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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Solicitation for Charitable Payroll Deductions
- 2) Code Citation: 80 Ill. Adm. Code 2650
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2650.10	Amendment
2650.15	Amendment
2650.40	Amendment
2650.50	Amendment
2650.70	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 9 of the Illinois Personnel Code [20 ILCS 415/9] and Section 5 of the Voluntary Payroll Deductions Act of 1983 [5 ILCS 340/5].
- 5) A Complete Description of the Subjects and Issues Involved: Generally, these proposed amendments provide new employees the opportunity to give to charitable organizations through SECA, under Sections 2650.15 and 2650.40. Under Section 2650.10, Advisory Board involvement in the management contract is expanded. This Section amendment also allows SECA liaisons to assist with SECA related activities but does not allow use of State time for charitable events outside the realm of SECA. Sections 2650.40 and 2650.50 increase the accountability of charitable organizations. Section 2650.70 clarifies the funding process of SECA.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any State mandate on units of local government, school districts or community college districts.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after the date of publication to:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Gina Wilson
Illinois Department of Central Management Services
720 Stratton Office Building
Springfield IL 62706
217/785-4510

Interested person may discuss the rulemaking with:

Jodi Schrage
Illinois Department of Central Management Services
503 Stratton Office Building
Springfield IL 62706
217/524-7514

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Participants in the SECA program will be affected.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: the need for the rulemaking was not known at the time of the Regulatory Agenda publication.

The full text of the Proposed Amendments follows on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE G: PAYROLL DEDUCTIONS

CHAPTER III: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 2650

SOLICITATION FOR CHARITABLE PAYROLL DEDUCTIONS

Section

2650.1	Definitions
2650.5	Entitlement
2650.10	Organization
2650.15	Annual Drive
2650.20	Recognition
2650.25	Request to Solicit Employees or Annuitants
2650.30	Prohibitions
2650.40	Code of Campaign Conduct
2650.50	Violation of Code of Campaign Conduct
2650.60	Committee on Campaign Conduct
2650.70	Allocation of Expenses to SECA Participants Membership

AUTHORITY: Implementing and authorized by Section 9 of the Illinois Personnel Code [20 ILCS 415/9] and Section 5 of the Voluntary Payroll Deductions Act of 1983 [5 ILCS 340/5].

SOURCE: Emergency rules adopted at 12 Ill. Reg. 6975, effective April 1, 1988, for a maximum of 150 days; emergency repealer adopted at 12 Ill. Reg. 10191, effective June 10, 1988, for a maximum of 150 days; adopted at 13 Ill. Reg. 3330, effective March 6, 1989; amended at 16 Ill. Reg. 11438, effective July 6, 1992; amended at 18 Ill. Reg. 3115, effective February 22, 1994; amended at 21 Ill. Reg. 11532, effective August 1, 1997; amended at 26 Ill. Reg. 5761, effective April 4, 2002; amended at 28 Ill. Reg. _____, effective _____.

Section 2650.10 Organization

- a) The Director shall have general administrative and policy authority regarding SECA.
- b) An Advisory Board to assist in implementing and regulating the State and University Employees Combined Appeal (SECA) is established under the chairmanship of the Director (or his/her designee). The following persons shall be invited to be members of the Advisory Board: five or more State employees "at large" representing employee interests; the prior year's SECA chairperson; the

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Lieutenant Governor or his/her designee; a representative of a State employee labor organization; a representative from a Retirement System; and the appointed SECA Chairperson for the current year. The at-large members and the labor organization representative shall be appointed by the Director. No State employee shall serve more than three consecutive one-year terms. The Advisory Board shall meet at least quarterly. The function of the Advisory Board is to advise the Director on SECA matters, including:

- 1) Discussion and planning of the administration and conduct of the annual campaign.
- 2) Review of combined campaign materials, educational programs, publicity efforts, campaign goals and recognition-award programs.
- 3) Selection process for SECA coordinators.
- 4) Verification of continuing eligibility through the Comptroller's Office.
- 5) [Candidate search and presentation of any proposed third party manager to the Qualified Charitable Organizations for approval and establishment of proposed duties of any third party manager.](#)
- 6) Any other issues determined to be consistent with the functions of the Advisory Board.

A representative from each Qualified Charitable Organization may attend and speak at each Advisory Board meeting, but shall not have a vote on the Advisory Board.

- c) A chairperson for each annual SECA shall be appointed by the Governor. The chairperson shall serve on the Advisory Board to assist the Director on functions specified in subsections (b)(2) and (b)(3). Each chief officer shall appoint an executive coordinator for each annual campaign. SECA coordinators or other agency employees shall be permitted work time to perform their responsibilities, including campaign briefings and training, distribution of literature, collection of pledge cards, telephone and contact with representatives of the Qualified Charitable Organizations. SECA coordinators will be permitted to request liaisons to assist where an agency has multiple worksites. SECA liaisons will be given time to meet with their coordinator for training [and related events](#). Any State employee who volunteers for [a charity event](#)~~the campaign~~ shall contribute

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time solely during non-work hours.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 2650.15 Annual Drive

An annual SECA drive shall be held to include all Qualified Charitable Organizations under the following conditions:

- a) Employees:
 - 1) solicitations for contributions may commence no earlier than September 1, must end no later than November 30, and must be conducted within a period of eight consecutive weeks;
 - 2) equal access and promotional opportunity time shall be allowed for each Qualified Charitable Organization by the agency coordinator;
 - 3) there shall be no lessening or disruption of work in the work place;
 - 4) employees shall be informed regarding any Qualified Charitable Organization as charitable alternatives;
 - 5) qualification of any charitable organization by the Office of the Comptroller shall occur by December 31 prior to the annual drive whose authorized withholdings are to be effective the following January 1 as provided in Section 2650.20. Organizations shall submit the required designations and certifications to the Comptroller two weeks before the December 31 deadline;
 - 6) one combined brochure and payroll deduction form will be prepared and printed ~~by the charities~~. This brochure will include all charities qualified as of the ~~above cutoff~~ date specified in subsection (a)(5) to participate in SECA and will be distributed ~~during the campaign~~ to all State employees covered under this Part these rules by the Executive Coordinators and their liaison~~liaison~~;
 - 7) during the campaign period, employees may attend on their own volition presentations of each or any Qualified Charitable Organization, such time totaling not more than 1 hour in the aggregate annually. Agencies, in

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cooperation with the Qualified Charitable Organization, shall endeavor to schedule presentations to permit all interested employees to attend such presentations.

- b) Annuitants:
- 1) qualification of any charitable organization by the Office of the Comptroller shall occur in the manner set forth in subsection (a)(5);
 - 2) solicitations of annuitants may be made by brochures or other printed campaign material approved by the Advisory Board or its designee;
 - 3) it is not necessary that all annuitants be solicited for contributions for any given annual SECA campaign. The Advisory Board, or its designee, shall consider on an annual basis which annuitants should receive solicitations through SECA.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 2650.40 Code of Campaign Conduct

Qualified Charitable Organizations which wish to seek contributions from State employees at their work place shall comply with this Code of Conduct.

- a) Approval and distribution of campaign materials
- 1) All materials to be distributed or used at the work place shall be reviewed and approved by the Department or Advisory Board. If material is not submitted by deadlines established by the Department or Advisory Board or is not approved by the same, that material shall be excluded and not distributed.
 - 2) ~~All materials~~ Materials (including films and videotapes) shall be distributed to employees at the work place during the campaign period ~~only~~. New employees shall be provided with the current SECA materials upon hire.
 - 3) During the 30 days immediately prior to the start of the campaign period, materials may be stored at the work site and made available to the agency SECA coordinator in preparation for the campaign.

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- b) Use of employee and annuitant information
- 1) A Qualified Charitable Organization may not use the name or address of an employee or annuitant obtained through SECA for fundraising purposes when that employee or annuitant has expressly stated in writing that his/her name may not be so used or sold by that Qualified Charitable Organization. Any employee or annuitant who does not provide such a written statement to a Qualified Charitable Organization shall be considered to have "released" his/her name and address to that Qualified Organization.
 - 2) If an employee or annuitant releases his/her name to a Qualified Charitable Organization, the Qualified Charitable Organization may use the employee's or annuitant's name for the purpose of acknowledging the employee's or annuitant's contribution and/or educating the employee or annuitant further regarding the Qualified Charitable Organization; however, no employee's or annuitant's name that a Qualified Charitable Organization has been able to obtain only by virtue of such organization's participation in SECA may be used by such Qualified Charitable Organization for fund raising purposes other than in the SECA campaign, and may not be sold or given to another organization or entity.
 - 3) An employee or annuitant who at one time indicates that his or her name may not be released and at a later date decide to allow release must do so in writing to the Qualified Charitable Organizations to which the release applies.
 - 4) An employee or annuitant who at one time "releases" his or her name may later rescind that authorization by submitting a letter to the Qualified Charitable Organization. The letter may be submitted to the Advisory Board, which will then forward the letter to the Qualified Charitable Organization.
- c) Giving to be voluntary
- 1) All solicitation activities shall be designed and conducted to elicit voluntary giving. Actions that coerce an employee or annuitant into giving, or create the appearance that employees or annuitants must give, are not permitted.

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- 2) The following actions are prohibited for the Qualified Charitable Organizations:
- A) requesting or encouraging that employees be solicited by their supervisor or by any individual in their supervisory chain of command. (This does not prohibit requesting the head of a department or agency to demonstrate support of SECA in employee or annuitant newsletters or other general communications.)
 - B) asking supervisors about whether an employee chose to participate or not to participate or the amount of an employee's contribution.
 - C) setting, requesting or encouraging that a department or agency set 100% participation goals or other goals that would imply compulsory participation.
 - ~~D) setting, requesting or encouraging that a department or agency set personal dollar goals or quotas.~~
 - ~~DE) encouraging~~ encouraging contributions to particular organizations.
- d) Qualified Charitable Organization Participation
- 1) Each Qualified Charitable Organization shall participate in a minimum of three SECA Advisory Board meetings per year.
 - 2) Each Qualified Charitable Organization shall attend a reasonable number of SECA events during each campaigning period.
- e) Any charity ~~that~~which wishes to participate in SECA, either directly or indirectly through a united or umbrella organizational arrangement, shall comply with this Code of Campaign Conduct. If the participating charity is part of a united or umbrella organization, that umbrella or united organization shall be responsible for informing each of its participating charities of the Code of Campaign Conduct.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 2650.50 Violation of Code of Campaign Conduct

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- a) Any employee, annuitant, governmental agency, university, or Qualified Charitable Organization with a complaint regarding SECA activities may submit a written complaint accompanied by supporting documentation to the Department.
- b) Within ten working days after receipt of the complaint, the Department shall contact the party subject of the complaint and supply them with a copy of the written complaint and supporting documentation. The party subject of the complaint shall submit a response to the Department within 10 days after receipt of the complaint or the decision will be made without input from that party. Within ten working days after receiving the response, the Department will respond to the complainant denying the complaint, identifying the proposed resolution or taking other action, which may include conducting a hearing.
- c) Any such decision of the Department may be appealed to the Committee on Campaign Conduct within 10 calendar days after receipt of the response to the complaint.
- d) The goal of the Committee shall be to act on the appeal, which may include holding a public hearing, and make a final determination within 10 working days after receipt of the appeal.
- e) A Qualified Charitable Organization, or a benefiting agency of a Qualified Charitable Organization, may be denied participation in the SECA campaign for failure to comply with this Code of Campaign Conduct. Denial shall be for the next entire campaign period. Early reinstatement will be considered if the organization provides sufficient assurance that it will comply with these Code of Campaign Conduct rules. Restrictions may be placed on the Qualified Charitable Organization or benefiting agency if allowed early reinstatement. Suspension from a campaign shall not require a Qualified Charitable Organization to again meet basic qualifying criteria as set forth in the statute.
- f) To help other Qualified Charitable Organizations avoid suspension, the Department may circulate written reminders of conduct or actions which are or have been found to be violations of the Code. [If the Qualified Charitable Organization receives three reminders and the violation is not remedied within the period of time specified in the reminder, the Committee may deny the Qualified Charitable Organization participation in the next entire campaign period.](#)

(Source: Amended at 28 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 2650.70 Allocation of Expenses to SECA Participants Membership

- a) ~~Expenses of SECA will be borne by the Qualified Charitable Organizations in an amount or proportion determined by a majority vote of those Qualified Charitable Organizations which will be participating in the SECA Campaign.~~
- b) ~~If the Qualified Charitable Organizations do not reach agreement on allocation of expenses,~~ The Department shall allocate expenses in any of the following manners:
- 1) Expenses will be divided ~~prorataequally~~ among all participating Qualified Charitable Organizations based on contributions from the prior campaign year.
 - 2) Newly Qualified Charitable Organizations will contribute the percent of the total budget as if such expenses were divided equally among the participating charities. The remainder of the expenses will be allocated to the Qualified Charitable Organizations that participated in the previous year's campaign with each organization contributing a percent of the expenses proportionate to the percent of the total contributions each organization earned in the previous year's campaign.
 - 3) Expenses will be divided among all organizations which participate directly in the SECA Campaign as a Qualified Charitable Organization or which benefits from the SECA Campaign by receiving a distribution from a Qualified Charitable Organization.
 - 4) Any other reasonable manner that the Department deems appropriate.
 - 5) Each Qualified Charitable Organization will have 60 days after receipt of its assessment to submit payment.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Riverboat Gambling
- 2) Code Citation: 86 Ill. Adm. Code 3000
- 3) Section Number: 3000.244 Proposed Action:
New
- 4) Statutory Authority: Riverboat Gambling Act [230 ILCS 10]
- 5) A Complete Description of the Subjects and Issues Involved: The Illinois Gaming Board's adopted rules do not provide a mechanism for the surrender of a Supplier's license. In the past, licensed Suppliers have desired to surrender their licenses for legitimate business purposes, e.g., they merged into another company and dissolved. The proposed amendment provides a mechanism and standards to surrender a Supplier license.
- 6) Will this proposed amendment replace any emergency amendment current in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: These proposed amendments do not affect units of local government.
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit comments in writing concerning this proposed rulemaking by no later than 45 days after publication of this notice to:

Michael Fries
Acting Deputy Chief Counsel
Illinois Gaming Board
160 North LaSalle Street
Suite 300S
Chicago, Illinois 60601
(312) 814-4700
FAX: (312) 814-8798

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENT

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities, and for profit corporations affected: None
 - B) Reporting, bookkeeping, or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included in the most recent regulatory agendas because: The need for this rulemaking was not anticipated when these agendas were submitted for publication.

