

2003

# ILLINOIS

## REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



Volume 27 Issue 23  
June 6, 2003  
Pages 8900 - 9051

Index Department  
Administrative Code Div.  
111 East Monroe Street  
Springfield, IL 62756  
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## ISSUES INDEX I – 1

**Editor’s Note 1:** The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedules for the quarterly and annual indexes are (End of March, June, Sept, and Dec) as follows:

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)
Issue 15 - April 00, 2004: Data through	March 31, 2004 (1stQuarter)

**Editor’s Note 2:** Submit all rulemaking documentation to the following address:  
Secretary of State  
Department of Index  
Administrative Code Division

111 East Monroe Street  
Springfield, Illinois 62756

**Editor's Note3:**

To: All State Agencies – Springfield Area  
From: Secretary of State  
Department of Index  
Administrative Code Division

The Code Division will be conducting a monthly workshop. This is the opportunity for the Administrative Code Division to ask the question “How can we help you?” Each month will consist of different discussion topics. State agencies will be able to select one or more workshops to attend. Please return the included registration form at least two weeks prior to the scheduled workshop. Topics will come from the Secretary of State’s Style Manual and 1 Ill. Adm. Code 100. All workshops will be scheduled from 8:30am to 12:00pm on selected dates. Unless otherwise announced workshops will be held at the Illinois State Library, 300 S. Second St., Rm. 403-404, Springfield, IL. 62701. If you have any questions or concerns please contact our office (217)782-6537.

To: All State Agencies in the Chicago Area  
From: Secretary of State  
Department of Index  
Administrative Code Division

Our department will be conducting a bi-monthly workshop. This is the opportunity for the Administrative Code Division to ask the Chicago area “How can I help you?” Each session will consist of different discussion topics. Topics will range from – Trouble shooting with formatting, Secretary Style Manual and 1 Illinois Administrative Code 100.

**WORKSHOP I DATE IS**  
**MAY 28<sup>th</sup>**  
**100 West Randolph, Room 9040**  
**from 9:00 A. M. to 4:00 P.M.**

Workshop Schedule and Signup Sheet on following page:

**Secretary of State  
Department of Index  
Administrative Code Division**  
**SPRINGFIELD AREA - Workshop Schedule and Signup Sheet**

<p><b><u>Springfield</u></b> - June 25, 2003 Topics:</p> <ul style="list-style-type: none"> <li>• Miscellaneous Information <ul style="list-style-type: none"> <li>Emergency Rules</li> <li>Second Notices</li> <li>Executive Orders/Proclamations</li> <li>Regulatory Agenda</li> <li>Other Notices</li> </ul> </li> <li>• Checklists</li> </ul>	Number Attending
<p><b><u>Springfield</u></b> – July – Specific Date to Be announced Topics:</p> <ul style="list-style-type: none"> <li>• Proposed Rulemaking <ul style="list-style-type: none"> <li>○ Regulatory Agenda</li> <li>○ 1<sup>st</sup> Notice - Proposed</li> <li>○ 2<sup>nd</sup> Notice – JCAR Approval</li> <li>○ Final Notice - Adopted</li> </ul> </li> </ul>	Number Attending

Agency Name: \_\_\_\_\_  
Contact Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/Zip: \_\_\_\_\_  
Phone Number: \_\_\_\_\_

Please return this registration sheets to:      Springfield Workshops      Chicago Workshops

Secretary of State	Illinois State Library	Thompson Center
Department of Index	300 S. Second St.	100 West Randolph
Administrative Code Division	Rm. 403-404	Room 9040
Attn: Brenna Boston	Springfield, IL 62701	Chicago, IL
111 E. Monroe	8:30am – 12:00pm	9:00 am – 4:00pm
Springfield, IL 62756		
<b>Fax Number: (217) 524-0308</b>		

If you have any question please call (217) 782-6537.

**Secretary of State  
Department of Index  
Administrative Code Division  
CHICAGO AREA - Workshop Schedule and Signup Sheet**

<b><u>CHICAGO – End of July – Date to be announced</u></b>	
<p>Topics</p> <ul style="list-style-type: none"> <li>• Miscellaneous Information <ul style="list-style-type: none"> <li>○ Emergency Rules</li> <li>○ Second Notices</li> <li>○ Executive Orders/Proclamations</li> <li>○ Regulatory Agenda</li> <li>○ Other Notices</li> </ul> </li> <li>• Checklists</li> <li>• Proposed Rulemaking <ul style="list-style-type: none"> <li>○ Regulatory Agenda</li> <li>○ 1<sup>st</sup> Notice - Proposed</li> <li>○ 2<sup>nd</sup> Notice – JCAR Approval</li> </ul> </li> <li>• Final Notice - Adopted</li> </ul>	Number Attending

Agency Name: \_\_\_\_\_  
Contact Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/Zip: \_\_\_\_\_  
Phone Number: \_\_\_\_\_

Please return this registration sheets to: Chicago Workshops  
Secretary of State Thompson Center  
Department of Index 100 West Randolph  
Administrative Code Division  
Attn: Brenna Boston Chicago, IL  
111 E. Monroe  
Springfield, IL 62756  
**Fax Number: (217) 524-0308**  
If you have any question please call (217) 782-6537.

## 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.].

### 2003 REGISTER SCHEDULE VOLUME # 27

Issue#	Copy Due by 4:30 pm	Publication Date	Issue#	Copy Due by 4:30 pm	Publication Date
Issue 1	December 23, 2002	January 03, 2003	Issue 38	September 08, 2003	September 19, 2003
Issue 2	December 31, 2002	January 10, 2003	Issue 39	September 15, 2003	September 26, 2003
Issue 3	January 06, 2003	January 17, 2003	Issue 40	September 22, 2003	October 03, 2003
Issue 4	January 13, 2003	January 24, 2003	Issue 41	September 29, 2003	October 10, 2003
Issue 5	January 21, 2003	January 31, 2003	Issue 42	October 06, 2003	October 17, 2003
Issue 6	January 27, 2003	February 07, 2003	Issue 43	October 14, 2003	October 24, 2003
Issue 7	February 03, 2003	February 14, 2003	Issue 44	October 20, 2003	October 31, 2003
Issue 8	February 10, 2003	February 21, 2003	Issue 45	October 27, 2003	November 07, 2003
Issue 9	February 18, 2003	February 28, 2003	Issue 46	November 03, 2003	November 14, 2003
Issue 10	February 24, 2003	March 07, 2003	Issue 47	November 10, 2003	November 21, 2003
Issue 11	March 03, 2003	March 14, 2003	Issue 48	November 17, 2003	November 28, 2003
Issue 12	March 10, 2003	March 21, 2003	Issue 49	November 24, 2003	December 05, 2003
Issue 13	March 17, 2003	March 28, 2003	Issue 50	December 01, 2003	December 12, 2003
Issue 14	March 24, 2003	April 04, 2003	Issue 51	December 08, 2003	December 19, 2003
Issue 15	March 31, 2003	April 11, 2003	Issue 52	December 15, 2003	December 26, 2003
Issue 16	April 07, 2003	April 18, 2003			
Issue 17	April 14, 2003	April 25, 2003			
Issue 18	April 21, 2003	May 02, 2003			
Issue 19	April 28, 2003	May 09, 2003			
Issue 20	May 05, 2003	May 16, 2003			
Issue 21	May 12, 2003	May 23, 2003			
Issue 22	May 19, 2003	May 30, 2003			
Issue 23	May 27, 2003	June 06, 2003			
Issue 24	June 02, 2003	June 13, 2003			
Issue 25	June 09, 2003	June 20, 2003			
Issue 26	June 16, 2003	June 27, 2003			
Issue 27	June 23, 2003	July 04, 2003			
Issue 28	June 30, 2003	July 11, 2003			
Issue 29	July 07, 2003	July 18, 2003			
Issue 30	July 14, 2003	July 25, 2003			
Issue 31	July 21, 2003	August 01, 2003			
Issue 32	July 28, 2003	August 08, 2003			
Issue 33	August 04, 2003	August 15, 2003			
Issue 34	August 11, 2003	August 22, 2003			
Issue 35	August 18, 2003	August 29, 2003			
Issue 36	August 25, 2003	September 05, 2003			
Issue 37	September 02, 2003	September 12, 2003			

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Staggers Act
- 2) Code Citation: 92 Ill. Adm. Code 1565
- 3) 

<u>Section Numbers</u> 1565.10	<u>Proposed Action</u> Repeal
-----------------------------------	----------------------------------
- 4) Statutory Authority: Implementing Section 18c-7301 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-7301 and 1202].
- 5) A Complete Description of the Subjects and Issues Involved: State jurisdiction over the matters governed by these rules has been preempted for many years, the rules are obsolete, and we are proposing that they be repealed.
- 6) Will this proposed rule replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This proposed rule neither creates nor expands any state mandate on units of local government, school districts, or community college districts.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Diana Collins  
Illinois Commerce Commission  
160 N. LaSalle  
Chicago, IL 60601  
312/814-1934

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

- 12) Initial Regulatory Flexibility Analysis:

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

- A) Date amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: May 21, 2003
- B) Types of small businesses that will be affected: This amendment will have no effect on small businesses as defined in the Illinois Administrative Procedure Act.
- C) Reporting, bookkeeping, or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

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

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

TITLE 92: TRANSPORTATION  
CHAPTER III: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER c: RAILROADPART 1565  
STAGGERS ACT ([REPEALED](#))

Section  
1565.10      Stagers Act

AUTHORITY: Implementing Section 18c-7301 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1985, ch. 95 1/2, pars. 18c-7301 and 18c-1202).

SOURCE: Adopted at 11 Ill. Reg. 15069, effective October 1, 1987; repealed at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 1565.10 Stagers Act

- a)      The following Parts of 92 Ill. Adm. Code: Chapter III, Subchapter c, Rail Carriers have been adopted in accord with the Stagers Rail Act of 1980 (49 U.S.C. 10101 et seq.):
- 92 Ill. Adm. Code 1570
  - 92 Ill. Adm. Code 1575
  - 92 Ill. Adm. Code 1580
  - 92 Ill. Adm. Code 1585
  - 92 Ill. Adm. Code 1590
  - 92 Ill. Adm. Code 1595
  - 92 Ill. Adm. Code 1600
- b)      Where a provision in a Part listed in subsection (a) conflicts with the provisions of any other Part of 92 Ill. Adm. Code: Chapter III (Illinois Commerce Commission), the provisions of the Part listed in subsection (a) shall govern.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Rail Carrier Rates
- 2) Code Citation: 92 Ill. Adm. Code 1570
- 3) 

<u>Section Numbers</u>	<u>Proposed Action</u>
1570.10	Repeal
1570.20	Repeal
- 4) Statutory Authority: Implementing Section 18c-7301 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-7301 and 1202(9)].
- 5) A Complete Description of the Subjects and Issues Involved: State jurisdiction over the matters governed by these rules has been preempted for many years, the rules are obsolete, and we are proposing that they be repealed.
- 6) Will this proposed rule replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This proposed rule neither creates nor expands any state mandate on units of local government, school districts, or community college districts.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Diana Collins  
Illinois Commerce Commission  
160 N. LaSalle  
Chicago, IL 60601  
312/814-1934

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

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

- 12) Initial Regulatory Flexibility Analysis:
- A) Date amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: May 21, 2003
  - B) Types of small businesses that will be affected: This amendment will have no effect on small businesses as defined in the Illinois Administrative Procedure Act.
  - C) Reporting, bookkeeping, or other procedures required for compliance: None
  - D) Types of professional skills necessary for compliance: None

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

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

TITLE 92: TRANSPORTATION  
CHAPTER III: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER c: RAILROADPART 1570  
RAIL CARRIER RATES ([REPEALED](#))

## Section

1570.10	Policy
1570.20	Standards and Procedures

**AUTHORITY:** Implementing Section 18c-7301 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1985, ch. 95 1/2, pars. 18c-7301 and 18c-1202(9)).

**SOURCE:** Peremptory rule adopted at 6 Ill. Reg. 3885, effective March 25, 1982; emergency repealer and emergency rule at 6 Ill. Reg. 6784, effective May 21, 1982, for a maximum of 150 days; rule repealed, new rule adopted at 6 Ill. Reg. 13266, effective October 15, 1982; emergency amendment at 7 Ill. Reg. 8164, effective June 28, 1983, for a maximum of 150 days; amended and codified at 7 Ill. Reg. 16381, effective November 24, 1983; Part recodified at 10 Ill. Reg. 18007; repealed at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 1570.10 Policy

- a) Public Law 96-448, "The Staggers Rail Act of 1980", requires the states which wish to retain jurisdiction to bring their standards and procedures for regulating railroad rates, classifications, rules and practices into conformity with the Interstate Commerce Act. It is the intent of Congress that railroad companies receive adequate revenues through regulatory encouragement of modal competition, rate flexibility, and relaxed rate reasonableness standards.
- b) Mindful of this Commission's obligations to safeguard the public's interests, it shall henceforth be the policy of the Illinois Commerce Commission to regulate railroad matters in a manner consistent with the standards and procedures set forth by Congress in the Interstate Commerce Act.

## Section 1570.20 Standards and Procedures

- a) The Staggers Act requires the states to adopt uniform standards and procedures

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

for regulating railroad rates, rules and practices which are in accord with the provisions of the Act. This and the following General Orders constitute Illinois' revised approach to railroad regulation. The standards and procedures included in 92 Ill. Adm. Code 1570, 1575, 1580, 1585, 1590, 1595 and 1600 (General Orders 219 through 225) supersede any previous rules or regulations to the extent that the previous rules or regulations might be in conflict with them.

- b) Illinois shall not exercise jurisdiction over general rate increases, inflation-based rate increases, and fuel adjustment surcharges. Further, Illinois shall not require prejustification of rate increases. These points are treated in 92 Ill. Adm. Code 1580 and 1590 (General Orders 221 and 223).
- c) The timing for rail rate changes shall be 10 days and 20 days for decreases and increases, respectively. These points are covered in 92 Ill. Adm. Code 1575 (General Order 220).
- d) Illinois shall complete investigation and suspension cases within five months, although a three month extension may be applied for in each case. Illinois shall not suspend rates on its own motion, and shall not suspend a proposed rate change unless a protestant shows that he is substantially likely to prevail on the merits of his case; that without suspension the proposed rate will cause him substantial injury; and that an investigation with a refund and keep account provision will afford him insufficient protection. Illinois shall handle refund requirements in accordance with the provisions of 49 U.S.C. 10707. These points are treated in 92 Ill. Adm. Code 1580 (General Order 221).
- e) In approaching the issue of rate reasonableness Illinois shall first consider, within 90 days, whether or not the traffic in question is subject to market dominance. Standards for market dominance determinations are treated in 92 Ill. Adm. Code 1585 (General Order 222). A finding that no market dominance exists shall be conclusive evidence that the rate is reasonable. Should market dominance be found, a reasonableness determination shall be made based on the principle of railroad revenue adequacy, an evaluation of revenue to variable cost for the traffic involved, the revenue contribution of the traffic to the railroad's revenue base, and national energy and transportation goals. These procedures are treated in 92 Ill. Adm. Code 1580 (General Order 221).
- f) Railroad rates may be altered in accordance with the zone of rate flexibility provisions of 49 U.S.C. 10707a. These provisions are incorporated in 92 Ill.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

Adm. Code 1580 and 1590 (General Orders 221 and 223).

- g) To encourage shipper and railroad planning, Illinois shall regulate intrastate contract rates in accordance with 49 U.S.C. 10713. These points are treated in 92 Ill. Adm. Code 1595 (General Order 224).
- h) Illinois adopts the applicable provisions of 49 U.S.C. 10741 on discrimination. Illinois shall not make a finding of discrimination if differences in rates, classifications, rules and practices result from differences in service provided.
- i) Discrimination shall not be found to apply to the following sections of 49 U.S.C.:
  - 1) Sec. 10713 - Contract rates, other than as provided for in subsection (d)(2)(B);
  - 2) Sec. 10705a - Surcharges or cancellations;
  - 3) Sec. 10728 - Separate rates for distinct rail services;
  - 4) Rail rates applicable to different routes; or
  - 5) Sec. 10751 - Business entertainment expenses.
- j) Exemptions of persons, classes of persons, transactions or services from regulation are the subject of 92 Ill. Adm. Code 1600 (General Order 225). In addition to exemptions which Illinois is required to recognize under federal law, if any, Illinois may undertake an exemption proceeding either on its own motion or upon petition from any interested party.
- k) Illinois shall regulate two special classes of rates, limited liability rates and rates on recyclable materials, in a manner consistent with federal law, specifically 49 U.S.C. 10730, and 49 U.S.C. 10731, respectively. Recyclable materials shall be transported at a revenue to variable cost ratio of no more than 146%. Railroads are free to publish rates under which the liability of the carrier is limited to a value established by the written declaration of the shipper or by written agreement between the shipper and railroad. These points are treated in 92 Ill. Adm. Code 1580 (General Order 221).
- l) To further clarify the regulatory approach which Illinois will employ, the Illinois

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

Commerce Commission hereby adopts the following sections of the Interstate Commerce Act as amended by Staggers Rail Act of 1980.

Section 10505 - Exemption

Section 10701a - Standards for rates for rail carriers

Section 10704(a)(2)-(4) Adequate revenues

Section 10705 Authority: through routes, joint classifications, rates, and divisions

Section 10705a - Joint rate surcharges and cancellations

Section 10706 - Rate agreements; exemption from antitrust laws

Section 10707 - Investigation and suspension of rates

Section 10707a - Zone of rail carrier rate flexibility

Section 10709 - Determination of market dominance

Section 10712 - Inflation-based rate increases

Section 10713 - Contracts

Section 10726 - Long and short haul transportation

Section 10730 - Rates and liability based on value

Section 10731(e) - Transportation of recyclable materials

Section 10741 - Rate discrimination

Section 10751 - Business entertainment expenses

Section 10762 - General tariff requirements

(Source: Amended at 7 Ill. Reg. 16381, effective November 24, 1983)

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Filing Rail Carrier Rates
- 2) Code Citation: 92 Ill. Adm. Code 1575
- 3)

Section Numbers	Proposed Action
1575.10	Repeal
1575.20	Repeal
1575.30	Repeal
1575.40	Repeal
- 4) Statutory Authority: Implementing Section 18c-7301 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-7301 and 1202].
- 5) A Complete Description of the Subjects and Issues Involved: State jurisdiction over the matters governed by these rules has been preempted for many years, the rules are obsolete, and we are proposing that they be repealed.
- 6) Will this proposed rule replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This proposed rule neither creates nor expands any state mandate on units of local government, school districts, or community college districts.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Diana Collins  
Illinois Commerce Commission  
160 N. LaSalle  
Chicago, IL 60601  
312/814-1934

Comments should be filed with within 45 days of the date of this issue of the Illinois

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

Register.

12) Initial Regulatory Flexibility Analysis:

- A) Date amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: May 21, 2003
- B) Types of small businesses that will be affected: This amendment will have no effect on small businesses as defined in the Illinois Administrative Procedure Act.
- C) Reporting, bookkeeping, or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

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

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

TITLE 92: TRANSPORTATION  
CHAPTER III: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER c: RAILROADPART 1575  
FILING RAIL CARRIER RATES ([REPEALED](#))

## Section

1575.10	Notice Period for Filing Rail Carrier Tariffs
1575.20	Content of Notice
1575.30	Consequence of Defect in Notice
1575.40	Repeal of Previous Special Permission

AUTHORITY: Implementing Section 18C-7301 and authorized by Section 18C-1202 of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1985, ch. 95 1/2, pars. 18C-7301 and 18C-1202).

SOURCE: Peremptory rule adopted at 6 Ill. Reg. 3885, effective March 25, 1982; emergency repealer, emergency rule at 6 Ill. Reg. 6784, effective May 21, 1982, for a maximum of 150 days; rules repealed, new rule adopted at 6 Ill. Reg. 13266, effective October 15, 1982; emergency amendment at 7 Ill. Reg. 8164, effective June 28, 1983, for a maximum of 150 days; amended and codified at 7 Ill. Reg. 16388, effective November 24, 1983; Part recodified at 10 Ill. Reg. 17997, repealed at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 1575.10 Notice Period for Filing Rail Carrier Tariffs

The provisions of Illinois Commerce Commission Freight Tariff Circular Number 3 (to be codified as 92 Ill. Adm. Code 1215), notwithstanding and except as otherwise provided in paragraphs (c), (d) and (f), the notice period for filing railroad tariffs with the Illinois Commerce Commission which contain new or changed rates, classifications, rules, practices or other provisions shall be as follows:

- a) The tariff shall be on file with this Commission at least 20 days prior to its effective date for rates or provisions published in connection with new service or changes resulting in increased rates or decreased value of service.
- b) The tariff shall be on file with this Commission at least 10 days prior to its effective date for changes resulting in decreased rates or increased value of service, or changes resulting in neither increases nor reductions.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

- c) The tariff shall be on file with this Commission at least 45 days prior to its effective date for joint rate surcharges and cancellations filed pursuant to the provisions of 49 U.S.C. 10705a.
- d) A railroad or its publishing agent may file an application pursuant to Rule 36 of Illinois Commerce Commission Freight Tariff Circular Number 3 (to be codified as 92 Ill. Adm. Code 1215.360) to depart from the provisions of this Part 1575.
- e) A railroad or its publishing agent will not be required to comply with the provisions of Rule 31 of Illinois Commerce Commission Freight Tariff Circular Number 3 (to be codified as 92 Ill. Adm. Code 1215.310).
- f) Railroad contracts shall be filed with this Commission pursuant to the provisions of 92 Ill. Adm. Code 1595 (General Order 224).

## Section 1575.20 Content of Notice

Each rate publication filed with the Commission shall be on forms prescribed by the Commission and shall contain such information as the Commission may require, including but not limited to:

- a) a tariff containing all relevant and material provisions relating to the rate and its application. The tariff shall comply with Freight Tariff Circular Number 3 (to be codified as 92 Ill. Adm. Code 1215), with regard to tariff specifications, except as otherwise provided in this Section.
- b) a statement of the effect which the rate shall have on the carrier's revenue (increase, decrease, no change).

## Section 1575.30 Consequence of Defect in Notice

No rate shall be considered published under the provisions of the Staggers Act unless notice has been given in compliance with this Section. However, if a tariff is filed and becomes effective despite some defect, the rates, charges, fares, classifications, rules, etc., in that tariff are in effect and will be applied until cancelled or amended or until they are stricken from the files by the Illinois Commerce Commission.

## Section 1575.40 Repeal of Previous Special Permission

This Part supersedes and rescinds Special Permission number R-18293 (amended), granted by

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED REPEALER

this Commission on May 6, 1981.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Investigation and Suspension of Rail Carrier Rates
- 2) Code Citation: 92 Ill. Adm. Code 1580
- 3)

<u>Section Numbers</u>	<u>Proposed Action</u>
1580.10	Repeal
1580.20	Repeal
1580.30	Repeal
1580.40	Repeal
1580.50	Repeal
1580.60	Repeal
1580.70	Repeal
1580.80	Repeal
1580.90	Repeal
1580.100	Repeal
APPENDIX A	Repeal
- 4) Statutory Authority: Implementing Section 18c-7301 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-7301 and 1202].
- 5) A Complete Description of the Subjects and Issues Involved: State jurisdiction over the matters governed by these rules has been preempted for many years, the rules are obsolete, and we are proposing that they be repealed.
- 6) Will this proposed rule replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This proposed rule neither creates nor expands any state mandate on units of local government, school districts, or community college districts.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

Diana Collins  
Illinois Commerce Commission  
160 N. LaSalle  
Chicago, IL 60601  
312/814-1934

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

12) Initial Regulatory Flexibility Analysis:

- A) Date amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: May 21, 2003
- B) Types of small businesses that will be affected: This amendment will have no effect on small businesses as defined in the Illinois Administrative Procedure Act.
- C) Reporting, bookkeeping, or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

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

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

TITLE 92: TRANSPORTATION  
CHAPTER III: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER c: RAILROAD

## PART 1580

INVESTIGATION AND SUSPENSION OF RAIL CARRIER RATES (REPEALED)

## Section

1580.10	Commencement of Proceedings
1580.20	Duration of Suspension Period
1580.30	Grounds for Suspension
1580.40	Market Dominance
1580.50	Reasonableness
1580.60	Burden of Proof
1580.70	Zone of Rate Flexibility
1580.80	Monetary Adjustments for Suspension Actions
1580.90	Filing Procedures
1580.100	Refund or Collection of Freight Charges Based Upon Commission Findings
APPENDIX A Statement of Monetary Adjustment	

AUTHORITY: Implementing Section 18c-7301 and 18c-1202 authorized by Section 18C-1202 of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1985, ch. 95 1/2, pars. 18C-7301).

