting principles (Wiley GAAP, published by John Wiley & Sons, 605 Third Avenue, New York NY 110158-0012, 2002, no later editions or amendments included), or more frequently than annually.

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- c) Payment:
- 1) A credit union shall pay ~~within 10 days~~ any fee listed in subsections (a) and (b) of this Section no later than 20 days after ~~upon~~ receipt of an invoice from the Department.
 - 2) Individuals, partnerships or other corporations shall pay in advance any fee to be charged for the preparation of the work requested. The Department, upon request, shall provide an estimated cost of the work requested.
 - 3) Fees shall be waived by the Director for forms and copies supplied to another agency of government or where the fee was not imposed according to the Act or this Part. Fees listed in subsections (a) and (b) of this Section may be waived, in whole or in part, by the Director, upon a showing by the credit union satisfactory to the Director that the imposition of the fee in the particular case would be inequitable or create a hardship for the credit union.

(Source: Amended at 26 Ill. Reg. 17999, effective December 9, 2002)

Section 190.60 General Accounting Procedures

- a) All credit unions will maintain their books and records in accordance with generally accepted accounting principles (Wiley GAAP, published by John Wiley & Son, 605 Third Avenue, New York NY 110158-0112, 2002, no later editions or amendments included)-(GAAP), and in such a manner as to provided an accurate report of financial condition, with the exception of the selection of the accounting method to be used or when otherwise directed by statutory requirements. In the event that a credit union is using the modified cash basis of accounting, and the Director determines that such method causes a material misstatement of the financial condition of the credit union, he shall require that the credit union convert to the full accrual method of accounting except where factors such as prohibitive cost or lack of expertise are evident. The Department shall notify in writing any credit union required to convert to the full accrual method and provide 60 days to review and respond.
- b) If the credit union does not concur with the Department's requirement, it may request a formal hearing under 38 Ill. Adm. Code 190.20. The order to change accounting procedures is stayed pending the final outcome of the hearing.
- c) Regardless of the method of accounting in use, the following items must be accrued or amortized:
 - 1) Dividends on Classes of Shares;
 - 2) Premiums and Discounts on purchased investments;

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- 3) Depreciation of Fixed Assets;
- 4) Interest on investments when paid less frequently than once a year.
- d) If a credit union uses the accrual method to recognize interest income on consumer loans, such accrual must be stopped and income recognized on a cash basis whenever the borrower is three months or more delinquent in contractual payments.
- e) Credit unions' charts of accounts must be kept in sufficient detail to allow accurate and full completion of all reports required by Section 9 of the ~~Illinois Credit Union~~ Act [205 ILCS 305/9] (~~Ill. Rev. Stat. 1981, ch. 17, par. 4410~~).
- f) Pursuant to the authority granted the Director by Section 60(B) of the Act [205 ILCS 305/60] to decrease the reserve requirement set forth in Section 60(A) of the Act, a credit union is exempt from the reserve requirement of Section 60(A) provided:
 - 1) The credit union's net worth to asset ratio is 7% or greater; or
 - 2) If the credit union's net worth to asset ratio at the end of a calendar quarter is less than 7%, the credit union transfers an amount equal to .1% of the credit union's assets from undivided earnings to regular reserve at the end of the next calendar quarter and quarterly thereafter until the net worth to assets ratio is equal to or greater than 7%.

(Source: Amended at 26 Ill. Reg. 17999, effective December 9, 2002)

Section 190.90 Fixed Asset Investments

a) Definitions

"Fixed assets" means premises and furniture, fixtures and equipment, as those terms are defined in this Section:

"Premises" includes any office, branch office, suboffice, service center, parking lot, other facility, or real estate where the credit union transacts or will transact business.

"Furniture, fixtures and equipment" includes all office furnishings, office machines, computer hardware and software, automated terminals, and heating and cooling equipment.

"Investment in fixed assets" means:

any investment in real property (improved or unimproved) that is being

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used or is intended to be used as premises, excluding premises leased for five years or less;

any leasehold improvement on premises;

the present value of the aggregate of all capital lease payments pursuant to lease agreements for fixed assets, excluding lease payments for premises leased for five years or less;

any investment in the bonds, stock, debentures, or other obligations of a partnership or corporation or limited liability entity, including a credit union service organization, holding any fixed assets used by the credit union and any loans to such partnership or corporation or limited liability entity; and

any investment in furniture, fixtures and equipment.

"Retained earnings" includes undivided earnings, regular reserve, other reserves, and any other appropriations designated by management or regulatory authorities~~means regular reserves, reserve for contingencies, supplemental reserves, and undivided earnings.~~

b) Investment in Fixed Assets

1) Credit unions with assets of less than \$1,000,000 that choose to invest in premises must apply to the Department for approval.

2) Credit unions with assets of \$1,000,000 or more may invest in fixed assets, without the prior approval of the Department, subject to the following conditions: so long as

A) the aggregate amount of ~~the such~~ investments does not exceed the lesser of 70% of the credit union's retained earnings or 6% of total assets; ~~or-~~

B) the aggregate amount of the investments exceeds the lesser of 70% of the credit union's retained earnings or 6% of total assets, provided the credit union has:

i) a current net worth of 9% or, if applicable, 200 basis points over its risk based net worth level, whichever is higher;

ii) a composite CAMEL rating of 1 or 2 for 2 consecutive examinations; and

iii) a consistency in management evidenced by retention of the same chief management official during the 2-year period

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preceding the subject fixed asset investment.

- c) Whenever a fixed asset investment in premises does not require Department approval, the credit union shall give the Department notice of the credit union's intent to make the investment, at least 14 days prior to becoming obligated on the investment in premises. The notice to the Department shall include the following information:
- 1) the credit union's calculation of its total fixed asset investment authority;
 - 2) the estimated total cost of the planned fixed asset investment in premises;
 - 3) a general description of the planned fixed asset investment in premises.
- Notice under this subsection (c) is effective as of the date the notice is transmitted from the credit union.
- d) Credit unions with assets of less than \$1,000,000 seeking to invest in premises or credit unions with assets of \$1,000,000 or more seeking to invest in fixed assets in an amount that exceeds the lesser of 70% of retained earnings or 6% of total assets and not exempted from obtaining approval by subsection (b)(2)(B) of this Section must submit to the Department an application for approval. The application for approval must contain the following minimum supporting documentation:
- 1) why the purchase and/or lease is necessary to serve the credit union's members;
 - 2) details of the proposed transaction including:
 - A) location and full description of the fixed asset;
 - B) if a purchase of premises is involved, current valuation by an independent appraiser;
 - C) purchase price or lease details;
 - D) current owners and their relationship to the credit union or to any members of the credit union;
 - E) how the project will be financed;
 - F) if a purchase, lease or improvement of premises is involved, a summary of planned due diligence inspections to verify building, building line and use or occupancy restrictions; conditions and covenants on record; zoning laws and ordinances; easements for public utilities; and other matters pertinent to the transaction; and
 - G) evidence that the increase in operating expenses caused by the project can be supported after accounting for the current level of expenses and dividend commitments;
 - 3) the credit union's latest balance sheet, income statement and loan delinquency report;
 - 4) a certified copy of Board minutes that contain approval for the project.
- e) The Department shall respond to applications for approval of fixed asset

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investments as follows:

- 1) The Department shall inform the credit union applicant, in writing, of the date the letter of application was received.
- 2) Approval of applications shall be given in writing once it is determined by the Department that the proposal will not adversely affect the credit union's financial position. The determination will be based on the past history, current financial condition, projections of the credit union, and whether the increase of operating expenses caused by the project can be supported after accounting for the current level of expense, dividend and reserve commitments.
- 3) An approval will state a dollar amount or percentage of retained earnings that may be invested in fixed assets by the credit union.
- 4) The Department shall provide to credit union applicants written notification of action taken within 45 calendar days after receipt of the complete package of supporting documentation from the credit union. If the credit union does not receive written notification of the action taken within 45 calendar days after the date the complete package of supporting documentation was received by the Department, the credit union may proceed with its proposed investment in fixed assets.
- f) A credit union that has received approval for a specific fixed asset transaction from the Department prior to the date of promulgation of amendments to this Section shall continue to be eligible to consummate the transaction after such date of promulgation, without further Department approval.
- g) In recording all transactions for fixed assets, generally accepted accounting principles will be followed (Wiley GAAP, published by John Wiley & Sons, 605 Third Avenue, New York NY 10158-0012, 2002 ~~1997~~ edition, no subsequent dates or editions).