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

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE
CHAPTER IV: ILLINOIS GAMING BOARDPART 3000
RIVERBOAT GAMBLING

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ILLINOIS GAMING BOARD

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3000.800	Required Surveillance Equipment
3000.810	Riverboat and Board Surveillance Room Requirements
3000.820	Segregated Telephone Communication
3000.830	Surveillance Logs
3000.840	Storage and Retrieval
3000.850	Dock Site Board Facility
3000.860	Maintenance and Testing

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENT

SUBPART I: LIQUOR LICENSES

Section	
3000.900	Liquor Control Commission
3000.910	Liquor Licenses
3000.920	Disciplinary Action
3000.930	Hours of Sale

SUBPART J: OWNERSHIP AND ACCOUNTING RECORDS AND PROCEDURES

Section	
3000.1000	Ownership Records
3000.1010	Accounting Records
3000.1020	Standard Financial and Statistical Records
3000.1030	Annual and Special Audits and Other Reporting Requirements
3000.1040	Accounting Controls Within the Cashier's Cage
3000.1050	Procedures for Exchange of Checks Submitted by Gaming Patrons and Granting Credit
3000.1060	Handling of Cash at Gaming Tables
3000.1070	Tips or Gratuities
3000.1071	Admission Tax and Wagering Tax
3000.1072	Cash Reserve Requirements

SUBPART K: SEIZURE AND DISCIPLINARY HEARINGS

Section	
3000.1100	Coverage of Subpart
3000.1105	Duty to Maintain Suitability
3000.1110	Board Action Against License or Licensee
3000.1115	Complaint
3000.1120	Appearances
3000.1125	Answer
3000.1126	Appointment of Hearing Officer
3000.1130	Discovery
3000.1135	Motions for Summary Disposition
3000.1139	Subpoena of Witnesses
3000.1140	Proceedings
3000.1145	Evidence
3000.1146	Prohibition of Ex Parte Communication

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENT

- 3000.1150 Sanctions and Penalties
3000.1155 Transmittal of Record and Recommendation to the Board

AUTHORITY: Implementing and authorized by the Riverboat Gambling Act [230 ILCS 10].

SOURCE: Emergency rule adopted at 15 Ill. Reg. 11252, effective August 5, 1991, for a maximum of 150 days; adopted at 15 Ill. Reg. 18263, effective December 10, 1991; amended at 16 Ill. Reg. 13310, effective August 17, 1992; amended at 17 Ill. Reg. 11510, effective July 9, 1993; amended at 20 Ill. Reg. 5814, effective April 9, 1996; amended at 20 Ill. Reg. 6280, effective April 22, 1996; emergency amendment at 20 Ill. Reg. 8051, effective June 3, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14765, effective October 31, 1996; amended at 21 Ill. Reg. 4642, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 14566, effective October 22, 1997, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 978, effective December 29, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4390, effective February 20, 1998; amended at 22 Ill. Reg. 10449, effective May 27, 1998; amended at 22 Ill. Reg. 17324, effective September 21, 1998; amended at 22 Ill. Reg. 19541, effective October 23, 1998; emergency amendment at 23 Ill. Reg. 8191, effective July 2, 1999, for a maximum of 150 days; emergency expired November 28, 1999; amended at 23 Ill. Reg. 8996, effective August 2, 1999; amended at 24 Ill. Reg. 1037, effective January 10, 2000; amended at 25 Ill. Reg. 94, effective January 8, 2001; amended at 25 Ill. Reg. 13292, effective October 5, 2001; amended at 26 Ill. Reg. 9307, effective June 14, 2002; emergency amendment at 26 Ill. Reg. 10984, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 15296, effective October 11, 2002; amended at 26 Ill. Reg. 17408, effective November 22, 2002; emergency amendment at 27 Ill. Reg. 10503, effective June 30, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 15793, effective September 29, 2003; amended at 27 Ill. Reg. 18595, effective November 25, 2003; amended at 28 Ill. Reg. _____, effective _____.

SUBPART B: LICENSES

Section 3000.244 Surrender of Supplier's License

- a) Except as otherwise provided in the Act and this Part, a licensed Supplier may petition the Board, in writing, for permission to surrender its Supplier's License. The petition shall contain facts setting forth good cause for the surrender of the Supplier's License.
- b) The Board may grant the petition, deny the petition or set the petition for hearing before a duly appointed Administrative Law Judge. The Board may deny a petition to surrender a Supplier's License if the petition fails to comply with any of the requirements of subsection (a) of this Section.

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENT

- c) If the petition to surrender a Supplier's License is set for hearing, the party seeking to surrender the Supplier's License shall bear the burden of going forward and proving by a preponderance of the evidence that good cause exists for surrender of the Supplier's License.
- d) A licensed Supplier may not, without Board approval, surrender its license during the pendency of a disciplinary action against that licensed Supplier.
- e) The surrender of a Supplier's License does not become effective until the Board has taken final action. The surrender of a Supplier's License does not relieve the former licensed Supplier of any penalties, fines, fees, taxes or other obligations due.
- f) The Board's denial of a petition to surrender a Supplier's License is a final decision that becomes a final order on the date the Board denies the petition.

(Source: Added at 28 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Application
- 2) Code Citation: 89 Ill. Adm. Code 557
- 3) Section Number: Proposed Action:
557.20 Amend
- 4) Statutory Authority: Implementing and authorized by Sections 3(a),(b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k)].
- 5) A Complete Description of the Subjects and Issues involved: Due to some confusion on interpreting this rule, the Department has decided to make grammatical changes. This rulemaking is being proposed to clarify language regarding Customer's Geographic Assignment to DHS-ORS offices.
- 6) Will this proposed rulemaking replace any emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed rulemaking contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days of the date of this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762
(217) 785-9772

- 12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

- A) Types of small businesses, small municipalities and not-for-profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory agenda on which this rulemaking was summarized: This change was not anticipated at the time the January, 2004 Regulatory Agenda was published.

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATIONPART 557
APPLICATION

Section

557.10	General Applicability
557.20	Geographical Customer Assignment
557.30	Application for Vocational Rehabilitation Services
557.40	Parent or Guardian Signature
557.50	Assistance in Attaining Necessary Financial Support
557.60	Application for Services by DHS-ORS Employees, Individuals Holding Contracts with DHS-ORS, DHS-ORS Advisory Council Members, Family Members of DHS-ORS Employees or Close Friends of DHS-ORS Employees

AUTHORITY: Implementing and authorized by Sections 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k)].

SOURCE: Adopted at 9 Ill. Reg. 8755, effective June 10, 1985; amended at 11 Ill. Reg. 820, effective December 23, 1986; amended at 11 Ill. Reg. 15220, effective August 31, 1987; amended at 12 Ill. Reg. 12099, effective July 7, 1988; amended at 13 Ill. Reg. 16552, effective October 10, 1989; emergency amendment at 17 Ill. Reg. 11654, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20341, effective November 15, 1993; amended at 19 Ill. Reg. 1135, effective January 23, 1995; amended at 19 Ill. Reg. 2473, effective February 21, 1995; amended at 19 Ill. Reg. 10706, effective July 11, 1995; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 23 Ill. Reg. 484, effective December 28, 1998; amended at 23 Ill. Reg. 12621, effective September 29, 1999; amended at 27 Ill. Reg. 12582, effective July 21, 2003; amended at 28 Ill. Reg. _____, effective _____.

Section 557.20 Geographical Customer Assignment

- a) VR customers may choose to work with the DHS-ORS office that best meets their needs using the principle of informed choice. Specialty districts exist for certain types of disabilities and for certain universities. Customers will be provided information that will assist them in making informed choice. If the customer chooses an office location that requires further travel, DHS-ORS shall not be responsible for assuming the additional travel expenses.

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- b) If the customer's case is to be transferred to the DHS-ORS office in the new geographic area. ~~To be transferred~~, the customer's case shall meet all of the following conditions:
- 1) The case record indicates VR services are currently being provided or there is a need for future VR services;
 - 2) the customer has been informed of the transfer; and
 - 3) after review by the receiving office, it is confirmed that the customer needs VR services.

If the case meets these conditions, the transfer shall be approved by the receiving supervisor. If the case does not meet these conditions, it should be closed in the current caseload and, if appropriate, a referral made to the new geographic area office.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

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- 1) Heading of the Part: Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting
- 2) Code Citation: 17 Ill. Adm. Code 550
- 3) Section Numbers: Proposed Action:
550.10 Amendment
550.30 Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].
- 5) A Complete Description of the Subjects and Issues Involved: Amendments to this Part are being made to statewide regulations and to open and amend State-owned or managed sites.
- 6) Will this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
- 12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2003

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 550
RACCOON, OPOSSUM, STRIPED SKUNK, RED FOX, GRAY FOX, COYOTE
AND WOODCHUCK (GROUNDHOG) HUNTING

Section

550.10	General Regulations
550.20	Statewide Regulations
550.30	Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting on Department-Owned, -Leased or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

SOURCE: 5 Ill. Reg. 8833, effective August 25, 1981; codified at 5 Ill. Reg. 10636; emergency amendment at 5 Ill. Reg. 11593, effective October 20, 1981, for a maximum of 150 days; emergency expired March 17, 1982; amended at 6 Ill. Reg. 10714, effective August 20, 1982; amended at 7 Ill. Reg. 10782, effective August 24, 1983; amended at 7 Ill. Reg. 16098, effective November 22, 1983; amended at 8 Ill. Reg. 21593, effective October 23, 1984; amended at 9 Ill. Reg. 16204, effective October 9, 1985; emergency amendment at 9 Ill. Reg. 18151, effective November 12, 1985, for a maximum of 150 days; emergency expired April 11, 1986; amended at 10 Ill. Reg. 16649, effective September 22, 1986; amended at 11 Ill. Reg. 9540, effective May 5, 1987; amended at 12 Ill. Reg. 11730, effective June 30, 1988; amended at 13 Ill. Reg. 10598, effective June 19, 1989; amended at 14 Ill. Reg. 10798, effective June 20, 1990; amended at 15 Ill. Reg. 11598, effective August 2, 1991; amended at 16 Ill. Reg. 11078, effective June 30, 1992; amended at 17 Ill. Reg. 10795, effective July 1, 1993; amended at 18 Ill. Reg. 10090, effective June 21, 1994; amended at 19 Ill. Reg. 11787, effective August 3, 1995; amended at 20 Ill. Reg. 10874, effective August 5, 1996; amended at 21 Ill. Reg. 9077, effective June 26, 1997; amended at 22 Ill. Reg. 14836, effective August 3, 1998; amended at 23 Ill. Reg. 9066, effective July 28, 1999; amended at 24 Ill. Reg. 8938, effective June 19, 2000; amended at 25 Ill. Reg. 9895, effective July 17, 2001; amended at 26 Ill. Reg. 14680, effective September 20, 2002; amended at 28 Ill. Reg. _____, effective _____.

Section 550.10 General Regulations

- a) It is unlawful to hunt raccoon, opossum, striped skunk, red fox, gray fox, coyote

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and woodchuck (groundhog) in counties open for deer hunting during the firearm deer hunting season as specified in 17 Ill. Adm. Code 650.10, except coyotes may be taken ~~during legal deer hunting hours, only with a shotgun loaded with slugs or a muzzle-loading firearm, and only~~ by persons in possession of a valid unfilled firearms deer permit during hours and seasons specified in 17 Ill. Adm. Code 650.10 using hunting devices authorized by 17 Ill. Adm. Code 650.30, ~~during the firearm deer season as specified in 17 Ill. Adm. Code 650.10. .22 rimfire rifles may be used to hunt raccoon, opossum, striped skunk, red fox, gray fox, coyote and woodchuck (groundhog) during the hunting seasons for taking white-tailed deer by use of muzzleloading rifles (17 Ill. Adm. Code 660.10) and handguns (17 Ill. Adm. Code 680.10) provided the hunting season for raccoon, opossum, striped skunk, red fox, gray fox, coyote and woodchuck (groundhog) is also open as specified in 17 Ill. Adm. Code 550.20.~~ Violation is a Class B misdemeanor (see 520 ILCS 5/2.30).