SOURCE: Peremptory rule at 6 Ill. Reg. 3885, effective March 29, 1982; emergency repealer, emergency rule at 6 Ill. Reg. 6784, effective May 21, 1982, for a maximum of 150 days; rule repealed, new rule adopted at 6 Ill. Reg. 13266, effective October 15, 1982; codified at 8 Ill. Reg. 863; Part recodified at 10 Ill. Reg. 17999; repealed at 27 Ill. Reg. \_\_\_\_, effective \_\_\_\_\_

## Section 1580.10 Commencement of Proceedings

- a) When a new individual or joint rate (except general rate increases, inflation-based increases, or fuel adjustment surcharges filed under the provisions of 49 U.S.C. 11501(b)(6) over which the Illinois Commerce Commission has no jurisdiction) or an individual or joint classification, rule or practice related to a rate is filed with the Illinois Commerce Commission by a rail carrier, the Commission may:
  - 1) on its own initiative, commence an investigation proceeding, or
  - 2) upon protest of an interested party, commence an investigation

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proceeding, or

- 3) upon protest of an interested party, commence an investigation and suspension proceeding to determine whether the proposed rate, classification, rule or practice is discriminatory, unreasonable, or in any other way violates applicable law.
- b) Rates based on limited carrier liability may be published and filed with the Commission, without prior approval, pursuant to 49 U.S.C. 10730. However, such rates will be subject to protest on grounds such as unreasonableness or nonconformance with the tariff publication requirements found in 49 CFR 1300.4(i)(11).
- c) The Commission shall give reasonable notice to interested parties before beginning a proceeding. However, the Commission may begin the proceeding without allowing an interested party to file an answer.

## Section 1580.20 Duration of Suspension Period

- a) The Commission shall complete a proceeding commenced under Section 1580.10(a) (1) or (2) or (3) of this Part within five months from the effective date of the proposed rate, classification, rule or practice except that, if the Commission reports to the Interstate Commerce Commission that it cannot make a final decision within that time and explains the reason for the delay, it may then take an additional three months to complete the proceeding and make a final decision.
- b) If the Commission does not render a final decision within the applicable time period, the rate, classification, rule or practice shall become effective immediately or, if already in effect, shall remain in effect.
- c) However, if a railroad makes a tariff filing to adjust an intrastate rate, rule or practice under 49 U.S.C. 11501(d) to that of similar traffic moving in interstate commerce, and the Commission investigates or suspends such tariff filing, the carrier may apply to the Interstate Commerce Commission to review the matter if the Illinois Commerce Commission has not acted with finality by the 120th day after the tariff was filed. If the carrier elects not to refer the matter to the Interstate Commerce Commission, the Illinois Commerce Commission may decide the issue within five months, as provided for in this Section.

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## Section 1580.30 Grounds for Suspension

The Commission may not suspend a proposed rate, classification, rule or practice unless it appears from the specific facts shown by the verified statement of a person that:

- a) it is substantially likely that the protestant will prevail on the merits;
- b) without suspension, the proposed rate change will cause substantial injury to the protestant or the party represented by the protestant; and
- c) because of the peculiar economic circumstances of the protestant, the provisions of Section 1580.80 of this Part do not protect the protestant.

## Section 1580.40 Market Dominance

- a) When the new individual or joint rate is alleged to be unreasonably high, the Commission, within 90 days after the start of a proceeding under this Part, shall determine whether or not the railroad proposing the rate has market dominance over the transportation to which the rate applies.
- b) If the Commission finds that:
  - 1) The railroad proposing the rate has market dominance over the transportation to which the rate applies, it shall then proceed to determine whether or not the proposed rate exceeds a maximum reasonable level for that transportation.
  - 2) The railroad proposing the rate does not have market dominance over the transportation to which the rate applies, it shall not make a determination on the issue of reasonableness.
- c) A finding by the Commission that the proposed rate has a revenue-variable cost percentage which is equal to or greater than the percentages found in 49 U.S.C. 10709(d)(2) does not establish a presumption that:
  - 1) the railroad has or does not have market dominance over such transportation, or
  - 2) the proposed rate exceeds or does not exceed a reasonable maximum level.

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- d) Evidentiary guidelines for the determination of whether or not the railroad has market dominance over the transportation to which the rate applies shall be found in 92 Ill. Adm. Code 1585, Market Dominance by Rail Carriers.

## Section 1580.50 Reasonableness

- a) Except for nonferrous recyclables, the Commission shall evaluate the reasonableness of a rate only after market dominance has been established. In determining whether a rate is reasonable, the Commission shall consider, among other factors, evidence of the following:
  - 1) the amount of traffic which is transported at revenues which do not contribute to going concern value and efforts made to minimize such traffic;
  - 2) the amount of traffic which contributes only marginally to fixed costs and the extent to which, if any, rates on such traffic can be changed to maximize the revenues from such traffic; and
  - 3) the carrier's mix of rail traffic to determine whether one commodity is paying an unreasonable share of the carrier's overall revenues.
- b) Pursuant to the Interstate Commerce Commission's decision in Ex Parte 394, a rate on nonferrous recyclable material is presumed to be unreasonable when it is set at a revenue to variable cost ratio greater than 146%.

## Section 1580.60 Burden of Proof

- a) General -- The burden shall be on the protestant to prove the matters described in Section 1580.30(a)-(c) of this Part.
- b) Market Dominance:
  - 1) Jurisdiction -- The respondent railroad shall bear the burden of showing that the Commission lacks jurisdiction to review the proposed rate because the rate produces a revenue-variable cost percentage that is less than the percentages found in 49 U.S.C. 10709(d)(2). The railroad may meet its burden of proof by showing the revenue-variable cost percentage for that transportation to which the rate applies is less than the threshold

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percentage cited in 49 U.S.C. 10709(d)(2). The protestant may rebut the railroad's evidence with a showing that the revenue-variable cost percentage is equal to or greater than the threshold percentage in 49 U.S.C. 10709(d)(2).

- 2) Intramodal and intermodal competition -- The protestant shall bear the burden of demonstrating that there exists no effective intramodal or intermodal competition for the transportation to which the rate applies. Respondent railroad may rebut the protestant's showing with evidence that effective intramodal or intermodal competition exists.
  - 3) Product and geographic competition -- If intramodal and intermodal competition is shown not to exist, the respondent railroad shall have the burden of proving that either product or geographic competition for the involved transportation does exist. The protestant shall then have the burden of proving that such competition is not effective.
- c) Reasonableness:
- 1) Rate Increases:
    - A) Protestant's burden of proof -- A party protesting a rate increase shall bear the burden of demonstrating its unreasonableness if such rate:
      - i) is authorized under 49 U.S.C. 10707a; and
      - ii) results in a revenue-variable cost percentage for the transportation to which the rate applies that is less than the lesser of the percentages described in clauses (i) and (ii) of 49 U.S.C. 10707a(e)(2)(A).
    - B) Respondent's burden of proof -- The respondent railroad shall bear the burden of demonstrating the reasonableness of a rate increase if such rate:
      - i) is greater than that authorized under 49 U.S.C. 10707a; or
      - ii) results in a revenue-variable cost percentage for the

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transportation to which the rate applies that is equal to or greater than the lesser of the percentages described in clauses (i) and (ii) of 49 U.S.C. 10707a(e)(2)(A); and

- iii) the Commission initiates an investigation under 49 U.S.C. 10707.

- 2) Rate Decreases -- A party protesting a rate decrease shall bear the burden of demonstrating that the rate does not contribute to the going concern value of the railroad, and is therefore unreasonably low. A party may meet its burden by making a showing that the rate is less than the variable cost for the transportation to which the rate applies.

## Section 1580.70 Zone of Rate Flexibility

- a) A rail carrier may raise any rate pursuant to the limitations described in 49 U.S.C. 10707a. Base rates increased by the quarterly rail cost adjustment factor will not be investigated or suspended. In addition, a railroad may increase any rate by 6% per annum (to a maximum of 18%) over the four-year period following enactment of the Staggers Act. Thereafter, railroads not earning adequate revenues, as defined by the Interstate Commerce Commission, may raise rates 4% per year. Neither the 6% nor 4% increase shall be suspended. If the increase results in a revenue to variable cost ratio that equals or exceeds 185% (190% after October, 1982), the Commission may investigate the rate either on its own motion or on complaint of an interested party.
- b) In determining whether or not to investigate the rate, this Commission shall consider:
  - 1) the amount of traffic which the railroad transports at revenues which do not contribute to going concern value and efforts made to minimize such traffic;
  - 2) the amount of traffic which contributes only marginally to fixed costs and the extent to which rates on such traffic can be changed to maximize the revenues from such traffic;
  - 3) the impact of the challenged rate on national energy goals;

## ILLINOIS COMMERCE COMMISSION

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- 4) state and national transportation policy; and
- 5) the revenue adequacy goals incorporated in the Interstate Commerce Act (49 U.S.C. Chapter 107).

## Section 1580.80 Monetary Adjustments for Suspension Actions

- a) Rate Increases with No Suspensions -- In the event the Commission does not suspend but investigates a proposed rate increase under Section 1580.30 of this Part, the Commission shall require the rail carrier to account for all amounts received under the increase until the Commission completes its proceedings under Section 1580.20. The accounting shall specify by whom and for whom the amounts are paid. When the Commission takes final action, it shall require the carrier to refund to the person for whom the amounts were paid that part of the increased rate found to be unreasonable, plus interest at a rate equal to the average yield (on the date that the "Statement of Monetary Adjustment" is filed -- see Appendix A) of marketable securities of the United State Government having a duration of 90 days.
- b) Rate Increases with Suspension -- If a rate is suspended under Section 1580.30 of this Part and any portion of such rate is later found to be reasonable, the carrier shall collect from each person using the transportation to which the rate applies the difference between the original rate and the portion of the suspended rate found to be reasonable for any services performed during the period of suspension, plus interest at a rate equal to the average yield (on the date that the "Statement of Monetary Adjustment" is filed -- see Appendix A) of marketable securities of the United States Government having a duration of 90 days.
- c) Rate Decreases with Suspension -- In the event the Commission suspends a proposed rate decrease under Section 1580.30 which is later found to be reasonable, the rail carrier may refund any part of the decrease found to be reasonable if the carrier makes the refund available to each shipper who participated in the rate, in accordance with the relative amount of such shipper's traffic transported at such rate.

## Section 1580.90 Filing Procedures

The following rules shall apply in connection with the filing of a protest against a proposed rail rate, classification, rule or practice and the reply thereto:

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- a) Rule 1 -- Liberal Construction. These rules shall be liberally construed to secure just, speedy and inexpensive determination of the issues presented.
- b) Rule 2 -- Definitions.
  - 1) "Proceeding" -- an investigation instituted by the Commission.
  - 2) "Protestant" means a person opposed to any tariff or schedule becoming effective.
  - 3) "Respondent" means the railroad and/or their agent against whom the protest is filed or any other person designated by the Commission to participate in the proceeding.
  - 4) "Party" shall include the "Protestant" and "Respondent" or other permitted or directed by the Commission to participate in the proceeding.
  - 5) "Pleading" means a protest, reply to protest, a motion or any other written comment relating to the proceeding.
  - 6) "Person" shall include individuals as well as corporations, companies, associations, firms, partnerships, co-partnerships, societies, joint stock companies, or a trustee, receiver, assignee, or personal representative of another individual.
- c) Rule 3 -- Communications.
  - 1) The protest, reply and any other pleadings relating to the proceeding will not be considered unless made in writing and filed with the Commission.
  - 2) The protest, reply, "Statement of Monetary Adjustment" and other pleadings shall be addressed to:

Illinois Commerce Commission  
Transportation Division  
Rail Rate and Tariff Section  
527 East Capitol Avenue  
Springfield, Illinois 62706

## ILLINOIS COMMERCE COMMISSION

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- 3) The protest, reply or other pleadings relating to the proceeding must be received for filing at the Commission's office in Springfield, Illinois, within the time limits, if any, for such filing. The date of receipt at the Commission and not the date of deposit in the mails is determinative.
- 4) If, after examination, the Commission finds that the protest, reply, "Statement of Monetary Adjustment" or other pleadings relative to the proceeding are not in substantial compliance with the provisions of this Part:
  - A) the Commission may decline to accept the documents and may return them unfiled, or
  - B) the Commission may accept the documents for filing and advise the party tendering it of the deficiencies and require that they be corrected.
- d) Rule 4 -- Signature and Verification.
  - 1) The protest, reply or other pleadings relating to the proceeding shall be signed in ink and the signer's address shall be stated.
  - 2) The facts alleged in a protest, reply or other pleadings shall be verified by the person on whose behalf it is filed. If a protest, reply or other pleading is filed on behalf of a corporation or other organization, it shall be verified by an officer of such corporation or organization.
- e) Rule 5 -- Copies and Service of Documents.
  - 1) Copies:
    - A) Protest -- The original and two copies shall be filed with the Commission and one copy shall be simultaneously served upon the publishing railroad or its publishing agent and upon other parties known by the protestant to be interested in the proceeding.
    - B) Reply to Protest -- The original and two copies shall be filed with the Commission and one copy shall be simultaneously served upon the protestant and upon the other parties named in the protest.

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C) Pleadings -- The original and two copies shall be filed with the Commission and one copy shall be simultaneously served upon all parties to the proceeding.

2) Certificate of Service:

A) When a protest, reply or pleading is filed with the Commission, it shall include a certificate showing simultaneous service upon all parties to the proceeding.

B) Such service shall be made by delivery in person, or by first-class mail, certified mail, registered mail, or by express or equivalent parcel delivery service, properly addressed with charges prepaid, one copy to each party. Service upon the parties shall be by the same means of communication and class of service employed in making delivery to the Commission; provided, however, that when delivery is made to the Commission in person, and it is not feasible to serve the other parties in person, service shall be made by first-class or express mail.

C) A certificate of service shall be in the following form:

I certify that I have this day served the foregoing document upon all parties of record in this proceeding by (here state the precise manner of making service).

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

(Signature)

f) Rule 6 -- Content and Timing.

1) Protest Content:

A) Identification -- The protested tariff should be identified by making reference to the name of the railroad or its publishing agent, to the Illinois Commerce Commission number, to the specific items or particular provisions protested and to the effective date of the protested publication. Reference should also be made to the tariff

## ILLINOIS COMMERCE COMMISSION

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and specific provisions thereof that are proposed to be superseded.

B) Grounds for Suspension -- The protest shall incorporate sufficient facts to:

- i) meet the criteria for suspension as set forth in Section 1580.30; and
- ii) to sustain the applicable burdens of proof as set forth in Section 1580.60 of this Part. Further, the protest should include any additional information that would support suspension of the proposed rate.

2) Protest Timing:

A protest against and a request for suspension of a tariff filed by a railroad or its publishing agent shall be received by the Commission at least:

- A) ten days prior to the effective date, when the proposed change is to become effective upon not less than 20 days' notice;
- B) five days prior to the effective date, when the proposed change is to become effective upon not less than 10 days' notice.

3) Reply to Protest:

- A) Content -- The reply should adequately identify the protested tariff. Further, it shall contain sufficient facts to rebut the allegations made in the protest and to sustain the applicable burdens of proof as set forth in Section 1580.60 of this Part.
- B) Timing -- A reply to a protest must be received by the Commission not later than:
  - i) the fourth working day prior to the effective date when the proposed change is to become effective upon not less than 20 days' notice;
  - ii) the second working day prior to the effective date when the

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proposed change is to become effective upon not less than 10 days' notice.

4) Emergency Protests and Replies:

In emergencies, telegraphic protests and replies are acceptable provided that the provisions of subsections (c), (e)(1)--only the telegram and the original signed verified copy need be filed with the Commission, (f)(1) and (f)(2) of this Section are complied with. The telegrams shall include statements to the effect that they are copies of original protests or replies which have been signed, verified and mailed to the Commission. The telegrams shall also indicate the method of verification (e.g., by statements sworn to before a notary public). The telegrams shall also include a certification that copies either have been, or will be immediately, telegraphed to the proponent carriers or their publishing agents in the case of protests, or to the protestants in case of replies.

5) Nonsuspension or Investigation:

Should a protestant desire to proceed further against a tariff which is not suspended or investigated, or which has been suspended and the suspension vacated and the investigation discontinued, a separate later complaint should be filed.

Section 1580.100 Refund or Collection of Freight Charges Based Upon Commission Findings

a) Refund or Collection:

- 1) Except as otherwise provided in paragraph (b) of this Section, when the Commission finds, pursuant to Section 1580.80 of this Part, that a railroad shall make refunds on freight charges collected or that the railroad is entitled to collect additional freight charges, but the amount cannot be ascertained upon the record before it, the party entitled to the refund or the railroad entitled to collect additional monies, as the case may be, shall immediately prepare a statement showing details of the shipments involved in the proceeding, in accordance with Appendix A (Statement of Monetary Adjustment). The statement shall not include any shipment not covered by the Commission's findings.
- 2) If the shipments moved over more than one route, a separate statement

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shall be prepared for each route and separately numbered, except that shipments as to which the collecting carrier is in each instance the same may be listed in a single statement if grouped according to routes.

- 3) The party entitled to the refund shall submit its statement, together with the paid freight bills on the shipments, or true copies thereof, to the carrier which collected the charges, for verification and certification as to its accuracy.
  - 4) If the railroads are entitled to additional monies, the carrier collecting the initial freight charges shall prepare the statement for and on behalf of the involved carriers.
  - 5) All discrepancies, duplications or other errors in the statements shall be adjusted by the parties and corrected, agreed statements submitted to the Commission.
  - 6) The certificate shall be signed in ink by a general accounting officer of the carrier and shall cover all of the information shown in the statement.
  - 7) If the carrier which collected the charges is not a respondent to the proceeding, its certificate shall be concurred in by like signature on behalf of a carrier named as a respondent in the proceeding.
  - 8) Statements so prepared and certified shall be filed with the Commission whereupon it shall consider entry of an order awarding refunds or collection of additional freight charges, as the case may be.
- b) Waiver of Monies Due to Railroad:
- 1) Communications -- All communications shall be in writing and shall be addressed to:  
  
The Chief Clerk  
Illinois Commerce Commission  
527 East Capitol Avenue  
Springfield, Illinois 62706
  - 2) Freight Charges in Excess of \$2,000.00

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

- A) Petition to waive collection of insignificant amounts -- If a railroad wishes to waive collection of amounts due pursuant to Section 1580.80(b) of this Part, when such amounts are more than \$2,000.00, a petition for appropriate authority may be filed by the railroad, with the Commission, in the form of a Letter of Intent to Waive Insignificant Amounts. The petition should contain the following information:
- i) the name and address of the customer for whom the railroad wishes to waive collection;
  - ii) the names and addresses of the railroads involved in the intended waiver and a statement certifying that all railroads concur in the action;
  - iii) the amount intended to be waived;
  - iv) the number of the investigation and suspension docket involved, the beginning and ending dates of the suspension period, and any other pertinent tariff information;
  - v) the points of origin and destination of the shipments and the routes of movement, if relevant;
  - vi) a brief statement of justification for the intended waiver, including the anticipated costs of billing, collecting and/or litigating if the waiver is not permitted; and
  - vii) when certification is necessary pursuant to (ii) above, it should be in the following format:

The (name of petitioning railroad) hereby certifies that it holds the written concurrence of all of the railroads named in this petition.

By its (petitioner's title) .

Dated at , this day of , 19

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

(petitioner's signature)

- B) Public Notice -- Petitions to waive collection of insignificant amounts will be made available by the Commission for public inspection on date of receipt, in the Chief Clerk's office.
- C) Contested Petitions –
- i) Any interested person (as defined in Section 1580.90(b)(6) of this Part) may protest the waiver of monies due and such protest shall be filed with the Commission within 30 days of the Commission's receipt of the railroad's Letter of Intent to Waive Insignificant Amounts. If the protest is not filed within the 30-day period, it will not be considered as being timely filed.
  - ii) The protest should be in the form of a Letter of Objection and shall identify the investigation and suspension docket number, shall clearly state the reasons for objection and shall certify (according to Section 1580.90(e)(2) of this Part) that a copy of the Letter of Objection has been served on all parties named in the Letter of Intent to Waive Insignificant Amounts.
  - iii) Replies to a Letter of Objection shall be filed no later than the 45th day after the Commission's receipt of the Letter of Intent to Waive Insignificant Amounts. If the reply to the protest is not filed within the 45-day period, it will not be considered as being timely filed.
  - iv) If the Letter of Objection is timely filed, the Commission will consider the Letter of Intent to Waive Insignificant Amounts as being contested. The Commission will notify all parties to the proceeding that the petition is contested and the railroad shall not be allowed to take any further action until the Commission makes its findings and enters an appropriate order granting or denying the petition to waive monies due. Further, the filing of a Letter of

## ILLINOIS COMMERCE COMMISSION

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Disposition with the Commission will not be required.

- D) Uncontested Petitions -- A Letter of Intent to Waive Insignificant Amounts which is not contested shall be considered an order of the Commission authorizing the action contemplated in the petition 45 days after the Commission's receipt of the petition. Within 30 days after the expiration of the 45-day period, the railroad filing the petition shall file a Letter of Disposition informing the Commission of the action taken, the date of the action and the amount of monies waived.
- 3) Freight Charges \$2,000.00 or Less:
- A) If the amount to be waived is \$2,000.00 or less, no petition need be filed prior to waiver of monies due, provided that this exemption may be invoked by the railroad only once for any person (as defined in Section 1580.90(b)(6) of this Part) who uses the original rate during the suspension period.
- B) However, a Letter of Disposition informing the Commission of the investigation and suspension docket number, the action taken, the date of the action and the amount of monies due that were waived shall be submitted to the Commission within 30 days of the waiver.

## Section 1580.APPENDIX A Statement of Monetary Adjustment

Claim of \_\_\_\_\_, under decision of the Illinois Commerce Commission in Docket No. \_\_\_\_\_

Date of shipment.  
 Date of delivery or tender of delivery.  
 Date charges were paid.  
 Car initials.  
 Car number.  
 Origin.  
 Destination.  
 Route.  
 Commodity.  
 Weight.

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Rate.  
Amount.  
Rate.  
Amount.

Refund (or monies due) on basis of Commission's decision.

Charges paid by (1).

Claimant hereby certifies that this statement includes claims only on shipments covered by the findings in the docket above described and contains no claim for refund (or monies due) previously filed with the Commission by or on behalf of claimant or, so far as claimant knows, by or on behalf of any person, in any other proceedings, except as follows: (here indicate any exceptions, and explanations thereof).

(Claimant)

By

(Address)

(Date)

Total amount of refund (or monies due) \$ . The undersigned hereby certifies that this statement has been checked against the records of this company and found correct.

Date concurred (2) in: Company Company. Defendant Collecting Carrier, Defendant (3)

By , Auditor. By , Auditor.

- (1) Here insert name of person paying charges in the first instance, and state whether as consignor, consignee, or in other capacity.
- (2) For concurring certificate in case the collecting carrier is not a defendant.

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- (3) If not a defendant, strike out the word "defendant."