(Source: Amended at 26 Ill. Reg. 17999, effective December 9, 2002)

Section 190.140 Real Estate Lending

- a) A Credit Union with total assets greater than \$1.0 million may, following a resolution of its Board, make loans secured by a lien on real estate, subject to the following procedures:

Total Assets of a Credit Union	Maximum Amount of Loans Secured by Real Estate	Aggregate of All First Mortgage Loans Secured by Real Estate
Under \$1.0 million	Lending Limits for	0% of total assets

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	Consumer Loans	
\$1.0 - 2.5 million	\$100,000	25% of total assets
\$2.5 - 5.0 million	\$150,000	30% of total assets
\$5.0 - 10.0 million	\$200,000	35% of total assets
\$10.0 - 30.0 million	\$350,000	40% of total assets
over \$30 million	\$500,000	45% of total assets

- b) Credit unions with assets under \$1.0 million may make home equity and second mortgage loans subject to the lending limits for consumer loans set forth in 38 Ill. Adm. Code 190.160. Credit Unions with assets under \$1.0 million shall not make first mortgage real estate loans.
- c) Credit unions shall not make first mortgage real estate loans for more than the estimated market value or appraised value of the real estate securing the loans. Real estate loans, other than first mortgage loans, shall be limited to the value of the member-borrower's equity in the real estate securing the loan.
- d) The maximum individual lending limit and the maximum ratio of first mortgage real estate loans may be increased by obtaining written approval from the Director. Such approval is to be based upon the need of the members and the credit union's real estate lending record.
- e) The maximum limit on an individual loan by credit unions with assets greater than \$1.0 million is in addition to the secured and unsecured lending limits of Section 190.160 of this Part; provided, however, in no event shall all loans to any member exceed in the aggregate 10% of the credit union's unimpaired capital and surplus.
- f) The maximum maturity of a loan secured by a first mortgage shall not exceed 30 years.
- g) Procedures
- 1) All loans secured by a lien on real estate shall be made based upon prudent written lending policies and sound lending practices as documented in each member's loan file. Unless waived by the Director, lending policies shall include, without limitation, acceptable debt-to-income and loan-to-value ratios that will be considered the types of real estate security that will be accepted and any other prudent data considered necessary to determine the appropriateness of a loan request. All applicable State and Federal statutes shall be observed.
 - 2) All accounting for real estate loan transactions shall be in accordance with generally accepted accounting principles.
- h) Documentation
- 1) Any credit union granting loans secured by a lien in real estate must procure and retain the following documentation in its files:

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- A) A loan application that specifies the purpose of the loan (equity, purchase, construction, refinance, etc.). The application must contain sufficient information to support the approval of the loan. Such information shall include without limitation: the amount of the loan requested; the purchase price (if applicable); a listing of the borrower's assets and liabilities; a statement of the borrower's income; a specific identification of the property; and an explanation of the source of the borrower's down payment. If the loan proceeds will be used for the purchase of the property, a copy of the real estate sale contract shall be included as an attachment to the application.
- B) A legal opinion from the credit union's attorney, or a title insurance policy that identifies the credit union's lien position on the property used to secure the loan. In the case of home equity lines of credit and second mortgages, a title search prepared by a service provider capable of conducting such a search shall be acceptable.
- C) For transactions of ~~\$250,000~~ ~~\$100,000~~ or less, a written estimate of market value of the property securing the loan, performed by an individual having no direct or indirect interest in the property and experienced to perform such estimations of value for the type and amount of credit being considered. For transactions over ~~\$250,000~~ ~~\$100,000~~, an appraisal by a state certified or licensed appraiser which estimates the market value of the property used as security for the loan.
- D) A credit report prepared by the credit union or a credit reporting agency. The report, in conjunction with the information contained in subsection (h)(1)(A) above, must demonstrate the applicant's past history of repayment and ability to repay the loan in question.
- E) A duly executed note and mortgage agreement that outline the borrower's agreement to repay the loan on the terms agreed, and the borrower's agreement to provide the credit union with a valid security interest in the subject property. The mortgage agreement must contain an accurate legal description of the subject property and be duly recorded in the office of the appropriate county recorder of deeds.
- F) A settlement statement reflecting all costs of closing and all disbursements of funds at closing for real estate loans that require the use of a settlement statement under the Real Estate Settlement Procedures Act.
- G) On any loan where the lesser of the loan-to-value ratio or loan-to-

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purchase price ratio exceeds 80%, the credit union may require the borrower to obtain private mortgage insurance insuring the excess of the loan above the 80% factor.

- H) In the event the subject loan is to be used for the construction of a residential dwelling that is or will be the principal residence of the member-borrower and the loan will be secured by a perfected first lien or first security interest in favor of the credit union, the credit union must obtain satisfactory evidence of the payment in full of the costs of furnishing labor and material in connection with such construction. Such evidence shall include receipt of an owner's statement, under oath, setting forth the names of all parties with whom the owner has contracted for the furnishing of labor and material; a general contractor's sworn statement from each of the parties named in the owner's statement; a subcontractor's sworn statement from each subcontractor named in the general contractor's statement; and partial and final unconditional lien waivers from the general contractor and all subcontractors and materialmen indicating that they have completed their respective portion of the work and been paid in full. The credit union must inspect, or cause to be inspected by a third party, the completion of each phase of the work for which an advance of any portion of the loan proceeds is sought. Any such inspections must be clearly documented in the file as to the date of the inspection and a brief explanation of the work progression. Additionally, the credit union must obtain a borrower payment authorization, in connection with each payment to the general contractor. This subsection (H) shall not apply to a loan to finance the repair, alteration or improvement of a residential dwelling which is the residence of the member-borrower.
- 2) A loan secured by a lien on real estate is exempt from the requirements of subsections (h)(1)(B), (C) and (G) of this Section if the loan complies with the following criteria:
- A) The loan is not used for the purchase or refinancing of the real estate securing the loan.
 - B) The lien on real estate is taken as collateral solely through an abundance of caution.
 - C) The terms of the transaction are not more favorable than they would have been in the absence of the lien on real estate.
 - D) The transaction complies with the lending limits and other requirements for consumer loans set forth in Section 190.160 of

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this Part.

- i) Sale of Real Estate Loans
 - 1) A credit union may sell, in whole or in part, any loan secured by real estate to:
 - A) Federal National Mortgage Association
 - B) Government National Mortgage Association
 - C) Federal Home Loan Mortgage Corporation
 - D) Federal, State and Local Housing Authorities
 - E) Federal or State Chartered Banks and Savings and Loan Associations
 - F) Residential mortgage licensees properly registered with and licensed by the Illinois Commissioner of Savings and Residential Finance
 - G) Such other institutions as approved by the Director
 - 2) All such sales shall not be subject to recourse or repurchase except for the following:
 - A) where the repurchase is at the seller's option;
 - B) where agreement allows substitutions of one loan for another;
 - C) where an agreement requires repurchase because of breach of warranty or misrepresentation.

(Source: Amended at 26 Ill. Reg. 17999, effective December 9, 2002)

Section 190.170 Group Purchasing

A credit union may enter into cooperative marketing arrangements that are related to the promotion of thrift and to improve the economic and social conditions of its members under the following conditions:

- a) that participation whether directly or indirectly, such as supplying a list of members for mail soliciting, has been approved by a Board resolution and that the terms of the activity are in writing between the credit union and the ~~suppliers~~ supplier(s). Before approving any program to be available to the membership, the Board of Directors must satisfy itself as to the economic merits of the program and should make every effort to safeguard its membership against misrepresentation or deception by any program sponsor.
- b) the participation in the program must be strictly voluntary by the member.
- c) participation in the program shall not be directly or indirectly a condition of a loan, nor for the purchase of additional shares in the credit union.
- d) ~~a credit union or its officials, employees, agents and representatives may not, directly or indirectly, receive compensation, reimbursement, or other~~

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~~consideration in excess of actual cost of making such programs available to its members or for any other functions performed in connection with such programs whether in the form of merchandise, cash or otherwise.~~

- d) in operating a cooperative program, the credit union may not at any time carry as inventory or as any other asset, merchandise, services or other form of product except to the extent that such product or service has already been ordered or purchased by a member.

(Source: Amended at 26 Ill. Reg. 17999, effective December 9, 2002)

Section 190.210 Reimbursement for Financial Records

- a) A credit union shall be reimbursed for costs that are reasonably necessary (including but not limited to personnel costs, reproduction costs and transportation costs) and that have been incurred in searching for, reproducing and transporting books, papers, records or other data of a member required or requested to be produced by a credit union pursuant to a lawful subpoena, summons, warrant or court order.
- b) Reimbursement shall be made in accordance with the following rates:
- 1) Personnel costs incurred in locating, retrieving, reproducing and preparing financial records shall be reimbursed at the rate of \$20 per hours per person.
 - 2) Reproduction costs incurred in making photocopies of documents shall be reimbursed at 30 cents per exposure. Reproductions of microfilm, microfiche, photographs, films and other materials shall be reimbursed at actual cost.
 - 3) Transportation costs incurred in transporting credit union personnel to locate and retrieve material, and to convey the material to the place of examination, shall be reimbursed at the standard mileage rate allowed by the Internal Revenue Service for vehicle expense deductions or, if a mail or courier service is used, at the actual costs of the service.
 - 4) All other costs, including but not limited to telephone calls, telegrams and shipping costs, incurred in searching for, reproducing and transporting data pursuant to a request for financial records, shall be reimbursed at actual costs.
- c) The credit union shall provide to the person requesting records an itemized invoice indicating in specific detail the costs for:
- 1) personnel;
 - 2) reproduction;
 - 3) transportation; and

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- 4) all other costs incurred in searching for, reproducing and transporting data pursuant to a request for financial records.
- d) At the credit union's option, it may prepare one or more reasonable estimates of the ultimate reimbursement of costs associated with a search for financial records in the form prescribed in subsection (c) and require one or more partial payments before proceeding with the work of locating and reproducing the requested documents. Delivery of the requested documents may be delayed until final reimbursement of all costs is received.

(Source: Added at 26 Ill. Reg. 17999, effective December 9, 2002)

Section 190.220 Registration of Out of State Credit Unions

A credit union organized and duly chartered as a credit union in another state:

- a) shall register with the Director prior to operating in this State, on a form specified by the Director, which shall include or be accompanied by the following information:
- 1) the name of the credit union and the county or state under which it is organized;
 - 2) the common bond or field of membership the credit union is authorized to serve;
 - 3) the proposed location of any branch or service center within this State; and
 - 4) the credit union's most recent examination report and audited financial statement.
- b) shall update the information provided under subsection (a)(2) within 30 days after receiving approval of a change in common bond or field of membership from the credit union's chartering agency, on a form specified by the Director.
- c) shall update the information provided under subsection (a)(3) as to any proposed change in location or additional location for any branch or service center within this State, on a form specified by the Director.
- d) shall pay to the Director an annual registration fee of \$500, plus \$100 for each branch facility located in Illinois. The fee shall be payable by January 1 of each calendar year, for the current calendar year.