- b) Game breeding and licensed hunting preserve areas licensed pursuant to Section 3.27 of the Wildlife Code [520 ILCS 5/3.27] and managed pursuant to Sections 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/3.28 and 3.29] are exempt from the provisions of this Part.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 550.30 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting on Department-Owned, -Leased or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) For sites where hunter quotas exist and permits are required a drawing shall be held prior to the opening of the season. The date of the drawing shall be announced by the Department by public announcement and the drawing shall be held at the site. The number of permits per site shall be determined pursuant to 17 Ill. Adm. Code 510.20.
- c) .22 caliber or smaller rimfire firearms permitted from sunset to sunrise unless otherwise specified.
- d) Coyote and striped skunk season shall coincide with the statewide fox season unless otherwise specified.

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- e) No woodchuck (groundhog) hunting allowed unless otherwise specified.
- f) Statewide regulations as provided for in this rule apply at the following sites (exceptions are in parentheses):
- Anderson Lake Conservation Area (all hunting to begin after the close of duck season)
 - Apple River Canyon State Park
 - Argyle Lake State Park
 - ~~Banner Marsh State Fish and Wildlife Area~~ |
 - Big Bend State Fish and Wildlife Area
 - Big River State Forest
 - Cache River State Natural Area
 - Campbell Pond Wildlife Management Area
 - Carlyle Lake Lands and Waters – Corps of Engineers Management Lands
 - Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season)
 - Cypress Pond State Natural Area
 - [Devil's Island](#) |
 - Dog Island Wildlife Management Area
 - Falling Down Prairie
 - Eldon Hazlet State Park (north of Allen Branch and west of Peppenhorst Branch)
 - Ferne Clyffe State Park – Cedar Draper Bluffs Hunting Area
 - Fort de Chartres Historic Site (muzzleloading firearms or bow and arrow only)

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Hanover Bluff-Kopper Tract

Horseshoe Lake Conservation Area – Alexander County (Public Hunting Area except Controlled Hunting Area)

I-24 Wildlife Management Area

Johnson Sauk Trail State Recreation Area (archery only; coyote and fox only; site coyote season runs concurrently with the site archery deer season; site fox season begins when the statewide fox season opens, runs concurrently with the site archery deer season, and closes the earlier of either the statewide fox season closing or the site archery deer season closing)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during duck season)

Kinkaid Lake Fish and Wildlife Area

Marseilles State Fish and Wildlife Area (coyote and fox only; fox statewide season or closes first Thursday after January 10, whichever comes first; coyote open [to hunting from August 1 until the first Thursday after January 10 and when other hunting seasons are open on the site; not open during spring turkey season; concurrent with fox season](#); hunting hours are [30 minutes one-half hour](#) before sunrise until sunset)

Marshall County Fish and Wildlife Area (raccoon, opossum only; season opens day after duck season)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 16, 17, 18, 21, 22 and 24 (groundhog hunting allowed) (c)

Oakford Conservation Area

Peabody River King State Fish and Wildlife Area (West subunit only)

Randolph County Conservation Area

Ray Norbut State Fish and Wildlife Area (all hunting closes December 15 in

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Eagle Roost Area)

Rend Lake Project Lands and Waters

Sangamon County Conservation Area

Shawnee National Forest, Oakwood Bottoms and LaRue Scatters (season closes 7 days before opening of duck season and remains closed through the duck season; at Oakwood Bottoms non-toxic shot only)

Sielbeck Forest Natural Area

Siloam Springs State Park

[Snakeden Hollow State Fish and Wildlife Area – Ives Unit](#)

Tapley Woods State Natural Area (shotguns or muzzleloading rifles only may be used from sunset-sunrise)

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area

Washington County Conservation Area

Weinburg-King State Park (c)(d)

[Weinburg-King State Park – Scipps Unit \(use of dogs for hunting coyote is not allowed\)](#)

Wildcat Hollow State Forest

Witkowsky State Wildlife Area (coyote only; season shall coincide with archery and firearm deer season at this site; archery only during the archery season at this site)

Woodford County Fish and Wildlife Area (raccoon, opossum only; season opens after duck season)

- g) Violation of a site-specific regulation is a Class B misdemeanor. Statewide

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regulations apply except that hunters must obtain a permit from the Department; where hunter quotas exist, permits are allocated as described in subsection (b); permits must be in possession while hunting; the permit must be returned by February 15 or hunter will forfeit hunting privileges at that site the following year (exceptions are in parentheses):

Chauncey Marsh (obtain permit at Red Hills State Park Headquarters)

Clinton Lake State Recreation Area

Coffeen Lake State Fish and Wildlife Area (coyote only, shotgun or bow and arrow)

Crawford County Conservation Area

Eagle Creek State Park (season opens day after second firearm deer season; closes December 20; hunting sunset to sunrise only; raccoon only)

Fox Ridge State Park

Green River State Wildlife Area (skunk and coyote close the last day of February; .22 rimfire firearms permitted from 30 minutes after sunset until 30 minutes before sunrise)

Hamilton County Conservation Area

Harry "Babe" Woodyard State Natural Area

Hidden Springs State Forest

[Horseshoe Lake State Park \(Madison County\) – Gabaret, Mosenthein, Chouteau Island Unit \(shotgun only\)](#)

Iroquois County Wildlife Management Area (season opens the day after Permit Pheasant Season)

Jim Edgar Panther Creek State Fish and Wildlife Area (statewide seasons for coyote and striped skunk)

Kankakee River State Park (no rifle or handgun hunting allowed; the furbearer

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hunting season opens the day after the last day of the site's upland hunting seasons through statewide close of respective seasons for furbearers except striped skunk and coyote close with fox season)

Kickapoo State Park

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Areas

Lincoln Trail State Park (season opens day after second firearm deer season; closes December 20; hunting hours sunset to sunrise only; raccoon only)

[Matthiessen State Park \(season closed during the site firearm or muzzleloader deer seasons; site permit may be obtained at the Starved Rock State Park office; hunting hours are from 30 minutes after sunset until 30 minutes before sunrise; raccoon or opossum only; hunting south of the Vermilion River Area only; no dogs allowed\)](#)

Middle Fork Fish and Wildlife Management Area

Moraine View State Park (season opens after site's controlled pheasant season; night hunting only)

Pyramid State Park – Captain Unit (no hunting on waterfowl refuge ~~during waterfowl season~~)

Pyramid State Park – Denmark Unit (no hunting on waterfowl refuge ~~during waterfowl season~~)

Pyramid State Park – East Conant Unit

Pyramid State Park – Galum Unit

Ramsey Lake State Park

[Sahara Woods State Fish and Wildlife Area](#)

Saline County Fish and Wildlife Area

Sam Parr State Park

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Sand Ridge State Forest (coyote and striped skunk seasons – opening of the statewide raccoon season until the day before opening of the statewide spring turkey season)

Sanganois State Fish and Wildlife Area (statewide seasons for coyote and striped skunk)

Sangchris Lake State Park (fox, coyote and striped skunk hunting only; statewide seasons for fox, coyote and striped skunk except, during central zone duck and Canada goose season, hunters pursuing waterfowl or upland game may take fox, coyote and striped skunk with shotgun only in accordance with site-specific regulations set forth in 17 Ill. Adm. Code 530 and 590)

Stephen A. Forbes State Park

Ten Mile Creek State Fish and Wildlife Area (statewide coyote, striped skunk, and groundhog hunting allowed; .22 [caliber or smaller](#) rimfire firearms permitted 24 hours a day)

Walnut Point Fish and Wildlife Management Area (season opens day after second firearm deer season; closes December 20; hunting sunset to sunrise only; raccoon only)

Wolf Creek State Park (season opens day after second firearm deer season; closes December 20; hunting sunset to sunrise only; raccoon only)

- h) Violation of a site regulation is a Class B misdemeanor (see 520 ILCS 5/2.30).

(Source: Amended at 28 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, Beaver and Woodchuck (Groundhog) Trapping
- 2) Code Citation: 17 Ill. Adm. Code 570
- 3) Section Number: 570.40 Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].
- 5) A Complete Description of the Subjects and Issues Involved: Amendments to this Part are being made to update sites open for trapping.
- 6) Will this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: None

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- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2003

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 570

MUSKRAT, MINK, RACCOON, OPOSSUM, STRIPED SKUNK, WEASEL,
RED FOX, GRAY FOX, COYOTE, BADGER, BEAVER AND
WOODCHUCK (GROUNDHOG) TRAPPING

Section

570.10	Statewide Zones
570.20	Statewide Season Dates
570.30	Statewide Hours, Daily Limit and Possession Limit
570.35	Use of .22 Rimfire Rifles by Trappers During Deer Gun Season
570.40	Trapping Regulations on Department-Owned, -Leased or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].

SOURCE: Adopted at 5 Ill. Reg. 9767, effective September 17, 1981; codified at 5 Ill. Reg. 10637; amended at 6 Ill. Reg. 10709, effective August 20, 1982; amended at 7 Ill. Reg. 10778, effective August 24, 1983; amended at 8 Ill. Reg. 21589, effective October 23, 1984; amended at 9 Ill. Reg. 15864, effective October 7, 1985; amended at 10 Ill. Reg. 16644, effective September 24, 1986; amended at 12 Ill. Reg. 12034, effective July 7, 1988; emergency amendments at 12 Ill. Reg. 16261, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; amended at 13 Ill. Reg. 10589, effective June 15, 1989; amended at 14 Ill. Reg. 14775, effective September 4, 1990; amended at 14 Ill. Reg. 19854, effective December 3, 1990; amended at 15 Ill. Reg. 11586, effective August 2, 1991; amended at 16 Ill. Reg. 11069, effective June 30, 1992; amended at 17 Ill. Reg. 10785, effective July 1, 1993; amended at 17 Ill. Reg. 18796, effective October 19, 1993; amended at 18 Ill. Reg. 10077, effective June 21, 1994; amended at 19 Ill. Reg. 12640, effective August 29, 1995; amended at 20 Ill. Reg. 12351, effective August 30, 1996; amended at 21 Ill. Reg. 9070, effective June 26, 1997; amended at 22 Ill. Reg. 14809, effective August 3, 1998; amended at 23 Ill. Reg. 9055, effective July 28, 1999; amended at 24 Ill. Reg. 8929, effective June 19, 2000; amended at 25 Ill. Reg. 9887, effective July 17, 2001; amended at 26 Ill. Reg. 13809, effective September 5, 2002; amended at 27 Ill. Reg. 749, effective January 6, 2003; amended at 28 Ill. Reg. _____, effective _____.

Section 570.40 Trapping Regulations on Department-Owned, -Leased or -Managed Sites

- a) General Regulations

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- 1) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
 - 2) On areas where special Department tags are required for trappers, traps without tags attached will be subject to confiscation.
 - 3) Trappers must stay within assigned areas.
 - 4) For sites where permits are required a drawing shall be held prior to the opening of the season. The date of the drawing shall be announced by the Department by public announcement ([publicly announced means that the information referred to will be included on the Department's Internet Home Page at http://dnr.state.il.us, published in Outdoor Illinois, provided to outdoor writers for newspapers, and placed on the Department's Toll Free Hotline](#)) and the drawing shall be held at the site. Persons participating in the drawing must have either a current or previous year trapping license. The number of permits per site shall be determined pursuant to 17 Ill. Adm. Code 510.20. Permit applicants must submit name and address to the site prior to drawing. Permits must be in possession while trapping on the area.
 - 5) All sites except Blanding Wildlife Area, Kinkaid Lake Fish and Wildlife Area, Mississippi River Pools 16, 17, 18, 21, 22, 24, and Rend Lake Wildlife Management Area require trappers to submit a harvest report to the site superintendent within 20 days following the close of the trapping season. Failure to report shall result in the trapper being ineligible to trap at that site for the following year.
 - 6) Body-gripping traps with a 10-inch jaw spread or larger must be totally submerged in water when set.
 - 7) Any person who violates the site specific regulations shall be guilty of a Class B Misdemeanor.
 - 8) No trapping is permitted in subimpoundments or designated waterfowl management units during duck season.
- b) Statewide regulations as provided for in this Part apply at the following sites (exceptions in parentheses):

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

Blanding Wildlife Area (trapping area includes the islands and associated backwater sloughs immediately upstream from Lock and Dam 12; no trapping on mainland)

Kinkaid Lake Fish and Wildlife Area

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

Pyramid State Park (water sets only)

Ray Norbut State Fish and Wildlife Area (all trapping closes December 15 in Eagle Roost Area)

Rend Lake Project Lands and Waters (water sets only)

Sielbeck Forest Natural Area (water sets only)

Siloam Springs State Park

- c) Statewide regulations as provided for in this Part apply at the following sites; in addition, a permit is required; only Egg Traps[®], D-P (Dog-Proof) Traps[®], box traps, cage traps, and traps of similar design may be used for land sets (exceptions in parentheses):