- 1) Heading of the Part: Market Dominance by Rail Carriers

## ILLINOIS COMMERCE COMMISSION

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- 2) Code Citation: 92 Ill. Adm. Code 1585
- 3) 

<u>Section Numbers</u>	<u>Proposed Action</u>
1585.10	Repeal
1585.20	Repeal
1585.30	Repeal
1585.40	Repeal
- 4) Statutory Authority: Implementing Section 18c-7301 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-7301 and 1202].
- 5) A Complete Description of the Subjects and Issues Involved: State jurisdiction over the matters governed by these rules has been preempted for many years, the rules are obsolete, and we are proposing that they be repealed.
- 6) Will this proposed rule replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This proposed rule neither creates nor expands any state mandate on units of local government, school districts, or community college districts.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Diana Collins  
 Illinois Commerce Commission  
 160 N. LaSalle  
 Chicago, IL 60601  
 312/814-1934

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

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

- 12) Initial Regulatory Flexibility Analysis:
- A) Date amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: May 21, 2003
  - B) Types of small businesses that will be affected: This amendment will have no effect on small businesses as defined in the Illinois Administrative Procedure Act.
  - C) Reporting, bookkeeping, or other procedures required for compliance: None
  - D) Types of professional skills necessary for compliance: None

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

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

TITLE 92: TRANSPORTATION  
CHAPTER III: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER c: RAILROADPART 1585  
MARKET DOMINANCE BY RAIL CARRIERS ([REPEALED](#))

## Section

1585.10	Intramodal Competition
1585.20	Intermodal Competition
1585.30	Geographic Competition
1585.40	Product Competition

AUTHORITY: Implementing Section 18c-7301 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1985, ch. 95 1/2, pars. 18C-7301 and 18c-1202).

SOURCE: Peremptory rule adopted at 6 Ill. Reg. 3885, effective March 29, 1982; emergency repealer, emergency rule at 6 Ill. Reg. 6784, effective May 21, 1982 for a maximum of 150 days; rule repealed, new rule adopted at 6 Ill. Reg. 13266, effective October 15, 1982; codified at 8 Ill. Reg. 865; Part recodified at 10 Ill. Reg. 18000; repealed at 27 Ill. Reg. \_\_\_\_, effective \_\_\_\_\_.

## Section 1585.10 Intramodal Competition

- a) Intramodal competition refers to competition between two or more railroads transporting the same commodity between the same origin and destination. A shipper has rail alternatives when, for a given purpose, he can be served by more than one railroad or combination of different railroads. The degree to which these alternatives compete with one another depends on such factors as:
  - 1) the number of rail alternatives;
  - 2) the feasibility of each alternative as evidenced by:
    - A) physical characteristics of the route associated with each alternative that are indicative of the feasibility of using that alternative for the traffic in question (e.g., circuitry, track conditions, etc.); and

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- B) the direct access of both the shipper and the receiver to each of the rail alternatives as evidenced by individual rail sidings, neutral terminal companies or reciprocal switching; or if direct access is not available, then the feasibility of using local trucking to transport the commodity to or from terminals;
  - 3) the transportation costs associated with each alternative (to determine if actual use of alternatives is due to excessive rates charged by the rail carrier in question);
  - 4) collective ratemaking among the railroads in question as evidenced by rate bureau involvement; and
  - 5) evidence of substantial rail-related investment or long-term supply contracts (more weight will be given these contracts if made prior to October 1, 1980).
- b) These factors should be considered in connection with the preparation and submission of evidence pertaining to the presence or absence of effective intramodal competition. This list is neither exhaustive nor mandatory but provides a general indication of the type of evidence that would be appropriate.

## Section 1585.20 Intermodal Competition

Intermodal competition refers to competition between rail carriers and other modes for the transportation of a particular product between the same origin and destination. Motor and water carriage are the main sources of intermodal competition for railroads.

- a) Water Carriage –
  - 1) Water carriage is restricted to certain geographic areas and is generally used for commodities moving in bulk. The evidence required to demonstrate effective competition between rail and water alternatives is in many respects similar to that required for intramodal competition among rail carriers. Parties in a rate case should provide evidence along the following lines:
    - A) the number of alternatives involving different carriers;

## ILLINOIS COMMERCE COMMISSION

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- B) the feasibility of each alternative as evidenced by:
    - i) pertinent physical characteristics, for the product in question, of the transportation or routing associated with each alternative;
    - ii) the access of both the shipper and receiver to each alternative; and
  - C) the transportation costs of each alternative.
- 2) Again, these factors are not exhaustive.
- b) Motor Carriage –
- 1) Unlike rail or water alternatives, the availability of many motor carrier alternatives for transportation services between two points can, in most instances, be taken for granted. Therefore, the feasibility of using motor carriage as an alternative to rail may be viewed as depending exclusively on the nature of the product and the needs of the shipper or receiver. Effective competition from motor carriage may be deduced from the following types of evidence:
    - A) the amount of the product in question that is transported by motor carrier where rail alternatives are available;
    - B) the amount of the product that is transported by motor carrier under transportation circumstances (e.g., shipment size and distance) similar to rail;
    - C) physical characteristics of the product in question that may preclude transportation by motor carrier; and
    - D) the transportation costs of the rail and motor carrier alternatives.
  - 2) Other types of evidence on the feasibility or nonfeasibility of motor carriage as an alternative to rail will also be considered.

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- a) Geographic competition may be described as a restraint on rail pricing stemming from a shipper's or receiver's ability to get the product to which the rate applies from another source, or ship it to another destination. Because shippers and receivers can do this, the railroad must compete with the railroad serving the alternate source or destination. Geographic competition among rail carriers is nontrivial for commodities in which transportation costs account for a substantial portion of the delivered price. To establish the potential for geographic competition, evidence should be submitted concerning the following:
- 1) the number of alternative geographical sources of supply or alternative destinations available to the shipper or receiver for the product in question;
  - 2) the number of these alternative sources or destinations served by different carriers; and
  - 3) that the product available from each source or required by each destination is the same.
- b) Such evidence is sufficient only to indicate whether effective geographic competition is possible. To determine whether effective geographic competition actually exists, evidence showing the feasibility of each source or destination and the likelihood of competition should be presented. This evidence may be as follows:
- 1) the distance associated with each alternative source or destination;
  - 2) relevant physical characteristics of the route associated with each alternative;
  - 3) the access of the shipper or receiver to each transportation alternative;
  - 4) the capacity of each source to supply the product in question or the capacity of each destination to absorb the product in question;
  - 5) the transportation costs associated with each alternative;
  - 6) collective ratemaking among the railroads in question as evidenced

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by rate bureaus; and

- 7) evidence of substantial rail-related investment or long-term supply contracts (more weight will be given these contracts if made prior to October 1, 1980).
- c) It is to be emphasized that these guidelines are not intended to encompass all pertinent evidence.

## Section 1585.40 Product Competition

- a) Product competition occurs when a receiver or shipper can use a substitute(s) for the product covered by the rail rate. In that case, the railroad must compete with the railroad or other mode which carries that other product and, again, must keep its rate competitive if it wants the traffic. Evidence as to the existence of product competition should reflect the availability to the shipper or receiver of feasible substitutes and show that these substitutes can be obtained through the use of other carriers or modes without substantially greater cost, transportation or otherwise. To demonstrate whether a feasible substitute exists, the following types of evidence, among others, may be submitted:
- 1) use of a substitute product(s) by the receiver or shipper in question or by others with similar needs and under similar conditions;
  - 2) the prices of the substitute product(s) relative to the product in question;
  - 3) the efficiency of the substitute product(s) relative to the product in question; and
  - 4) the explicit and implicit transportation costs of the substitute product(s) and the product in question.
- b) The above factors are not intended to be exhaustive.

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- 1) Heading of the Part: Complaints Against Rail Carrier Rates
- 2) Code Citation: 92 Ill. Adm. Code 1590
- 3)

Section Numbers	Proposed Action
1590.10	Repeal
1590.20	Repeal
1590.30	Repeal
1590.40	Repeal
1590.50	Repeal
1590.60	Repeal
1590.70	Repeal
1590.80	Repeal
1590.90	Repeal
1590.100	Repeal
1590.110	Repeal
1590.120	Repeal
1590.130	Repeal
1590.140	Repeal
1590.150	Repeal
1590.160	Repeal
APPENDIX A	Repeal
- 4) Statutory Authority: Implementing Section 18c-7301 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-7301 and 1202].
- 5) A Complete Description of the Subjects and Issues Involved: State jurisdiction over the matters governed by these rules has been preempted for many years, the rules are obsolete, and we are proposing that they be repealed.
- 6) Will this proposed rule replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This proposed rule neither creates nor

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expands any state mandate on units of local government, school districts, or community college districts.

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

Diana Collins  
Illinois Commerce Commission  
160 N. LaSalle  
Chicago, IL 60601  
312/814-1934

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

12) Initial Regulatory Flexibility Analysis:

- A) Date amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: May 21 2003
- B) Types of small businesses that will be affected: This amendment will have no effect on small businesses as defined in the Illinois Administrative Procedure Act.
- C) Reporting, bookkeeping, or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

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

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TITLE 92: TRANSPORTATION  
CHAPTER III: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER c: RAILROAD

## PART 1590

COMPLAINTS AGAINST RAIL CARRIER RATES [\(REPEALED\)](#)

## Section

1590.10	Formal Complaints -- General Allegations
1590.20	Formal Complaints -- When Damages Sought
1590.30	Formal Complaints -- Copies
1590.40	Formal Complaints -- Tariff or Schedule References
1590.50	Formal Complaints -- Prayers for Relief
1590.60	Amended and Supplemental Formal Complaints
1590.70	Answers and Cross Complaints to Formal Complaints
1590.80	Satisfaction of Complaint
1590.90	Signature and Verification
1590.100	Certificate of Service
1590.110	Statements of Claimed Damage Based on Commission Findings
1590.120	Zone of Rate Flexibility
1590.130	Market Dominance
1590.140	Reasonable Rates
1590.150	Burden of Proof
1590.160	Nonapplicability
APPENDIX A Reparation Statement	

AUTHORITY: Implementing Section 18c-7301 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1985, ch. 95 1/2, pars. 18c-7301 and 18c-1202).

SOURCE: Peremptory rule adopted at 6 Ill. Reg. 3885, effective March 29, 1982; emergency repealer, emergency rule at 6 Ill. Reg. 6784, effective May 21, 1982 for a maximum of 150 days; rule repealed, new rule adopted at 6 Ill. Reg. 13266, effective October 15, 1982; codified at 8 Ill. Reg. 866; Part recodified at 10 Ill. Reg. 17993; repealed at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 1590.10 Formal Complaints -- General Allegations

A formal complaint shall be so drawn as to fully and completely advise the parties defendant and

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the Commission in what respects the provisions of the Act have been or are being violated or will be violated, and shall set forth briefly and in plain language the facts claimed to constitute such violations. If two or more sections or subsections of the Act or requirements established pursuant thereto are alleged to be violated, the facts claimed to constitute violation of one section, subsection or requirement shall be stated separately from those claimed to constitute a violation of another section, subsection or requirement when that can be done by reference or otherwise without undue repetition.

## Section 1590.20 Formal Complaints -- When Damages Sought

- a) A formal complaint seeking damages, when permitted under the Act, shall be filed within the statutory period, and shall contain such data as will serve to identify with reasonable definiteness the shipments or transportation services in respect of which damages are sought. Such complaint shall state:
  - 1) that complainant makes claim for damages;
  - 2) the name of each individual seeking damages;
  - 3) the names of defendants against which claim is made;
  - 4) the commodities, the rate applied, the date when the charges were paid, by whom paid, and by whom borne;
  - 5) the period of time within which or the specific dates upon which the shipments were made, and the dates when they were delivered or tendered for delivery;
  - 6) the points of origin and destination, either specifically or, where they are numerous, by definite indication of a defined territorial or rate group of the points of origin and destination and, if known, the routes of movement; and
  - 7) the nature and amount of the injury sustained by each claimant.
- b) If a complaint seeking the award of damages contains a claim on any shipment which has been the subject of a previous informal or formal complaint to the Commission, reference to such complaint shall be given.

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## Section1590.30 Formal Complaints -- Copies

The original of each formal complaint, amended or supplemental formal complaint, or cross complaint, shall be accompanied by copies in sufficient number to enable the Commission to serve one upon each defendant, including each receiver or trustee, and retain two copies in addition to the original.

## Section1590.40 Formal Complaints -- Tariff or Schedule References

The several rates, charges, schedules, classifications, regulations or practices on which complaint is made shall be set out by specific reference to the tariffs or schedules in which they appear, whenever that is feasible.

## Section1590.50 Formal Complaints -- Prayers for Relief

- a) Generally -- A formal complaint in which relief for the future is sought should contain a detailed statement of the relief desired. Relief in the alternative or of several different types may be demanded, but the issues raised in the formal complaint should be broader than those to which the complainant's evidence is to be directed at the hearing.
- b) Specific Prayer for Damages -- Except under unusual circumstances, and for good cause shown, damages will not be awarded upon a complaint unless specifically prayed for, or upon a new complaint by or for the same complainant which is based upon any finding in the original proceeding.

## Section1590.60 Amended and Supplemental Formal Complaints

An amended or supplemental complaint may be tendered for filing by a complainant against a defendant or defendants named in the original complaint, stating a cause of action alleged to have occurred within the statutory period immediately preceding the date of such tender, in favor of complainant and against the defendant or defendants.

## Section1590.70 Answers and Cross Complaints to Formal Complaints

- a) Generally -- An answer may simultaneously be responsive to a formal complaint and to any amendment or supplement thereof. It shall be drawn so as to fully and completely advise the parties and the Commission of the nature of the defense and shall admit or deny specifically and in detail each material allegation of the

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pleading answered. An answer may embrace a detailed statement of any counterproposal which a defendant may desire to submit. Unless the issue is such that separate answers are required, answer for all defendants may be filed on their behalf by one defendant in one document, in which event the answer must show clearly the names of all defendants joining therein, and their concurrence.

- b) Cross Complaints -- A cross complaint, alleging that other persons, parties to the proceeding, having violated the Act or requirements established pursuant thereto, or seeking relief against them under the Act, may be tendered for filing by a defendant with its answer.
- c) Time for Filing Copies -- Unless otherwise directed by the Commission, an answer to a complaint shall be filed within 20 days after the day on which the complaint was served. The original and two copies of an answer shall be filed with the Commission.
- d) When Issue Joined -- If any defendant answers or fails to file and serve an answer within the period specified in paragraph (c) above, issue thereby is joined as to such defendant.

## Section1590.80 Satisfaction of Complaint

If a defendant satisfies a formal complaint, either before or after answering, a statement to that effect signed by the opposing parties shall be filed (original only need be filed), setting forth when and how the complaint has been satisfied. This action should be taken as expeditiously as possible.

## Section1590.90 Signature and Verification

- a) The complaint, answer and other pleadings relating to a complaint proceeding shall be signed in ink and the signer's address shall be stated.
- b) The facts alleged in a complaint, answer or other pleading shall be verified by the person on whose behalf it is filed. If a complaint, answer or other pleading is filed on behalf of a corporation or other organization, it shall be verified by an officer of such corporation or organization.

## Section1590.100 Certificate of Service

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Proof of service of any paper shall be by certificate of attorney, affidavit or acknowledgement. A certificate of service shall be in the following form:

I certify that I have this day served the foregoing document upon all parties of record in this proceeding by (here state the precise manner of making service).

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

(Signature)

## Section 1590.110 Statements of Claimed Damage Based on Commission Findings

- a) When the Commission finds that damages are due, but that the amount cannot be ascertained upon the record before it, the complainant shall immediately prepare a statement showing details of the shipments on which damages are claimed, in accordance with Appendix A.
- b) The statement shall not include any shipment not covered by the Commission's findings, or any shipment on which complaint was not filed with the Commission within the statutory period.
- c) The filing of a statement will not stop the running of the statute of limitations as to shipments not covered by complaint or supplemental complaint.
- d) If the shipments moved over more than one route, a separate statement shall be prepared for each route, and separately numbered, except that shipments, as to which the collecting carrier is in each instance the same, may be listed in a single statement if grouped according to routes.
- e) The statement, together with the paid freight bills on the shipments, or true copies thereof, shall then be forwarded to the carrier which collected the charges, for verification and certification as to its accuracy. All discrepancies, duplications or other errors in the statements shall be adjusted by the parties and corrected, agreed statements submitted to the Commission.
- f) The certificate shall be signed in ink by a general accounting officer of the carrier and shall cover all of the information shown in the statement. If the carrier which collected the charges is not a defendant in the case, its certificate shall be

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concurring in by like signature on behalf of a carrier defendant.

- g) Statements so prepared and certified shall be filed with the Commission whereupon it will consider entry of an order awarding damages.

## Section 1590.120 Zone of Rate Flexibility

Base rates increased by the quarterly rail cost adjustment factor may not be found to exceed a reasonable maximum for the transportation involved. Complaints against rate increases effected under subsections (c) and (d) of 49 U.S.C. 10707a shall be considered pursuant to provisions of subsection (e) of said Section.

## Section 1590.130 Market Dominance

- a) The Commission shall determine within 90 days of the start of a complaint proceeding whether the carrier has market dominance over the transportation to which the rate applies. If the Commission finds that the carrier has market dominance, it may then determine that rate to be unreasonable if it exceeds a reasonable maximum for that transportation. In making a determination of market dominance, the Commission shall find that the rail carrier establishing the challenged rate does not have market dominance over the transportation to which the rate applied if the rail carrier proves that the rate charged results in a revenue-variable cost percentage which is less than that stated in 49 U.S.C. 10709(d)(2).
- b) Evidentiary guidelines for the determination of whether or not the railroad has market dominance over the transportation to which the rate applies shall be found in 92 Ill. Adm. Code 1585, Market Dominance by Rail Carriers.
- c) If the Commission determines that a rail carrier does not have market dominance over the transportation to which a particular rate applies, the rate established by such carrier for such transportation shall be reasonable.

## Section 1590.140 Reasonable Rates

- a) Rail rates shall not be established below a reasonable minimum. Any rate for transportation by a rail carrier that does not contribute to the going concern value for such carrier is presumed to be not reasonable.
- b) Rail rates which equal or exceed the variable cost of providing the transportation

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are conclusively presumed to contribute to the going concern value of that rail carrier, and are therefore presumed not to be below a reasonable minimum.

- c) In determining whether a rate is reasonable, the Commission shall consider the policy that railroads earn adequate revenues as well as evidence of the following:
  - 1) the amount of traffic which is transported at revenues which do not contribute to going concern value and efforts made to minimize such traffic;
  - 2) the amount of traffic which contributes only marginally to fixed costs and the extent to which, if any, rates on such traffic can be changed to maximize the revenues from such traffic; and
  - 3) the carrier's mix of rail traffic to determine whether one commodity is paying an unreasonable share of the carrier's overall revenues.

## Section 1590.150 Burden of Proof

- a) Jurisdiction -- The defendant railroad shall bear the burden of showing that the Commission lacks jurisdiction to review a rate because the rate produces a revenue-variable cost percentage that is less than the percentages found in 49 U.S.C. 10709(d)(2). The railroad shall meet its burden of proof by showing the revenue-variable cost percentage for the transportation to which the rate applies is less than the threshold percentage cited in 49 U.S.C. 10709(d)(2). A complainant may rebut the railroad's evidence with a showing that the revenue-variable cost percentage is equal to or greater than the threshold percentage cited in 49 U.S.C. 10709(d)(2).
- b) Reasonableness of Existing Rates:
  - 1) a party complaining that an existing rate is unreasonably high shall bear the burden of proving that such rate is not reasonable;
  - 2) a party complaining that an existing rate is unreasonably low shall bear the burden of demonstrating that the rate does not contribute to the going concern value of the carrier, and is therefore unreasonably low.
  - 3) Savings Provisions –

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

- A) Any interested party may file a complaint alleging that an intrastate railroad rate which was in effect on the effective date of the Staggers Act (October 1, 1980) is subject to market dominance under the provisions of 49 U.S.C. 10709 and is not reasonable under the provisions of 49 U.S.C. 10701a. Such complaint must have been filed with the Illinois Commerce Commission within 180 days of the effective date of the Staggers Act, i.e., by March 30, 1981.
- B) Any rate which is not challenged in a complaint filed by March 30, 1981, or which is challenged in such a complaint but
- i) the rail carrier is found not to have market dominance over the transportation to which the rate applies, or
  - ii) the rate is found to be reasonable, shall be deemed to be lawful and may not thereafter be challenged in the Commission or in any court other than an appeal from a decision of the Commission.
- C) These provisions shall not apply to any rate under which the volume of traffic transported during the twelve-month period immediately preceding the effective date of the Staggers Act did not exceed 500 net tons and has increased tenfold within the three-year period immediately preceding the bringing of a challenge to the reasonableness of such rate.
- D) The complainant shall bear the burden of proving that a rate in effect on October 1, 1980, as described in this Section, is unreasonable.

## Section 1590.160 Nonapplicability

Complaints shall not be entertained by the Commission to the extent that they challenge the reasonableness of the following rate adjustments:

- a) general rate increases;
- b) inflation-based rate increases; or

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED REPEALER

- c) fuel adjustment surcharges.

Section 1590. APPENDIX A Reparation Statement

Claim of \_\_\_\_\_, under decision of the Illinois Commerce Commission in Docket No. \_\_\_\_\_

- Date of shipment.
- Date of delivery or tender of delivery.
- Date charges were paid.
- Car initials.
- Car number.
- Origin.
- Destination.
- Route.
- Commodity.
- Weight.
- Rate.
- Amount.
- Rate.
- Amount.
- Reparation on basis of Commission's decision.
- Charges paid by (1).

Claimant hereby certifies that this statement includes claims only on shipments covered by the findings in the docket above described and contains no claim for reparation previously filed with the Commission by or on behalf of claimant or, so far as claimant knows, by or on behalf of any person, in any other proceedings, except as follows: (here indicate any exceptions, and explanations thereof).

(Claimant)

By

(Address)

(Date)

## ILLINOIS COMMERCE COMMISSION

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Total amount of reparation \$                      The undersigned hereby certifies that this statement has been checked against the records of this company and found correct.

Date                      Concurring (2) in:                      Company                      Company. Defendant  
 Collecting Carrier, Defendant (3)  
 By                      , Auditor. By                      , Auditor.

- (1) Here insert name of person paying charges in the first instance, and state whether as consignor, consignee, or in what other capacity.
- (2) For concurring certificate in case collecting carrier is not a defendant.
- (3) If not a defendant, strike the word "defendant."

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Rail Carrier Contract Rates
- 2) Code Citation: 92 Ill. Adm. Code 1595
- 3) 

<u>Section Numbers</u>	<u>Proposed Action</u>
1595.1	Repeal
1595.2	Repeal
1595.7	Repeal
1595.8	Repeal
- 4) Statutory Authority: Implementing Section 18c-7301 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-7301 and 1202].
- 5) A Complete Description of the Subjects and Issues Involved: State jurisdiction over the matters governed by these rules has been preempted for many years, the rules are obsolete, and we are proposing that they be repealed.
- 6) Will this proposed rule replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This proposed rule neither creates nor expands any state mandate on units of local government, school districts, or community college districts.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Diana Collins  
Illinois Commerce Commission  
160 N. LaSalle  
Chicago, IL 60601  
312/814-1934

Comments should be filed with within 45 days of the date of this issue of the Illinois

## ILLINOIS COMMERCE COMMISSION

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Register.

12) Initial Regulatory Flexibility Analysis:

- A) Date amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: May 21, 2003
- B) Types of small businesses that will be affected: This amendment will have no effect on small businesses as defined in the Illinois Administrative Procedure Act.
- C) Reporting, bookkeeping, or other procedures required for compliance: None
- D) Types of professional skills necessary for compliance: None

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

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

TITLE 92: TRANSPORTATION  
CHAPTER III: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER c: RAILROADPART 1595  
RAIL CARRIER CONTRACT RATES ([REPEALED](#))

## Section

1595.1	Adoption of 49 CFR 1313 by Reference
1595.2	Jurisdiction; contract approval/disapproval
1595.7	Contract filing, title pages, and numbering
1595.8	Contract and contract summary availability

AUTHORITY: Implementing Section 18c-7301 and authorized by Section 18c-1202 of the Illinois Commerce Transportation Law (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 18c-7301 and 18c-1202).

SOURCE: Peremptory rules adopted at 6 Ill. Reg. 3885, effective March 29, 1982; emergency repealer, emergency rule at 6 Ill. Reg. 6784, effective May 21, 1982, for a maximum of 150 days; rules repealed, new rules adopted at 6 Ill. Reg. 13266, effective October 15, 1982; emergency amendment at 7 Ill. Reg. 8164, effective June 28, 1983, for a maximum of 150 days; amended and codified at 7 Ill. Reg. 16360, effective November 24, 1983; Part recodified at 10 Ill. Reg. 18006; amended at 11 Ill. Reg. 15062, effective October 1, 1987; Part repealed and new Part adopted at 13 Ill. Reg. 7566, effective May 15, 1989; repealed at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 1595.1 Adoption of 49 CFR 1313 by Reference

The Illinois Commerce Commission ("Commission") adopts 49 CFR 1313, as of December 1, 1988, as its rules on rail carrier contract rates, subject to the exceptions set forth in this Part. No incorporation in this Part includes any later amendment or edition.