(Source: Added at 26 Ill. Reg. 17999, effective December 9, 2002)

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- 1) Heading of the Part: Outfitter Regulations
- 2) Code Citation: 17 Ill. Adm. Code 640
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
640.10	New Section
640.20	New Section
640.30	New Section
640.40	New Section
640.50	New Section
640.60	New Section
640.70	New Section
640.80	New Section
- 4) Statutory Authority: Implementing and authorized by Sections 2.9, 2.10, 2.11, 2.24, 2.25, 2.26 and 3.1-3 of the Wildlife Code [520 ILCS 5/2.9, 2.10, 2.11, 2.24, 2.25, 2.26 and 3.1-3].
- 5) Effective Date of Rules: February 1, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including all material incorporated by reference is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: June 7, 2002, 26 Ill. Reg. 8236
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between proposal and final version: In Section 640.10, the definition for Outfitter was changed to read as follows: "Outfitter – a person who provides or offers to provide, for compensation, outfitting services for deer or wild turkey hunting."

In Section 640.10, the third paragraph under "Outfitting Services" was changed to read as follows: "is on land subleased for deer or wild turkey hunting or the sublease includes deer or wild turkey hunting. (A hunting lease by a hunter or group of hunters from a landowner does not, in itself, make the landowner an outfitter, nor does providing

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transportation to or from a place of accommodation or hub of public transportation.)"

In Section 640.20(a)(10), the following language was removed: "An outfitter who only provides services arranging deer or turkey hunting on lands of others is not required to maintain hunting license or permit numbers;"

Section 640.30(c), the following sentence was removed: "This map is not required from an applicant whose sole activity is arranging hunts on property controlled by others."

Section 640.30(d), the following sentence was removed: "This information is not required from an applicant whose sole activity is arranging hunts on property controlled by others."

Section 640.30(f), the following language was removed: "Proof of liability insurance is not required form an applicant whose sole activity is arranging hunts on property controlled by others."

Section 640.70(b), "30 days" was changed to "45 days"

Section 640.80(a), "Class B misdemeanor" was changed to "Petty Offense (see 520 ILCS 5/3.1-3)"

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part contains the regulations for persons providing outfitter and guide services. It includes information on definitions, minimum standards, application requirements, fees, permits, violations and penalties.
- 16) Information and questions regarding these adopted rules shall be directed to:
Cindy Bushur-Hallam
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

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The full text of the adopted rules begins on the next page:

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 640
OUTFITTER REGULATIONS

Section	
640.10	Definitions
640.20	Minimum Standards
640.30	Application Requirements
640.40	Permit Fees
640.50	Acceptance or Rejection of Applications
640.60	Term of Permit and Fees
640.70	Violations
640.80	Penalty

AUTHORITY: Implementing and authorized by Sections 2.9, 2.10, 2.11, 2.24, 2.25, 2.26 and 3.1-3 of the Wildlife Code [520 ILCS 5/2.9, 2.10, 2.11, 2.24, 2.25, 2.26 and 3.1-3].

SOURCE: Adopted at 26 Ill. Reg. 18019, effective February 1, 2003.

Section 640.10 Definitions

Client – an individual who provides, or who has provided on his or her behalf, financial or other consideration to an outfitter in exchange for the use of the outfitter's goods and services.

Guide – an individual providing guide services to clients of an outfitter.

Guide Services – providing any of the following: providing advice to the hunter while hunting about how and/or where to conduct his hunt, setting decoys, calling, stalking, pursuing, tracking, field dressing, caring for meat, field preparation of trophies including skinning or capeing, carriage of hunters, carriage of hunter's equipment or carriage of deer or turkey harvested by hunters.

Outfitter – a person (as defined in the Wildlife Code [520 ILCS 5/1.2 l]) who provides or offers to provide, for compensation, outfitting services for deer or wild turkey hunting.

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Outfitting Services – providing deer and/or wild turkey hunting for compensation and:

providing guides, guide services, equipment, stands, blinds or transportation to and from the field; or

is on land leased or rented by the provider primarily for the purpose of deer and/or wild turkey hunting; or

is on land subleased for deer or wild turkey hunting or the sublease includes deer or wild turkey hunting. (A hunting lease by a hunter or group of hunters from a landowner does not, in itself, make the landowner an outfitter, nor does providing transportation to or from a place of accommodation or hub of public transportation.)

Resident Corporation – for the purpose of outfitter permitting, a resident corporation shall be:

an Illinois corporation that has been in existence for at least 30 days prior to submitting an application for an outfitter permit; and

a corporation in which more than 50% of the stock is owned by Illinois resident individuals.

Resident Limited Liability Company – for the purpose of outfitter permitting, a resident limited liability company (LLC) shall be:

an Illinois LLC that has been in existence at least 30 days prior to submitting an application for an outfitter permit; and

an LLC in which more than 50% of the ownership is held by Illinois resident individuals.

Section 640.20 Minimum Standards

- a) An outfitter shall:
- 1) have a current valid Illinois outfitter permit;
 - 2) be at least 21 years of age (If the outfitter permit is held by a business entity, then a responsible individual who is an officer in the business entity must be designated on the application as the contact person.);

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- 3) not had his or her hunting privileges under the Wildlife Code suspended or hunting licenses revoked within the last 5 years. If the outfitter is a business entity, no officer or employee or contact person may have been suspended or revoked within the past 5 years;
- 4) provide to each client, prior to commencement of outfitting services, in writing, the type of service provided, dates of service, cost of services, and a copy of the outfitter's refund policy;
- 5) be responsible for ensuring each client has the necessary permits, stamps and licenses prior to any hunting;
- 6) indicate clearly to clients the boundaries of the property on which the client is hunting and instruct the client as to how to conduct the hunt (i.e., special rules, restricted areas, etc.);
- 7) make no guarantees, either oral or written, as to the success of the hunt;
- 8) not misrepresent his or her facilities, prices, equipment, services or hunting opportunities;
- 9) not take or attempt to take any wildlife on behalf of the client;
- 10) maintain a current log of clients, the dates they hunted, their hunting license and permit numbers, and harvest information (numbers, sex, approximate age). This log must be maintained by the outfitter for 5 years; and
- 11) if he or she performs guide services, meet the requirements of subsection (b).
 - b) A guide shall:
 - 1) be at least 18 years of age;
 - 2) not have had his or her hunting license revoked or hunting privileges suspended under the Wildlife Code within the past 5 years;
 - 3) have a current Illinois hunting license and habitat stamp;
 - 4) have proof of successful completion of a State-approved hunter-safety course;
 - 5) obey all State and federal wildlife and weapons laws and regulations; and
 - 6) not take or attempt to take any wildlife on behalf of the client.

Section 640.30 Application Requirements

In order to obtain a permit to operate as an outfitter, the applicant must submit to the Department of Natural Resources, Outfitter Services, One Natural Resources Way, Springfield IL 62702-1271, an application containing the following information:

- a) The name, address, date of birth, phone number and Social Security Number of the applicant, if an individual; or if a business entity, the company, corporation, limited liability company or partnership name, along with a copy of the

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organization papers filed with the Secretary of State and/or the certification of compliance with the Assumed Business Name Act from the County Clerk, and the name, address, date of birth, phone number and Social Security Number of the contact person, with a certification the applicant is an Illinois resident or a non-resident of Illinois.

- b) A plat map showing the location of the property where the outfitting services will be provided.
- c) A map of the property owned or leased by the applicant, which shows the acreage in various land uses/habitats (for example, crop fields, hay crop, pasture, woods, brush, etc.), delineating the number of acres owned and the number of acres leased or rented.
- d) A description of hunting activities proposed for the current year, including the approximate number of hunters, whether deer or turkey hunting, and the type of weapons to be used.
- e) A management plan for each species (deer or turkey) to be hunted by completely and accurately filling out a standardized form provided by the Department.
- f) Proof of current commercial liability insurance for property damage, personal injury and death with a minimum benefit of \$1,000,000.
- g) A list of any guides to be employed, and any guides who quit or whose employment was terminated, with the name, address, date of birth, and Social Security Number of each guide. This list may be modified at any time by providing the change in writing to the Office of Law Enforcement, IDNR, One Natural Resources Way, Springfield IL 67202-1271.

Section 640.40 Permit Fees

The permit fees for an outfitter shall be:

- a) \$250 for a resident.
- b) \$2,500 for a non-resident.

Section 640.50 Acceptance or Rejection of Applications

- a) Incomplete or inadequate applications shall be returned to the applicant with a summary of deficiencies.
- b) Incomplete or inadequate applications may be completed and re-submitted within 15 days or until the end of the application period, whichever is longer.
- c) Applications will be accepted from January 15 through July 15, inclusive. Addendums adding acreage may be filed through September 30.
- d) Outfitters that allow deer/turkey populations to increase to the point that they have an abnormal detrimental impact on crops, public safety or environmental

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conditions in the immediate area shall be notified of the impact or effect. If, after one year, no reasonable effort has been made to resolve the impact or effect, the outfitter shall be warned that remedial action must be taken or his outfitter permit will not be renewed. If, after the warning, the outfitter does not institute a reasonable remedial action, his application for renewal shall be rejected and he shall be ineligible for an outfitter permit for a year. Eligibility for a new permit shall be dependent upon submission of a complete new application along with a management plan detailing actions or modifications to be employed to remedy the problem and responsibly manage the wildlife.

- e) Full applications shall be required every 5 years. The annual renewal shall consist of tender of the appropriate fee and proof of insurance and notice of any changes from the current application or certification that there are no changes from the previous year, as well as a report of harvest, listing number of hunter days, and number of male and number of female deer and/or turkey taken.