Cache River State Natural Area

Carlyle Lake Lands and Waters – Corps of Engineers Managed Lands

Carlyle Lake Wildlife Management Area

Clinton Lake Recreation Area

Cypress Pond State Natural Area

[Devil's Island](#) |

~~[Dog Island Wildlife Management Area](#)~~ |

Eldon Hazlet State Park – north of Allen Branch and west of Peppenhorst

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

Branch only

Ferne Clyffe State Park – Cedar Draper Bluffs Hunting Area

Fort de Chartres Historic Site

Harry "Babe" Woodyard State Natural Area

Horseshoe Lake Conservation Area

I & M Canal State Park

Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to duck season)

Kidd Lake State Natural Area

Lake Murphysboro State Park

Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area ([no more than 50 traps may be used per permit](#))

[Lowden-Memorial State Park – Kilbuck Creek Unit](#)

Mermet Lake Fish and Wildlife Area

Mississippi River Fish and Waterfowl Area (Pools 25, 26) (land sets accessed by land only allowed during duck season; water sets allowed after duck season closes)

Moraine Hills State Park (water sets only; only body-gripping traps with a jaw spread of 5 inches or less may be used; no more than two persons may enter drawing on a single card)

Peabody River King Fish and Wildlife Area (east, west, and south subunits only)

Pyramid State Park – East Conant Unit

Pyramid State Park – Galum Unit

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Randolph County Conservation Area

Redwing Slough/Deer Lake State Natural Area (water sets only; only body gripping traps with a jaw spread of 5-6 inches or less may be used)

Sanganois Fish and Wildlife Area

Ten Mile Creek State Fish and Wildlife Area

Turkey Bluffs Fish and Wildlife Area

Washington County Conservation Area

- d) Statewide regulations as provided for in this Part apply at the following sites (exceptions in parentheses); in addition, a permit is required; only Egg Traps[®], D-P (Dog-Proof) Traps[®], box traps, cage traps, and traps of similar design may be used for land sets; only body-gripping traps with a jaw spread of 5 inches or less, foothold traps with a jaw spread of 4½ inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; snares may be used for water sets:

Anderson Lake Conservation Area

Argyle Lake State Park

Banner Marsh State Fish and Wildlife Area

Beaver Dam State Park

Big Bend Fish and Wildlife Area (after the close of rabbit season foothold traps with a jaw spread of 7½ inches or less may be used for water sets)

Coffeen Lake State Fish and Wildlife Area

Coleta Ponds

[Dog Island Wildlife Management Area](#)

Giant City State Park

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Hanover Bluff [State Natural Area \(water sets only\)](#)—~~Kopper Tract~~

Hennepin Canal Parkway including Sinnissippi Lake (trappers must register at park office; no floats may be set more than 14 days prior to the season and must be removed at the conclusion of the season; no land sets)

Horseshoe Lake State Park – Madison County

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

Jim Edgar Panther Creek State Fish and Wildlife Area (only Egg Traps[®], D-P (Dog-Proof) Traps[®], box traps, cage traps, traps of similar design, and homemade dog-proof traps; homemade dog-proof traps must be designed with a leg hold trap no larger than a number two size in an enclosed wood, metal or durable plastic container with a single access opening of no larger than 1½ inch diameter, and body-gripping traps must be completely submerged)

Johnson-Sauk Trail State Park

Lake Le-Aqua-Na State Park

Mackinaw River State Fish and Wildlife Area (water sets only)

Marshall County Fish and Wildlife Area

Morrison Rockwood State Park

Pyramid State Park – Captain Unit (no trapping on waterfowl refuge during waterfowl season; no foothold traps; body-gripping traps must be submerged)

Pyramid State Park – Denmark Unit (no trapping on waterfowl refuge during waterfowl season; no foothold traps; body-gripping traps must be submerged)

Red Hills State Park

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Rice Lake Fish and Wildlife Area

Rock Cut State Park

Sam Dale Lake Conservation Area

[Sahara Woods State Fish and Wildlife Area](#)

Sangchris Lake State Park

Shabbona Lake State Park

[Snakeden Hollow State Fish and Wildlife area – Ives Unit](#)

Sparland Fish and Wildlife ~~Area~~area

Spring Lake Conservation Area (water sets only)

Starved Rock/Matthiessen State Park

Stephen A. Forbes State Park

Trail of Tears State Forest

Union County Conservation Area

- e) Trapping is prohibited on all other Department-owned, -leased or -managed sites except by special permit which shall be issued by the Department when it is determined that the harvest of a species would enhance the biological balance of the resource.
- 1) All regulations shall be according to species regulations as provided for in this Part.
 - 2) Permit application information and site specific regulations shall be announced publicly by the Department through the news media by September 1 of each year.
 - 3) Site specific regulations shall be listed on the application and permit and posted at the site.

DEPARTMENT OF NATURAL RESOURCES

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- f) Violation of site specific regulations is a Class B misdemeanor (see 520 ILCS 5/2.30).

(Source: Amended at 28 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Squirrel Hunting
- 2) Code Citation: 17 Ill. Adm. Code 690
- 3) Section Number: 690.30 Proposed Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to update sites open to hunting.
- 6) Will this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2003

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 690
SQUIRREL HUNTING

Section

690.10	Hunting Seasons
690.20	Statewide Regulations
690.30	Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5].

SOURCE: Adopted at 5 Ill. Reg. 8017, effective July 24, 1981; codified at 5 Ill. Reg. 10642; emergency amendment at 5 Ill. Reg. 11382, effective October 14, 1981, for a maximum of 150 days; emergency expired March 12, 1982; amended at 6 Ill. Reg. 9642, effective July 21, 1982; amended at 7 Ill. Reg. 8809, effective July 15, 1983; emergency amendment at 7 Ill. Reg. 9690, effective August 1, 1983, for a maximum of 150 days; emergency expired December 29, 1983; amended at 8 Ill. Reg. 16789, effective August 30, 1984; amended at 9 Ill. Reg. 11614, effective July 16, 1985; amended at 10 Ill. Reg. 15601, effective September 16, 1986; amended at 11 Ill. Reg. 9549, effective May 5, 1987; amended at 12 Ill. Reg. 12246, effective July 15, 1988; amended at 13 Ill. Reg. 10606, effective June 15, 1989; amended at 14 Ill. Reg. 10816, effective June 20, 1990; amended at 15 Ill. Reg. 10012, effective June 24, 1991; amended at 16 Ill. Reg. 11087, effective June 30, 1992; amended at 17 Ill. Reg. 10842, effective July 1, 1993; amended at 18 Ill. Reg. 8624, effective May 31, 1994; amended at 19 Ill. Reg. 10664, effective July 1, 1995; amended at 20 Ill. Reg. 10882, effective August 5, 1996; amended at 21 Ill. Reg. 9095, effective June 26, 1997; amended at 22 Ill. Reg. 14844, effective August 3, 1998; amended at 23 Ill. Reg. 9074, effective July 28, 1999; amended at 24 Ill. Reg. 8947, effective June 19, 2000; amended at 25 Ill. Reg. 9903, effective July 17, 2001; amended at 26 Ill. Reg. 13845, effective September 5, 2002; amended at 27 Ill. Reg. 12640, effective July 21, 2003; amended at 28 Ill. Reg. _____, effective _____.

Section 690.30 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510, General Hunting and Trapping on Department-Owned or Managed Sites, apply in this Part, unless this Part is more restrictive. Violation of a site specific regulation is a petty offense (see 520 ILCS 5/2.28).

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- b) Hunting with .22 caliber or smaller rimfire firearms or muzzleloading black powder rifles is allowed at those sites listed in the following subsections that are followed by a (1).
- c) Check-in, check-out and reporting of harvest is required at those sites listed in the following subsections that are followed by a (2).
- d) Statewide regulations apply at the following sites:
 - Anderson Lake Conservation Area (2)
 - Apple River Canyon State Park – Salem and Thompson Units (2)
 - Argyle Lake State Park (2)
 - Big Bend State Fish and Wildlife Area (2)
 - Big River State Forest (2)
 - Cache River State Natural Area (1) (2)
 - Campbell Pond Wildlife Management Area
 - Carlyle Lake Lands and Waters – Corps of Engineers managed lands (1)
 - Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season) (1)
 - Chain O'Lakes State Park (opens Wednesday after permit pheasant season for 5 consecutive days, except closed on Christmas Day; 8:00 a.m. to 4:00 p.m.; daily quota filled on first come-first served basis; DNR issued back patch must be worn while hunting; only shot size of No. 3 steel, No. 4 bismuth, No. 5 tungsten-iron, tungsten-matrix, tungsten-polymer or smaller may be used) (2)
 - Crawford County Conservation Area (1) (2)
 - Cypress Pond State Natural Area (1) (2)

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[Devil's Island](#)

Dog Island Wildlife Management Area (1) (2)

Eldon Hazlet State Park (north of Allen Branch (2); and west of Peppenhorst Branch only)

Falling Down Prairie (2)

Ferne Clyffe State Park – Cedar Draper Bluffs Hunting Area (1) (2)

Fort de Chartres Historic Site (muzzleloading firearms or bow and arrow only) (1) (2)

Fort Massac State Park (2)

Hanover Bluff State Natural Area (2)

I-24 Wildlife Management Area (2)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during duck season) (1) (2)

Kinkaid Lake Fish and Wildlife Area (1)

Lowden-Miller State Forest (hunting allowed from September 1 through September 30 only; hunting allowed only on the southern one-half of the site) (1) (2)

Marseilles State Fish and Wildlife Area (Monday through Thursday only through October 31; during August, hunting allowed west of E. 2450 Road only) (2)

Marshall State Fish and Wildlife Area (2)

Mermet Lake Conservation Area (non-toxic shot only in waterfowl areas) (1) (2)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26) (1)

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Mississippi River Pools 16, 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Morrison Rockwood State Park (opens November 1 and closes the Thursday before the first statewide firearm deer season) (1) (2)

Nauvoo State Park (Max Rowe Unit only)

Oakford Conservation Area (1)

Peabody River King State Fish and Wildlife Area (east and north subunits close November 1) (2)

Randolph County Conservation Area (2)

Ray Norbut State Fish and Wildlife Area (closes December 15 in Eagle Roost Area) (1) (2)

Red Hills State Park (2)

Rend Lake Project Lands and Waters (1)

[Sahara Woods State Fish and Wildlife Area \(1\) \(2\)](#)

Saline County Fish and Wildlife Area (1) (2)

Sam Dale Lake Conservation Area (2)

Sam Parr State Park (2)

Sangamon County Conservation Area

Shawnee National Forest – Oakwood Bottoms (non-toxic shot only) (1)

Sielbeck Forest Natural Area (1) (2)

[Snakeden Hollow State Fish and Wildlife Area – Ives Unit \(1\) \(2\)](#)

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Stephen A. Forbes State Park (2)

Tapley Woods State Natural Area (2)

Trail of Tears State Forest (1) [\(2\)](#)

Turkey Bluffs State Fish and Wildlife Area (1) (2)

Walnut Point Fish and Wildlife Area (2)

Washington County Conservation Area (2)

Weinberg-King State Park (1) (2)

Weinberg-King State Park ~~– (Cecil White Unit)~~

[Weinberg-King State Park – Scripps Unit \(1\) \(2\)](#)

Wildcat Hollow State Forest (1)

Witkowsky State Wildlife Area (opens after second firearm deer season)
(2)

- e) Season dates shall be the day following Labor Day through the end of the statewide season at the following sites:

Ferne Clyffe State Park – Ferne Clyffe Hunting Area (2)

Giant City State Park ([rimfire rifles allowed in](#) Union County only) (1) (2)

Hamilton County Conservation Area (2)

Pere Marquette State Park (2)

Pyramid State Park (2)

Siloam Springs State Park (2)

- f) Season dates shall be the day after Labor Day through September 30 at the following sites:

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Johnson-Sauk Trail State Park (2)

Jubilee College State Park (2)

Kankakee River State Park (2)

Sangchris Lake State Park (2)

Silver Springs State Park (2)

Spring Lake Fish and Wildlife Area (2)

- g) Statewide regulations apply at the following sites, except that hunters must obtain a free permit from the Department and variations in season dates are in parentheses. Permits must be in possession while hunting. The permit must be returned and harvest reported by February 15 or the hunter will forfeit privileges at that site for the following year:

Chauncey Marsh (permit may be obtained at Red Hills State Park Headquarters) (1)

Clinton Lake State Recreation Area – North Fork Management Area, North of the County Road at the North Fork Boat Ramp and handicapped upland game area (1)

Coffeen Lake State Fish and Wildlife Area (statewide opening through September 30)

Fox Ridge State Park (1)

Harry "Babe" Woodyard State Natural Area

Hidden Springs State Forest (.22 rimfire firearms and muzzleloading blackpowder rifles prohibited until October 1) (1)

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

Hurricane Creek Habitat Area (season closes October 31)

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Jim Edgar Panther Creek State Fish and Wildlife Area (the Quality Unit and Controlled Unit close October 31) (1)

Kickapoo State Park (season opens day after Labor Day)

Lake Shelbyville – Eagle Creek State Park (closes opening day of site's pheasant season)

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Areas (1)

[Matthiessen State Park \(season opens on statewide opening day and closes the day before the archery deer season opens; permits available at the Starved Rock State Park office; hunting in designated areas only\)](#)

Middle Fork Fish and Wildlife Area (season opens day after Labor Day)

Momence Wetlands (season opens day after Labor Day; closes September 30; shotgun only, non-toxic shot only)