## Section 1595.2 Jurisdiction; contract approval/disapproval

In Section 1313.2(a)(1), delete "49 U.S.C. 10713" and substitute "49 U.S.C. 11501(b)(1)."

## Section 1595.7 Contract filing, title pages, and numbering

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

- a) In Section 1313.7(a)(1), delete the last sentence. There is no fee for the filing of contracts with the Commission pursuant to this Part.
- b) In Section 1313.7(a)(5), delete "Interstate Commerce Commission, Section of Tariffs, Washington, DC 20423" and substitute

Illinois Commerce Commission  
Transportation Division  
Rail Rate and Tariff Section  
527 East Capitol Avenue  
Springfield, Illinois 67206

- c) In Section 1313.7(c), delete "ICC" and substitute "IICC."

## Section 1595.8 Contract and Contract Summary Availability

In Section 1313.8(b)(1), delete "Bureau of Traffic and Contract Advisory Service" and insert "Transportation Division."

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Exemption of Rail Carrier Transportation
- 2) Code Citation: 92 Ill. Adm. Code 1600
- 3) 

<u>Section Numbers</u>	<u>Proposed Action</u>
1600.10	Repeal
1600.20	Repeal
- 4) Statutory Authority: Implementing Section 18c-7301 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-7301 and 1202].
- 5) A Complete Description of the Subjects and Issues Involved: State jurisdiction over the matters governed by these rules has been preempted for many years, the rules are obsolete, and we are proposing that they be repealed.
- 6) Will this proposed rule replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This proposed rule neither creates nor expands any state mandate on units of local government, school districts, or community college districts.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Diana Collins  
Illinois Commerce Commission  
160 N. LaSalle  
Chicago, IL 60601  
312/814-1934

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

## ILLINOIS COMMERCE COMMISSION

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- 12) Initial Regulatory Flexibility Analysis:
- A) Date amendment was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: May 21, 2003
  - B) Types of small businesses that will be affected: This amendment will have no effect on small businesses as defined in the Illinois Administrative Procedure Act.
  - C) Reporting, bookkeeping, or other procedures required for compliance: None
  - D) Types of professional skills necessary for compliance: None

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

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## NOTICE OF PROPOSED REPEALER

TITLE 92: TRANSPORTATION  
CHAPTER III: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER c: RAILROAD

## PART 1600

EXEMPTION OF RAIL CARRIER TRANSPORTATION ([REPEALED](#))

## Section

- 1600.10 Exemptions Granted by the Interstate Commerce Commission  
1600.20 Exemption Proceedings Initiated by Illinois

**AUTHORITY:** Implementing Section 18c-7101 and authorized by Section 18c-1202 of the Illinois Commercial Transportation Law (Ill. Rev. Stat. 1985, ch. 95 1/2, pars. 18c-7101 and 18c-1202).

**SOURCE:** Peremptory rule adopted at 6 Ill. Reg. 3885, effective March 29, 1982; emergency repealer and emergency rule adopted at 6 Ill. Reg. 6784, effective May 21, 1982, for a maximum of 150 days; rules repealed and new rules adopted at 6 Ill. Reg. 13267, effective October 15, 1982; emergency amendment at 7 Ill. Reg. 8164, effective June 28, 1983, for a maximum of 150 days; amended and codified at 7 Ill. Reg. 16355, effective November 24, 1983; Part recodified at 10 Ill. Reg. 17996; amended at 11 Ill. Reg. 15036, effective October 1, 1987; repealed at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 1600.10 Exemptions Granted by the Interstate Commerce Commission

Exemptions granted by the Interstate Commerce Commission as to rates, classifications, rules, and practices are standards from which states cannot deviate, pursuant to *Illinois Commerce Commission v. Interstate Commerce Commission*, 749 F.2d 875 (D.C. Cir., 1984).

(Source: Amended at 11 Ill. Reg. 15036, effective October 1, 1987)

## Section 1600.20 Exemption Proceedings Initiated by Illinois

- a) The Illinois Commerce Commission ("Commission") may conduct exemption proceedings, initiated either upon its own motion or pursuant to a petition, to consider the exemption of a person, class of persons, or a transaction or service.
- b) The process for considering exemptions shall be through notice and hearing as provided for in Section 18c-2102 of the Illinois Commercial Transportation Law

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF PROPOSED REPEALER

(Ill. Rev. Stat. 1985, ch. 95 1/2, par. 18c-2102). If, after a hearing or hearings on a proposed exemption, the Commission decides the issue warrants further study, it shall initiate rulemaking in accordance with Section 5.01 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, par. 1005.01).

- c) The Illinois Commerce Commission shall exempt a person, class of persons, or a transaction or service when it finds that further regulation:
  - 1) is not necessary to carry out state and national transportation policy; and
  - 2) either
    - A) the transaction or service is of limited scope, or
    - B) further regulation is not needed to protect shippers from the abuse of market power.
- d) The Commission shall revoke entirely or in part an exemption which it has previously granted if it determines that such action is necessary to carry out state and national transportation policy.

(Source: Amended at 11 Ill. Reg. 15036, effective October 1, 1987)

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Professional Counselor and Clinical Professional Counselor Licensing Act
- 2) Code Citation: 68 Ill. Adm. Code 1375
- 3)
 

<u>Section Number</u> :	<u>Proposed Action</u> :
1375.30	Amendment
1375.40	Amendment
1375.50	Amendment
1375.60	Amendment
1375.70	Amendment
1375.80	Amendment
1375.120	Amendment
1375.130	Amendment
1375.140	Amendment
1375.150	Amendment
1375.160	Amendment
1375.170	Amendment
1375.200	Amendment
1375.220	Amendment
1375.225	Amendment
1375.Appendix B	New Section
- 4) Statutory Authority: Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107].
- 5) A Complete Description of the Subjects and Issues Involved: P.A. 92-719, effective July 25, 2002, is the sunset reauthorization of the Professional Counselor and Clinical Professional Counselor Licensing Act; this proposed rulemaking implements its provisions. It revises the educational requirements for licensure as a professional counselor and provides specific continuing education requirements in clinical supervision for clinical professional counselors. Section 1375.Appendix B is added to clarify the history of the education, experience and examination required for licensed professional counselors and licensed clinical professional counselors. Obsolete language has also been removed and other technical changes are being made.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No

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- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may submit written comments within 45 days after this issue of the Illinois Register to:

Barb Smith  
Department of Professional Regulation  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813 Fax #: 217/782-7645

- 12) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations affected: Those employing licensed professional counselors and licensed clinical professional counselors.
  - B) Reporting, bookkeeping or other procedures required for compliance:  
  
None
  - C) Types of professional skills necessary for compliance: Skills as a professional counselor or clinical professional counselor are necessary for licensure.
- 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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## NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1375  
PROFESSIONAL COUNSELOR AND CLINICAL PROFESSIONAL COUNSELOR  
LICENSING ACT

## SUBPART A: LICENSED PROFESSIONAL COUNSELOR

Section	
1375.10	Temporary License as a Professional Counselor (Repealed)
1375.20	How to Obtain a Permanent License as a Professional Counselor After Receiving a Temporary License (Repealed)
1375.30	Application for Examination/Permanent Licensure as a Professional Counselor
1375.40	Professional Experience <a href="#">for Licensure</a> as a Professional Counselor after December 31, 1998
1375.50	Approved Professional Counseling Programs
1375.60	Examination - Professional Counselor
1375.70	Endorsement - Professional Counselor
1375.80	Restoration - Professional Counselor

## SUBPART B: LICENSED CLINICAL PROFESSIONAL COUNSELOR

Section	
1375.100	Temporary License as a Clinical Professional Counselor (Repealed)
1375.110	How to Obtain a Permanent License as a Clinical Professional Counselor After Receiving a Temporary License (Repealed)
1375.120	Application for Examination/Permanent Licensure as a Clinical Professional Counselor
1375.130	Professional Experience for Licensure as a Clinical Professional Counselor Beginning January 1, 1999
1375.135	Clinical Professional Counselor Licenses for Clinical Psychologists and Clinical Social Workers
1375.140	Approved Clinical Professional Counseling Programs
1375.150	Examination - Clinical Professional Counselor
1375.160	Endorsement - Clinical Professional Counselor
1375.170	Restoration - Clinical Professional Counselor

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## SUBPART C: GENERAL

## Section

1375.200	Renewals
1375.205	Fees
1375.210	Inactive Status
1375.220	Continuing Education
1375.225	Unprofessional Conduct
1375.230	Granting Variances

Appendix A Course Descriptions

[Appendix B Education, Experience and Examination History](#)

**AUTHORITY:** Implementing the Professional Counselor and Clinical Professional Counselor Licensing Act [225 ILCS 107] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

**SOURCE:** Adopted at 18 Ill. Reg. 18018, effective December 12, 1994; amended at 22 Ill. Reg. 8460, effective May 4, 1998; amended at 24 Ill. Reg. 7335, effective May 1, 2000; emergency amendment at 26 Ill. Reg. 18488, effective December 16, 2002, for a maximum of 150 days; amended at 27 Ill. Reg. 5848, effective March 24, 2003; amended at 27 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: LICENSED PROFESSIONAL COUNSELOR

## Section 1375.30 Application for Examination/Permanent Licensure as a Professional Counselor

- a) Each applicant seeking original licensure under Section 35 of the Act shall file an application with the Department, on forms provided by the Department, at least 90 days prior to an examination date. The application shall include:
  - 1) For individuals who graduated or ~~who~~ were enrolled in a program prior to January 1, 1999 (individuals who have until January 1, 2003, to complete the educational requirements set forth in Section 1375.50(a); otherwise, the applicant will be required to meet the educational requirements set forth in Section 1375.50(b)):
    - A) Certification of education from a master's or doctoral degree

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program in counseling, psychology or rehabilitation counseling from a college, university or school recognized by the educational governing authority in the jurisdiction in which it is located, or certification of graduation and a transcript from a similar master's or doctoral degree program approved by the Department in accordance with Section 1375.50 (b) ~~(a)~~ of this Part; or

- B) Certification of a baccalaureate degree from a college, university or school recognized by the educational governing authority in the jurisdiction in which it is located and 5 years of full time satisfactory supervised experience as a professional counselor subsequent to the degree in accordance with Section 1375.40 of this Part. However, experience earned prior to January 1, 1999, shall meet the following requirements:
- i) An applicant shall document a total of 8400 clock hours of experience. No more than 1680 clock hours may be counted toward one year of experience. Part time experience shall be counted toward the experience requirement.
  - ii) The supervisor shall document the experience as satisfactory or better.
  - iii) Supervised work experience, for purposes of this Section, shall entail services to individuals, couples, groups, families and organizations in any one or more of the fields of professional counseling defined in Section 10 of the Act.
  - iv) Qualified supervisors are those individuals who, at the time of supervision, were master's level or doctoral level counselors (such as, but not limited to, licensed or registered marriage and family therapists, registered art therapists, pastoral counselors, school counselors, school social workers, school psychologists, certified rehabilitation counselors), certified social workers or licensed clinical social workers, licensed clinical psychologists or licensed/registered psychologists, psychiatrists defined in Section 1-121 of the Mental Health

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and Developmental Disabilities Code or licensed clinical professional counselors.

- v) An applicant may substitute, one time only, 15 semester hours or equivalent quarter hours of graduate courses related to counseling for one year of satisfactory supervised training.
  - vi) An applicant may begin gaining the required experience upon completion of the degree requirements. Verification of the date of completion of the degree, when different from the date of graduation, shall be certified to the Department by the applicant's educational institution.
- 2) Beginning January 1, 1999:
- A) Certification of education and an official transcript from a master's or doctoral degree program in counseling, psychology, rehabilitation counseling or similar degree program approved in accordance with Section 1375.50 [\(b\)](#) ~~(a)~~ of this Part; or
  - B) Certification of education and an official transcript from a baccalaureate program in human services or similar degree program approved by the Department in accordance with Section 1375.50 [\(b\)](#) of this Part and documentation of completion of 5 years of supervised professional experience subsequent to the degree in accordance with Section 1375.40 of this Part.
- 3) Beginning January 1, 2004
- A) Certification of education and an official transcript from a master's or doctoral degree program in counseling, psychology, rehabilitation counseling or similar degree program approved in accordance with Section 1375.50(c) of this Part; or
  - B) Certification of education and an official transcript from a baccalaureate program in human services or similar degree program approved by the Department in accordance with

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[Section 1375.50\(c\) of this Part and documentation of completion of 5 years of supervised professional experience subsequent to the degree in accordance with Section 1375.40 of this Part.](#)

- ~~4)3)~~ A complete work history since receipt of a qualifying degree for licensure (baccalaureate, master's or doctorate degree).
- ~~5)4)~~ The required fee set forth in [Section 1375.205](#) ~~Section 60 of the Act.~~
- ~~6)5)~~ Certification of licensure, on forms provided by the Department, from the state or territory of the United States in which an applicant was originally licensed and the state in which the applicant predominantly practices and is currently licensed, if applicable, stating:
- A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance in that jurisdiction;
  - B) A description of the examination in that jurisdiction; and
  - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- ~~b)~~ [Any individual who applies for a professional counselor license after January 1, 2008, shall meet the educational requirements set forth in Section 1375.50\(c\) \(48 semester hours and 1 course in each area\).](#)
- ~~c)b)~~ Individuals applying for licensure as a professional counselor may submit one of the following certifications (based on examination), in lieu of the documents required in subsection (a)(1) and (2):
- 1) Commission on Rehabilitation Counselor Certification (CRC)
  - 2) [National](#) ~~Nationally~~ Certified Counselors (NCC)

An applicant submitting one of the certifications listed above will not be required to take and pass an additional examination administered by the Department. The Department, upon recommendation of the Board, has determined that the

## DEPARTMENT OF PROFESSIONAL REGULATION

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education and examination requirements are equivalent to the requirements for licensure as a professional counselor.

- d)e) The Department, upon recommendation of the Board, has determined that the educational requirements of the following certifications meet the standards for an applicant to sit for the examination:
- ~~1) Illinois Alcohol and Other Drug Abuse Professional Certification Association, Inc. at the master's level (Certified Master AODA Counselor) (IODAPCA) level~~
  - 1)2) Clinical Member of the American Association of Marriage and Family Therapy (AAMFT);
  - 2)3) Type 73 certificate issued by the Illinois State Board of Education as a ~~School Psychologist~~, School Counselor if the holder of the certificate has graduated from a CACREP school counseling program or meets the educational standards set forth in Section 1375.50, School Psychologist or School Social Worker;
  - 3)4) Fellow or Diplomate of the American Association of Pastoral Counselors (AAPC).

An applicant who holds certification in any of the above groups needs to submit a copy of a certification in lieu of the documents required in subsections (a)(1) and (2) above. ~~All After December 31, 1998, all~~ certifications accepted by the Department shall be current.

- e)d) When the accuracy of any submitted documentation or the relevance or sufficiency of the coursework or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
- 1) Provide such information as may be necessary; and/or
  - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

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- f) If an applicant has taken and passed the examination in accordance with Section 1375.50, the applicant shall file an application in accordance with subsection (a) above and shall have the examination scores submitted to the Department directly from the testing entity or from the state of original licensure.

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

Section 1375.40 Professional Experience [for Licensure](#) as a Professional Counselor after December 31, 1998

- a) Persons applying for licensure as professional counselors after December 31, 1998, who hold a baccalaureate degree in human services or similar degree program that meets the requirements set forth in Section 1375.50 shall be required to complete 5 years of satisfactory supervised professional experience as follows:
- 1) One year of experience shall be a maximum of 1680 clock hours obtained in not less than 48 weeks. A total of 8400 clock hours is required. No more than 1680 clock hours may be counted toward one year of experience. Part time experience shall be counted toward the experience requirement.
  - 2) 15 semester hours or equivalent quarter hours of graduate courses related to counseling may be substituted one time for one year of work experience.
  - 3) Supervised experience shall be experience obtained under a qualified supervisor and entail the provision of services to individuals, couples, groups, families and organizations in any one or more of the fields of professional counseling defined in Section 10 of the Act.
  - 4) A qualified supervisor means any person who is a licensed clinical professional counselor, licensed clinical social worker, licensed clinical psychologist, or psychiatrist as defined in Section 1-121 of the Mental Health and Developmental Disabilities Code. If supervision took place outside Illinois, the supervisor shall be a master's level or doctoral level counselor engaged in clinical professional counseling. The supervisor shall hold a license if the jurisdiction in which the supervisor practices requires licensure.

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- 5) The supervisor shall have met with the applicant at least one hour each week.
  - 6) The experience shall have been evaluated by the supervisor as satisfactory or better.
  - 7) The supervisor may be provided at the applicant's place of work or may be hired by the applicant to provide supervision.
  - 8) The counseling activities must be performed pursuant to the supervisor's order, control, oversight, guidance and full professional responsibility.
- b) An applicant may begin gaining the required experience upon completion of the degree requirements. Verification of the date of completion of the degree, when different from the date of graduation, shall be certified to the Department by the applicant's educational institution.
- c) A person holding a master's degree or doctorate in the field of counseling, rehabilitation counseling, psychology or similar degree program shall not be required to document experience to qualify for licensure as a professional counselor.

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

## Section 1375.50 Approved Professional Counseling Programs

- a) The Department shall approve similar degree programs (baccalaureate, master's, doctoral degree), on or before December 31, 1998, utilizing the following criteria:
- 1) The program shall be located in a college, university or school recognized by the education accrediting authority in the jurisdiction in which it is located.
  - 2) The program shall require an individual to complete a minimum of 30 semester hours or equivalent quarter hours in any of the following 13 core areas described in more detail in Appendix A of this Part:
    - A) Human Growth and Development and Maladaptive Behavior

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- B) Counseling Theory
  - C) Counseling Techniques
  - D) Group Dynamics, Processing and Counseling
  - E) Appraisal of Individuals
  - F) Research and Evaluation
  - G) Professional, Legal and Ethical Responsibilities relating to professional counseling, especially as related to Illinois law
  - H) Social and Cultural Foundations
  - I) Lifestyle and Career Development
  - J) Practicum
  - K) Counseling Education
  - L) Counseling Supervision
  - M) Counseling Administration.
- b) Beginning January 1, 1999, the Department shall, upon the recommendation of the Professional Counselor Examining and Disciplinary Board, approve baccalaureate programs in human services or similar degree programs at the baccalaureate level or counseling, rehabilitation counseling, psychology, or similar degree programs at the master's or doctoral level if they meet the following requirements:
- 1) The institution is a regionally accredited institution of higher education,
  - 2) The program, wherever it may be administratively housed, must be clearly identified and labeled as offering counseling, rehabilitation counseling, psychology or similar programs. Such a program must specify in institutional catalogues and brochures its intent to educate and train counselors or the institution grants a baccalaureate human services degree,

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- 3) The program is an organizational entity within the institution,
- 4) The program has an integrated, organized sequence of study at least 2 academic years in length and must require an individual to complete a minimum of 48 semester hours or equivalent hours with a course in at least 10 of the 16 core areas listed below:
  - A) Human Growth and Development
  - B) Counseling Theory
  - C) Counseling Techniques
  - D) Group Dynamics, Processing and Counseling
  - E) Appraisal of Individuals
  - F) Research and Evaluation
  - G) Professional, Legal and Ethical Responsibilities relating to professional counseling, especially as related to Illinois law
  - H) Social and Cultural Foundations
  - I) Lifestyle and Career Development
  - J) Practicum
  - K) Counseling Education
  - L) Counseling Supervision
  - M) Counseling Administration
  - N) Family Dynamics
  - O) Psychopathology and Maladaptive Behavior
  - P) Substance Abuse,

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- 5) The program has faculty responsible for the program and has a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled,
- 6) The program has an identifiable body of students who are matriculated in that program for a degree.
- 7) The program has a one year residence. Residence requires interaction with faculty and other matriculated students. One year's residence is defined as 24 semester hours taken on a full-time or part-time basis at the institution accumulated within the time frame and course of study of the program.

c) Beginning January 1, 2004, the Department shall, upon the recommendation of the Professional Counselor Examining and Disciplinary Board, approve baccalaureate programs in human services or similar degree programs at the baccalaureate level, or counseling, rehabilitation counseling, psychology, or similar degree programs at the master's or doctoral level, if they meet the following requirements:

- 1) The institution is a regionally accredited institution of higher education;
- 2) The program, wherever it may be administratively housed, must be clearly identified and labeled as offering counseling, rehabilitation counseling, psychology or similar programs. Such a program must specify in institutional catalogues and brochures its intent to educate and train counselors or that the institution grants a baccalaureate human services degree;
- 3) The program is an organizational entity within the institution;
- 4) The program has an integrated, organized sequence of study at least 2 academic years in length and requires an individual to complete a minimum of 48 semester hours or equivalent quarter hours with a minimum of one course in each of the following areas (described in more detail in Appendix A of this Part):

A) Human Growth and Development

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- B) [Counseling Theory](#)
- C) [Counseling Techniques](#)
- D) [Group Dynamics, Processing and Counseling](#)
- E) [Appraisal of Individuals](#)
- F) [Research and Evaluation](#)
- G) [Professional, Legal and Ethical Responsibilities relating to professional counseling, especially as related to Illinois law](#)
- H) [Social and Cultural Foundations](#)
- D) [Lifestyle and Career Development](#)
- J) [Practicum/Internship](#)
- K) [Psychopathology and Maladaptive Behavior](#)
- L) [Substance Abuse](#)
- M) [Family Dynamics;](#)

- 5) [The program has faculty responsible for the program and has a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled;](#)
- 6) [The program has an identifiable body of students who are matriculated in that program for a degree;](#)
- 7) [The program has a one year residence. Residence requires interaction with faculty and other matriculated students. One year's residence is defined as 24 semester hours taken on a full-time or part-time basis at the institution, accumulated within the time frame and course of study of the program.](#)

d)e) Reevaluation of an Approved Program

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- 1) The Department may reevaluate any approved program at any time if it has reason to believe that the program has failed to continue to satisfy the minimum requirements of this Section or that the Department's decision to approve a program was based upon false, deceptive or incomplete information.
  - 2) A program whose approval is being reevaluated by the Department shall be given at least 15 days written notice prior to any recommendation by the Board and may either submit written comments or request a hearing before the Board.
- e)Ⓢ For the purposes of this Section, course shall be defined as an integrated, organized course of study which encompasses a minimum of one school semester or equivalent hours. No workshops, student designed courses, independent study courses or correspondence courses may be used to satisfy the core courses.
- f)Ⓢ The Department, upon recommendation of the Board, has determined that all master's degree and doctoral programs in professional counseling that are accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP) and the Council on Rehabilitation Education (CORE) are approved. All doctoral programs in psychology of the American Psychological Association or the Council for the National Register of Health Service Providers in Psychology are approved.
- g)Ⓢ Individual Program Requirements
- 1) Individuals applying for licensure as a professional counselor who have not graduated from a program approved by the Department shall submit their transcripts and program materials to the Department for evaluation by the Board to determine if they meet the requirements of this Section.
  - 2) Individuals applying for licensure who are deficient in any of the core content areas in subsection (b)(4) above may complete any of these courses in a counseling, rehabilitation counseling, psychology or similar degree program from an accredited institution. The applicant will be required to submit proof to the Department that he/she has passed such a course(s). Proof may include, but not be limited to, transcripts, curriculum and course materials.

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- 3) Individuals who are admitted to a degree program prior to January 1, 1999, have until January 1, 2003, to meet the educational requirements set forth in subsection (a). After that date the applicant will be required to meet the curriculum requirements set forth in subsection (b) of this Section.
- 4) After January 1, 2008, all applicants will be required to meet the curriculum requirements set forth in subsection (c) of this Section.