Section 640.60 Term of Permit and Fees

- a) The permit shall be for one year from July 1 to June 30.
- b) Applications and renewals are due at the Department by July 15 of each year. Applications or renewals received after July 15 cannot be guaranteed to be processed and a permit issued by September 1.

Section 640.70 Violations

It shall be unlawful for an outfitter to:

- a) employ any person as a guide or facilitator whose hunting license is revoked or whose privileges to hunt in Illinois are suspended;
- b) fail to provide to the Department documentation of change of ownership, transfer of corporate shares or transfer of a limited liability company's membership within 45 days after the date of change;
- c) advertise or provide outfitting services at a time the outfitter does not hold a current valid outfitter's permit;
- d) provide outfitting services on lands not included in the permit application;
- e) knowingly allow or cause a client to violate any provisions of the Wildlife Code or related administrative rules;
- f) advertise that outfitting services are provided on specific land unless that land is included in the permit;
- g) advertise in an intentionally false or misleading manner;
- h) fail to allow inspection of required records to an authorized employee of the Department during reasonable business hours; or

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- i) fail to maintain required records.

Section 640.80 Penalty

- a) Violation is a petty offense (see 520 ILCS 5/3.1-3).
- b) Any person found guilty of operating as an outfitter without an outfitter's permit, or of failure to pay the appropriate permit fees, shall, in addition to any criminal penalties, be assessed a civil penalty of three times the amount that should have been paid. This penalty is payable to the Department and no outfitter permit shall be issued to any person found owing appropriate fees, nor to any organization or business entity of which such person is an officer, agent or employee until the penalty is paid in full.

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Taking of Wild Turkeys – Spring Season
- 2) Code Citation: 17 Ill. Adm. Code 710
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
710.10	Amendments
710.20	Amendments
710.25	Amendments
710.50	Amendments
710.55	Amendments
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].
- 5) Effective Date of Amendments: December 6, 2002
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 13, 2002, 26 Ill. Reg. 13435
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In Section 710.50(d), the following sites were amended as shown:

~~Lake Shelbyville Corps of Engineers Managed Lands (Shelby County)~~

Lake Shelbyville – ~~Corps of Engineers Managed Lands (Moultrie County)~~ and Kaskaskia and Okaw Wildlife Management Areas
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rulemaking currently in effect? No

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- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to add the season dates for the 2003 season and to update the list of sites open for hunting.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

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

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 710
THE TAKING OF WILD TURKEYS – SPRING SEASON

Section

710.5	Hunting Zones
710.10	Hunting Seasons
710.20	Statewide Turkey Permit Requirements
710.21	Turkey Permit Requirements – Special Hunts (Renumbered)
710.22	Turkey Permit Requirements – Landowner/Tenant Permits
710.25	Turkey Permit Requirements – Special Hunts
710.28	Turkey Permit Requirements – Heritage Youth Turkey Hunt (Repealed)
710.30	Turkey Hunting Regulations
710.40	Other Regulations (Repealed)
710.50	Regulations at Various Department-Owned or -Managed Sites
710.55	Special Hunts for Disabled Hunters
710.60	Releasing or Stocking of Turkeys

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

SOURCE: Adopted at 4 Ill. Reg. 15, p. 153, effective April 1, 1980; codified at 5 Ill. Reg. 10643; amended at 6 Ill. Reg. 3852, effective March 31, 1982; amended at 7 Ill. Reg. 4208, effective March 25, 1983; amended at 8 Ill. Reg. 5663, effective April 16, 1984; amended at 9 Ill. Reg. 6200, effective April 24, 1985; amended at 10 Ill. Reg. 6848, effective April 4, 1986; amended at 11 Ill. Reg. 2267, effective January 20, 1987; amended at 12 Ill. Reg. 5342, effective March 8, 1988; amended at 13 Ill. Reg. 5090, effective April 4, 1989; amended at 14 Ill. Reg. 663, effective January 2, 1990; amended at 15 Ill. Reg. 4161, effective March 4, 1991; amended at 16 Ill. Reg. 1843, effective January 17, 1992; amended at 17 Ill. Reg. 3184, effective March 2, 1993; amended at 18 Ill. Reg. 1156, effective January 18, 1994; emergency amendment at 18 Ill. Reg. 3751, effective March 1, 1994, for a maximum of 150 days; emergency expired July 29, 1994; amended at 19 Ill. Reg. 2450, effective February 17, 1995; emergency amendment at 19 Ill. Reg. 5312, effective April 1, 1995, for a maximum of 150 days; emergency expired August 29, 1995; amended at 20 Ill. Reg. 777, effective December 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 3125, effective March 3, 1997; amended at 22 Ill. Reg. 2192, effective January 2, 1998; amended at 22 Ill. Reg. 19568, effective October 23, 1998; amended

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at 23 Ill. Reg. 11956, effective September 21, 1999; amended at 24 Ill. Reg. 7984, effective May 24, 2000; amended at 24 Ill. Reg. 17778, effective November 27, 2000; amended at 25 Ill. Reg. 14176, effective October 22, 2001; amended at 26 Ill. Reg. 18028, effective December 6, 2002.

Section 710.10 Hunting Seasons

a) Northern Zone Season Dates:

- 1st Season: Monday, April 14-Friday, April 18, 2003 ~~Monday, April 15-Friday, April 19, 2002~~
- 2nd Season: Saturday, April 19-Thursday, April 24, 2003 ~~Saturday, April 20-Thursday, April 25, 2002~~
- 3rd Season: Friday, April 25-Wednesday, April 30, 2003 ~~Friday, April 26-Wednesday, May 1, 2002~~
- 4th Season: Thursday, May 1-Wednesday, May 7, 2003 ~~Thursday, May 2-Wednesday, May 8, 2002~~
- 5th Season: Thursday, May 8-Thursday, May 15, 2003 ~~Thursday, May 9-Thursday, May 16, 2002~~

b) Southern Zone Season Dates:

- 1st Season: Monday, April 7-Friday, April 11, 2003 ~~Monday, April 8-Friday, April 12, 2002~~
- 2nd Season: Saturday, April 12-Thursday, April 17, 2003 ~~Saturday, April 13-Thursday, April 18, 2002~~
- 3rd Season: Friday, April 18-Wednesday, April 23, 2003 ~~Friday, April 19-Wednesday, April 24, 2002~~
- 4th Season: Thursday, April 24-Wednesday, April 30, 2003 ~~Thursday, April 25-Wednesday, May 1, 2002~~
- 5th Season: Thursday, May 1-Thursday, May 8, 2003 ~~Thursday, May 2-Thursday, May 9, 2002~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

c) Open Counties:

NORTHERN ZONE

- Adams
- Boone
- Brown
- Bureau
- Calhoun
- Carroll
- Cass
- Champaign
- Christian
- Clark
- Coles
- Cumberland
- DeKalb
- DeWitt
- Edgar
- Fulton
- Green
- Grundy
- Hancock
- Henderson
- Henry
- Iroquois
- Jersey
- Jo Daviess
- Kankakee
- Kendall
- Knox
- LaSalle
- Lee
- Livingston
- Logan
- Macon
- Macoupin
- Marshall-Putnum
- Mason
- McDonough
- McHenry

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

McLean
Menard
Mercer
Montgomery
Morgan
Moultrie
Ogle
Peoria
Piatt
Pike
Rock Island
Sangamon
Schuyler
Scott
Shelby
Stark
Stevenson
Tazewell
Vermilion
Warren
Whiteside
Will
Winnebago
Woodford

SOUTHERN ZONE

Alexander
Bond
Clay
Clinton
Crawford
Edwards
Effingham
Fayette
Franklin
Hamilton
Gallatin-Hardin
Jackson
Jasper
Jefferson

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NOTICE OF ADOPTED AMENDMENTS

Johnson
Lawrence
Madison
Marion
Massac
Monroe
Perry
Pope
Pulaski
Randolph
Richland
Saline
St. Clair
Union
Wabash
Washington
Wayne
White
Williamson

(Source: Amended at 26 Ill. Reg. 18028, effective December 6, 2002)

Section 710.20 Statewide Turkey Permit Requirements

- a) To take, or attempt to take, a wild turkey, Illinois residents must first obtain a "Wild Turkey Hunting Permit" from the Department of Natural Resources for a fee of \$15. Non-resident turkey hunters shall be charged the maximum fee as allowed by Section 2.11 of the Wildlife Code [520 ILCS 5/2.11] for each wild turkey hunting permit. All hunters, except those exempted by Section 3.1 of the Wildlife Code [520 ILCS 5/3.1] are also required to obtain a hunting license before hunting wild turkey. Permits are issued for a specific county or area and are valid only in the county or area designated on the permit. Applications for wild turkey permits must be mailed to:

Department of Natural Resources – Turkey
One Natural Resources Way
524 S. Second Street, Room 210
P.O. Box 19446
Springfield, Illinois 62702-1271~~62794-9446~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- b) Applicants must complete all portions of the permit application form. Incomplete applications will be rejected and fees returned. Each applicant must submit a personal check or money order for his/her individual application. Not more than 4 applications may be submitted for group hunters. Applicants submitting applications within three weeks of the season will not be guaranteed receipt of permit by start of season.
- c) Applications from Illinois residents will be accepted through December 1. Applications received in the permit office after December 1 will be included in the next computerized drawing. All requests must be on an official application form. Permits are not transferable and refunds will not be granted. Permits will be allocated in a computerized drawing to be held in Springfield. Applicants rejected in this drawing will receive preference in the next year's drawing for spring season permits subject to guidelines outlined in subsection (g).
- d) Permits not issued during the first computerized drawing will be available in a second computerized lottery drawing. Applications for this drawing will be accepted through the first working day after January 10. Applications received after this date will be included in the next drawing. All hunters not receiving a permit in the first computerized drawing and non-residents may apply at this time for the available permits. All resident permit applications will receive preference over non-resident applications.
- e) Any hunter who has not received a permit, and hunters that have received only one permit, may apply for a first or a second permit in a third computerized lottery drawing for the remaining permits. All resident permit applications will receive preference over non-resident applications. Applications for this third drawing will be accepted through the first working day after February 8. Applications received after this date will be included in the next drawing.
- f) Permits remaining after the three lotteries will be available in a random daily drawing that begins the first working day after March 8. All applications received on or before the first working day after March 8 will be processed in the first daily drawing. This drawing period is open to hunters applying for their first, second, or third permits.
- g) The following criteria must be met to obtain preference in the first computerized drawing:
 - 1) The applicant must apply using the official agency application.
 - 2) The applicant must be a resident of the State, be eligible to receive a spring turkey permit, and not had turkey hunting privileges revoked.
 - 3) The applicant must apply for the same county and season choices which he/she listed on the previous year's application. Preference will not be granted for special hunt areas as listed in Section 710.25 or for permit areas listed in Section 710.50(c).