Moraine View State Park

Newton Lake Fish and Wildlife Area (closes September 30)

[Pyramid State Park – Captain Unit \(1\)](#)

[Pyramid State Park – Denmark Unit \(1\)](#)

Pyramid State Park – East Conant Unit (1)

Pyramid State Park – Galum Unit (1)

Ramsey Lake State Park

[Sand Ridge State Forest \(closes October 31\)](#)

~~[Sandy Ford Land and Water Reserve \(permits available at Starved Rock State Park; season closes September 30\) \(2\)](#)~~

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Sanganois State Fish and Wildlife Area (1)

Siloam Springs State Park – Buckhorn Unit (~~statewide opening through September 30) (archery only October 1 through end of season)~~ (1) (2)

~~Siloam Springs State Park – Scripps Unit (statewide opening through September 30) (archery only October 1 through end of season)~~ (1) (2)

Ten Mile Creek Fish and Wildlife Area (1)

- h) Season dates shall be statewide opening through September 30 at the following sites:

Beaver Dam State Park (2)

Castle Rock State Park (2)

Iroquois County Wildlife Management Area (1) (2)

Mackinaw State Fish and Wildlife Area (2)

Mt. Vernon Game Propagation Center (2)

[Sandy Ford Land and Water Reserve \(2\)](#)

Woodford County Fish and Wildlife Area (2)

- i) Season dates shall be statewide opening through October 31 at the following sites:

Green River State Wildlife Area (2)

Horseshoe Lake Conservation Area (season on the controlled goose hunting area shall close October 31, remainder of the public hunting area statewide season; non-toxic shot only) (1)

~~[Sand Ridge State Forest \(1\) \(2\)](#)~~

Union County Conservation Area (season on the controlled goose hunting area closes October 31; firing line unit – statewide closing; non-toxic shot only) (1)

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NOTICE OF PROPOSED AMENDMENT

(Source: Amended at 28 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: The Taking of Wild Turkeys – Fall Gun Season
- 2) Code Citation: 17 Ill. Adm. Code 715
- 3) Section Number: 715.40 Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to open new State-owned or managed sites to fall gun turkey hunting.
- 6) Will this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None

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- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2003

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 715
THE TAKING OF WILD TURKEYS – FALL GUN SEASON

Section

715.10	Hunting Season, Open Counties and Permit Quotas
715.20	Statewide Turkey Permit Requirements
715.21	Turkey Permit Requirements – Special Hunts
715.25	Turkey Permit Requirements – Landowner/Tenant Permits
715.30	Turkey Hunting Regulations
715.40	Regulations at Various Department-Owned or -Managed Sites

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

SOURCE: Adopted at 13 Ill. Reg. 14950, effective September 6, 1989; amended at 14 Ill. Reg. 12421, effective July 20, 1990; amended at 15 Ill. Reg. 11618, effective August 2, 1991; amended at 16 Ill. Reg. 11101, effective June 30, 1992; amended at 17 Ill. Reg. 10858, effective July 1, 1993; amended at 18 Ill. Reg. 10013, effective June 21, 1994; amended at 19 Ill. Reg. 11806, effective August 3, 1995; amended at 20 Ill. Reg. 10898, effective August 5, 1996; amended at 21 Ill. Reg. 9110, effective June 26, 1997; amended at 22 Ill. Reg. 14866, effective August 3, 1998; amended at 23 Ill. Reg. 9091, effective July 28, 1999; amended at 24 Ill. Reg. 8965, effective June 19, 2000; amended at 25 Ill. Reg. 11460, effective August 14, 2001; amended at 26 Ill. Reg. 13855, effective September 5, 2002; amended at 27 Ill. Reg. 12650, effective July 21, 2003; amended at 28 Ill. Reg. _____, effective _____.

Section 715.40 Regulations at Various Department-Owned or -Managed Sites

- a) Statewide regulations shall apply for the following sites:

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

Kaskaskia River State Fish and Wildlife Area (except that area north of Hwy. 154, east of the Kaskaskia River and south of Risdon School Road and Beck's Landing access road)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

26)

Mississippi River Pools 16, 17, 18

Mississippi River Pools 21, 22, 24

Nauvoo State Park (Max Rowe Unit only)

Rend Lake Project Lands (portion in Jefferson County only)

Weinberg-King State Park (Cecil White Unit)

- b) Statewide regulations shall apply except that all hunters must check in, check out, and report harvest at those sites listed below. Quotas, where listed, shall be on a first come-first served basis. Hunters shall not be allowed to sign in prior to 4 a.m. each day of the season.

Argyle Lake State Park

Big River State Forest

Cache River State Natural Area (Johnson County portion only)

Cypress Pond State Natural Area

[Devil's Island](#)

Dog Island Wildlife Management Area

Falling Down Prairie

Ferne Clyffe State Park

Fort de Chartres Historic Site (muzzleloading shotguns only)

Giant City State Park

Hanover Bluff – Kopper Tract

[Horseshoe Lake Conservation Area \(public hunting area except for](#)

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[controlled goose hunting area](#)

I-24 Wildlife Management Area

Kinkaid Lake Fish and Wildlife Area

Pere Marquette State Park (only that portion of site south of Graham Hollow Road)

Ray Norbut State Fish and Wildlife Area

[Sahara Woods State Fish and Wildlife Area](#)

Saline County Conservation Area

Siloam Springs State Park

Siloam Springs State Park – Buckhorn Unit (resident hunters only; [site permit required](#))

[Snakeden Hollow State Fish and Wildlife Area – Ives Unit](#)

Tapley Woods State Natural Area

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area – Firing Line Management Unit Only

Weinburg-King State Park

[Weinburg-King State Park – Scripps Unit](#)

- c) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 715.20. This permit is only valid for the specific site indicated on the permit.

Apple River Canyon State Park – Salem and Thompson Units

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[Crawford County Conservation Area](#) |

Jim Edgar Panther Creek State Fish and Wildlife Area

[Newton Lake Fish and Wildlife Area](#) |

Sam Parr State Park

Sand Ridge State Forest

Witkowsky State Wildlife Area

- d) Special program for hunters with disabilities. Statewide regulations shall apply unless designated otherwise by site regulations. Only disabled persons participating in the site's firearm deer hunt are eligible to participate. This hunt will run concurrent with the site's firearm deer hunt (refer to 17 Ill. Adm. Code 650.67 for hunt dates). Permits will be \$15 each; site specific for Rock Cut; issued at the site during check in for firearm deer hunting. Any additional availability will be publicly announced.

Rock Cut State Park

- e) Violation of a site specific regulation is a Class B misdemeanor (see 520 ILCS 5/2.9).

(Source: Amended at 28 Ill. Reg. _____, effective _____)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

Heading of the Part: Massage Licensing Act

2) Code Citation: 68 Ill. Adm. Code 1284

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1284.10	New Section
1284.20	New Section
1284.30	New Section
1284.40	New Section
1284.50	New Section
1284.60	New Section
1284.70	New Section
1284.80	New Section
1284.110	New Section

4) Statutory Authority: Massage Licensing Act [225 ILCS 57]

5) A Complete Description of the Subjects and Issues Involved: Public Acts 92-860 and 93-524 established the Massage Licensing Act, requiring that, as of January 1, 2005, individuals practicing massage therapy must be licensed by the Department of Professional Regulation. This proposed rulemaking implements the Act and provides qualifications and requirements for individuals in this State to obtain a license as a massage therapist. When adopted, these rules will allow the Department to begin accepting and processing applications for licensure.

Section 1284.10 sets the qualifications for individuals who wish to apply under the grandfather provision, while Section 1284.30 establishes the regular application procedures. Education and curriculum requirements are delineated in Section 1284.20. Procedures for renewal or restoration of a license and conditions for the Director of the Department to grant a variance to these rules are also provided. Fees for certification and renewal, as well as general processing fees, are set forth in Section 1284.50.

6) Does this rulemaking replace any emergency rules currently in effect? No

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

8) Does this rulemaking contain incorporations by reference? No

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

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

10) Statement of Statewide Policy Objective (if applicable): This rulemaking has no effect on local governments.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

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

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing massage therapy services.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: Massage therapy training is necessary for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: January 2004

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

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULES

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1284
MASSAGE LICENSING ACT

Section

1284.10	Application for Licensure Under Section 20 of the Act (Grandfather)
1284.20	Curriculum and Instruction
1284.30	Application for Licensure
1284.40	Endorsement
1284.50	Fees
1284.60	Renewals
1284.70	Inactive Status
1284.80	Restoration
1284.110	Granting Variances

AUTHORITY: Implementing the Massage Licensing Act [225 ILCS 57] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 28 Ill. Reg. _____, effective _____.

Section 1284.10 Application for Licensure Under Section 20 of the Act (Grandfather)

- a) For a period of one year after the effective date of this Part, the Department may issue a license to an individual who, in addition to meeting the requirements set forth in Section 20 of the Massage Licensing Act (Act), produces proof that he or she has met at least one of the following requirements:
- 1) Has been an active member of a national professional massage therapy organization for a period of at least one year prior to making application for licensure. The organization shall offer professional liability insurance and a code of ethics and must have been established prior to the year 2000. For purposes of this Section, active member does not include students that have not successfully completed the 500 hours in an approved massage therapy training program;
 - 2) Has passed the National Certification Exam of Therapeutic Massage and Bodywork and has kept his or her certification current;

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- 3) Has practiced massage therapy an average of at least 10 hours per week for at least one year prior to June 1, 2003 and has completed 100 hours of formal training in massage therapy; or
 - 4) Has practiced massage therapy an average of at least 10 hours per week for at least 10 years prior to June 1, 2003.
- b) An individual who has practiced massage therapy for at least 10 hours per week for a minimum of one year prior to June 1, 2003, but has less than 100 hours of formal training, or an individual who has practiced for less than one year may be issued a license under this Section but must complete at least 100 additional hours of formal training consisting of at least 25 hours in anatomy and physiology by January 1, 2005.

Section 1284.20 Curriculum and Instruction

- a) The Department shall review an applicant's massage therapy training to determine if it meets the minimum criteria described in this Section.
 - 1) A minimum of 500 clock hours of supervised classroom and supervised hands-on instruction. For purposes of this subsection (a)(1), "supervised" means the supervisor is physically on-site, qualified and immediately available.
 - 2) The minimum required subject matter and activities and the hours allotted to each required area are:
 - A) Human anatomy, physiology, pathology and kinesiology (150 hours).
 - B) Massage therapy theory, technique and practice, which may include but is not limited to: effleurage/gliding; petrissage/kneading; compression; friction tapotement/percussion; vibration; direct pressure; superficial warming techniques; pumping; stretching; jostling; shaking; rocking (150 hours).
 - C) Contraindications, benefits, universal precautions, body mechanics, history, client data collection, documentation, ethics and legalities of massage, professional standards including draping and modesty, therapeutic relationships and communications (100 hours).

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- D) Supervised, hands-on practice (100 hours).
- 3) Each student must maintain a minimum grade of 70% for all massage therapy related course and clinical work as described in this Section.
- b) A massage therapy school must meet the following minimum criteria:
 - 1) Maintain a written program philosophy, objectives and plan of organization;
 - 2) Have written plans of study, including prerequisite, requisite, and elective courses;
 - 3) Maintain course outlines or syllabi for all massage therapy courses;
 - 4) Provide a student handbook;
 - 5) Have a faculty that consists of a sufficient number of full and part-time instructors to ensure that the educational obligations to the student are fulfilled. Faculty must demonstrate competence in their respective areas of teaching as evidenced by a minimum of 2 years of experience in their field and by appropriate degrees/certificates from approved colleges/schools/institutions;
 - 6) Maintain permanent student records that summarize the credentials for admission, attendance, grades and other records of performance;
 - 7) The ratio of students to faculty in the lab/clinical/community area shall not exceed 10 students to 1 instructor; and
 - 8) All hands-on practice must be done on a living human being.

Section 1284.30 Application for Licensure

- a) Any applicant for a massage therapy license that does not meet the requirements of Section 1284.10 (grandfather) shall meet all of the following requirements:
 - 1) The applicant is at least 18 years of age and of good moral character;
 - 2) Certification of one of the following:

DEPARTMENT OF PROFESSIONAL REGULATION

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- A) Has successfully completed the curriculum or curriculums of one or more massage therapy schools that require a minimum of 500 hours and passed the National Certification Board of Therapeutic Massage and Bodywork's examination or another massage therapist certifying examination approved by the Department; or
 - B) Has moved to Illinois from a jurisdiction with no licensure requirement and has provided documentation that he or she has successfully passed the National Certification Board of Therapeutic Massage and Bodywork's examination or another massage therapist certifying examination approved by the Department and maintains current certification;
- 3) Either:
- A) Verification of electronic fingerprint processing from the Illinois Department of State Police or one of the Illinois State Police approved vendors. Applicants shall contact one of the approved vendors for fingerprint processing; or
 - B) Out-of-state residents unable to utilize the Illinois State Police electronic fingerprint process may submit to one of the Illinois State Police approved vendors one fingerprint card issued by the Illinois State Police, accompanied by the fee specified by the vendor; and
- 4) Pay the required fee specified in Section 1284.50.
- b) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department 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.