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

## Section 1375.60 Examination - Professional Counselor

- a) The examination administered by the Department for licensure as a professional counselor shall be the National Counselor Examination (NCE) of the National Board for Certified Counselors (NBCC). The passing score on the examination shall be the passing score established by the testing entity.
- ~~b) The passing score on the examination shall be the passing score established by the testing entity.~~
- ~~b)e)~~ The Department also shall accept passage of the Certified Rehabilitation Counselor Examination of the Commission on Rehabilitation Counselor Certification (CRCC) ~~and the National Clinical Mental Health Counselor Examination (NMFCE).~~ The passing scores on the examinations shall be the passing scores established by the testing entity.
- ~~c)d)~~ The Department shall accept the National Counseling Examination (NCE) taken and passed, according to Department standards, in Illinois or in another jurisdiction.

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

## Section 1375.70 Endorsement - Professional Counselor

- a) Each applicant seeking licensure under Section 70 of the Act shall file an application with the Department on forms provided by the Department. The application shall include:

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~~1) Through December 31, 1998:~~

- ~~A) Certification of education from a master's or doctoral degree program in counseling, psychology or rehabilitation counseling from a college, university or school recognized by the educational accrediting authority in the jurisdiction in which it is located, or certification of education and a transcript from a similar master's or doctoral degree program approved by the Department in accordance with Section 1375.50(a) of this Part; or~~
- ~~B) Certification of a baccalaureate degree from a college, university or school recognized by the educational accrediting authority in the jurisdiction in which it is located and 5 years of full-time satisfactory supervised experience as a professional counselor as defined in Section 1375.30(a)(1)(B).~~

1)2) Beginning January 1, 1999:

- A) Certification of education and an official transcript from a master's or doctoral degree program in counseling, psychology, rehabilitation counseling or similar degree program approved in accordance with Section 1375.50 (b) ~~(a)~~ of this Part; or
- B) Certification of education and an official transcript from a baccalaureate program in human services or similar degree program approved by the Department in accordance with Section 1375.50 of this Part and documentation of completion of 5 years of supervised professional experience in accordance with Section 1375.40 of this Part.

2) Beginning January 1, 2004

- A) Certification of education and an official transcript from a master's or doctoral degree program in counseling, psychology, rehabilitation counseling or similar degree program approved in accordance with Section 1375.50(c) of this Part; or
- B) Certification of education and an official transcript from a baccalaureate program in human services or similar degree

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[program approved by the Department in accordance with Section 1375.50\(c\) of this Part and documentation of completion of 5 years of supervised professional experience in accordance with Section 1375.40 of this Part.](#)

- 3) A complete work history since receipt of a qualifying degree for licensing (a baccalaureate, master's or doctorate degree).
  - 4) Successful completion of the professional counselor examination set forth in Section 1375.60 of this Part.
  - 5) The required fee set forth in [Section 1375.205](#) ~~Section 60(a) of the Act.~~
  - 6) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant is currently licensed, if applicable, stating:
    - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
    - B) A description of the examination in that jurisdiction; and
    - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- b) When the accuracy of any submitted documentation or the relevance or sufficiency of the coursework or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
- 1) Provide such information as may be necessary; and/or
  - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

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

## Section 1375.80 Restoration - Professional Counselor

- a) Any professional counselor whose license has expired or has been placed on inactive status for 5 years or less may have the license restored by paying the fees required by [Section 1375.205](#) ~~Section 60(e) of the Act~~. Individuals restoring after March 31, 1999, will be required to submit proof of having met the continuing education requirements pursuant to Section 1375.220.
- b) Any person seeking restoration of a license that has been expired or placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department together with the fee required by [Section 1375.205](#) ~~Section 60(d) of the Act~~. Individuals restoring after March 31, 1999, will be required to submit proof of having met the continuing education requirements pursuant to Section 1375.220. The applicant shall also submit either:
  - 1) Certification of active practice in another jurisdiction. Such certification shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or
  - 2) An affidavit attesting to military service as provided in Section 60(d) of the Act; or
  - 3) Proof of passage of the National Counselor Examination (NCE) or the Certified Rehabilitation Counselor Examination during the period the license was lapsed or on inactive status.
- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the coursework or experience is questioned by the Department because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration of a license shall be required to:
  - 1) Provide such information as may be necessary; and/or
  - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts

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in information. Upon recommendation of the Board and approval by the Department, an applicant shall have the license restored.

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

## SUBPART B: LICENSED CLINICAL PROFESSIONAL COUNSELOR

## Section 1375.120 Application for Examination/Permanent Licensure as a Clinical Professional Counselor

- a) Each applicant seeking original licensure under Section 35 of the Act shall file an application with the Department, on forms provided by the Department, at least 90 days prior to an examination date. The application shall include:
  - 1) For individuals who graduated or who were enrolled in a program prior to January 1, 1999 (Individuals have until January 1, 2003, to complete the educational requirements set forth in Section 1375.140(a); otherwise, the applicant will be required to meet the educational requirements set forth in Section 1375.140(b)):
    - A) Either:
      - i) Certification of education from a master's degree program in counseling, rehabilitation counseling or psychology from a college, university or school recognized by the educational governing authority in the jurisdiction in which it is located, or certification of education and an official transcript from a similar master's degree program as defined in Section 1375.140(a) of this Part. Individuals who have completed experience prior to January 1, 1999 may complete the equivalent of 2 units of acceptable experience (2 years full-time satisfactory supervised employment working as a ~~clinical professional~~ counselor in a professional capacity under the direction of a qualified supervisor as defined in subsection (a)(1)(B) ~~below~~ or 4 years working as a ~~clinical professional~~ counselor in a professional capacity independent of the direction of a qualified supervisor subsequent to the degree or a combination of supervised experience and independent

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experience). All experience obtained beginning January 1, 1999 shall meet the experience requirements set forth in Section 1375.130; or

- ii) Certification of education or an official transcript from a doctoral degree program in counseling, rehabilitation counseling, or psychology from a college, university or school recognized by the educational governing authority in the jurisdiction in which it is located or similar degree program as defined in Section 1375.140(a) of this Part. Individuals who have completed experience prior to January 1, 1999 may complete the equivalent of 2 units of acceptable experience (2 years of full-time satisfactory supervised experience working as a clinical professional counselor under the direction of a qualified supervisor or 4 years working as a clinical professional counselor independent of the direction of a qualified supervisor, as defined in subsection (a)(1)(B) ~~below~~ or a combination of supervised experience and independent experience). All experience obtained beginning January 1, 1999 shall meet the experience requirements set forth in Section 1375.130.

B) Experience earned prior to January 1, 1999 shall be documented as follows:

- i) Certification of experience signed by the applicant's supervisor. A qualified supervisor for purposes of this subsection (a)(1)(B)(i) is defined as any person who is a master's level or doctoral level counselor (such as, but not limited to, registered art therapist, licensed or registered marriage and family therapist, school counselor, school social worker, school psychologist, certified rehabilitation counselor at the master's level, pastoral counselor), a licensed clinical professional counselor, certified social worker or licensed clinical social worker, licensed/registered clinical psychologist, or psychiatrist as defined in Section 1-121 of the Mental Health and Developmental Disabilities Code; or

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- ii) Three affidavits from the applicant's colleagues, consultants and supervisors who are familiar with the applicant's work.

One year of experience shall be a maximum of 1680 clock hours obtained in not less than 48 weeks. No more than 1680 clock hours may be counted toward one year of experience. Part time experience shall be counted toward the experience requirement.

- 2) For individuals who graduated on or after January 1, 1999:
  - A) Certification of education or an official transcript from a master's degree program in counseling, rehabilitation counseling, or psychology from a regionally accredited college, school or university or similar degree program as defined in Section 1375.140(b) of this Part and completion of the equivalent of 2 years full-time satisfactory supervised employment or experience working as a clinical professional counselor under the direction of a qualified supervisor, subsequent to the degree, as defined in Section 1375.130 of this Part; or
  - B) Certification of education or an official transcript from a doctoral degree program in counseling, rehabilitation counseling, or psychology from a regionally accredited college, school or university or similar degree program as defined in Section 1375.140(b) of this Part and completion of the equivalent of 2 years of full-time satisfactory supervised experience working as a clinical professional counselor under the direction of a qualified supervisor, as defined in Section 10 of the Act, at least one year of which is subsequent to the degree.
- 3) A complete work history since receipt of the first qualifying degree (master's or doctoral degree).
- 4) The fee required in [Section 1375.205](#) ~~Section 60(a) of the Act~~.
- 5) Certification of licensure, on forms provided by the Department, from the state or territory of the United States in which an applicant was originally licensed and the state in which the applicant predominantly practices and is currently licensed, if applicable, stating:

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- A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance in that jurisdiction;
  - B) A description of the examination in that jurisdiction; and
  - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- b) The Department, upon recommendation of the Board, has determined that individuals who hold the certification of a Certified Clinical Mental Health Counselor (CCMHC) based on examination meet the education, experience and examination requirements for licensure as a Clinical Professional Counselor.
- ~~e) The Department, upon recommendation of the Board, has determined that prior to January 1, 1999, individuals who hold a Certified Master AODA Counselor (CMADC) certification from the Illinois Alcohol and Other Drug Abuse Professional Certification Association (IODAPCA) meet the education and experience requirements to be eligible to sit for the examination. An applicant shall submit a CMADC certification from IODAPCA in lieu of the documents required in subsections (a)(1) and (2). Applicants will be required to pass the examination set forth in Section 1375.150. After December 31, 1998 individuals shall be required to submit certification of education and experience as set forth in subsection (a)(2) above.~~
- c)d) The Department, upon recommendation of the Board, has determined that the individuals who hold a certification from the following groups meet the education requirements to be eligible to sit for the examination.
- 1) Clinical Member of the American Association for Marriage and Family Therapy (AAMFT);
  - 2) Fellow or Diplomate of the American Association of Pastoral Counselors (AAPC);
  - 3) Type 73 certificate issued by the Illinois State Board of Education as a School Counselor, if the holder of the certificate has graduated from a CACREP school counseling program or meets the educational standards set forth in Section 1375.50, Clinical School Social Worker or School

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## Psychologist.

An applicant shall submit a current certification from one of the above entities. The applicant shall submit [certification of education](#), proof of experience and pass the examination set forth in Section 1375.150.

- ~~d)~~e) The Department, upon recommendation of the Board, has determined that individuals who received their Certified Rehabilitation Counselor (CRC) certification after January 1992 have been determined to meet the education and examination requirements. Individuals who received a certificate from CRC before 1992 will be required to submit a transcript pursuant to Section 1375.150 in order to evaluate educational requirements. All applicants holding a [current](#) CRC certificate shall submit proof of experience.
- ~~e)~~f) An applicant may begin gaining the required experience upon completion of the degree requirements. Verification of the date of completion of the degree, when different from the date of graduation, shall be certified to the Department by the applicant's educational institution.
- ~~f)~~g) When the accuracy of any submitted documentation or the relevance or sufficiency of the coursework or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
- 1) Provide such information as may be necessary; and/or
  - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.
- ~~g)~~h) If an applicant has taken and passed the examinations in accordance with Section 1375.150, the applicant shall file an application in accordance with subsection (a) above and shall have the examination scores submitted to the Department directly from the testing entity or from the state of original licensure.

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

Section 1375.130 Professional Experience for Licensure as a Clinical Professional Counselor

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Beginning January 1, 1999

Beginning January 1, 1999 professional counseling experience shall be obtained as set forth below:

- a) A person holding a master's degree in counseling, rehabilitation counseling, psychology or similar degree program shall have completed the equivalent of 2 years of full-time satisfactory supervised experience working as a clinical professional counselor under the direction of a qualified supervisor subsequent to the degree.
- b) A person holding a doctorate in counseling, rehabilitation counseling, psychology or similar degree program shall have completed the equivalent of 2 years of full-time satisfactory supervised experience working as a clinical professional counselor under the direction of a qualified supervisor at least one year of which is subsequent to the degree. Internships may count toward professional experience.
- c) A qualified supervisor means any person who is a licensed clinical professional counselor, licensed clinical social worker, licensed clinical psychologist, or psychiatrist as defined in Section 1-121 of the Mental Health and Developmental Disabilities Code. If supervision took place outside Illinois, the supervisor shall be a master's level or doctoral level counselor engaged in clinical professional counseling. The supervisor shall hold a license if the jurisdiction in which the supervisor practices requires licensure.
- d) One year of experience shall be a maximum of 1680 clock hours obtained in not less than ~~52~~ 48 weeks including 960 clock hours of direct face to face service to clients. Part time experience shall be counted toward the experience requirement.
- e) For purposes of this Section, supervised experience shall be experience obtained under a qualified supervisor as defined in Section 10 of the Act and entail the provision of professional counseling and mental health services defined in Section 10 of the Act.
  - 1) The supervisor shall have met with the applicant at least one hour each week. The supervision means the review of counseling and case management.

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- 2) The experience shall have been evaluated by the supervisor as satisfactory or better.
- f) Face to face supervision does not include mail, telefax, phone or other such electronic devices.
  - g) Acceptable modes for supervision of direct client contact are as follows:
    - 1) Individual supervision: the supervisory session is conducted by an approved supervisor with one or two counselors present.
    - 2) Group supervision: the supervisory session is conducted by an approved supervisor with no more than 5 counselors present.
  - h) The counseling activities must be performed pursuant to the supervisor's order, control, oversight, guidance and full professional responsibility.
  - i) A qualified supervisor may be provided at the applicant's place of work or may be hired by the applicant to provide supervision.
  - j) The following activities are not acceptable clinical supervision:
    - 1) Peer supervision.
    - 2) Administrative supervision. For example, clinical practice performed under administrative rather than clinical supervision of an institutional director or executive.
    - 3) A primarily didactic process wherein techniques or procedures are taught in a classroom, workshop or seminar.
    - 4) Consultation, staff development, or orientation to a field or program, or role-playing of family interrelationships as a substitute for current clinical practice in an appropriate clinical situation.
  - k) An applicant may begin gaining the required experience upon completion of the degree requirements. Verification of the date of completion of the degree, when different from the date of graduation, shall be certified to the Department by the applicant's educational institution.

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- 1) [When providing clinical professional counseling services as set forth in Section 10 of the Act \(in the independent practice of clinical professional counseling work\), a licensed clinical professional counselor shall always operate and represent himself/herself as an employee of the independent practice and may not work as an independent contractor as defined by Internal Revenue Service regulations.](#)

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

## Section 1375.140 Approved Clinical Professional Counseling Programs

- a) On or before December 31, 1998, the Department, upon recommendation of the Board, shall approve similar degree programs that meet the following requirements:
- 1) Master's degrees shall be from a college, university or school recognized by the educational governing authority in the jurisdiction in which it is located. Doctoral degrees shall be accredited by an accrediting agency recognized by the U.S. Department of Education.
  - 2) The program shall be 2 academic years and shall require an individual to complete a minimum of 30 semester hours or equivalent hours in any of the following 10 core areas:
    - A) Human Growth and Development and Maladaptive Behavior
    - B) Counseling Theory
    - C) Counseling Techniques
    - D) Group Dynamics, Processing and Counseling
    - E) Appraisal of Individuals
    - F) Research and Evaluation
    - G) Professional, Legal and Ethical Responsibilities relating to professional counseling, especially as related to Illinois law

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- H) Social and Cultural Foundations
  - I) Lifestyle and Career Development
  - J) Practicum
- b) Beginning January 1, 1999 the Department shall, upon the recommendation of the Professional Counselor Examining and Disciplinary Board, approve counseling, rehabilitation counseling, psychology or similar degree programs at the master's or doctoral level if the program meets the following requirements:
- 1) The institution is a regionally accredited institution of higher education. Doctoral degrees shall be accredited by an accrediting agency recognized by the U.S. Department of Education.
  - 2) The programs, wherever they may be administratively housed, must be clearly identified and labeled as offering counseling, rehabilitation counseling or psychology programs. Such a program must specify in institutional catalogues and brochures its intent to educate and train counselors.
  - 3) The program is an organizational entity within the institution.
  - 4) The program has an integrated, organized sequence of study.
  - 5) The program must be 2 academic years in length and require an individual to complete a minimum of 48 semester hours or equivalent quarter hours with a minimum of one course in each of the following areas described in more detail in Appendix A of this Part:
    - A) Human Growth and Development
    - B) Counseling Theory
    - C) Counseling Techniques
    - D) Group Dynamics, Processing and Counseling
    - E) Appraisal of Individuals

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- F) Research and Evaluation
  - G) Professional, Legal and Ethical Responsibilities relating to professional counseling, especially as related to Illinois law
  - H) Social and Cultural Foundations
  - I) Lifestyle and Career Development
  - J) Practicum/Internship
  - [K\) Psychopathology and Maladaptive Behavior](#)
  - ~~L) Substance Abuse~~
  - ~~L) Maladaptive Behavior and Psychopathology~~
  - M) Family Dynamics.
- 6) The program has faculty responsible for the program and has a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have degrees in their area(s) of teaching from professional colleges and institutions.
  - 7) The program has an identifiable body of students who are matriculated in that program for a degree.
  - 8) The program has a one year residence. Residence requires interaction with faculty and other matriculated students. One year's residence is defined as 24 semester hours taken on a full-time or part-time basis at the institution accumulated within the time frame and course of study of the program.
- c) Reevaluation of an Approved Program
- 1) The Department may reevaluate any approved program at any time if it has reason to believe that the program has failed to continue to satisfy the minimum requirements of this Section or that its decision was based upon false, deceptive or incomplete information.

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- 2) A program whose approval is being reevaluated by the Committee shall be given at least 15 days written notice prior to any recommendation by the Board and may either submit written comments or request a hearing before the Board.
- d) For the purposes of this Section, course shall be defined as an integrated, organized course of study that encompasses a minimum of one school semester or equivalent hours. No student designed courses, independent study courses, workshops or correspondence courses may be used to satisfy the core courses.
- e) The Department, upon recommendation of the Board, has determined that all master's degree and doctoral programs in professional counseling that are accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP), the Council on Rehabilitation Education (CORE) and doctoral programs in psychology approved by the American Psychological Association and the Council for the National Registry of Health Service Providers are approved programs.
- f) Individual Program Requirements
  - 1) Individuals applying for licensure as a clinical professional counselor who have not graduated from a master's or doctoral program approved by the Department shall submit their transcripts and program materials to the Department for evaluation by the Board to determine if they meet the requirements of this Section.
  - 2) Individuals applying for licensure above who are deficient in any of the content areas set forth in subsection (b)(5) of this Section may complete any deficiencies in an approved counseling, rehabilitation counseling or psychology program. The applicant will be required to submit proof to the Department that he or she has passed such a course(s) and/or the experience. Proof shall include, but not be limited to, curriculum, practicum, and program materials, internship handbook and course materials.
  - 3) Individuals who are admitted to a degree program prior to January 1, 1999, have until January 1, 2003 to meet the educational requirements set forth in subsection (a). After that date the applicant will be required to meet the curriculum requirements set forth in

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subsection (b).

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

## Section 1375.150 Examination - Clinical Professional Counselor

- a) ~~Prior to January 1, 1999, the examination for licensure as a clinical professional counselor shall be the National Clinical Mental Health Counseling Examination (NCMHCE).~~
- b) ~~The~~ After December 31, 1998 the examination for licensure as a clinical professional counselor shall be the National Counseling Examination (~~NCE the Examination~~) of the National Board for Clinical Counselors (NBCC) and the National Clinical Mental Health Counseling Examination (NCMHCE) ~~or the Examination of Clinical Counselor Practice (ECCP).~~
- ~~b)~~e) The passing score on the examination shall be the passing score established by the testing entity.
- ~~c)~~d) The Department also shall accept passage of the Certified Rehabilitation Counselor Examination of the Commission on Rehabilitation Counselor Certification (CRCC).

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

## Section 1375.160 Endorsement - Clinical Professional Counselor

- a) Each applicant seeking licensure as a clinical professional counselor under Section 70 of the Act shall file an application with the Department on forms provided by the Department. The application shall include:
- 1) For individuals who graduated prior to January 1, 1999:
- A) Certification of education from a master's degree in counseling, rehabilitation counseling or psychology from a college, university or school recognized by the educational governing authority in the jurisdiction in which it is located or certification of education and an official transcript from a similar master's degree program as defined in Section 1375.140 of this Part and completion of the

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equivalent of 2 units of acceptable experience (2 years full-time satisfactory supervised employment working as a clinical professional counselor under the direction of a qualified supervisor or 4 years working as a clinical professional counselor independent of the direction of a qualified supervisor, subsequent to the degree, as defined in Section 1375.120(a)(1)(B)(i) of this Part) or a combination of the supervised experience and independent experience. Experience earned on or after January 1, 1999 shall meet the requirements set forth in Section 1375.130; or

- B) Certification of education and an official transcript from a doctoral degree in counseling, rehabilitation counseling, psychology or similar degree program as defined in Section 1375.140 of this Part and completion of the equivalent of 2 units of acceptable experience (2 years of full-time satisfactory supervised experience working as a clinical professional counselor under the direction of a qualified supervisor or 4 years working as a clinical professional counselor independent of the direction of a qualified supervisor, as defined in Section 1375.120(a)(1)(B)(i) or a combination of the supervised experience and independent experience. Experience earned on or after January 1, 1999 shall meet the requirements set forth in Section 1375.130.

2) Applicants who graduated on or after January 1, 1999:

- A) Certification of education and an official transcript from a master's degree program in counseling, rehabilitation counseling, or psychology from a college, university or school regionally accredited by the educational governing authority in the jurisdiction in which it is located or similar degree program as defined in Section 1375.140 of this Part and completion of the equivalent of 2 years full-time satisfactory supervised employment or experience working as a clinical professional counselor under the direction of a qualified supervisor, subsequent to the degree, as defined in Section 1375.130 of this Part; or
- B) Certification of education and an official transcript from a doctoral degree in counseling, rehabilitation counseling, or psychology from a college, university or school regionally accredited by the

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educational governing authority in the jurisdiction in which it is located or similar degree program as defined in Section 1375.140 of this Part and completion of the equivalent of 2 years of full-time satisfactory supervised experience working as a clinical professional counselor under the direction of a qualified supervisor, as defined in Section 10 of the Act, at least one year of which is subsequent to the degree.

- 3) Beginning January 1, 2004
- A) Certification of education and an official transcript from a master's or doctoral degree program in counseling, psychology, rehabilitation counseling or similar degree program approved in accordance with Section 1375.140(b) of this Part; or
- B) Certification of education and an official transcript from a baccalaureate program in human services or similar degree program approved by the Department in accordance with Section 1375.140(b) of this Part and documentation of completion of 5 years of supervised professional experience in accordance with Section 1375.130 of this Part.
- 4) ~~3)~~ A complete work history since receipt of the master's or doctorate degree.
- 5) ~~4)~~ Successful completion of the examinations in accordance with Section 1375.150 of this Part.
- 6) ~~5)~~ The required fee set forth in Section 1375.205 ~~Section 60(1) of the Act.~~
- 7) ~~6)~~ Certification of licensure, on forms provided by the Department, from the state or territory of the United States in which an applicant was originally licensed and the state in which the applicant predominantly practices and is currently licensed, if applicable, stating:
- A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance in that jurisdiction;
- B) A description of the examination in that jurisdiction; and

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- C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- b) The Department, upon recommendation of the Professional Counselor Licensing and Disciplinary Board (the Board), shall issue a license if a review of the application indicates that the applicant meets all the requirements of this Part and the Act.

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

## Section 1375.170 Restoration - Clinical Professional Counselor

- a) Any clinical professional counselor whose license has expired or has been placed on inactive status for 5 years or less may have the license restored by paying the fees required by [Section 1375.205](#) and ~~submitting Section 60(e) of the Act.~~ ~~Individuals restoring after March 31, 1999 will be required to submit~~ proof of having met the continuing education requirements pursuant to Section 1375.220. [Continuing education must be completed during the 24 months preceding application for restoration.](#)
- b) Any person seeking restoration of a license that has been expired or placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, together with the fee required by [Section 1375.205](#) and ~~submitting Section 60(d) of the Act.~~ ~~Individuals restoring after March 31, 1999 will be required to submit~~ proof of having met the continuing education requirements pursuant to Section 1375.220. [Continuing education must be completed during the 24 months preceding application for restoration.](#) The applicant shall also submit either:
- 1) Certification of active practice in another jurisdiction. Such certification shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or
  - 2) An affidavit attesting to military service as provided in Section 60(d) of the Act; or
  - 3) Proof of passage of the Certified Rehabilitation Counselor Examination (CRC) or the Certified Clinical Mental Health Counselor (CCMHC)

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examination during the period the license was lapsed or on inactive status.

- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the coursework or experience is questioned by the Department because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration of a license shall be required to:
- 1) Provide such information as may be necessary; and/or
  - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information. Upon recommendation of the Board and approval by the Department, an applicant shall have the license restored.

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

## SUBPART C: GENERAL

## Section 1375.200 Renewals

- a) ~~Every~~ ~~The first renewal period for licensure under the Act shall be March 31, 1997. Thereafter, every~~ license issued under the Act shall expire on March 31 of odd numbered years. The holder of a license may renew such license during the month preceding the expiration date by paying the fee set forth in ~~Section 1375.205 and completing Section 60(d) of the Act. For the March 31, 1999 renewal, a licensee will be required to complete 12 hours of continuing education in accordance with Section 1375.220. Beginning with the March 31, 2001 renewal and every renewal thereafter, in order to renew a license, a licensee shall be required to complete~~ 30 hours of continuing education in accordance with Section 1375.220.
- b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.
- c) Practicing or offering to practice on a license that has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 80 of the Act.

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

## Section 1375.220 Continuing Education

- a) Continuing Education Hours Requirements
  - 1) ~~For the March 31, 1999 renewal a licensee will be required to complete 12 hours of continuing education.~~ Beginning with the March 31, 2001 renewal and every renewal thereafter, in order to renew a license, a licensee shall be required to complete 30 hours of continuing education. Subsequent to March 31, 2007, all clinical professional counselors are required to complete 18 hours in clinical supervision of the 30 continuing education hours required.
  - 2) A prerenewal period is the 24 months preceding March 31 of each odd-numbered year.
  - 3) CE requirements shall be the same for licensed professional counselors and licensed clinical professional counselors.
  - 4) One CE hour shall equal one clock hour of attendance. After completion of the initial CE hour, credit may be given in one-half hour increments.
  - 5) A renewal applicant shall not be required to comply with CE requirements for the first renewal of an Illinois license.
  - 6) Professional counselors or clinical professional counselors licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section.
  - 7) Continuing education credit hours used to satisfy the CE requirements of another jurisdiction may be applied to fulfill the CE requirements of the State of Illinois.
- b) Approved Continuing Education (CE)
  - 1) CE hours shall be earned by verified attendance (e.g., certificate of attendance or certificate of completion) at or participation in a program or course (program) that is offered or sponsored by an approved continuing education sponsor who meets the requirements set forth in subsection (c)

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below, except for those activities provided in subsections (b)(2), (3) and (4) below.

- 2) A maximum of ~~10~~ 15 CE credits per ~~prerenewal~~ renewal period may be earned for completion of a correspondence course that is offered by an approved sponsor who meets the requirements set forth in subsection (c) below. Each correspondence course shall include an examination.
- 3) CE credit may be earned through postgraduate training programs (e.g., extern, residency or fellowship programs) or completion of professional counseling related courses that are a part of the curriculum of a college, university or graduate school. Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour or 10 CE hours for each quarter hour of school credit awarded.
- 4) CE credit may be earned for verified teaching in the field of counseling in an accredited college, university or graduate school and/or as an instructor of continuing education programs given by approved sponsors. Credit will be applied at the rate of 1.5 hours for every hour taught and only for the first presentation of the program (i.e., credit shall not be allowed for repetitious presentations of the same program). A maximum of 15 ~~10~~ hours of CE credit may be obtained in this category per prerenewal period.
- 5) CE credit may be earned for authoring papers, publications, dissertations or books and for preparing presentations and exhibits in the field of counseling. The preparation of each published paper, book chapter or professional presentation dealing with professional counseling or clinical professional counseling may be claimed as 5 hours of credit. A presentation must be before an audience of professional counselors. Five credit hours may be claimed for only the first time the information is published or presented.
- 6) A maximum of 8 hours of CE credit may be earned per renewal period for supervision which is received or provided on a regular basis with a set agenda. ~~Supervision credit may be not earned for supervision provided to others.~~ Supervision shall be documented with a letter from the supervisor indicating the start and end dates in which the supervision occurred, the

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site where supervision was provided, the number of hours of participation and the name and license number of the supervisor. The letter shall be signed by the supervisor [and the supervisee](#).

- 7) A maximum of 6 hours of CE credit may be earned per renewal period for leadership activities. Such activities include, but are not limited to, officer of a state or national counseling organization; editor of a professional counseling journal; member of a national counselor certification board; member of a national ethics disciplinary review committee; chair of a major counseling conference or convention; active member of a counseling committee producing a substantial written product. The leadership shall be documented in a letter of confirmation on the organization's letterhead and shall include the start and end dates of leadership, the name of the organization and the position held.
- c) Approved CE Sponsors and Programs
- 1) Sponsor, as used in this Section, shall mean:
    - A) National Board for Certified Counselors or its affiliates;
    - B) American Counseling Association or its affiliates;
    - C) Commission on Rehabilitation Counselor or its affiliates;
    - D) American Association for Marriage and Family Therapy or its affiliates;
    - E) Employee Assistance Professional Association (EAPA) and Employee Assistance Society of North American (EASNA) or its affiliates;
    - F) Social Work Continuing Education Sponsors approved by the Department in accordance with the rules for the administration of Clinical Social Work and Social Work Practice Act [225 ILCS 20], 68 Ill. Adm. Code 1470.95;
    - G) American Psychological Association [or its affiliates](#); and

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- H) Any other accredited school, college or university, State agency, or any other person, firm, or association which has been approved and authorized by the Department pursuant to subsection (c)(2) of this Section to coordinate and present continuing education courses and programs.
- 2) An entity seeking approval as a CE sponsor [pursuant to subsection \(c\)\(1\)\(H\)](#) shall submit an application, on forms supplied by the Department, along with ~~the a \$500 application~~ fee [set forth in Section 1375.205](#). (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee). The application shall include:
- A) Certification:
- i) That all programs offered by the sponsor for CE credit shall comply with the criteria in subsection (c)(3) below and all other criteria in this Section;
  - ii) That the sponsor shall be responsible for verifying full-time continuous attendance at each program and provide a certificate of attendance as set forth in subsection (c)(9) below;
  - iii) That upon request by the Department, the sponsor shall submit evidence (e.g., certificate of attendance or course material) as is necessary to establish compliance with this Section. Evidence shall be required when the Department has reason to believe that there is not full compliance with the statute and this Part and that this information is necessary to ensure compliance;
- B) A copy of a sample program with faculty, course materials and syllabi.
- 3) All programs shall:
- A) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee in the practice of professional counseling or clinical professional

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counseling;

- B) Foster the enhancement of general or specialized counseling or clinical counseling practice and values;
  - C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
  - D) Specify the course objectives, course content and teaching methods to be used; and
  - E) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal.
- 4) Each CE program shall provide a mechanism for evaluation of the program and instructor by the participants. The evaluation may be completed on-site immediately following the program presentation or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and the instructor, together, shall review the evaluation outcome and revise subsequent programs accordingly.
- 5) An approved sponsor may subcontract with individuals and organizations to provide approved programs. All advertising, promotional materials, and certificates of attendance must identify the licensed sponsor and the sponsor's license number. The presenter of the program may also be identified, but should be identified as a presenter. When a licensed sponsor subcontracts with a presenter, the licensed sponsor retains all responsibility for monitoring attendance, providing certificates of attendance and ensuring the program meets all of the criteria established by the Act and this Part, including the maintenance of records.
- 6) All programs given by approved sponsors shall be open to all licensed professional counselors and licensed clinical professional counselors and not be limited to members of a single organization or group.
- 7) To maintain approval as a sponsor pursuant to subsection (c)(2) ~~above~~, each shall submit to the Department by March 30 of each odd-numbered year a renewal application, [the fee set forth in Section 1375.205](#) ~~a \$250 fee~~

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and a list of courses and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given by the sponsor and by any subcontractor.

- 8) Certification of Attendance. It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:
    - A) The name, address and license number of the sponsor;
    - B) The name and address of the participant;
    - C) A brief statement of the subject matter;
    - D) The number of hours attended in each program;
    - E) The date and place of the program; and
    - F) The signature of the sponsor [or person responsible for the CE program](#).
  - 9) The sponsor shall maintain attendance records for not less than 5 years.
  - 10) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.
  - 11) Upon the failure of a sponsor to comply with any of the foregoing requirements, the Department, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CE credit attendance at or participation in any of that sponsor's CE programs until such time as the Department receives assurances of compliance with this Section.
  - 12) Notwithstanding any other provision of this Section, the Department or Board may evaluate any sponsor of any approved CE program at any time to ensure compliance with requirements of this Section.
- d) Certification of Compliance with CE Requirements

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- 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsections (a) and (b) above.
  - 2) The Department may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of attendance). This additional evidence shall be required in the context of the Department's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.
  - 3) When there appears to be a lack of compliance with CE requirements, an applicant shall be notified in writing and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].
- e) Continuing Education Earned in Other Jurisdictions
- 1) If a licensee has earned CE hours offered in another jurisdiction not given by an approved sponsor for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a \$25 processing fee, prior to participation in the program or within 90 days of expiration of the license. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.
  - 2) If a licensee fails to submit an out of state CE approval form within the required time frame, late approval may be obtained by submitting the approval request form with the \$25 processing fee plus a \$50 per hour late fee not to exceed \$300. The Board shall review and recommend approval and disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.
- f) Restoration of Nonrenewed License. Upon satisfactory evidence of compliance with CE requirements, the Department shall restore the license upon payment of the required fee as provided in Section 13(4) and (5) of the Act.
- g) Waiver of CE Requirements

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- 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Department a renewal application along with the required fee set forth in Section 13(3) of the Act, a statement setting forth the facts concerning non-compliance and request for waiver of the CE requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Department, upon the written recommendation of the Board, finds from such affidavit or any other evidence submitted that extreme hardship has been shown for granting a waiver, the Department shall waive enforcement of CE requirements for the renewal period for which the applicant has applied.
- 2) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
  - A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
  - B) An incapacitating illness documented by a statement from a currently licensed physician;
  - C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician; or
  - D) Any other similar extenuating circumstances.
- 3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in good standing until the final decision on the application is made by the Department.

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

## Section 1375.225 Unprofessional Conduct

The Department may suspend or revoke a license, refuse to issue or renew a license or take other disciplinary action, based upon its finding of unethical, unauthorized, or unprofessional conduct within the meaning of Section 80 of the Act which is interpreted to include, but is not limited to,

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the following acts or practices:

- a) Counseling Relationships
  - 1) Practicing, condoning, facilitating or collaborating with any form of discrimination. The counselor should act to prevent and eliminate discrimination against any person or group on the basis of race, color, sex, sexual orientation, age, religion, national origin, marital status, political belief, mental or physical handicap, or any other preference or personal characteristic, condition or status.
  - 2) Engaging in any action that violates or diminishes the civil or legal rights of clients.
  - 3) Engaging in the sexual exploitation of clients, students or supervisees.
  - 4) Engaging in or condoning sexual harassment which is defined as deliberate or repeated comments, gestures or physical contacts of a sexual nature.
  - 5) Bringing personal or professional biases into the counseling relationship. Through an awareness of the impact of stereotyping and discrimination (i.e., biases based on age, disability, ethnicity, gender, religion, or sexual preference), counselors guard the individual rights and personal dignity of the client in the counseling relationship.
  - 6) Engaging in any type of sexual intimacies with clients. Counselors shall not provide counseling services to persons with whom they have had a sexual relationship.
  - 7) Engaging in sexual intimacies with former clients prior to two years after termination of the counselor/client relationship.
  - 8) Failing to offer all pertinent facts regarding services rendered to the client prior to administration of professional services. The purpose of informed consent is to insure a client's complete access to information pertaining to professional services. Examples include, but are not limited to, fees for services, length of treatment and utilization of consultants. The client's signature indicating receipt of pertinent information is strongly

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encouraged.

b) Confidentiality

- 1) Failing to inform clients at the onset of the counseling relationship of the limits of confidentiality. These limitations include, but are not limited to: limitations mandated by the law, the clear and immediate danger to oneself or others, when the counselor is a defendant in a civil, criminal or disciplinary action arising from the counseling.
- 2) Revealing facts, data or information relating to a client or examinee, except as allowed under Section 75 of the Act or under the Mental Health and Developmental Disabilities Confidentiality Act or any other federal or State laws pertaining to confidentiality.
- 3) Failing to take appropriate steps to protect the privacy of a client and avoid unnecessary disclosures of confidential information. The right to privacy belongs to clients and may be waived. A written waiver shall be signed by the client and the information revealed shall be in accordance with the terms of the waiver.

c) Scope of Practice/Professional Responsibility

- 1) Performing, or pretending to be able to perform, professional services beyond one's scope of practice and one's competency.
- 2) Failing to refer an individual with whom the counselor has a relationship.
- 3) Failing to inform clients of the use of all experimental methods of treatment; the safety precautions shall be adhered to by the counselor.
- 4) Failing to establish and maintain client records [and case notes](#).
- 5) Advertising shall not be deceptive, misleading or false. Counselors should claim or imply only professional credentials possessed and are responsible for correcting any misrepresentations of their credentials by others. Professional credentials include highest relevant degrees, accreditation of graduate programs, national voluntary certifications, government-issued certifications or licenses, professional membership, or any other credential

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that might indicate to the public specialized knowledge or expertise in professional counseling.

- 6) Submission of fraudulent claims for services to any person or entity including, but not limited to, health insurance companies or health service plans or third party payors.
- 7) Knowingly providing services to a client when the counselor's ability to practice is impaired. Causes of impairment may include, but are not limited to, the abuse of mood altering chemicals and physical or mental problems; offering professional services when their personal problems or conflicts are likely to lead to harm to a client or others.

## d) Supervision

- 1) Permitting a trainee or intern under his/her supervision or control to perform or permit the trainee or intern to hold himself or herself out as competent to perform professional services beyond the trainee's or intern's level of education, training and/or experience;
- 2) Allowing the trainee to violate the rights of clients, permitting a trainee to violate confidentiality standards and failing to ensure that the client is informed that he/she is being treated by a trainee.
- 3) Participating in any form of sexual contact with supervisees. Dual relationships with supervisees that might impair the supervisor's objectivity and professional judgement should be avoided and/or the supervisory relationship terminated.

## e) Evaluation, Assessment and Interpretation

Different tests demand different levels of competence for administration, scoring and interpretation. Members must [have the appropriate education and training for each specific test and](#) recognize the limits of their competence and perform only those functions for which they are prepared. In particular, members using computer-based test interpretations must be trained in the concept being measured and the specific instrument being used prior to using this type of computer application.

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- f) Failing to inform prospective research subjects or their authorized representative fully of potential serious after effects of the research or failing to remove the after effects as soon as the design of the research permits;
- g) The Department hereby incorporates by reference "The American Counseling Association Code of Ethics and Standards of Practice", April 1995, approved by the American Counseling Association, 5999 Stevenson Avenue, Alexandria, Virginia 22304, with no later amendments or editions.

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

Appendix B Education, Experience and Examination History

a) Licensed Professional Counselor

1) Through December 31, 1998:

- A) Certification of education from a master's or doctoral degree program in counseling, psychology or rehabilitation counseling from a college, university or school recognized by the educational accrediting authority in the jurisdiction in which it is located, or certification of education and a transcript from a similar master's or doctoral degree program approved by the Department in accordance with Section 1375.50(a) of this Part; or
- B) Certification of a baccalaureate degree from a college, university or school recognized by the educational accrediting authority in the jurisdiction in which it is located and 5 years of full time satisfactory supervised experience as a professional counselor as defined in Section 1375.30(a)(1)(B).

b) Licensed Clinical Professional Counselor

Prior to January 1, 1999, the examination for licensure as a clinical professional counselor shall be the National Clinical Mental Health Counseling Examination (NCMHCE).

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

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Conditions of Employment
- 2) Code Citation: 80 Ill. Adm. Code 303
- 3) Section Numbers:      Adopted Action:  
303.149                      New Section
- 4) Statutory Authority: Implementing and authorized by the Personnel Code [20 ILCS 415]
- 5) Effective Date of Amendments: May 23, 2003
- 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 amendment, 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:  
January 31, 2003  
27 Ill. Reg. 1450
- 10) Has JCAR issued a Statement of Objections to the Amendments? No
- 11) Differences between proposal and final version. Several minor editing changes were made.
- 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 an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The new section creates a cross reference to the Organ Donor Leave as proposed in 80 Illinois Administrative Code 332. The Organ Donor Leave will govern the operation of plans allowing time off with pay for State

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

employees who donate an organ, bone marrow, blood, or blood platelets pursuant to the Organ Donor Leave Act, P.A. 92-754, effective January 1, 2003.

- 16) Information and questions regarding this adopted amendment 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 AMENDMENT

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

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 303

CONDITIONS OF EMPLOYMENT

SUBPART A: GRIEVANCE PROCEDURE

Section	
303.10	Definition of a Grievance
303.20	Procedure
303.30	Grievance Committee
303.45	Representation

SUBPART B: LEAVE OF ABSENCE

Section	
303.90	Sick Leave
303.100	Accumulation of Sick Leave
303.102	Payment in Lieu of Sick Leave
303.105	Reinstatement of Sick Leave
303.110	Advancement of Sick Leave
303.112	Sick Leave Bank
303.116	Veterans Hospital Leave
303.125	Leave for Personal Business
303.130	Maternity/Paternity and Adoption Leave
303.135	On-The-Job Injury -- Industrial Disease
303.140	Leaves of Absence Without Pay
303.142	Leave to Attend Union Conventions
303.145	Disability Leave
303.148	Family Responsibility Leave
<a href="#">303.149</a>	<a href="#">Organ Donor Leave</a>
303.150	Employee Rights After Leave
303.153	Failure to Return
303.155	Leave to Take Exempt Position
303.160	Military and Peace Corps Leave
303.170	Military Reserve Training and Emergency Call-Up

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303.171	Leave for Military Physical Examinations
303.175	Disaster Service Leave With Pay
303.176	Disaster Service Leave With Pay – Terrorist Attack
303.180	Attendance in Court
303.190	Authorized Holidays
303.200	Holiday Observance
303.215	Payment for Holidays
303.220	Holiday During Vacation
303.225	Eligibility for Holiday Pay
303.250	Vacation Eligibility
303.260	Prorated Vacation for Part-Time Employees
303.270	Vacation Schedule and Loss of Earned Vacation
303.290	Payment in Lieu of Vacation
303.295	Vacation Benefits on Death of Employee

## SUBPART C: WORK HOURS AND SCHEDULES

Section	
303.300	Work Schedules
303.310	Emergency Shut-Down
303.320	Overtime
303.330	Overtime Payable Upon Death
303.340	Attendance Records
303.350	Notification of Absence
303.355	Review of Attendance Records

## SUBPART D: UNDATED OR INCOMPLETE FORMS

Section	
303.360	Undated Forms
303.370	Incomplete Forms

## SUBPART E: EMPLOYEE SEPARATIONS

Section	
303.380	Reason for Separation
303.385	Repayment of Benefit Time

## SUBPART F: TUITION REIMBURSEMENT

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENT

## Section 303.390 Tuition Reimbursement

AUTHORITY: Implementing and authorized by the Personnel Code [20 ILCS 415] and the Organ Donor Leave Act [5 ILCS 327].

SOURCE: Filed May 29, 1975; amended at 3 Ill. Reg. 22, p. 78, effective June 1, 1979; amended at 3 Ill. Reg. 26, p. 199, effective July 1, 1979; emergency amendment at 3 Ill. Reg. 48, p. 188, effective January 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 11, p. 70, effective March 1, 1980; amended at 4 Ill. Reg. 15, p. 216, effective March 31, 1980; amended at 4 Ill. Reg. 22, p. 227, effective June 1, 1980; amended at 5 Ill. Reg. 8029, effective August 1, 1981; codified at 7 Ill. Reg. 13209; emergency amendment at 8 Ill. Reg. 329, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7788, effective May 23, 1984; amended at 14 Ill. Reg. 3433, effective February 27, 1990; emergency amendment at 15 Ill. Reg. 5076, effective March 20, 1991, for a maximum of 150 days; emergency expired August 17, 1991; amended at 15 Ill. Reg. 5214, effective April 2, 1991; amended at 15 Ill. Reg. 14067, effective September 12, 1991; amended at 16 Ill. Reg. 8368, effective May 21, 1992; amended at 17 Ill. Reg. 5587, effective March 29, 1993; amended at 19 Ill. Reg. 8130, effective June 7, 1995; amended at 19 Ill. Reg. 11775, effective August 7, 1995; emergency amendment at 21 Ill. Reg. 11291, effective July 22, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 15454, effective November 24, 1997; amended at 23 Ill. Reg. 13815, effective November 4, 1999; emergency amendment at 24 Ill. Reg. 16694, effective October 27, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 4847, effective March 19, 2001; emergency amendment at 25 Ill. Reg. 12429, effective September 14, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1138, effective January 18, 2002; amended at 27 Ill. Reg. 9008, effective May 23, 2003.

## SUBPART B: LEAVE OF ABSENCE

[Section 303.149 Organ Donor Leave](#)

[Leaves of absence shall be allowed to employees who donate an organ or bone marrow as provided in 80 Ill. Adm. Code 332.](#)

(Source: New Section added at 27 Ill. Reg. 9008, effective May 23, 2003)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Organ Donor Leave
- 2) Code Citation: 80 Ill. Adm. Code 332
- 3) Section Numbers:      Adopted Action:  
332.1                      New Section  
332.2                      New Section  
332.2                      New Section  
332.2                      New Section  
332.2                      New Section
- 4) Statutory Authority: Implementing and authorized by the Organ Donor Leave Act [5 ILCS 327]
- 5) Effective Date of Amendments: May 23, 2003
- 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 amendment, 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:  
  
January 31, 2003  
27 Ill. Reg. 1455
- 10) Has JCAR issued a Statement of Objections to the Amendments? No
- 11) Differences between proposal and final version. Several minor editing changes were made.
- 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 an emergency amendment currently in effect? No

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED RULES

- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This Part governs the operation of plans allowing time off with pay for State employees who donate an organ, bone marrow, blood, or blood platelets. This Part does not apply to time off taken for the purpose of preliminary compatibility testing and/or screening for organ or bone marrow transplant.
- 16) Information and questions regarding this adopted amendment 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 RULES

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND POSITION CLASSIFICATIONS  
CHAPTER 1: DEPARTMENT OF CENTRAL MANAGEMENT SERVICESPART 332  
ORGAN DONOR LEAVE

## Section

332.1	Purpose
332.2	Definitions
332.3	Organ Donor
332.4	Blood Donor
332.5	Impact on Accumulated Benefit Time

AUTHORITY: Implementing and authorized by the Organ Donor Leave Act [5 ILCS 327].

SOURCE: Adopted at 27 Ill. Reg. 9013, effective May 23, 2003.

## Section 332.1 Purpose

This Part governs the operation of plans allowing time off with pay for State employees who donate an organ, bone marrow, blood, or blood platelets. This Part does not apply to time off taken for the purpose of preliminary compatibility testing and/or screening for organ or bone marrow transplant.

## Section 332.2 Definitions

“Agency” means any branch, department, board, committee, or commission of State government, but does not include units of local government, school districts, or boards of election commissioners.

“Participating employee” means a permanent full-time or part-time employee who has been employed by an agency for a period of 6 months or more and who donates an organ, bone marrow, blood, or blood platelets.

“Medical documentation” for purposes of donating an organ or bone marrow means a written statement by a physician or medical practitioner licensed under the Medical Practice Act or under similar laws of Illinois or another state or country.

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED RULES

“Medical documentation” for purposes of donating blood or platelets means a written statement from the American Red Cross or blood bank indicating that the employee donated or attempted to donate blood or blood platelets.

## Section 332.3 Organ Donor

- a) On request, a participating employee may be entitled to Organ Donor Leave with pay. An employee may use:
  - 1) up to 30 days of Organ Donor Leave in any 12-month period to serve as a bone marrow donor; or
  - 2) up to 30 days of Organ Donor Leave in any 12-month period to serve as an organ donor.
- b) An employee may use Organ Donor Leave only after obtaining approval from the employee’s agency. Medical documentation of the proposed organ or bone marrow donation shall be required before leave is approved by the employing agency.