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NOTICE OF ADOPTED AMENDMENTS

- h) A \$3 service fee will be charged for replacement permits issued by the Department.
- i) The periods for accepting applications for the first three lotteries may be extended if applications are not available to the public by November 1. A news release will announce the extension of the application periods.
- j) It shall be unlawful to:
 - 1) Submit applications before the second computerized lottery drawing for more than one permit for the same person, and thereafter, submittal of applications for receiving more than three permits for the same person.
 - 2) Submit applications before the third computerized lottery drawing for more than two permits for the same person.
 - 3) Apply for or receive more than three permits for the spring turkey season.
 - 4) Provide false and/or deceptive information on a permit application form. In addition to criminal charges, individuals found guilty of violating this section shall have their application rejected, permit revoked, and fees forfeited.

(Source: Amended at 26 Ill. Reg. 18028, effective December 6, 2002)

Section 710.25 Turkey Permit Requirements – Special Hunts

- a) Special hunt sites are defined as those sites which are owned or controlled by agencies/entities other than the Department, or sites at which the Department only controls a portion of the property designated for turkey hunting, which issue turkey hunting permits through the statewide lottery process. The Permit Office issues turkey hunting permits through a computerized drawing for sites listed below, in addition to the Department-owned or -managed sites listed in Section 710.50(c).

Crab Orchard National Wildlife Refuge (check-in and check-out required at Visitor Information Center, windshield card required, area closed ½ hour after sunset to 1½ hours before sunrise, scouting allowed after noon including the afternoon of the day prior to the permitted hunting season)

Joliet Army Training Area (Will County) (check-in and check-out required at central check station; an additional turkey permit must be purchased from the Joliet Army Training Area)

Midewin National Tallgrass Prairie (an additional site access fee must be purchased from the USDA Forest Service)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Savanna Army Depot (Jo Daviess County)

- b) Each applicant must enclose a separate fee (check or money order) payable to the Department of Natural Resources, or the application will be returned. Applicants should not send cash with their applications. The Department will not be responsible for cash sent though the mail.

(Source: Amended at 26 Ill. Reg. 18028, effective December 6, 2002)

Section 710.50 Regulations at Various Department-Owned or Managed Sites

- a) Hunters who intend to hunt Department sites and who have a physical disability that requires special accommodations must contact the site superintendent at least 10 days before the date they wish to hunt. The site superintendent shall make reasonable accommodations necessary to allow the disabled person to participate in the hunting experience at the site. Disabled hunters who require an aide or assistant with them during the hunt are responsible for providing the aide or assistant and notifying the site superintendent that an assistant will be present, and whether the assistant will also be hunting.
- b) Hunters must sign in/sign out at all sites in subsections (c) and (d) which are followed by a (1).
- c) Statewide regulations shall apply for the following sites:

Anderson Lake Conservation Area (1)

Argyle Lake State Park (1)

Cache River State Natural Area (1)

Campbell Pond Wildlife Management Area

Carlyle Lake Wildlife Management Area

Cypress Pond State Natural Area (1)

Deer Pond State Natural Area (1)

Dog Island Wildlife Management Area (1)

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Ferne Clyffe State Park – Cedar Draper Bluff Hunting Area (1)

Fort de Chartres State Historic Site (muzzleloading shotgun or archery only) (1)

Franklin Creek State Park (1)

Giant City State Park (1)

Horseshoe Lake Conservation Area – Alexander County (controlled goose hunting area and public hunting area only) (1)

I-24 Wildlife Management Area (1)

Jubilee State Park (archery only) (1)

Kaskaskia River State Fish and Wildlife Area (except for that area lying north of Highway 154, east of the Kaskaskia River, and south of the Risdon School Road and Beck's Landing access road; a handicapped hunter with a P-2 handicapped certification, accompanied by a non-hunting attendant, may hunt at the site's designated handicapped hunting spot within this closed area. The hunting spot will be allocated on a first come-first served basis or via a drawing, if needed, held at the site office) (1)

Kinkaid Lake Fish and Wildlife Area (1)

Mark Twain National Wildlife Refuge, Gardner Division

~~Midwin National Tallgrass Prairie (an additional \$15 site hunting fee must be purchased from the U.S. Forest Service prior to hunting) (1)~~

Mississippi River Fish and Wildlife Area (Pools 25 and 26)

Mississippi River Pools 16, 17, 18, 21, 22, and 24

Oakford Conservation Area

Pere Marquette State Park (designated area only) (1)

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Ray Norbut Fish and Wildlife Area (1)

Rend Lake Project Lands and Waters except Wayne Fitzgerald State Park

Saline County Fish and Wildlife Area (1)

Sanganois Conservation Area (site issued free permit required)

Siloam Springs State Park – Scripps Unit (bow only) (residents only) (1)

Sielbeck Forest State Natural Area (1)

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area (1)

Union County Conservation Area – Firing Line Unit and Public Hunting Area only (1)

Weinberg-King State Park (1)

Wildcat Hollow State Forest (1)

- d) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 710.20. This permit is only valid for the specific site and season indicated on the permit.

Apple River Canyon State Park - Thompson and Salem Units (1)

Beaver Dam State Park

Big Bend State Fish and Wildlife Area (1)

Big River State Forest (1)

Castle Rock State Park (1)

Clinton Lake State Recreation Area

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Coffeen Lake State Fish and Wildlife Area

Crawford County Conservation Area

~~East Conant~~

Falling Down Prairie (1)

Ferne Clyffe Hunting Area (1)

Fort Massac State Park (Youth Ages 10-15 only) (1)

Fox Ridge State Park (1)

Green River State Wildlife Area (1)

Hamilton County Conservation Area

Hanover Bluff State Natural Area (1)

Harry "Babe" Woodyard State Natural Area (1)

Hidden Springs State Forest (first 2 seasons only) (1)

Horseshoe Lake State Park (Madison County)

Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein,
Chouteau Island Units

Hurricane Creek Habitat Area (must have Fox Ridge State Park permit)
(1)

Iroquois County State Wildlife Area

Jim Edgar Panther Creek State Fish and Wildlife Area

Jim Edgar Panther Creek State Fish and Wildlife Area West Open Unit

Johnson-Sauk Trail State Park (1)

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Kankakee River State Park (hunting hours are from one-half hour before sunrise until 12:00 noon) (1)

Kickapoo State Park (1)

~~Lake Shelbyville – Corps of Engineers Managed Lands (Shelby County)~~

Lake Shelbyville – ~~Corps of Engineers Managed Lands (Moultrie County)~~
~~and~~ Kaskaskia and Okaw Wildlife Management Areas

Lowden Miller State Forest (1)

Mackinaw River Fish and Wildlife Area (1)

Marseilles Fish and Wildlife Area (site is open to hunting Monday through Thursday only; hunting hours are from one-half hour before sunrise until 8:30 a.m.) (1)

Marshall Fish and Wildlife Area (1)

Mermet Lake State Fish and Wildlife Area (1)

Middlefork State Fish and Wildlife Management Area (1)

Mississippi Palisades State Park (closed during the fifth season) (1)

Momence Wetlands (1)

Newton Lake Fish and Wildlife Area

Pere Marquette State Park (Piasa, Quotoga, Potawatomi Camp Areas) (no hunting allowed on weekends)

Pyramid State Park (1)

Pyramid State Park – East Conant Unit

Ramsey Lake State Park (1)

Randolph County Conservation Area (a handicapped hunter with a P-2

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handicapped certification, accompanied by a non-hunting attendant, wanting to hunt at one of the site's two designated handicapped hunting spots is not required to have a site-specific permit. These hunting spots will be allocated on a first come-first served basis or via a drawing, if needed, held at the site office) (1)

Red Hills State Park

Red Hills State Park/Chauncey Marsh

Sahara Woods (1)

Sam Dale Lake Conservation Area (1)

Sam Parr State Park

Sand Ridge State Forest

Sangamon County Conservation Area

Sanganois Conservation Area (Squirrel Timber Unit) (1)

Sangchris Lake State Park

Siloam Springs State Park (1)

Siloam Springs State Park (Buckhorn Unit) (1)

Site M

Stephen A. Forbes State Park (1)

Tapley Woods State Natural Area (1)

Ten Mile Creek Fish and Wildlife Area

Weldon Springs State Park – Piatt County Unit

Witkowsky State Wildlife Area (1)

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Wolf Creek State Park (first 2 seasons only) (1)

(Source: Amended at 26 Ill. Reg. 18028, effective December 6, 2002)

Section 710.55 Special Hunts for Disabled Hunters

Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 710.20, except as noted. Permits are only valid for the specific site and season indicated on the permit. Disabled hunters must possess a Class P2A disability card in order to be eligible for the drawing.