Section 1284.40 Endorsement

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- a) An applicant who is currently licensed under the laws of another jurisdiction and who wishes to be licensed as a massage therapist by endorsement shall file an application with the Department, on forms provided by the Department, that shall include:
- 1) Certification, on forms provided by the Department, of successful completion of an approved massage therapy program in accordance with Section 1284.20;
 - 2) Certification from the jurisdiction of original licensure and the state in which the applicant is currently licensed and practicing, if other than the original, stating the time during which the applicant was licensed in that state, whether the file on the applicant contains records of any disciplinary actions taken or pending, and the applicant's license number;
 - 3) A report of the applicant's examination record forwarded directly from the test reporting service;
 - 4) Complete work history since graduation from the massage therapy program;
 - 5) Either:
 - A) Verification of electronic fingerprint processing from the Illinois Department of State Police or one of the Illinois State Police approved vendors. Applicants shall contact one of the approved vendors for fingerprint processing; or
 - B) Out-of-state residents unable to utilize the Illinois State Police electronic fingerprint process may submit to one of the Illinois State Police approved vendors one fingerprint card issued by the Illinois State Police, accompanied by the fee specified by the vendor; and
 - 6) The required fee specified in Section 1284.50.
- b) The Department shall examine each endorsement application to determine whether the requirements in the jurisdiction on the date of licensure met the requirements then in force in this State and whether the applicant has otherwise complied with the Act.

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- c) The Department shall either issue a license by endorsement to the applicant or notify the applicant in writing of the reasons for the denial of the application.

Section 1284.50 Fees

The following fees shall be paid to the Department and are not refundable:

- a) **Application Fees**
The fee for application for a license as a massage therapist is \$175.
- b) **Renewal Fees**
The fee for the renewal of a license shall be calculated at the rate of \$90 per year.
- c) **General Fees**
 - 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees, not to exceed \$470.
 - 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license that has been lost or destroyed, or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.
 - 3) The fee for a certification of a licensee's record for any purpose is \$20.
 - 4) The fee to have the scoring of an examination authorized by the Department reviewed and verified is \$20 plus any fees charged by the applicable testing service.
 - 5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
 - 6) The fee for a roster of persons licensed as massage therapists in this State shall be the actual cost of producing the roster.

Section 1284.60 Renewals

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- a) Every massage therapy license issued under the Act shall expire on December 31 of each even numbered year. The holder of a license may renew the license during the month preceding the expiration date by paying the required fee.
- 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 renew a license or pay the renewal fee.
- 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 45 of the Act.

Section 1284.70 Inactive Status

- a) Licensed massage therapists who notify the Department, on forms provided by the Department, may place their licenses on inactive status and shall be excused from paying renewal fees until they notify the Department in writing of the intention to resume active practice.
- b) Any licensed massage therapist seeking restoration from inactive status shall do so in accordance with Section 1284.80 and pay the current renewal fee.

Section 1284.80 Restoration

- a) A person seeking restoration of a license that has expired for 5 years or less shall have the license restored upon payment of all lapsed renewal fees.
- b) A person seeking restoration of a license that has been placed on inactive status for 5 years or less shall have the license restored upon payment of the current renewal fee.
- c) A person seeking restoration of a license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, including the applicant's work history since the license expired, and the required fee. The person shall also submit one of the following:
 - 1) Certification of current licensure from another state or territory, completed by the appropriate state board, and proof of current active practice; or
 - 2) An affidavit attesting to military service as provided in Section 70 of the Act. If application is made within 2 years of discharge, and if all other

DEPARTMENT OF PROFESSIONAL REGULATION

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provisions of Section 70 of the Act are satisfied, the applicant shall pay the current renewal fee but will not be required to pay a restoration fee or any lapsed renewal fees.

Section 1284.110 Granting Variances

- a) The Director may grant variances from this Part in individual cases where he or she finds that:
 - 1) the provision from which the variance is granted is not statutorily mandated;
 - 2) no party will be injured by the granting of the variance; and
 - 3) the rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the Board of the granting of the variance, and the reasons for granting the variance, at the next meeting of the Board.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Licensing
- 2) Code Citation: 11 Ill. Adm. Code 502
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
502.104	Amend
502.230	Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking is being initiated to comply with Section 16 of the Illinois Horse Racing Act. Section 16 states in part that the Board may refuse or suspend a license if that person is a delinquent taxpayer as determined by the Illinois Department of Revenue.

In addition, the age of an apprentice jockey, found in Section 502.230(a), should read 16 years of age, not 18, to correspond with the age restriction found in Section 1411.140(a).
- 6) Will these proposed amendments replace any emergency amendments currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporation by reference? No
- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph, Suite 11-100
Chicago, Illinois 60601
(312) 814-5017
- 12) Initial Regulatory Flexibility Analysis:

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- A) Types of small business affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the most recent two regulatory agendas because: The need for the rulemaking was not anticipated when they were submitted.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS
TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 502
LICENSING

SUBPART A: PROCEDURE

Section	
502.10	Submission of Application
502.20	Complete Application
502.30	License Fees
502.40	Duration and Extent of Occupation Licenses
502.50	Rulings and Hearings
502.55	Denial of License
502.58	License to Participate

SUBPART B: STATUTORY GROUNDS FOR DENIAL OF A LICENSE

Section	
502.60	Denial of a License for Criminal Conviction
502.72	First-Time Applicant Who Has Been Convicted of a Crime
502.76	Prohibitions Against Persons on Conditional Discharge, Parole, Probation or Supervision
502.78	Probationary Nature of Licenses
502.80	Unqualified to Perform the Duties
502.90	Falsifying Answers or Omitting Facts
502.100	Just Cause
502.102	Burden of Going Forward
502.104	Denial of a License for Just Cause in Illinois or in Another Racing Jurisdiction

SUBPART C: GENERAL CRITERIA

Section	
502.110	Criteria for Determining Eligibility
502.115	Standards Required of All Applicants

SUBPART D: OWNERS

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Section
502.120 Owners

SUBPART E: TRAINERS AND ASSISTANT TRAINERS

Section
502.200 Trainers and Assistant Trainers
502.210 Prospective Trainers or Assistant Trainers
502.220 Workers' Compensation

SUBPART F: JOCKEYS AND APPRENTICE JOCKEYS

Section
502.230 Jockeys and Apprentice Jockeys
502.235 Apprentice Jockeys, Criteria for Eligibility
502.238 Apprentice Contract or Certificate

SUBPART G: DRIVERS

Section
502.250 Harness Driver
502.260 Prospective Harness Drivers
502.270 "Q" Licenses
502.280 "P" Licenses
502.290 "A" Licenses

SUBPART H: OTHER LICENSEES

Section
502.300 Veterinarians
502.320 Veterinary Assistant
502.350 Farriers (Blacksmiths)
502.380 Exercise Riders
502.400 Pony Person
502.450 Stable Foreman
502.500 Jockey Agents
502.600 Authorized Agents
502.650 Tack Shop Operators and Other Vendors
502.660 Vendor Helper
502.680 Thoroughbred Grooms
502.690 Harness Grooms

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502.700 Hotwalker
502.790 Totalizator Employee

SUBPART I: CONFLICTS OF INTEREST

Section
502.800 General [Provisions](#)~~Provision~~
502.820 Dual Licensing
502.830 Limitations on License
502.840 Husbands and Wives
502.850 Transfer of a Horse

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Emergency rule adopted and codified at 6 Ill. Reg. 9711, effective July 27, 1982, for a maximum of 150 days; adopted and codified at 6 Ill. Reg. 13786, effective October 25, 1982; amended at 7 Ill. Reg. 5225, effective April 1, 1983; amended at 11 Ill. Reg. 20611, effective January 1, 1988; amended at 13 Ill. Reg. 1562, effective January 23, 1989; amended at 13 Ill. Reg. 4931, effective March 22, 1989; amended at 14 Ill. Reg. 17641, effective October 16, 1990; amended at 15 Ill. Reg. 11985, effective August 12, 1991; amended at 16 Ill. Reg. 12774, effective July 31, 1992; amended at 17 Ill. Reg. 19961, effective November 9, 1993; amended at 18 Ill. Reg. 11615, effective July 7, 1994; amended at 19 Ill. Reg. 5034, effective April 1, 1995; amended at 19 Ill. Reg. 17190, effective January 1, 1996; amended at 20 Ill. Reg. 13052, effective October 1, 1996; amended at 22 Ill. Reg. 10656, effective June 1, 1998; amended at 28 Ill. Reg. _____, effective _____.

SUBPART B: STATUTORY GROUNDS FOR DENIAL OF A LICENSE

Section 502.104 Denial of a License for Just Cause in Illinois or in Another Racing Jurisdiction

- a) Pursuant to Sections 15(c)(4) and (5) of the Act, the Board shall deny an application for a license for just cause if:
- 1) The applicant's license in another racing jurisdiction has been suspended or revoked; or
 - 2) The applicant has been excluded by another racing jurisdiction; or
 - 3) The applicant has violated the Board's rules or the Act.

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- b) Pursuant to Section 16(a) of the Act, the Board may refuse to issue or may suspend the occupation license of any person who fails to file a tax return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Department of Revenue, until the requirements of the tax Act are satisfied.
- cb) Just cause shall not include any cause based solely on race, color, creed, national origin or sex.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

SUBPART F: JOCKEYS AND APPRENTICE JOCKEYS

Section 502.230 Jockeys and Apprentice Jockeys

An applicant for a license as a jockey or apprentice jockey shall:

- a) be at least ~~16~~¹⁸ years of age or have been licensed as a jockey in this or another racing jurisdiction prior to the effective date of these rules; and
- b) have been licensed previously as a jockey or apprentice jockey by the Board or by another racing jurisdiction;
- c) be found physically able to ride in competitive horse races by a licensed practicing physician prior to the first Illinois race meeting at which the applicant intends to ride; and
- d) have ridden fewer than 40 winners within the periods specified in 11 Ill. Adm. Code 1411.140(a).

(Source: Amended at 28 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Medication
- 2) Code Citation: 11 Ill. Adm. Code 603
- 3) Section Number: 603.70 Proposed Action: Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: The phrase “a minimum of” is being inserted in Section 603.70(b)(1) at the request of the Board’s Chief Veterinarian. In a few instances, a racehorse bled for the second time in a calendar year. Since the horse was not racing on Furosemide (Lasix), the maximum days given was 14. The present rule does not take into account that not all racehorses go on lasix after experiencing a bleeding episode and this rulemaking permits the State Veterinarian to assign more than 14 days.
- 6) Will this rulemaking replace any emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporation by reference? No
- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objective: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph
Suite 11-100
Chicago, Illinois 60601
(312) 814-5017
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small business affected: None

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- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the most recent two regulatory agendas because: The need for this rulemaking was not anticipated when they were submitted.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 603
MEDICATION

Section	
603.10	Pre-Race Saliva Tests
603.20	Racing Soundness Exam
603.30	Foreign Substances and Pharmaceutical Aids Banned
603.40	Twenty-four Hour Ban
603.50	Trainer Responsibility
603.55	Prima Facie Evidence
603.60	Permitted Use of Foreign Substances and Threshold Levels
603.70	Furosemide
603.80	Needles, Syringes and Injectables
603.90	Drugs, Chemicals and Prescription Items
603.100	Detention Barn
603.110	Test Samples
603.120	Referee Samples
603.130	Laboratory Findings and Reports
603.140	Distribution of Purses and Retention of Samples
603.150	Post Mortems
603.160	Penalties
603.170	Veterinarian's Records
603.180	Carbon Dioxide Tests

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Adopted at 21 Ill. Reg. 3232, effective March 4, 1997; amended at 22 Ill. Reg. 2217, effective January 1, 1998; amended at 22 Ill. Reg. 3594, effective February 1, 1998; amended at 25 Ill. Reg. 15611, effective December 1, 2001; amended at 26 Ill. Reg. 12360, effective August 1, 2002; amended at 27 Ill. Reg. 5027, effective March 7, 2003; amended at 27 Ill. Reg. 7331, effective April 15, 2003; amended at 28 Ill. Reg. 1374, effective January 19, 2004; amended at 28 Ill. Reg. 4751, effective March 1, 2004; amended at 28 Ill. Reg. _____, effective _____.

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Section 603.70 Furosemide

- a) The Board recognizes that Exercise Induced Pulmonary Hemorrhage (EIPH) is almost universal in performance horses. The Board also recognizes that the diuretic furosemide is helpful in the management of the EIPH syndrome; this includes horses that already had a bleeding episode as well as horses that have not yet exhibited the epistaxis. In regulating the race day use of furosemide, the Board has placed strict controls on the dose, route and time the medication is administered. Additionally, Board security personnel monitors these horses during and after the administration. Advances in drug testing techniques permit the Board laboratory to quantitate post-race serum samples for furosemide, providing a thorough regulation of the drug. All of these measures are designed to prevent the misuse of furosemide.