## Section 332.4 Blood Donor

- a) On request, a participating employee may be entitled to use:
  - 1) up to one hour to donate or attempt to donate blood every 56 days, and
  - 2) up to 2 hours to donate or attempt to donate blood platelets in accordance with appropriate medical standards established by the American Red Cross or other nationally recognized standards. Leave to donate blood platelets may not be granted more than 24 times in a 12-month period.
- b) An employee may be required to submit medical documentation to the employee’s agency after donating or attempting to donate blood or blood platelets.

## Section 332.5 Impact on Accumulated Benefit Time

An employee will not be required to use accumulated sick or vacation leave benefit time before becoming eligible for any provision mentioned in this Part.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

- 1) The Heading of the Part: Internet Enrollment Rules
- 2) Code Citation: 83 Ill. Adm. Code 453
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
453.10	New Section
453.20	New Section
453.30	New Section
453.40	New Section
- 4) Statutory Authority: Implementing and authorized by Article XVI of the Public Utilities Act [220 ILCS 5/Art. XVI] and implementing and authorized by Section 2EE of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2EE].
- 5) Effective Date of Rules: July 1, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A statement that a copy of the adopted rule, amendment, or repealer, including any material incorporated by reference is on file in the agency's principal office and is available for public inspection: A copy of the adopted rules is on file in the Commission's Springfield office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register:  
11/15/2002, at 26 Ill. Reg. 16646
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version:  
Sections 453.10 and 453.40: change "Customer's" to lowercase.  
Section 453.10: in the definition "Internet Enrollment", change "Letter of Agency" to "LOA".

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

Section 453.20: change "Electronic Signature" to lowercase.

Section 453.40: change "Customer" to lowercase.

Section 453.40: change "Enrollment" to lowercase.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these rules replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments?

This rulemaking is the result of a petition filed by MidAmerican Energy Company, Nicor Energy, L.L.C., AES New Energy, Inc., and the National Energy Marketers Association seeking to enroll retail electric customers via both the Internet and telephone solicitation. The Internet enrollment would use a website enrollment platform in which a customer would authorize a change in his electricity supplier using an electronic signature. These rules set out the requirements for letters of agency and accepting and authenticating the electronic signature when changing electric suppliers by way of the Internet.

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

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

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

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

TITLE 83: PUBLIC UTILITIES  
CHAPTER 1: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER c: ELECTRIC UTILITIESPART 453  
INTERNET ENROLLMENT RULES

## Section

453.10 Definitions

453.20 Criteria by Which to Judge the Validity of an Electronic Signature

453.30 Method by Which the Authenticity of Electronic Signatures May Be Proven

453.40 Additional Requirements for an Electronic LOA

AUTHORITY: Implementing and authorized by Article XVI of the Public Utilities Act [220 ILCS 5/Art. XVI] and implementing and authorized by Section 2EE of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2EE].

SOURCE: Adopted at 27 Ill. Reg. 9017, effective July 1, 2003.

## Section 453.10. Definitions

"Electronic Signature" shall mean an electronic sound, symbol, or process attached to or logically associated with a Letter of Agency (LOA) and executed by a person with the intent to sign the LOA. A recording of oral assent is not an electronic signature.

"Encryption" shall mean to convert information (especially a message) from one system of communication into another in a manner that allows the information to later be converted back into its original form.

"Internet Enrollment" means any electronic record except a recording of an oral assent, of a customer's authorization to change electric service providers, which satisfies the disclosure requirements of the LOA prescribed in 815 ILCS 505/2EE.

"Letter of Agency" shall mean the document described in Section 2EE of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2EE] and referenced in Section 16-115A of the Public Utilities Act [220 ILCS 5/16-115A].

"Retail Electric Supplier" or "RES" shall mean either:

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED RULES

an Alternative Retail Electric Supplier (ARES) certified by the Illinois Commerce Commission pursuant to Section 16-115 of the Public Utilities Act [220 ILCS 5/16-115], meeting all obligations of an ARES pursuant to Section 16-115A of the Public Utilities Act [220 ILCS 5/16-115A], and authorized to provide electric power and energy supply services in an Illinois electric utility's service territory; or

an Illinois electric utility as defined in Section 16-102 of the Public Utilities Act [220 ILCS 5/16-102] meeting all obligations provided in Sections 16-115A and 16-116 of the Public Utilities Act [220 ILCS 5/16-115A and 16-116].

"Retail Customer" or "Customer" shall have the same meaning as that stated in Section 16-102 of the Public Utilities Act [220 ILCS 5/16-102].

Section 453.20. Criteria by Which to Judge the Validity of an Electronic Signature

- a) An electronic signature should indicate who signed the LOA.
- b) An electronic signature should be unique to the signer.
  - 1) A security procedure shall require unique and private information from the signer. This information may include:
    - A) Algorithms or codes;
    - B) Identifying words or numbers previously established or sent to signer's registered e-mail account; and
    - C) Credit card verification.

This information may not include information that is also necessary to effect a switch of RESs.
  - 2) No party may use a signer's unique information disclosed under this Section for any marketing or billing purposes without specific separate consent from the signee.
  - 3) The security procedure must be provided on a securely encrypted web page; security and encryption shall meet or exceed current industry practices.

## ILLINOIS COMMERCE COMMISSION

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- c) An electronic signature must reliably indicate the date of the signature.
- d) Affixing an electronic signature to a LOA must be a separate affirmative act.
- e) The LOA must be conspicuously displayed on a separate screen or web page.

## Section 453.30 Method by Which the Authenticity of Electronic Signatures May Be Proven

- a) The electronically signed LOA must provide:
  - 1) The unique information used to sign the LOA; and
  - 2) The date signed.
- b) The party seeking to prove LOA must show:
  - 1) That the LOA was signed by the customer on the date claimed by showing that the unique identifier used to sign the LOA and the date it was signed is embedded in the LOA; and
  - 2) The electronically signed LOA has not been altered since the date of signing.

## Section 453.40 Additional Requirements for an Electronic LOA

- a) In addition to the information and structure set out for a LOA in 815 ILCS 505/2EE, by virtue of being in electronic form, an electronic LOA must provide the following additional information:
  - 1) The means by which any future correspondence between the customer and RES will be sent;
  - 2) Whether the customer has the option to receive correspondence via the United States Postal Service or electronic means;
  - 3) That the customer may opt to receive a written copy of the contract; and
  - 4) A conspicuous statement, within the body of the electronic version of the contract, that residential customers may cancel the enrollment within 3

## ILLINOIS COMMERCE COMMISSION

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business days after the Internet enrollment.

- b) In addition to the procedures set out for a RES in Section 2EE of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2EE], the RES also must abide by the following procedures when utilizing electronic LOAs:
- 1) Ensure that the customer provides all information necessary to complete the electronic LOA through a securely encrypted input procedure that meets or exceeds current industry practices;
  - 2) Ensure that the customer indicates by a separate affirmative act that it has the authority to execute the electronic LOA;
  - 3) Ensure that the customer indicates by a separate affirmative act that it understands and assents to the LOA;
  - 4) Include a version number in the body of the electronic LOA in order to permit verification of the particular LOA to which the customer assents;
  - 5) Prompt the customer to print or save a copy of the electronic LOA;
  - 6) Immediately send a message to the customer's registered e-mail account acknowledging receipt of the electronic LOA;
  - 7) Retain the electronic LOA for a period of at least five years after execution; and
  - 8) Provide a written and/or electronic copy of the LOA to the Commission or its Staff, the customer, or the customer's incumbent RES upon request.
- c) In the event of any conflict between this Section and the requirements for RESs and LOAs provided in electric utility tariffs on file with the Commission as of the effective date of this Part, this Section shall control.

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED REPEALER

- 1) The Heading of the Part: Standards for Customer-Provided Inside Wiring (CPIW)
- 2) Code Citation: 83 Ill. Adm. Code 740
- 3) Section Numbers:
 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
740.10	Repealed
740.15	Repealed
740.20	Repealed
740.30	Repealed
740.40	Repealed
740.50	Repealed
740.60	Repealed
740.70	Repealed
TABLE A	Repealed
TABLE B	Repealed
TABLE C	Repealed
- 4) Statutory Authority: Implementing Section 8-501 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/8-501 and 10-101].
- 5) Effective Date of Repealer: June 1, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? Yes
- 8) A statement that a copy of the adopted rule, amendment, or repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection: A copy of the adopted repealer, including any material incorporated by reference, is on file in the Commission's Springfield office.
- 9) Notice of Proposal Published in Illinois Register:  
12/02/2002 at 26 Ill. Reg. 16995
- 10) Has JCAR issued a Statement of Objections to this repealer? No

## ILLINOIS COMMERCE COMMISSION

## NOTICE OF ADOPTED REPEALER

- 11) Difference(s) between proposal and final version:

None

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

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

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

- 15) Summary and Purpose of Repealer?

With the detariffing of customer-provided inside wiring, it is appropriate to repeal these rules.

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

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

TITLE 83: PUBLIC UTILITIES  
CHAPTER I: ILLINOIS COMMERCE COMMISSION  
SUBCHAPTER f: TELEPHONE UTILITIES

PART 740

STANDARDS FOR CUSTOMER-PROVIDED INSIDE WIRING (CPIW) [REPEALED](#)

SOURCE: Repealed at 27 Ill. Reg. 9023, effective June 1, 2003.

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Illinois Certified Shorthand Reporters Act of 1984
- 2) Code Citation: 68 Ill. Adm. Code 1200
- 3) Section Numbers:     Adopted Action:  
1200.30           Amendment
- 4) Statutory Authority: Illinois Certified Shorthand Reporters Act of 1984 [225 ILCS 415].
- 5) Effective Date of Amendments: May 27, 2003
- 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 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: January 10, 2003, at 27 Ill. Reg. 464.
- 10) Has JCAR issued a Statement of Objections to these Rules? No
- 11) Difference(s) between proposal and final version: No substantive differences.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Section 1200.30 has been amended so that an applicant retaking the licensure examination will be required to retake and pass only the failed portion or part of the examination.
- 16) Information and questions regarding these Adopted Amendments shall be directed to:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

Department of Professional Regulation  
Attention: Barb Smith  
320 West Washington, 3rd Floor  
Springfield, Illinois 62786  
217/785-0813 Fax: 217/782-7645

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

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1200

## ILLINOIS CERTIFIED SHORTHAND REPORTERS ACT OF 1984

Section	
1200.20	Application for Examination/Licensure
1200.30	Examinations
1200.35	Renewals
1200.40	Restoration
1200.45	Endorsement
1200.50	Fees for the Administration of the Act
1200.60	Annual Report of Board
1200.70	Conduct of Hearings
1200.75	Continuing Education
1200.80	Granting Variances
1200.90	Standards of Professional Conduct

AUTHORITY: Implementing the Illinois Certified Shorthand Reporters Act of 1984 [225 ILCS 415] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 5 Ill. Reg. 7518, effective July 2, 1981; codified at 5 Ill. Reg. 11024; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; emergency amendments at 8 Ill. Reg. 672, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 16443, effective August 29, 1984; amended at 11 Ill. Reg. 14073, effective August 5, 1987; recodified from Chapter I, 68 Ill. Adm. Code 200 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1200 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2917; amended at 12 Ill. Reg. 16718, effective September 30, 1988; amended at 13 Ill. Reg. 18865, effective November 21, 1989; amended at 16 Ill. Reg. 3169, effective February 18, 1992; amended at 19 Ill. Reg. 940, effective January 17, 1995; amended at 23 Ill. Reg. 7102, effective June 4, 1999; amended at 27 Ill. Reg. 9026, effective May 27, 2003.

## Section 1200.30 Examinations

- a) The examination ~~Examination~~ for certification as a certified shorthand reporter

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT

shall be administered by the Department or its designated testing service.

- 1) Written Knowledge Examination. The written examination is given to determine the applicant's competency and ability:
  - A) To understand the English language, including reading, spelling and the applicant's knowledge of day to day vocabulary, as well as medical, legal and technical vocabulary, without the use of a dictionary;
  - B) To accurately report any of the matters comprising the practice of shorthand reporting as defined in the Illinois Certified Shorthand Reporters Act of 1984 [225 ILCS 415] (the Act), by the use of any system of manual or mechanical shorthand or shorthand writing;
  - C) To clearly understand the obligations between a shorthand reporter and the parties to any proceedings reported; and
  - D) To understand the provisions of the Act.
- 2) Dictation Examination
  - A) This portion of the examination shall consist of the following parts:
    - i) General dictation at 200 words per minute for 5 minutes with an allowance of 50 errors. (Definition: spoken words presented in court proceedings, depositions, arbitrations, speeches and hearings).
    - ii) Testimony, 2 voice, 225 words per minute for 5 minutes with an allowance of 57 errors.
  - B) Transcription. Upon completion of both parts of the Dictation Examination, the applicant shall transcribe both parts in double-spaced space form.
  - C) The applicant shall be allowed an aggregate of three hours to complete all transcription. Those retake applicants required to transcribe only one part of the Dictation Examination shall be

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT

allowed one and one-half hours.

b) Grading of the Examination

- 1) The passing score on the Written Knowledge Examination set forth in subsection (a)(1) of this Section is 75% or better.
- 2) An applicant shall pass the Dictation Examination set forth in subsection (a)(2) of this Section if he/she successfully transcribes within the given time periods set forth in subsections (b)(2)(A) and (B) below:
  - A) 200 words per minute for 5 minutes with 50 errors or fewer on the general dictation part; and
  - B) 225 words per minute for 5 minutes with 57 errors or fewer on the 2 voice testimony.
- 3) In scoring the Dictation Examination, "Q" representing question and "A" representing answer, shall not be counted as words in the testimony portion; however, such signs must appear in proper order in the transcript.
- 4) Applicants who fail a portion of an examination will be required, ~~on their second and third attempts~~, to retake only the portion or dictation part of the examination which they did not pass.
- 5) ~~If an applicant must take any portion of the examination more than 3 times, the applicant shall take both portions of the examination, and retakes shall be in accordance with subsection (4) above.~~

c) Required Supplies for the Examination

- 1) Each applicant must supply his/her own bound dictionary, pens, pencils, stenographic machine, erasers, stenograph paper, and notebooks or note paper. The use of only one dictionary per person is permitted. Computers shall be supplied at the location of the examination.
- 2) Applicants shall not be permitted to use tape recorders or other electronic recording devices during the examination sessions.

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DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

- 3) Typing paper will be provided.
- d) The provisions of this Section shall apply to applicants upon adoption without regard to where the applicant is in the application process.
- e) An applicant for licensure who possesses an active Registered Professional Reporter certificate by examination or a Registered Merit Reporter certificate issued by the National Court Reporters Association shall not be required to sit for the examination. The Department, upon recommendation of the Board, has determined that the Registered Professional Reporter and Registered Merit Reporter examinations are equivalent to the examination administered by the Department.

(Source: Amended at 27 Ill. Reg. 9026, effective May 27, 2003)

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## JUNE AGENDA

## SCHEDULED MEETING:

JAMES R. THOMPSON CENTER  
ROOM 16-503  
CHICAGO, ILLINOIS  
10:30 A.M.  
JUNE 10, 2003

NOTICES: The scheduled date and time for the JCAR meeting are subject to change. Due to *Register* submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting and items from the list can be postponed to future meetings.

*If members of the public wish to express their views with respect to a rulemaking, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:*

*Joint Committee on Administrative Rules  
700 Stratton Office Building  
Springfield, Illinois 62706  
Email: [jcar@legis.state.il.us](mailto:jcar@legis.state.il.us)  
Phone: 217/785-2254*

## RULEMAKINGS CURRENTLY BEFORE JCAR

## PROPOSED RULEMAKINGS

Agriculture

1. Meat and Poultry Inspection Act (8 Ill. Adm. Code 125)
  - First Notice Published: 27 Ill. Reg. 2358 – 2/14/03
  - Expiration of Second Notice: 7/4/03

Attorney General

2. Motor Vehicle Advertising (14 Ill. Adm. Code 475)
  - First Notice Published: 27 Ill. Reg. 3187 – 2/28/03
  - Expiration of Second Notice: 6/21/03

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## JUNE AGENDA

Office of Banks and Real Estate

3. Real Estate License Act of 2000 (68 Ill. Adm. Code 1450)
  - First Notice Published: 27 Ill. Reg. 4820 – 3/21/03
  - Expiration of Second Notice: 7/6/03

Commerce Commission

4. Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities (83 Ill. Adm. Code 590)
  - First Notice Published: 27 Ill. Reg. 4436 – 3/14/03
  - Expiration of Second Notice: 7/6/03
5. Cost Allocation for Large Local Exchange Carriers (83 Ill. Adm. Code 711)
  - First Notice Published: 27 Ill. Reg. 2378 – 2/14/03
  - Expiration of Second Notice: 6/13/03
6. Cost Allocation for Small Local Exchange Carriers (83 Ill. Adm. Code 712)
  - First Notice Published: 27 Ill. Reg. 2485 – 2/14/03
  - Expiration of Second Notice: 6/13/03

Education

7. Transitional Bilingual Education (23 Ill. Adm. Code 228)
  - First Notice Published: 27 Ill. Reg. 1851 – 2/7/03
  - Expiration of Second Notice: 6/15/03
8. Alternative Learning Opportunities Program (23 Ill. Adm. Code 240)
  - First Notice Published: 27 Ill. Reg. 4321 – 3/7/03
  - Expiration of Second Notice: 6/27/03

Human Services

9. Child Care (89 Ill. Adm. Code 50)
  - First Notice Published: 27 Ill. Reg. 2522 – 2/14/03
  - Expiration of Second Notice: 7/6/03
10. Food Stamps (89 Ill. Adm. Code 121)
  - First Notice Published: 27 Ill. Reg. 2531 – 2/14/03

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## JUNE AGENDA

-Expiration of Second Notice: 7/6/03

Insurance

11. Standards for Safeguarding Customer Information (50 Ill. Adm. Code 4003)
  - First Notice Published: 26 Ill. Reg. 14743 – 10/11/02
  - Expiration of Second Notice: 6/20/03

Natural Resources

12. White-Tailed Deer Hunting by Use of Firearms (17 Ill. Adm. Code 650)
  - First Notice Published: 27 Ill. Reg. 2544 – 2/14/03
  - Expiration of Second Notice: 6/20/03
13. White-Tailed Deer Hunting by Use of Muzzleloading Rifles (17 Ill. Adm. Code 660)
  - First Notice Published: 27 Ill. Reg. 2554 – 2/14/03
  - Expiration of Second Notice: 6/20/03
14. White-Tailed Deer Hunting by Use of Bow and Arrow (17 Ill. Adm. Code 670)
  - First Notice Published: 27 Ill. Reg. 2562 – 2/14/03
  - Expiration of Second Notice: 6/20/03
15. Possession of Specimens or Products of Endangered or Threatened Species (17 Ill. Adm. Code 1070)
  - First Notice Published: 27 Ill. Reg. 5066 – 3/28/03
  - Expiration of Second Notice: 6/28/03
16. Capacity Plates Standards on Various Watercraft (17 Ill. Adm. Code 2070)
  - First Notice Published: 27 Ill. Reg. 4884 – 3/21/03
  - Expiration of Second Notice: 6/28/03

Nuclear Safety

17. Use of Radionuclides in the Healing Arts (32 Ill. Adm. Code 335)
  - First Notice Published: 27 Ill. Reg. 5080 – 3/28/03
  - Expiration of Second Notice: 7/3/03

Professional Regulation

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## JUNE AGENDA

18. Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 (68 Ill. Adm. Code 1240)
  - First Notice Published: 27 Ill. Reg. 1111 – 1/24/03
  - Expiration of Second Notice: 7/3/03
19. Dietetic and Nutrition Services Practice Act (68 Ill. Adm. Code 1245)
  - First Notice Published: 27 Ill. Reg. 2844 – 2/21/03
  - Expiration of Second Notice: 6/19/03
20. Environmental Health Practitioner Licensing Act (68 Ill. Adm. Code 1247)
  - First Notice Published: 27 Ill. Reg. 2846 – 2/21/03
  - Expiration of Second Notice: 6/29/03
21. Illinois Occupational Therapy Practice Act (68 Ill. Adm. Code 1315)
  - First Notice Published: 27 Ill. Reg. 04326 – 3/7/03
  - Expiration of Second Notice: 7/5/03
22. The Professional Engineering Practice Act of 1989 (68 Ill. Adm. Code 1380)
  - First Notice Published: 26 Ill. Reg. 18197 – 12/27/02
  - Expiration of Second Notice: 6/19/03

Sex Offender Management Board

23. Sex Offender Management Board Standards and Guidelines for the Evaluation, Treatment and Monitoring of Adult Sex Offenders (20 Ill. Adm. Code 1900)
  - First Notice Published: 27 Ill. Reg. 9180 – 6/28/02
  - Expiration of Second Notice: 6/25/03

Travel Regulation Council

24. The Travel Regulation Council (80 Ill. Adm. Code 3000)
  - First Notice Published: 27 Ill. Reg. 1798 – 2/7/03
  - Expiration of Second Notice: 6/14/03

State Police

25. Firearm Owner's Identification Card Act (20 Ill. Adm. Code 1230)
  - First Notice Published: 27 Ill. Reg. 4502 – 3/14/03
  - Expiration of Second Notice: 6/15/03

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## JUNE AGENDA

26. Imaging Products (20 Ill. Adm. Code 1298)  
-First Notice Published: 27 Ill. Reg. 5016 – 3/21/03  
-Expiration of Second Notice: 6/20/03
- Student Assistance Commission
27. General Provisions (23 Ill. Adm. Code 2700)  
-First Notice Published: 27 Ill. Reg. 1933 – 2/7/03  
-Expiration of Second Notice: 6/18/03
28. Federal Family Educational Loan Program (FFELP) (23 Ill. Adm. Code 2720)  
-First Notice Published: 27 Ill. Reg. 1941 – 2/7/03  
-Expiration of Second Notice: 6/18/03
29. Illinois National Guard (ING) Grant Program (23 Ill. Adm. Code 2730)  
-First Notice Published: 27 Ill. Reg. 1954 – 2/7/03  
-Expiration of Second Notice Period: 6/18/03
30. Illinois Veteran Grant (IVG) Program (23 Ill. Adm. Code 2733)  
-First Notice Published: 27 Ill. Reg. 1958 – 2/7/03  
-Expiration of Second Notice: 6/18/03
31. Monetary Award Program (MAP) (23 Ill. Adm. Code 2735)  
-First Notice Published: 27 Ill. Reg. 1965 – 2/7/03  
-Expiration of Second Notice: 6/18/03
32. Illinois Incentive for Access (IIA) Program (23 Ill. Adm. Code 2736)  
-First Notice Published: 27 Ill. Reg. 1974 – 6/18/03  
-Expiration of Second Notice: 6/18/03
33. Arthur F. Quern Information Technology Grant Program (Repeal) (23 Ill. Adm. Code 2740)  
-First Notice Published: 27 Ill. Reg. 1979 – 2/7/03  
-Expiration of Second Notice: 6/18/03
34. Optometric Education Scholarship Program (23 Ill. Adm. Code 2741)  
-First Notice Published: 27 Ill. Reg. 1986 – 2/7/03  
-Expiration of Second Notice: 6/18/03

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## JUNE AGENDA

35. Robert C. Byrd Honors Scholarship Program (23 Ill. Adm. Code 2755)
  - First Notice Published: 27 Ill. Reg. 1994 – 2/7/03
  - Expiration of Second Notice: 6/18/03
36. Minority Teachers of Illinois (MTI) Scholarship Program (23 Ill. Adm. Code 2763)
  - First Notice Published: 27 Ill. Reg. 2002 – 2/7/03
  - Expiration of Second Notice: 6/18/03
37. David A. DeBolt Teacher Shortage Scholarship (DTSS) Program (23 Ill. Adm. Code 2764)
  - First Notice Published: 27 Ill. Reg. 2013 – 2/7/03
  - Expiration of Second Notice: 6/18/03
38. Illinois Special Education Teacher Tuition Waiver (SETTW) Program (23 Ill. Adm. Code 2765)
  - First Notice Published: 27 Ill. Reg. 2024 – 2/7/03
  - Expiration of Second Notice: 6/18/03
39. Illinois Teachers and Child Care Providers Loan Repayment Program (23 Ill. Adm. Code 2767)
  - First Notice Published: 27 Ill. Reg. 2032 – 2/7/03
  - Expiration of Second Notice: 6/18/03
40. College Savings Bond Bonus Incentive Grant (BIG) Program (23 Ill. Adm. Code 2771)
  - First Notice Published: 27 Ill. Reg. 2036 – 2/7/03
  - Expiration of Second Notice: 6/18/03