Mermet Lake State Fish and Wildlife Area

Mississippi Palisades State Park (portion of site quota designated for disabled hunters; closed during the 5th season) (~~permits allocated through site office; closes after second Sunday of the 4th season~~)

(Source: Amended at 26 Ill. Reg. 18028, effective December 6, 2002)

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NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Conservation Police Officer Professional Standards
- 2) Code Citation: 17 Ill. Adm. Code 2050
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2050.10	New Section
2050.20	New Section
2050.30	New Section
2050.40	New Section
- 4) Statutory Authority: Implemented and authorized by Section 805-535 of the Civil Administrative Code of Illinois [20 ILCS 805/805-535].
- 5) Effective Date of Rules: December 6, 2002
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including all material incorporated by reference is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: August 20, 2002, 26 Ill. Reg. 11726
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between proposal and final version: Section 2050.10 – Removed statutory reference to the Civil Administrative Code which duplicates the Authority Note.

Section 2050.30(a) – Added language indicating that in addition to swimming 200 yards continuously, persons must use a breast stroke or front crawl stroke.

Section 2050.30(c) – Changed requirement that persons must retrieve an object from a 7 foot depth to persons must retrieve an object from a 10 foot depth.

Section 2050.40 – Added a Section on Police Training and Certification:

Any person hired must, within one year of hire:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

- a) *successfully obtain certification as a police officer under the standards in effect at that time unless that person already holds that certification; and*
 - b) *Successfully complete the Conservation Police Academy training program, consisting of not less than 400 hours of training.*
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
 - 13) Will this rulemaking replace an emergency rulemaking currently in effect? No
 - 14) Are there any amendments pending on this Part? No
 - 15) Summary and Purpose of Rulemaking: This rulemaking provides standards for any person hired by the Department of Natural Resources for a sworn law enforcement position or position that has arrest authority.
 - 16) Information and questions regarding these adopted rules shall be directed to:

Jack Price
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

The full text of the adopted rules begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER e: LAW ENFORCEMENTPART 2050
CONSERVATION POLICE OFFICER PROFESSIONAL STANDARDS

Section

2050.10	General Standards
2050.20	Disciplines/Related Areas of Study
2050.30	Swimming Competency Level
2050.40	Police Training and Certification

AUTHORITY: Implementing and authorized by Section 805-535 of the Civil Administrative Code of Illinois [20 ILCS 805/805-535].

SOURCE: Adopted at 26 Ill. Reg. 18044, effective December 6, 2002.

Section 2050.10 General Standards

Any person hired by the Department of Natural Resources for a sworn law enforcement position or position that has arrest authority must meet the minimum professional standards [20 ILCS 805/805-535] provided by Section 805-535 and this Part.

Section 2050.20 Discipline/Related Areas of Study

- a) *At the time of hire, the person must hold:*
 - 1) *a 2 year degree and 3 consecutive years of experience as a police officer with the same law enforcement agency; or*
 - 2) *a 4 year degree. [20 ILCS 805/805-535]*
- b) Specific areas of study are not required by statute; however, major course work in directly related areas of study is preferred. Disciplines that qualify as directly related areas of study include:
 - 1) Conservation Law Enforcement
 - 2) Administration of Justice
 - 3) Corrections and Law Enforcement
 - 4) Social Justice
 - 5) Biology
 - 6) Zoology
 - 7) Botany

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- 8) Ecology
- 9) Forestry
- 10) Environmental Sciences
- 11) Natural Resource Management
- 12) Recreation
- 13) Safety
- 14) Other similar areas of study

Section 2050.30 Swimming Competency Level

At the time of hire, the person must demonstrate the ability to:

- a) swim 200 yards continuously using a breast stroke or front crawl stroke;
- b) tread water for 3 minutes; and
- c) retrieve an object from a 10 foot depth.

Section 2050.40 Police Training and Certification

Any person hired must, within one year after hire:

- a) *successfully obtain certification as a police officer under the standards in effect at that time unless that person already holds that certification; and*
- b) *successfully complete the Conservation Police Academy training program, consisting of not less than 400 hours of training. [20 ILCS 805/805-535]*

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY RULE

- 1) Heading of the Part: Importation of Animal Carcasses and Parts
- 2) Code Citation: 17 Ill. Adm. Code 636
- 3) Section Number: 636.30 Emergency Action:
New Section
- 4) Statutory Authority: Implementing and authorized by Sections 1.10, 2.2, 2.3, 3.23, 3.25, 3.27, 3.34 and 3.36 of the Wildlife Code [520 ILCS 5/1.10, 2.2, 2.3, 3.23, 3.25, 3.27, 3.34 and 3.36].
- 5) Effective Date of Emergency Rule: December 4, 2002
- 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: This emergency rule will remain in effect for the 150-day period.
- 7) Date filed with the Index Department: December 3, 2002
- 8) A copy of this emergency rule, including any material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency rule is necessary because meat processors are turning away hunters with illegally imported carcasses and have noted that the individuals probably then dispose of the carcasses into the environment, which was exactly what the regulations were designed to prevent. This emergency rule allows hunters to bring deer or elk carcass to a licensed meat processing plant within 72 hours. Once an animal enters a licensed plant, we are assured that the waste materials are properly disposed of and do not pose a risk to white-tail deer. Also, the heads for taxidermy may be transported into the State only if they are submitted to a licensed taxidermist with 72 hours of entry. The licensed taxidermists shall dispose of the discarded tissue in a landfill or with a renderer. This emergency rule also allows the importation of tissues from deer and elk that will be examined by diagnostic and research laboratories.
- 10) A Complete Description of the Subjects and Issues Involved: The Department filed an emergency rule effective August 1, 2002, and proposed rules containing regulations to reduce the potential for the spread of CWD in Illinois as Part 635, Wildlife Conservation Measures and Practices. This disease belongs to the family of diseases known as

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY RULE

transmissible spongiform encephalopathies (TSEs) or prion diseases, which include scrapie in sheep and bovine spongiform encephalopathy ("mad cow disease") in cattle. There is no vaccine to prevent this disease, and it is incurable once contracted by an animal (i.e., always fatal).

The Part 635 emergency rule effective August 1, 2002 prohibits the transportation of hunter-harvested deer and elk carcasses into Illinois, except for deboned meat, antlers, antlers attached to skull caps, hides, upper canine teeth and finished taxidermy mounts. This emergency rule will allow the importation of carcasses into Illinois to be transported to licensed meat processors, importation of heads for taxidermy to be transported to a licensed taxidermist, and the importation of tissues for use by a diagnostic or research laboratory.

- 11) Are there any proposed amendments to this Part pending? No
- 12) Statement of Statewide Policy Objectives: These rules do not create or expand a State mandate.
- 13) Information and questions regarding this rule shall be directed to:

Cindy Bushur-Hallam
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

The full text of the emergency rule begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF EMERGENCY RULE

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 636
IMPORTATION OF ANIMAL CARCASSES AND PARTS

Section

636.30 Importation of Animal Carcasses and Parts
EMERGENCY

AUTHORITY: Implementing and authorized by Sections 1.10, 2.2, 2.3, 3.23, 3.25, 3.27, 3.34 and 3.36 of the Wildlife Code [520 ILCS 5/1.10, 2.2, 2.3, 3.23, 3.25, 3.27, 3.34 and 3.36].

SOURCE: Adopted by emergency rulemaking at 26 Ill. Reg. 18048, effective December 4, 2002, for a maximum of 150 days.

Section 636.30 Importation of Animal Carcasses and Parts
EMERGENCY

Effective December 4, 2002, importation of hunter-harvested deer and elk carcasses into Illinois is prohibited except for:

- a) deboned meat, antlers, antlers attached to skull caps, hides, upper canine teeth (also known as “buglers”, “whistlers”, or “ivories”), and finished taxidermist mounts. Skull caps shall be cleaned of all brain and muscle tissue;
- b) finished taxidermist mounts;
- c) carcasses or parts of carcasses with the spinal column or head attached may be transported into the State only if they are submitted to a licensed meat processor for processing within 72 hours of entry; licensed meat processors shall dispose of the discarded tissue in a landfill or with a renderer;
- d) heads for taxidermy may be transported into the State only if they are submitted to a licensed taxidermist within 72 hours of entry; licensed taxidermists shall dispose of the discarded tissue in a landfill or with a renderer; and
- e) tissues can be imported into the State for use by a diagnostic or research laboratory.