- b) Veterinarian's List
 - 1) When a horse is added to the furosemide list, it shall be placed on the veterinarian's list and shall be ineligible to race for [a minimum of](#) 14 days. The 14 day ineligibility period begins on the certification date defined in subsections (c)(1)(A), (B), (C), and (D). During this 14 day period, the horse shall not be permitted to race with or without furosemide. Before the horse shall be permitted to enter a race, it must qualify on furosemide by participating in a qualifying race or by performing an official workout without bleeding, to the satisfaction of the State Veterinarian. Horses must wait 9 days following the certification date before participating in a qualifying race.
 - 2) A horse bleeding while racing with furosemide shall be barred from racing for a minimum of 30 days.
 - 3) A horse bleeding a second time in any 12 month period while racing with furosemide shall be barred from racing for a minimum of 60 days.
 - 4) A horse bleeding a third time in any 12 month period while racing with furosemide shall be barred from racing for a minimum of 180 days or the ~~remainder~~[reminder](#) of the 12 month period, whichever is greater.
 - 5) After the expiration of the barred periods in subsections (b)(2), (3) and (4), a horse must qualify on furosemide by participating in a qualifying race or performing an official workout without bleeding to the satisfaction of the

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State Veterinarian. Prior to the workout, a blood sample may be collected by the State Veterinarian and sent to the Board laboratory for testing. After the workout, the State Veterinarian may witness an endoscopic examination of the horse to confirm that it has not bled.

- c) Eligibility for Furosemide Treatment
- 1) A horse is eligible to race with furosemide if at least one of the following occurs:
 - A) It bleeds internally or externally in the presence of an official veterinarian, or if a veterinarian licensed by the State of Illinois attests in writing that he/she witnessed a bleeding episode. The State Veterinarian will then issue a bleeder certificate and place the horse on the furosemide list. The certification date shall be the day the bleeding episode was witnessed by or reported to the State Veterinarian;
 - B) A veterinarian licensed by the Board concludes that it will be in the best interest of a horse's health to race with furosemide. The trainer shall submit to the State Veterinarian a certificate signed by the licensed veterinarian requesting approval to place the horse on the furosemide list. The certification date shall be the day the State Veterinarian grants approval. This subsection (c)(1)(B) applies to [thoroughbred horses only](#);
 - C) The trainer provides the Board or its designee with evidence that the horse bled in another racing jurisdiction. Acceptable evidence shall be a valid bleeder certificate approved by an official veterinarian. The certification date shall be the date shown on the bleeder certificate;
 - D) The trainer provides the Board or its designee with evidence that the horse has been running consistently, up to its last start, with furosemide in other racing jurisdictions as shown on the official past performance lines. Acceptable past performance lines for thoroughbreds and/or quarter horses shall be Equibase and/or Racing Form. Acceptable past performance lines for harness horses shall be the official past performances of the United States Trotting Association (USTA) or Canadian Trotting Association

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(CTA) or the eligibility papers. The certification date shall be the earliest available date the horse shows running with furosemide on the official past performance lines. If the past performance lines of a horse show that the horse has been running on and off furosemide in other racing jurisdictions, the horse shall not be permitted to run with furosemide in Illinois, unless the occasions the horse ran without furosemide were due to rule restrictions imposed on the horse by those particular racing jurisdictions.

2) Signing a Furosemide Certification Affidavit

- A) The stewards may permit a horse to be treated with furosemide for one race if the certification described in subsection (c)(1)(A), (B), (C) or (D) is not available at the time the horse must be treated with furosemide. The trainer or his/her representative shall sign a Furosemide Certification Affidavit.
- B) Within 10 days after the race, the trainer of the horse shall produce for the stewards or their designee written certification from a state where the horse has bled or a statement in an official chart that the named horse bled following a race or a workout in that state. The certification date must comply with the 14 day requirement specified in subsection (b)(1).
- C) Any purse money earned by the horse in the race shall be held during the 10 day period.
- D) If the trainer fails to produce the evidence required in subsection (c)(2)(B), or if the certification date does not comply with the 14 day ineligibility period specified in subsection (b)(1), the stewards shall impose a fine of not less than \$200 and not more than \$1500 and/or suspend the trainer's license and shall redistribute the amount of any purse money earned by the horse.

d) Removal from Furosemide List

- 1) Once a horse is placed on the furosemide list, it must continue to race with furosemide unless the removal from the list is approved by the stewards. The stewards may remove a horse from the furosemide list upon the written request of the trainer if the horse's performance is negatively

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affected by the use of furosemide, or upon the recommendation of the State Veterinarian if a horse has an adverse physiological reaction to furosemide.

- 2) Once removed from the furosemide list, a thoroughbred horse shall be ineligible to participate in a race for a minimum of 30 days. A harness horse shall be ineligible for a minimum of 14 days. The ineligibility period shall be counted from the day the stewards approve the removal of the horse from the furosemide list. Prior to starting in a race, a horse must participate without furosemide in a qualifying race or perform an official workout without bleeding. Prior to the qualifying race or workout, a blood sample may be collected by the State Veterinarian and sent to the Board laboratory for testing. After the qualifying race or workout, the State Veterinarian may witness an endoscopic examination of the horse to confirm that it has not bled.
- e) Administration of Furosemide
- 1) All horses on the furosemide list must be treated with furosemide in order to be permitted to participate in a race.
 - 2) Furosemide shall be administered between 4 hours and 15 minutes and 3 hours and 45 minutes before post time of the race in which a horse is entered.
 - 3) A Board licensed veterinarian shall administer not less than 150 mg and not more than 250 mg of furosemide intravenously and shall verify the administration on prescribed affidavits before the post time of the first race.
 - 4) The trainer or his/her licensed employee shall witness the furosemide administration.
 - 5) The furosemide administration may take place in the horse's own stall or in a centralized location.
 - 6) For violations of this subsection (e), the stewards shall scratch a horse from the race and the trainer may be fined not less than \$200 and not more than \$500.

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- f) **Absence of Furosemide**
In the event a horse listed on the furosemide list races without furosemide, the horse shall be disqualified and any purse money earned by the horse redistributed. In addition, the stewards may suspend or fine the trainer and/or veterinarian not less than \$200 and not more than \$1500.
- g) **Excessive Use of Furosemide**
- 1) The test level for furosemide shall not be in excess of 60 nanograms (ng) per milliliter (ml) of serum or plasma.
 - 2) The first two times the laboratory reports an amount of furosemide between 61 ng-85 ng/ml, inclusive, the trainer shall receive a written warning. For each subsequent overage at this level by the same trainer, the trainer shall be fined no more than \$200.
 - 3) The first time the laboratory reports an amount of furosemide between 86 ng-99 ng/ml, inclusive, the trainer shall receive a written warning. For each subsequent overage at this level by the same trainer, the trainer shall be fined no more than \$500 and suspended not more than 30 days.
 - 4) In the event a post-race sample contains an amount of furosemide greater than 99 ng/ml, the trainer shall be fined no more than \$1000 and suspended not less than 30 days and the purse shall be redistributed.
- h) **Trainer's Responsibilities for Horses on the Furosemide List**
- 1) The trainer shall be responsible for:
 - A) providing the racing office at the time of entry with accurate information regarding the use of furosemide on horses he/she enters to race;
 - B) providing the information required for furosemide approval of his/her horses to Board staff coordinating the administration of furosemide;
 - C) notifying his/her veterinarian of furosemide horses and the date and times for race day treatment;

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- D) having horses on the furosemide list stabled at the barn and in the stall assigned by the Racing Secretary or his/her designee;
 - E) posting a "Security Stall" sign on the stalls of his/her horses entered to race (see 11 Ill. Adm. Code 436);
 - F) ensuring horses are treated with furosemide on race day at the prescribed time, witnessing the administration of furosemide and guarding the horse until the horse is taken to the paddock (see 11 Ill. Adm. Code 436).
- 2) The stewards may suspend the trainer or assess a fine of no less than \$200 and no more than \$500 for violation of this subsection (h).
- i) Veterinarian's Responsibilities
- 1) The practicing veterinarian shall be responsible for:
 - A) administering the proper furosemide medication and dose at the proper time to the proper horse.
 - B) providing Board staff, upon request, with any documentation related to horses that are stabled on approved facilities and medication samples and/or paraphernalia used to administer any medication to a horse. Samples and/or paraphernalia may be sent to the Board laboratory for testing.
 - 2) The stewards may suspend the veterinarian or assess a fine of no less than \$200 and no more than \$500 for violations of this subsection (i).
- j) Security
- 1) Each horse racing with furosemide shall be detained in a stall assigned by the Racing Secretary at least 4 hours and 15 minutes before the post time of the race in which it is entered, and shall remain in the stall until taken to the paddock to be saddled or harnessed for the race, except that the stewards may permit horses to leave the "security stall" to engage in exercise blow-outs or warm-up heats.
 - 2) The barn area is a secure area and shall be under the supervision of the

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Board.

- 3) No unauthorized person shall approach the security area. If any unauthorized person does approach the security area, a report of the incident is to be made immediately to one of the State Veterinarians, the stewards or a Board investigator.
 - 4) Board staff may direct a veterinarian to take a blood sample immediately prior to the administration of furosemide to be submitted to the Board's laboratory for analysis.
 - 5) Board staff may collect from a veterinarian the syringe containing any medication about to be administered to a horse for testing at the Board laboratory.
- k) This Section shall apply to all horses entering in and competing in race meetings as defined in Section 3.07 of the Act [230 ILCS 5/3.07], as well as all horses shipping in from other racing jurisdictions, domestic or foreign.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Race Track Operators and Their Duties
- 2) Code Citation: 11 Ill. Adm. Code 1305
- 3) Section Number: 1305.320 Proposed Action: Repeal
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This amendment is being proposed due to an amendment to Section 20.1 of the Illinois Horse Racing Act that permits organization licensees to determine prices charged for goods and services
- 6) Will this rulemaking replace any emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporation by reference? No
- 9) Are there any other proposed amendments pending in this Part? Yes

<u>Section Number</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
1305.380	Amend	27 Ill. Reg. 7218; 4/18/03
- 10) Statement of Statewide Policy Objective: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

Mickey Ezzo
Illinois Racing Board
100 West Randolph
Suite 11-100
Chicago, Illinois 60601
(312) 814-5017
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small business affected: None

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- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the most recent two regulatory agendas because: The need for the rulemaking was not anticipated when they were submitted.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

PART 1305
RACE TRACK OPERATORS AND THEIR DUTIES

Section	
1305.10	Definition of Race Track Operator
1305.20	Application
1305.30	Time for Filing Applications
1305.40	Conditions of License
1305.45	Lease of Race Track (Repealed)
1305.50	Written Disclosure
1305.55	Written Disclosure for Corporations
1305.60	Notice of Changes
1305.70	Political Contributions
1305.80	Termination of License
1305.90	Wagering On Races Conducted off of Premises
1305.100	Reciprocal Suspensions
1305.110	Horse Ambulance
1305.120	Ambulance of Racing Strip (Repealed)
1305.130	First Aid Station (Repealed)
1305.140	Emergency Medical Services
1305.150	Illinois Racing Board Office
1305.170	Moving Office (Repealed)
1305.180	Judge's Stand
1305.190	Driver's Bench
1305.200	Stabling of Horses
1305.220	Stall Numbers and Distance Poles
1305.230	Licensed Outrider
1305.240	Drinking Fountains and Rest Rooms
1305.250	Telephones
1305.260	Broadcasting and Telecasting
1305.270	Pest Control
1305.280	Alcohol Sales
1305.290	Track Lights
1305.300	Fire Prevention
1305.310	Backstretch Paging System

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NOTICE OF PROPOSED AMENDMENT

- 1305.320 Admissions ([Repealed](#))
- 1305.330 Inspection Report
- 1305.340 Lottery Events at Race Tracks
- 1305.350 Off-Track Betting Agencies of Other States
- 1305.370 Reporting of Horsemen's Purse Account
- 1305.380 Notification of Change in Hours of Operation

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); amended October 9, 1973, filed October 19, 1973; amended October 25, 1973, filed December 17, 1973; amended February 15, 1974, filed February 28, 1974; amended October 25, 1974, filed November 7, 1974; added May 9, 1975, filed May 15, 1975; amended August 21, 1976, filed August 21, 1976, filed August 30, 1976; amended at 2 Ill. Reg. 27, p. 275, effective July 10, 1978; amended at 4 Ill. Reg. 21, p. 85, effective May 9, 1980; codified at 5 Ill. Reg. 10923; amended at 6 Ill. Reg. 11063, effective September 1, 1982; amended at 9 Ill. Reg. 9165, effective May 30, 1985; amended at 14 Ill. Reg. 17661, effective October 16, 1990; amended at 14 Ill. Reg. 20052, effective December 4, 1990; amended at 17 Ill. Reg. 3034, effective February 23, 1993; emergency amendment at 23 Ill. Reg. 7776, effective June 28, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13939, effective November 2, 1999; amended at 28 Ill. Reg. _____, effective _____.

Section 1305.320 Admissions ([Repealed](#))

~~No operator shall charge any price for admission to any part of the race track enclosure at which its meeting is conducted or for any goods or services offered for sale by it unless such price has been approved by the Board.~~

(Source: Repealed at 28 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Officials of Meeting
- 2) Code Citation: 11 Ill. Adm. Code 1403
- 3) Section Number: 1403.10 Proposed Action: Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: In 1993, the Board amended Section 1424.170 to require racetracks to submit their emergency medical service plans to the Board for approval. The plan must include medical services to be provided to racing participants and patrons. The 1993 amendment also included the repeal of the following language (per an agreement between the racetrack operators and the horsemen): “shall furnish a licensed physician each day that their tracks may be opened for racing, shall furnish a registered trained nurse to render medical services or treatment.” This rulemaking eliminates a requirement, which should have been repealed in 1993, that thoroughbred racetracks provide a physician during racing hours and a nurse during racing and training hours.
- 6) Will this proposed amendment replace any emergency amendments currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporation by reference? No
- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objective: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this notice, to:

Mickey Ezzo, Illinois Racing Board
100 West Randolph
Suite 11-100
Chicago, Illinois 60601
(312) 814-5017

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- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small business affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the most recent two regulatory agendas because: the need for the rulemaking was not anticipated when they were submitted.