## EMERGENCY AND PEREMPTORY RULEMAKINGS

Military Affairs

41. Illinois Military Family Relief Fund Act (95 Ill. Adm. Code 200) (Emergency)
  - First Notice Published: 27 Ill. Reg. 8468 – 5/16/03

Public Aid

42. Hospital Services (89 Ill. Adm. Code 148) (Emergency)
  - Notice Published: 27 Ill. Reg. 8320 – 5/9/03

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

## JUNE AGENDA

Public Health

43. Postsurgical Recovery Care Center Demonstration Program Code (77 Ill. Adm. Code 210) (Emergency)  
-Notice Published: 27 Ill. Reg. 7888 – 5/2/03
44. Community-Based Residential Rehabilitation Center Demonstration Program Code (77 Ill. Adm. Code 220) (Emergency)  
-Notice Published: 27 Ill. Reg. 7904 – 5/2/03
45. Alzheimer's Disease Management Center Demonstration Program Code (77 Ill. Adm. Code 225) (Emergency)  
-Notice Published: 27 Ill. Reg. 7920 – 5/2/03
46. Children's Respite Care Center Demonstration Program Code (77 Ill. Adm. Code 260) (Emergency)  
-Notice Published: 27 Ill. Reg. 7937 – 5/2/03
47. Community Living Facilities Code (77 Ill. Adm. Code 370) (Emergency)  
-First Notice Published: 27 Ill. Reg. 7953 – 5/2/03

State Fire Marshal

48. Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances (41 Ill. Adm. Code 170) (Emergency)  
-Notice Published: 27 Ill. Reg. 8311 – 5/9/03

## EXPEDITED CORRECTION

Revenue

49. Retailers' Occupation Tax (86 Ill. Adm. Code 130; 27 Ill. Reg. 8480)

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 May 20, 2003 through May 26, 2003 and have been scheduled for review by the Committee at its June 10, 2003 meeting in Chicago. 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.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
7/3/03	<u>Department of Professional Regulation</u> , Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 (68 Ill. Adm. Code 1240)	1/24/03 27 Ill. Reg. 1111	6/10/03
7/3/03	<u>Department of Nuclear Safety</u> , Use of Radionuclides in the Healing Arts (32 Ill. Adm. Code 335)	3/28/03 27 Ill. Reg. 5080	6/10/03
7/4/03	<u>Department of Agriculture</u> , Meat and Poultry Inspection Act (8 Ill. Adm. Code 125)	2/14/03 27 Ill. Reg. 2358	6/10/03
7/5/03	<u>Department of Professional Regulation</u> , Illinois Occupational Therapy Practice Act (68 Ill. Adm. Code 1315)	3/7/03 27 Ill. Reg. 4326	6/10/03
7/6/03	<u>Illinois Commerce Commission</u> , Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities (83 Ill. Adm. Code 590)	3/14/03 27 Ill. Reg. 4436	6/10/03
7/6/03	<u>Department of Human Services</u> , Child Care (89 Ill. Adm. Code 50)	2/14/03 27 Ill. Reg. 2522	6/10/03
7/6/03	<u>Department of Human Services</u> , Food Stamps	2/14/03	6/10/03

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

(89 Ill. Adm. Code 121)

27 Ill. Reg.  
2531

7/6/03

Office of Banks and Real Estate, Real Estate  
License Act of 2000 (68 Ill. Adm. Code 1450)3/21/03  
27 Ill. Reg.  
4820

6/10/03

## PROCLAMATIONS

**2003-124****May 19-23, 2003, as Week of the High Risk Child**

WHEREAS, in 1976, the Week of the High Risk Child was first presented as a two-day symposium at Michael Reese Hospital auditorium in the Institute for Psychiatric and Psychosomatic Medicine; and

WHEREAS, the Week of the High Risk Child grew progressively from a two-day professional symposium to include a week of activities and programs for children and parents; and

WHEREAS, the definition of a child at risk is any child who presents overt or covert symptoms of behavioral, emotional, psychological, educational, familial or environmental dysfunctions; and

WHEREAS, the Week of the High Risk Child was developed to annually address and respond to some of the salient issues impacting on the successful development of our children, which facilitates their movement and transition to adulthood;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim May 19-23, 2003, as WEEK OF THE HIGH RISK CHILD in Illinois.

Issued by the Governor May 16, 2003

Filed by the Secretary of State May 27, 2003

**2003-125****May 11-17, 2003, as Suicide Prevention and Awareness Week**

WHEREAS, suicide represents a major national public health problem annually, resulting in 650,000 emergency department visits and 30,000 deaths nationally, and more than 2,000 deaths in Illinois; and

WHEREAS, everyday 85 Americans take their own lives (one every 17 minutes) and more than 1,500 people attempt suicide (one every minute); and

WHEREAS, in Illinois, the costs associated with suicides and the medical treatment of attempted suicides for youth under the age of 21 total \$539 million (\$33 million in medical treatment, \$98 million in lost future earnings and \$408 million in decreased quality of life); and

WHEREAS, suicide is the 12th leading cause of death in Illinois, ranking above homicides and deaths from impaired driving; and

WHEREAS, suicide affects members of every race, socioeconomic class, age group and gender, and is most commonly linked with depression, mental illness and substance abuse; and

WHEREAS, in 2001, the U.S. Surgeon General issued a "Call to Prevent Suicide"; and

WHEREAS, public education, training and increasing awareness related to suicide and its prevention, and campaigns to reduce the stigma of mental illness and substance abuse, will promote the seeking of professional treatment and reduce the risk of suicide;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim May 11-17, 2003, as SUICIDE PREVENTION AND AWARENESS WEEK in Illinois.

Issued by the Governor May 13, 2003

## PROCLAMATIONS

Filed by the Secretary of State May 27, 2003

**2003-126****May 19-23, 2003, as National Association of Insurance Women Week**

WHEREAS, the National Association of Insurance Women (NAIW) serves its members by providing professional education, building business alliances, and networking to make connections with people of differing career paths and levels of experience within the insurance industry; and

WHEREAS, NAIW's membership is open to all in the insurance industry who strive for and practice professionalism, regardless of their career level; and

WHEREAS, NAIW fosters and encourages diversity, offering a network for members in all career categories, all lines of insurance and all cultural and experiential backgrounds; and

WHEREAS, NAIW promotes mentoring, acceptance of change, personal growth and flexibility of participation; and

WHEREAS, NAIW's governance and the operational management exist to enable the association to carry out its mission; and

WHEREAS, NAIW's organizational structure consists of four levels: nine geographic regions, 48 state councils and 350 local associations, in addition to the individual member, spanning the United States, Canada, Puerto Rico, England, Virgin Islands, Australia, and Africa. Each level conducts meetings, elects officers, and appoints committees, providing numerous opportunities for involvement and leadership;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim May 19-23, 2003, as NATIONAL ASSOCIATION OF INSURANCE WOMEN WEEK in Illinois.

Issued by the Governor May 13, 2003

Filed by the Secretary of State May 27, 2003

**2003-127****May through December 2003 as Centennial of Flight Celebration Months**

WHEREAS, on December 17, 1903, the Wright Brothers achieved the first powered flight of a "heavier-than-air" aircraft, and thus opened the door to some of the greatest accomplishments and events ever witnessed by human-kind in the past century; and

WHEREAS, since that date, Illinois has become a recognized leader in the aerospace industry and is the home to numerous well-known aviation companies headquartered in Illinois including United Airlines, Boeing and others; and

WHEREAS, Illinois is home to the "Busiest airport in the world," O'Hare International Airport; and

WHEREAS, Illinois is also the home to many world-renown air and space pioneers including Elizabeth "Bessie" Coleman, Janet Harmon Bragg, Octave Alexander Chanute and others; and

WHEREAS, aviation is a vitally important economic engine and transportation source, which

## PROCLAMATIONS

connects Illinois to the global markets while contributing to strong job and fiscal growth within the state and the country; and

WHEREAS, the future of aviation is dependent upon a well-informed and educated populace, and this celebration of powered flight is also a celebration of the ingenuity and creativity of Americans, as well as America's contributions to air and space flight;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim May through December 2003 as CENTENNIAL OF FLIGHT CELEBRATION MONTHS in Illinois.

Issued by the Governor May 13, 2003

Filed by the Secretary of State May 27, 2003

**2003-128****May 18-24, 2003, as Public Works Week**

WHEREAS, public works infrastructure, facilities and services are of vital importance to the health, safety and well-being of the people of Illinois; and

WHEREAS, such facilities and services could not be provided without the dedicated efforts of public works professionals, engineers, and administrators representing state and local units of government, who are responsible for and must design, build, operate, and maintain the transportation, water supply, sewage and refuse disposal systems, public buildings, and other structures and facilities essential to serving our citizens; and

WHEREAS, it is in the public interest for the citizens and civic leaders of this country to gain knowledge of and to maintain a progressive interest in public works needs and programs of their respective communities;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim May 18-24, 2003, as PUBLIC WORKS WEEK in Illinois

Issued by the Governor May 13, 2003

Filed by the Secretary of State May 27, 2003

**2003-129****May 2003 as Motorcycle Awareness Month**

WHEREAS, the Illinois Department of Safety and the Motorcycle Safety Foundation (MSF) are leaders in motorcycle safety; and

WHEREAS, sharing a roadway is where motorist awareness starts. The MSF urges all motor vehicle drivers to expect to see more motorcyclists riding in traffic in spring and summer months and to respect that they rightfully enjoy the same access to the roads as other traffic; and

WHEREAS, MSF offers four guidelines for motorists: get trained, ride sober, get licensed and ride responsibly; and

WHEREAS; the Illinois Department of Transportation has been conducting the Illinois Cycle Rider Safety Training program since 1976; and

## PROCLAMATIONS

WHEREAS, the program is supported by state motorcycle registration fees and has been responsible for training more than 185, 000 cyclists; and

WHEREAS, better rider education, licensing, and public awareness mean safer motorcycling;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim May 2003 as MOTORCYCLE AWARENESS MONTH in Illinois.

Issued by the Governor May 05, 2003

Filed by the Secretary of State May 27, 2003

**2003-130****June 20, 2003, as Illinois Association of Park Districts Day**

WHEREAS, Illinois Association of Park Districts (IAPD) was established on May 17, 1928. It is the oldest statewide association of its kind in the country; and

WHEREAS, the IAPD is celebrating its 75th anniversary in providing education, research and advocacy for its agencies and employs more than 40,000 staff members; and

WHEREAS, the IAPD has 2,100 locally elected citizens who serve without compensation on park district and forest preserve boards; and

WHEREAS, the IAPD member agencies are nationally recognized leaders in parks and recreation. Illinois park and recreation agencies have won the coveted national honor recognizing excellence in management and services, The National Gold Medal Award, more times than any other state; and

WHEREAS, the association's mission is to advance these agencies in their ability to provide outstanding park and recreation opportunities, preserve our natural resources, and improve the quality of life for all people in Illinois; and

WHEREAS, to commemorate this special milestone, the IAPD is hosting a special dinner-dance and a silent auction on June 20, 2003;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim June 20, 2003, as ILLINOIS ASSOCIATION OF PARK DISTRICTS DAY in Illinois.

Issued by the Governor May 05, 2003

Filed by the Secretary of State May 27, 2003

**2003-131****May 2003 as Arthritis Awareness Month**

WHEREAS, arthritis encompasses more than 100 diseases and conditions that affect joint and connective tissues, such as osteoarthritis, rheumatoid arthritis, fibromyalgia, gout, lupus, and Lyme Disease; and

WHEREAS, according to the Centers for Disease Control and Prevention, arthritis is the leading cause of disability in the United States, significantly affecting the quality of life for more than 70 million Americans who experience the painful symptoms; and

WHEREAS, according to the Illinois Department of Public Health's Illinois Arthritis Data

## PROCLAMATIONS

Report, a 2002 report on the impact of arthritis statewide, more than 3 million Illinois adults, 32 percent of the population, have arthritis; and

WHEREAS, arthritis affects people in all age groups, including as many as 300,000 children in the United States; and

WHEREAS, arthritis is not necessarily an inevitable part of the aging process; rather effective methods exist to prevent, delay the onset of, and manage the symptoms of the disease; and

WHEREAS, existing public information and programs about arthritis in Illinois remain inadequately disseminated and insufficient in addressing the needs of specific diverse populations and other underserved groups; and

WHEREAS, educating the public and health care communities throughout the state about this devastating disease is of paramount importance; and

WHEREAS, the Illinois Arthritis Foundation Chapters, in partnership with the Illinois Department of Public Health and other agencies throughout the state, have led the development of a public health strategy, the Illinois Arthritis Action Plan, to respond to this challenge

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim May 2003 as ARTHRITIS AWARENESS MONTH in Illinois.

Issued by the Governor May 05, 2003

Filed by the Secretary of State May 27, 2003

**2003-132****May 4-11, 2003, as Week of the Classroom Teacher**

WHEREAS, teachers throughout our nation and the Association for Childhood Education International (ACEI) actively work to promote the inherent rights, education, and well-being of all children; and

WHEREAS, as a crucial part of children's educational experiences, teachers work side by side with parents and administrators every day to provide the best learning environment for their students; and

WHEREAS, teachers use their skills to help ensure that our children have the resources necessary to become productive citizens and future leaders; and

WHEREAS, the 2003 observance of the ACEI "Week of the Classroom Teacher", provides a unique opportunity for citizens throughout Illinois to honor our teachers for their dedication to upholding the highest standards of educational excellence and for their commitment to ensuring that our young people achieve their maximum potential;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim May 4-11, 2003, as WEEK OF THE CLASSROOM TEACHER in Illinois.

Issued by the Governor May 05, 2003

Filed by the Secretary of State May 27, 2003

## PROCLAMATIONS

**2003-133****July 24, 2003, as South Side Help Center Day**

WHEREAS, the South Side Help Center is a not-for-profit social service agency established in 1987 which serves the entire city of Chicago and its suburbs; and

WHEREAS, the mission of the South Side Help Center is to provide community residents with prevention and intervention services to empower them with life-saving information and develop social interaction skills of youth through positive and constructive activities; and

WHEREAS, the South Side Help Center is committed to preparing children, teens and young adults to make positive health and life choices by providing a plethora of free services that address specific, critical risks of inner-city youths; and

WHEREAS, the South Side Help Center has provided numerous programs such as: substance abuse prevention, HIV/AIDS education and risk prevention, mentoring, case management, and mental health; and

WHEREAS, the South Side Help Center will hold its annual fundraiser on July 24, 2003, at the Martinique/Drury Lane, Evergreen Park, Illinois;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim July 24, 2003, as SOUTH SIDE HELP CENTER DAY in Illinois.

Issued by the Governor April 07, 2003

Filed by the Secretary of State May 27, 2003

**2003-134****May 2003 as Groundwater Protection Month**

WHEREAS, half of Illinois' citizens, three-fourths of Illinois' community water supply systems, more than nine-tenths of rural residents, and a significant number of Illinois' industries rely on groundwater; and

WHEREAS, the Illinois Groundwater Protection Act, enacted September 24, 1987, established Illinois groundwater policy and developed a comprehensive, coordinated program of groundwater research, monitoring, education, technical assistance and regulatory authorities designed to prevent groundwater contamination; and

WHEREAS, all of Illinois' 400,000 wells need maintenance, improvements, and repairs to continue providing quality water supplies and to protect Illinois' aquifers from contamination; and

WHEREAS, thousands of Illinois' wells have fallen into disrepair and represent safety hazards, especially to children, and a water-quality threat by potentially routing contaminants directly to groundwater; and

WHEREAS, the Illinois Association of Groundwater Professionals, formed 75 years ago, represents water well contractors and pump installers licensed by the Illinois Department of Public Health, and these professionals are well equipped to maintain, improve, repair, and seal water well systems; and

## PROCLAMATIONS

WHEREAS, the Illinois Water Well Sealing Coalition, comprising 32 associations and six agencies, is working to reduce the hazards of abandoned wells; and

WHEREAS, the Illinois Departments of Agriculture and Public Health, and the Illinois Water Well Sealing Coalition have developed a well sealing cost share program that is being implemented by the Department of Agriculture in conjunction with local health departments and Soil and Water Conservation Districts; and

WHEREAS, Illinois' four regional groundwater protection committees promote well maintenance and sealing, the Illinois Environmental Protection Agency encourages community water operators to identify and assist owners of abandoned wells in Community Source Water Protection Areas, and the Illinois Department of Natural Resources and University of Illinois Extension provide educational materials and services on well maintenance and abandonment; and

WHEREAS, all well owners in Illinois are responsible for their own wells, though groundwater professionals provide needed services, and local and state agencies can provide educational and technical help;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 2003 as GROUNDWATER PROTECTION MONTH in Illinois

Issued by the Governor April 17, 2003

Filed by the Secretary of State May 27, 2003

**2003-135****May 18-24, 2003, as Shared Housing Week**

WHEREAS, shared housing programs offer a housing alternative that enables older adults, people with disabilities, and other special populations to remain in their communities; and

WHEREAS, shared housing is an affordable housing option available to senior citizens who wish to either stay in their homes or live with other seniors; and

WHEREAS, such an option is also available to people of all ages in transitional periods, such as divorce, loss of a spouse, educational pursuits, or job relocation; and

WHEREAS, shared housing offers opportunities for persons from diverse cultural backgrounds to forge new cross-culture ties; and

WHEREAS, shared housing makes efficient use of existing housing stock in areas with insufficient affordable housing resources; and

WHEREAS, shared housing is available to Illinois residents through a wide range of reputable not-for-profit agencies; and

WHEREAS, both group-shared residences and match-up homesharing programs offer a degree of security through careful screening of applicants to ensure a comfortable group living arrangement or a compatible match for both the home provider and the home seeker; and

WHEREAS, shared housing offers homesharers in both group-shared residences and match-up homesharing, benefits of companionship and the sharing of responsibilities, which promote independence and self-determination;

## PROCLAMATIONS

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim May 18-24, 2003, as SHARED HOUSING WEEK in Illinois.

Issued by the Governor April 16, 2003

Filed by the Secretary of State May 27, 2003

**2003-136****May 4-10, 2003, as North American Occupational Safety and Health Week**

WHEREAS, every year, more than six thousand people die from job-related injuries and tens of thousands of others die from occupational diseases; and

WHEREAS, millions of people go to work and return home safely every day due in part to the efforts of the occupational safety, health and environmental professionals who work hard to identify hazards, implement safe practices, and

prevent fatalities and illnesses in all industries and workplaces; and

WHEREAS, the more than 30,000 members of the 92-year-old non-profit organization, American Society of Safety Engineers, are committed to protecting people, property, and the environment globally; and

WHEREAS, it is imperative that employers, employees, and the general public be aware of the importance of preventing illness and injury in the workplace; and

WHEREAS, during the "North American Occupational Safety and Health Week" between May 4th-10th, members of the American Society of Safety Engineers will be mobilizing in an effort to increase employees', employers' and the public's understanding of the benefits of investing in occupational safety and health; to raise the awareness of the role and contribution of safety health and environmental professionals; and by encouraging new safety and health activities and interest in North American Occupational Safety and Health Week;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim May 4-10, 2003, as NORTH AMERICAN OCCUPATIONAL SAFETY AND HEALTH WEEK in Illinois

Issued by the Governor May 05, 2003

Filed by the Secretary of State May 27, 2003

**2003-137****May 2003 as Prom and Graduation Safety Month**

WHEREAS, recent statistics provided by the National Highway Traffic Safety Administration show that there were 499 alcohol-related traffic fatalities among youth under 21 per day; and

WHEREAS, the potential danger for young people to be involved in alcohol-related crashes escalates during the summer months; and

WHEREAS, The Century Council, a not-for-profit organization funded by America's leading distillers and committed to fighting drunk driving and underage drinking, has planned a series of initiatives aimed at educating students, parents, teachers, and lawmakers throughout the month;

## PROCLAMATIONS

and

WHEREAS, the American School Counselor Association has partnered with The Century Council to bring this important message to teens and their parents throughout the country; and

WHEREAS, Illinois is working to enlists support to reduce the potential for alcohol-related fatalities by providing the public with information aimed at achieving this goal;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim May 2003 as PROM AND GRADUATION SAFETY MONTH in Illinois.

Issued by the Governor May 05, 2003

Filed by the Secretary of State May 27, 2003

**2003-138****May 2003 as Better Speech and Hearing Month**

WHEREAS, communication is our most distinctly human attribute; and

WHEREAS, speech, language and hearing disorders are more widespread than any other disabling condition; and

WHEREAS, approximately 240,000 Americans or 10 percent of the population are hindered in their education, social interactions, or occupations because of speech, language or hearing impairments; and

WHEREAS, speech-language pathologists and audiologists can help most people who have communication disorders; and

WHEREAS, during Better Hearing and Speech Month, attention is drawn to communication disorders and the help that is available;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim May 2003 as BETTER SPEECH AND HEARING MONTH in Illinois.

Issued by the Governor May 05, 2003

Filed by the Secretary of State May 27, 2003

**2003-139****May 6, 2003, as Robert E. Jones Day**

WHEREAS, Robert E. Jones was elected as Mayor of the City of Danville in April 1987, and has served the people of Danville wholeheartedly for the past sixteen years; and

WHEREAS, Mayor Jones has been actively involved in various boards and community groups and has given generously his time and talents as a member of the Lions Rotary Clubs; and

WHEREAS, Mayor Jones has provided leadership and direction to the employees of the city as well as the fourteen member City Council by implementing changes when needed to benefit the citizens of the community; and

WHEREAS, Mayor Jones has worked with the Danville community and Vermillion County leaders to encourage economic growth throughout the city; and

## PROCLAMATIONS

WHEREAS, Mayor Jones has always been very committed to helping all citizens in any way he could through his "open door" policy, and he has proven over and over again his compassion to the needs of the residents of the city of Danville as well as his love for the city;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 6, 2003, as ROBERT E. JONES DAY in Illinois, and wish him all the best in his future endeavors.

Issued by the Governor May 05, 2003

Filed by the Secretary of State May 27, 2003

**2003-140****June 5, 2003, as Federation of Women Contractors Day**

WHEREAS, the Federation of Women Contractors (FWC) has been in existence since 1989, and is committed to the advancement of entrepreneurial women in the construction industry; and

WHEREAS, over 100 members of FWC include general contractors, sub-contractors, suppliers and service-related firms representing every facet and component of construction; and

WHEREAS, FWC membership consists of Regular and Associate Members, as well as Corporate and Commercial Sponsors; and

WHEREAS, FWC is governed by a 10-member Board of Directors;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, proclaim June 5, 2003, as FEDERATION OF WOMEN CONTRACTORS DAY in Illinois.

Issued by the Governor May 05, 2003

Filed by the Secretary of State May 27, 2003

**2003-141****Brehm Preparatory School**

WHEREAS, Brehm Preparatory School is a private boarding school for junior high, high school, and postsecondary students with learning disabilities; and

WHEREAS, founded in 1982 by Carol Brehm, local educators, concerned parents, and professionals, Brehm is proudly celebrating its 20th Anniversary during the 2002-2003 academic year; and

WHEREAS, Brehm is accredited by the Independent Schools Association of the Central States (ISACS), the North Central Association of Colleges and Schools (NCA), and is a member of the National Association of Independent School (NAIS); and

WHEREAS, during its 20 years of existence, Brehm has educated hundreds of students from all across the country and the world. Presently, students who attend Brehm come from 26 states and three foreign countries; and

WHEREAS, with a current annual budget of four million dollars, Brehm has grown significantly over the past 20 years; and

## PROCLAMATIONS

WHEREAS, Brehm was an early recipient of the U.S. Department of Education Blue Ribbon Award of Excellence;

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim Brehm Preparatory School to be an exemplary institution committed to improving the lives of our youth through its outstanding education.

Issued by the Governor May 07, 2003

Filed by the Secretary of State May 27, 2003

# ILLINOIS ADMINISTRATIVE CODE

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