AGENCY NOTE: Nothing in this Part shall prevent renderers regulated under the Illinois Dead Animal Disposal Act [225 ILCS 610] with Class A or B licenses from transporting cervid carcasses or parts into the State for the purpose of rendering.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Local Health Protection Grant Rules
- 2) Code Citation: 77 Ill. Adm. Code 615
- 3) Section Number: 615.340 Emergency Action: Amendment
- 4) Statutory Authority: Authorized by and implementing Divison 5-25 of the Counties Code [55 ILCS 5]; the Public Health District Act [70 ILCS 905]; the Illinois Municipal Code [65 ILCS 5]; and Section 55 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-10].
- 5) Effective Date of Emergency Amendment: December 6, 2003
- 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: This emergency rule expires at the end of the 150-day period.
- 7) Date filed with the Index Department: December 6, 2002
- 8) A copy of the emergency rules, including any material incorporated by reference, is on file in the Department's principle office and is available for public inspection.
- 9) Reason for Emergency: It is anticipated that the president will soon be announcing a pre-event smallpox immunization initiative to increase the nation's capacity to respond to a smallpox bioterrorism event. The first phase of this initiative, to begin on December 16, 2002, involves offering the smallpox vaccine to public health and healthcare staff who would be initially investigating and responding to a smallpox outbreak. Before the Centers for Disease Control and Prevention (CDC) will release vaccine to the State of Illinois, a plan outlining procedures for implementation of the immunization initiative must be submitted for approval to the Federal government. The plan must be received by the CDC by December 9, 2002. Local health departments will be required to develop appropriate vaccinations plans for their jurisdiction and closely coordinate preparedness activities with healthcare facilities and other local partners. Local health departments have received from the Department information on elements of the State plan and guidance in developing their local plans. The development of the local health department smallpox vaccination plans will require the utilization of plans for receiving and distributing the CDC National Pharmaceutical Stockpile and internal command, control and communication protocols and procedures.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

- 10) A Complete Description of the Subjects and Issues Involved: The emergency amendments require local health departments (lhds) to develop and maintain a current all hazard emergency response/disaster plan for their jurisdiction. The plans are intended to provide a framework for response operations of the lhd and to outline specific actions for local response and recovery activities. Minimum elements to be included in the plans are specified and include procedures for 24-hour availability of the local health department to receive information on an emergency situation; internal notification of key staff within the lhd; contact between the lhd, local law enforcement and the Department; mobilization of non-essential staff to assist with the emergency situation; dissemination of information to first responders; and implementation of a mass vaccination and distribution/management of the federal stockpile of pharmaceuticals in response to a communicable disease situation in their jurisdiction.
- 11) Are There Any Proposed Amendments Pending on this Part? No
- 12) Statement of Statewide Policy Objectives: Expenditures by units of local government may be necessary for compliance with these emergency rules.
- 13) Information and questions regarding this emergency amendment shall be directed to:

Peggy Snyder
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217)782-2043
e-mail: rules@idph.state.il.us.

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER h: LOCAL HEALTH DEPARTMENTS

PART 615

LOCAL HEALTH PROTECTION GRANT RULES

SUBPART A: GENERAL

- Section
615.100 Definitions
615.110 Incorporated Materials

SUBPART B: ADMINISTRATION OF LOCAL HEALTH PROTECTION GRANTS

- Section
615.200 Eligibility
615.210 Purpose and Distribution of Grant Funds
615.220 Review and Consultation; Plan of Correction
615.230 Waiver of Requirements

SUBPART C: PROGRAM STANDARDS

- Section
615.300 Infectious Diseases
615.310 Food Protection
615.320 Potable Water Supply
615.330 Private Sewage Disposal
615.340 Common Requirements

EMERGENCY

SUBPART D: DUE PROCESS

- Section
615.400 Denial, Suspension or Revocation of Grant Application or Grant Agreement
615.410 Procedures for Hearings

APPENDIX A Recommended Policies and Procedures for Immunization Clinics
(Repealed)

AUTHORITY: Implementing and authorized by Division 5-25 of the Counties Code [55 ILCS

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

5]; the Public Health District Act [70 ILCS 905]; the Illinois Municipal Code [65 ILCS 5]; and Section 2310-10 of the Civil Administrative Code of Illinois [20 ILCS 2310/2310-10].

SOURCE: Filed October 20, 1977; Part repealed, new Part adopted at 5 Ill. Reg. 1415, effective July 1, 1981; codified at 8 Ill. Reg. 16335; amended at 14 Ill. Reg. 805, effective January 1, 1990; Part repealed, new Part adopted by emergency rules at 17 Ill. Reg. 13002, effective July 21, 1993, for a maximum of 150 days; emergency expired on December 18, 1993; Part repealed, new Part adopted at 18 Ill. Reg. 4320, effective March 1, 1994; emergency amendment at 20 Ill. Reg. 3974, effective February 16, 1996, for a maximum of 150 days; emergency expired on July 15, 1996; amended at 21 Ill. Reg. 2960, effective February 20, 1997; amended at 26 Ill. Reg. 421, effective January 1, 2002; emergency amendment at 26 Ill. Reg. 18051, effective December 6, 2002, for a maximum of 150 days.

SUBPART C: PROGRAM STANDARDS

Section 615.340 Common Requirements**EMERGENCY**

- a) All activities performed under this Part shall be governed in all respects by the laws of the State of Illinois. Personnel performing the programs described in this Subpart shall meet the applicable requirements of the Medical Practice Act of 1987 [225 ILCS 60]; the Nursing and Advanced Practice Nursing Act [225 ILCS 65]; and the Environmental Health Practitioner Licensing Act [225 ILCS 37].
- b) All local health departments shall maintain a 24-hour notification system that IDPH, hospitals, or members of the general public can contact to promptly reach a staff person to report a suspect or actual public health incident or event. Local health departments must document, at least quarterly, the method used to ensure the operational reliability of this 24-hour notification system. In addition, local health departments shall document and provide to the IDPH Emergency Officer and their IDPH Regional Health Officer the procedure that IDPH, hospitals or members of the general public must utilize to activate this 24-hour notification system.
- c) All local health departments are required to maintain a current, all hazard emergency response/disaster plan for their jurisdiction. "All hazard" includes, but is not limited to, natural, technological and intentionally caused emergency events, including disease outbreaks, bioterrorism, floods, severe weather, environmental and food protection incidents and others. Within 15 days after the effective date of this emergency rulemaking, all local health departments shall electronically submit to the Department the plan for their jurisdiction. Any and all future amendments to the plan shall be electronically submitted to the Department immediately. All local health departments shall keep a copy of the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF EMERGENCY AMENDMENT

plan on file in their principal office. The Department will review each plan once at least every three years, or as often as necessary, as part of the local health department's program review process conducted in accordance with Section 615.220. The emergency response/disaster plan will provide a framework for response operations of the local health department or multi-jurisdiction, and will outline specific actions for local response and recovery activities. The plan will provide guidance for the local health department's primary programs to support jurisdiction-wide emergency operations and prescribe, among other items, the availability of personnel and response needs and provisions. The following items are minimum elements of an approved emergency response/disaster plan:

- 1) procedure for 24-hour availability of the local health department to receive information on a significant or potential emergency situation from the general public or a federal, state or local governmental agency;
 - 2) procedure for internal notification ("call-tree") to alert key staff within the local health department of an emergency situation;
 - 3) procedure that details how and when the local health department will contact the local emergency management agency, local law enforcement agency and the Department of an emergency situation;
 - 4) procedure that will outline the rapid mobilization of non-essential staff of the local health department to assist with the emergency situation, including the identification of critical programs administered by the local health department;
 - 5) procedure for the dissemination of information to first responders, local health care providers, hospitals, clinics and pharmacies within the jurisdiction to alert them of a significant or potential emergency situation; and
 - 6) procedure for the implementation of a mass vaccination and prophylaxis and treatment distribution/management of stockpiles of pharmaceuticals in response to a significant or potential communicable disease situation within the jurisdiction.
- d) The local health department shall submit information quarterly on forms provided by the Department concerning activities conducted in each program conducted by the local health department.

(Source: Amended by emergency rulemaking at 26 Ill. Reg. 18051, effective December 6, 2002, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of December 3, 2002 through December 9, 2002 and have been scheduled for review by the Committee at its December 17, 2002 meeting in Chicago or its January 9, 2003 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
1/16/03	<u>Department of Employment Security,</u> Determination of Unemployment Contributions (56 Ill. Adm. Code 2770)	10/18/02 26 Ill. Reg. 14929	12/17/02
1/15/03	<u>Department of Human Services,</u> Early Intervention Program (89 Ill. Adm. Code 500)	2/22/02 26 Ill. Reg. 2205	1/9/03
1/17/03	<u>Department of Public Aid,</u> Medical Payment (89 Ill. Adm. Code 140)	9/13/02 26 Ill. Reg. 13450	1/9/03
1/17/03	<u>Department of Professional Regulation,</u> Optometric Practice Act of 1987 (68 Ill. Adm. Code 1320)	4/19/02 26 Ill. Reg. 5671	1/9/03
1/22/03	<u>Secretary of State,</u> Certificates of Title, Registration of Vehicles (92 Ill. Adm. Code 1010)	10/11/02 26 Ill. Reg. 14765	1/9/03

DEPARTMENT OF AGRICULTURE

AGENCY RESPONSE TO JOINT COMMITTEE OBJECTION TO PROPOSED
RULEMAKING

Heading of the Part: Diseased Animals

Code Citation: 8 Ill. Adm. Code 85

Register Citation: 26 Ill. Reg. 9487

Agency Response to Specific Joint Committee Objections:

The Illinois Department of Agriculture (IDOA) originally amended the Diseased Animals Act to require that in order to import deer or elk into Illinois, the animals must have been monitored for at least three years. At its meeting on September 10, 2002, JCAR objected to the rulemaking stating that the proposed regulations were inconsistent with emergency rules filed by the Illinois Department of Natural Resources (IDNR) because the rulemakings addressed the same issues affecting some of the same persons, but establish different standards to be followed by those persons.

After receiving the objection, IDNR and IDOA worked together to resolve the inconsistencies in the rulemakings. The revised proposal addresses JCAR's objections by establishing uniform standards for all affected persons. Specifically, under the revised proposal, effective January 1, 2003, captive cervidae entering Illinois must originate from herds enrolled in a state-approved CWD certification program for five years or more. In addition, effective June 1, 2003, captive cervidae will also be allowed to enter Illinois if they originate from herds enrolled in a state-approved CWD certification program for three years or more AND meet the specific criteria set forth in 8 Ill. Adm. Code 85.120 (d)(5)(a-g). Animals imported under the special criteria will be reviewed by both the State Veterinarian (IDOA) and the Chief of the Division of Wildlife Program Development (IDNR). IDNR has agreed to amend its proposed rule currently on second notice to reflect the above agreed upon proposal.

Sandy Rolando, Acting Director

PROCLAMATIONS**2002-605****October 1, 2002 as Susan J. Rohrer Day**

WHEREAS, Susan J. Rohrer has devoted most of her life to serving the public through various capacities in education and government; and

WHEREAS, Susan Rohrer holds degrees from MacMurray College and the University of Illinois at Urbana-Champaign and in 1973 was awarded a Ph.D. in educational administration; and

WHEREAS, Susan Rohrer dedicated 22 years of her life to teaching in Jacksonville and Virden, including work with blind and emotionally disturbed children, rising through skill and hard work to the role of principal in 1984 at Virden Junior and Senior High School; and

WHEREAS, Susan Rohrer entered elective public office in 1991 by winning a four-year term on the Virden District 4 school board, and serving two years as board secretary; and

WHEREAS, Susan Rohrer, in 1993, was elected to the first of two terms as Mayor of Virden, serving with distinction and dedication; and

WHEREAS, Susan Rohrer began her service in State government with the Illinois State Police in 1997; and

WHEREAS, Susan Rohrer was named assistant director of the Governor's Office of Citizens Assistance in 1998 by this governor; and

WHEREAS, Susan Rohrer's organizational abilities and personnel skills won her high praise and advancement to the post of director of the Governor's Office of Citizens Assistance in 2001; and

WHEREAS, Susan Rohrer continues her fine record of public service now with the Illinois Department of Revenue;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 1, 2002, as SUSAN J. ROHRER DAY in Illinois in recognition of Susan's outstanding personal and professional achievements.

Issued by the Governor November 26, 2002

Filed by the Secretary of State December 9, 2002

2002-606**Certificate of Commendation to Phillip Gzesh**

WHEREAS, Phillip Gzesh has dedicated his life to service in the name of the United States of America and the State of Illinois; and

WHEREAS, he was a member of the armed forces serving with the United States Army Reserve beginning in September 1970 and retiring as Senior Intelligence Sergeant in October 1994; and

WHEREAS, he joined the Illinois Department of Public Aid as a caseworker in May 1971 and assisted persons residing in long term care facilities, including an 18-month special assignment with the Illinois Department of Public Health; and

WHEREAS, after graduating from law school in June 1975 while maintaining his full-

PROCLAMATIONS

time position with the Department of Public Aid, he became an attorney for the Department of Public Aid, supervising as many as 43 hearing officers and ancillary staff; and

WHEREAS, he helped create the Department's first program integrity unit, joining it to litigate administrative hearing cases against Medicaid providers which improperly charged for services or provided poor quality care; and

WHEREAS, he rose through the ranks of that unit to become the Chief of the Bureau of Administrative Litigation in May 2000; and

WHEREAS, he has continuously provided invaluable advice and counsel to the Office of Inspector General, ensuring the success of its many efforts to prevent, detect and eliminate fraud, waste, abuse, misconduct and mismanagement in the programs administered by the Department of Public Aid; and

WHEREAS, he has consistently acted in an honest and ethical manner befitting the image to which all state employees should aspire; and

WHEREAS, he has made personal sacrifices too numerous to mention to serve his nation and his fellow Illinoisans;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, do hereby issue this certificate of commendation to PHILLIP GZESH for his long and honorable service to the people of Illinois, and bestow my best wishes for a wonderful life after retirement.

Issued by the Governor November 26, 2002

Filed by the Secretary of State December 9, 2002

2002-607**December 14, 2002 as True Family Values Day**

WHEREAS, the Family Federation for World Peace of Illinois will celebrate its 7th annual True Family Values Banquet on December 14, 2002; and

WHEREAS, the participants will consist of a multi-cultural, inter-religious convocation of clergy, political, economic, civic, community and women's leaders; and

WHEREAS, the family is the cornerstone of civilization and the common denominator that unites all people regardless of nationality, religion, race or cultural background; and

WHEREAS, the family is the school of love wherein we learn the values and virtues that enable us to become tolerant and compassionate peacemakers in our communities, nation and world; and

WHEREAS, many of our nation's and world's families are fragmenting and suffering enormous stress, and it is incumbent on our nation's religious, political, cultural and community leaders to launch a moral, social campaign for family renewal; and

WHEREAS, we invite all people to join together in recommitting themselves to building strong marriages and stable families;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 14, 2002, as TRUE FAMILY VALUES DAY in Illinois, and encourage all State and local officials to recognize similar observances and civic initiatives throughout our communities.

Issued by the Governor December 26, 2002

PROCLAMATIONS

Filed by the Secretary of State December 9, 2002

2002-608

December 1, 2002 as World AIDS Day

WHEREAS, the global epidemic of HIV infection and AIDS requires a worldwide effort to increase communication, education and united action to stop the spread of HIV/AIDS; and

WHEREAS, the Joint United Nations Programme on HIV/AIDS (UNAIDS) observes December 1 of each year as World AIDS Day, a day to expand and strengthen worldwide efforts to stop the spread of HIV/AIDS; and

WHEREAS, UNAIDS estimates that over 36 million individuals worldwide are currently living with HIV/AIDS with young people under the age of 25 accounting for more than half of all new infections; and

WHEREAS, the American Association for World Health is encouraging a better understanding of the challenge of HIV/AIDS nationally as it recognizes the number of people diagnosed with HIV and AIDS in the United States continues to increase, with up to 900,000 individuals in the U.S. now infected; and

WHEREAS, World AIDS Day provides an opportunity to focus local, national and international attention on HIV infection and AIDS and to disseminate information on how to prevent the spread of HIV; and

WHEREAS, the World AIDS Day theme, "AIDS Does Not Discriminate", urges all youth and those who influence them to increase their awareness of the risk of HIV/AIDS for themselves and to use their influence in their families, among their friends and in their communities to help stem the tide of the HIV/AIDS pandemic;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim December 1, 2002, as WORLD AIDS DAY in Illinois, and urge all citizens to take part in activities and observances designed to increase awareness and understanding of HIV/AIDS as a global challenge, to take part in HIV/AIDS prevention and activities, and to join in the global effort to prevent the further spread of HIV/AIDS.

Issued by the Governor December 2, 2002

Filed by the Secretary of State December 9, 2002

OFFICE OF BANKS AND REAL ESTATE**NOTICE OF PUBLIC INFORMATION****NOTICE OF FINE IMPOSED UNDER THE RESIDENTIAL MORTGAGE LICENSE
ACT OF 1987**

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act"), 205 ILCS 635/4-5(h) (2000), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$500 against Franklin Mortgage Funding, License No. 6076 of Southfield, MI a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective November 22, 2002.

CARNIVAL-AMUSEMENT SAFETY BOARD

JANUARY 2003 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Carnival and Amusement Rides Safety Act, 56 Ill. Adm. Code 6000.100

1) Rulemaking:

- A) Description: The Carnival-Amusement Safety Board will be reviewing the 5 day response time to determine if it imposes an undue hardship on the operators of amusement rides and amusement attraction.
- B) Statutory Authority: 430 ILCS 85/2-6
- C) Schedule of meetings and hearing dates: The date of the public hearing will be announced at the time the Notice of Proposed Amendments is published.
- D) Date agency anticipates First Notice: April 2003
- E) Affect on small businesses, small municipalities or not for profit corporations: A public hearing will be held to determine if the present time imposes a financial burden on any operator.
- F) Information concerning this regulatory agenda shall be directed to:
- Carl Kimble, P.E.
Chief Inspector
Illinois Department of Labor
1 W. Old State Capitol Plaza, Room 300
Springfield IL 62701
217/782-9347
- G) Related rulemaking and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Carnival and Amusement Rides Safety Act, 56 Ill. Adm. Code 6000.10

1) Rulemaking

- A) Description: The Carnival-Amusement Safety Board will be reviewing the definition of Public Use, Reinspection, and Tram for possible clarification.

CARNIVAL-AMUSEMENT SAFETY BOARD

JANUARY 2003 REGULATORY AGENDA

- B) Statutory Authority: 430 ILCS 85/2-6
- C) Schedule of meetings and hearing dates: The date of the public hearing will be announced at the time the Notice of Proposed Amendments is published.
- D) Date agency anticipates First Notice: April 2003
- E) Affect on small business, small municipalities or not for profit corporations:
None
- F) Information concerning this regulatory agenda shall be directed to:
- Carl Kimble, P.E.
Chief Inspector
Illinois Department of Labor
1 W. Old State Capitol Plaza, Room 300
Springfield IL 62701
217/782-9347
- G) Related rulemaking and other pertinent information: None
- c) Parts(s) (Heading and Code Citation): Carnival and Amusement Rides Safety Act, 56 Ill. Adm. Code 6000.300
- 1) Rulemaking
- A) Description: The Carnival-Amusement Safety Board will be reviewing Section 6000.300 of rules to evaluate the present requirements for Go-Karts, Dune Buggies and all terrain vehicles against the latest industry accepted guidelines.
- B) Statutory Authority: 430 ILCS 85/2-6
- C) Schedule of meetings and hearing dates: The date of the public hearing will be announced at the time the Notice of Proposed Amendments is published.
- D) Date agency anticipates First Notice: March 2003

CARNIVAL-AMUSEMENT SAFETY BOARD

JANUARY 2003 REGULATORY AGENDA

- E) Affect on small business, small municipalities or not for profit corporations:
Yes, but will not adversely affect those tracks which are already doing business.
- F) Information concerning this regulatory agenda shall be directed to:
- Carl Kimble, P.E.
Chief Inspector
Illinois Department of Labor
1 W. Old State Capitol Plaza, Room 300
Springfield IL 62701
217/782-9347
- G) Related rulemaking and other pertinent information: None

ILLINOIS ADMINISTRATIVE CODE

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