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

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING
(THOROUGHBRED)

PART 1403
OFFICIALS OF MEETING

Section	
1403.10	Designation of Officials
1403.20	Wagering Prohibited
1403.30	Patrol Judges
1403.40	Leaving Employment
1403.60	State Veterinarians Report Examinations
1403.63	Veterinarians' List
1403.66	Reports at Close of Meeting
1403.68	Dental Work on Horse (Repealed)
1403.70	Paddock Judge
1403.74	Inspection of Bandages
1403.77	Ice Bandages
1403.80	Jockey Room Custodian

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Horse Racing (original date not cited in publication); amended November 17, 1977, filed December 29, 1977; codified at 5 Ill. Reg. 10962; amended at 20 Ill. Reg. 13058, effective October 1, 1996; amended at 28 Ill. Reg. _____, effective _____.

Section 1403.10 Designation of Officials

In addition to the stewards, officials of a race meeting shall include the following: three placing judges, patrol judges (at least three at tracks of one mile or over), clerk of the scales, jockey room custodian, racing secretary, timer, paddock judge, and veterinarians (two of whom shall be appointed by the Board and designated as the state veterinarians), ~~a track physician who shall be on duty at least one hour before post time each day and a nurse who shall be on duty during racing and exercising hours.~~

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(Source: Amended at 28 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Procedures and Standards

2) Code Citation: 92 Ill. Adm. Code 1001

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1001.30	Amend
1001.70	Amend
1001.80	Amend
1001.100	Amend
1001.300	Amend
1001.320	Amend
1001.340	Amend
1001.410	Amend
1001.420	Amend
1001.430	Amend
1001.440	Amend
1001.441	Amend
1001.443	Amend
1001.450	Amend
1001.460	Amend

4) Statutory Authority: Subpart A implements Sections 2-113, 2-118, 6-108, 6-205, and 6-206 and is authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 6-108, 6-205 and 6-206]. Subpart B implements Chapter 7 and is authorized by Sections 2-103, 2-104, 2-106, 2-107, 2-108, 2-113, and 2-114, and Ch. 7 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-106, 2-107, 2-108, 2-113, 2-114 and Ch. 7]. Subpart C implements Sections 6-205(c) and 6-206(c)3 and is authorized by Sections 2-103 and 2-104 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 6-205(c) and 6-206(c)3]. Subpart D is authorized by Sections 2-104 and 11-501 of the Illinois Vehicle Code and implements Sections 6-103, 6-205(c), 6-206(c)3, and 6-208 of the Illinois Vehicle Code [625 ILCS 5/ 2-104, 6-103, 6-205(c), 6-206(c)3, 6-208 and 11-501]. Subpart F implements Sections 2-113, 2-118, 6-208.2, 11-501.1, and 11-501.8 and is authorized by Sections 2-103, 2-104, and 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/2-103, 2-104, 2-113, 2-118, 6-208.2, 11-501.1 and 11-501.8].

5) A Complete Description of the Subjects and Issues Involved: These amendments achieve the following objectives: In Subpart A:

- Added titles to subsections in several Sections, beginning with Section 1001.30, in order to facilitate the location of information. In other words, this rulemaking has

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become so voluminous, that it has become increasing difficult to quickly find a specific rule when one is looking for it. The titles will, hopefully, make it easier to locate specific rules;

- Clarified how attorneys who are licensed to practice in other states may obtain permission to appear at formal hearings before the Department of Administrative Hearings. See Section 1001.30. This Section was also reorganized;
- Specified the manner in which the Department of Administrative Hearings will determine the eligibility for driving relief of those convicted of reckless homicide and aggravated DUI (driving under the influence), as provided in PA 92-343. See Sections 1001.70, 1001.420(b)(6), 1001.430(l);
- Added a fee for the filing of requests or Motions to Reconsider a decision made in a formal hearing. See Section 1001.80;
- Amended citations to rules/subsections in Part 1001 that have been reorganized. See Section 1001.100(n)(6).

In Subpart C:

- Amended Section 1001.300(c)(3) so that a petitioner can renew a permit at an informal hearing after being sentenced to court supervision for a petty traffic offense;
- Clarified how attorneys who are licensed to practice in other states may obtain permission to appear at informal hearings before the Department of Administrative Hearings. See Section 1001.320;
- Struck the listing of locations of informal hearing officers, and stated that this information will henceforth be published/posted and provided on the Secretary of State website. See Section 1001.340(c);
- Amended citations to rules/subsections in Part 1001 that have been reorganized. See Section 1001.340(d)(3).

In Subpart D:

- Amended the following definitions (in Section 1001.410):
 - BAIID multiple offender, to clarify which offenders will be required to participate in the multiple offender program;
 - BAIID petitioner, to clarify which offenders will be required to participate in the BAIID program;
 - Struck the definition of OASA and added a definition for DASA. This is done because the name of the agency that regulates substance abuse service providers was recently changed from “Office” to “Division” of Alcoholism and Substance Abuse. The name change is also made in several subsections throughout Subpart D;

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- Corrected an oversight in the definition of Failure to successfully complete a rolling/running retest;
- Added titles to subsections in several Sections, beginning with Section 1001.420, in order to facilitate the location of information. In other words, this rulemaking has become so voluminous, that it has become increasingly difficult to quickly find a specific rule when one is looking for it. The titles will, hopefully, make it easier to locate specific rules;
 - New subsections (subsection (a)) were added to Sections 1001.420 and 1001.440. This necessitated the relettering of the original subsections;
 - Added a description of a petitioner's burden of proof in obtaining a restricted driving permit (RDP). See Section 1001.420(a);
 - Specified the manner in which the Department of Administrative Hearings will determine the eligibility for driving relief of those convicted of reckless homicide and aggravated DUI (driving under the influence), as provided in PA 92-343. See Sections 1001.420(b)(6) and 1001.430(l);
 - Codified the established policy of the Department of Administrative Hearings, which is based upon its interpretation of Sections 6-205(c), 6-206(c)3, and 6-208(b) of the Illinois Vehicle Code, that a petitioner is not required to prove an undue hardship in order to obtain a probationary RDP. See Sections 1001.420(i) and 1001.430(c);
 - Added a "Statement of Principle and Purpose" in response to what the Department of Administrative Hearings considers a disturbing trend in recent appellate court decisions. See, for example, Mohr v. White, (4th Dist., 2001) 324 Ill. App. 3d 643, 756 N.E.2d 434, and cases which cite it as authority. The Department believes that the courts are substituting their judgment for that of the Department without a sufficient understanding of the hearing process and the disease process of alcoholism/chemical dependency. It is hoped that this rule will reverse this trend, and thereby alleviate the need for more drastic changes in the hearing process;
 - Added a requirement that a petitioner's alcohol/drug use history be included with the original evaluation. See Section 1001.440(b)(4);
 - Clarified the manner in which a petitioner's case file may be transferred from one service provider to another. See Section 1001.440(b)(6)(A);
 - Required additional information to be included in an updated evaluation. See Section 1001.440(b)(6)(B);
 - Added that a victim's impact statement may be considered as a factor in deciding whether to issue driving relief. See Section 1001.440(e)(19);
 - Clarified the requirement that a member of Alcoholics Anonymous submit a letter from his/her sponsor. See Section 1001.440(k);
 - Added a statement that the Secretary of State will reciprocate with other states in regard to the interlock device program. See Section 1001.441(s);

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- Clarified the requirement that a BAIID multiple offender must install a device on all of the vehicles that he/she owns for 12 months. See Section 1001.443(b);
- Clarified how long a petitioner must wait after a formal hearing before he/she can have an informal hearing. See Section 1001.450(a);
- In Section 1001.460:

Subsection (b) is amended to add a factor that the hearing officer can consider in deciding whether to recommend that a suspension or revocation entered pursuant to Section 6-206(a)10 or 14 of the IVC (fraudulent licenses, permits and identification cards, and violations of the Illinois Identification Card Act). We intend to allow hearing officers to consider modification if the petitioner cooperates with law enforcement or the Secretary of State in apprehending, prosecuting, etc., those who manufacture, supply, distribute, etc., fraudulent licenses, permits and identification cards;

In subsection (d), clarified the Secretary's policy in regard to the extent to which discretionary revocations and suspensions can be modified;

Subsection (e) is amended to grant credit for out-of-state implied consent suspensions and Commercial Driver's License disqualifications.

It should be noted that some of the substantive adjustments/amendments recited above are being proposed based upon the Department's experience with the day-to-day application of these rules.

- 6) Will this rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments to this Part pending? No
- 10) Statement of Statewide Policy Objectives: This proposed amendment will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on these proposed amendments may submit written comments no later than 45 days after the publication of this Notice to:

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Marc Christopher Loro, Legal Advisor
Department of Administrative Hearings
200 Howlett Building
Springfield, Illinois 62756
(217) 785-8245
Fax: (217) 782-2192
mloro@ilsos.net

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: December 2003

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1001
PROCEDURES AND STANDARDS

SUBPART A: FORMAL ADMINISTRATIVE HEARINGS

Section

- 1001.10 Applicability
- 1001.20 Definitions
- 1001.30 Right to Counsel
- 1001.40 Appearance of Attorney
- 1001.50 Special Appearance
- 1001.60 Substitution of Parties
- 1001.70 Commencement of Actions; Notice of Hearing
- 1001.80 Motions
- 1001.90 Form of Papers
- 1001.100 Conduct of Formal Hearings
- 1001.110 Orders
- 1001.120 Record of Hearings
- 1001.130 Invalidity

SUBPART B: ILLINOIS SAFETY RESPONSIBILITY HEARINGS

Section

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

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

Section

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1001.300	Applicability
1001.310	Definitions
1001.320	Right to Representation
1001.330	Records and Reports
1001.340	Location of Hearings
1001.350	Duties and Responsibilities
1001.360	Decisions
1001.370	Invalidity

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

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

SUBPART E: FORMAL MEDICAL HEARINGS

Section	
1001.500	Applicability
1001.510	Definitions

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

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

Section

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

SUBPART G: MOTOR VEHICLE FRANCHISE ACT

Section

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

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

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

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

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150 days; emergency expired on February 16, 2003; amended at 27 Ill. Reg. 5969, effective March 31, 2003; amended at 27 Ill. Reg. 13577, effective August 1, 2003; amended at 28 Ill. Reg. _____, effective _____.

SUBPART A: FORMAL ADMINISTRATIVE HEARINGS

Section 1001.30 Right to Counsel

- a) Attorneys Must be Licensed; 711 Students. Any party may appear and be heard through an attorney at law licensed to practice in the State of Illinois, ~~or and~~ any law student licensed under Supreme Court Rule 711, in any hearing in any matter involving the exercise of legal skill or knowledge. [ILCS S. Ct. Rule 711-]
- b)4) Pro Hac Vice. Attorneys admitted to practice in states other than the State of Illinois may appear and be heard ~~by special leave of the hearing officer appointed to conduct the hearing,~~ upon the attorney's verbal representations or written documentation as to the attorney's admittance, either by special leave of the Director of the Department or pursuant to an Order pro hac vice, entered by a judge of the circuit court of the county in which the hearing is conducted.
- c)2) Pro Se. A natural person may appear and be heard on his or her own behalf.
- d)3) Corporations. A corporation, association, or partnership may appear and present evidence by any bona fide officer, employee, or representative.
- b) ~~Only an attorney properly licensed or any law student licensed under Supreme Court Rule 711 shall represent anyone else in any hearing in any matter involving the exercise of legal skill or knowledge.~~
- e) The standard of conduct shall be the same as before the Courts of Illinois.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 1001.70 Commencement of Actions; Notice of Hearing

- a) Petition; Notice of Hearing. A contested case is commenced by the Office, either after the written request of the petitioner or on the Office's initiative, by service of a Notice of Hearing in accordance with Section 2-114, within the time limitation contained in Sections 2-118(a) and (b) and 3-402.B(7)(a) and (b), as applicable, of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Code) [625 ILCS

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5/2-114, 2-218(a) and (b), and 3-402.B(7)(a) and (b)] upon the respondent.

b) Filing Fee

- 1) Effective 15 October 2001, a petition for a hearing will not be accepted for filing unless it is accompanied by a fee of \$50, as provided in §§2-118 and 3-402.B(7)(a) of the Illinois Vehicle Code. This filing fee must be submitted in the form of a money order, a check, or a credit card charge (with a pre-approved card), made payable to the Secretary of State.
- 2) This filing fee will not be refunded to the party requesting a hearing if the party withdraws from the hearing or defaults.
- 3) In cases where a hearing is continued, the party requesting the hearing will not be required to submit another filing fee.
- 4) In cases where the party requesting a hearing withdraws or defaults, the party will be required to submit another filing fee before another hearing will be scheduled.

c) The Notice of Hearing shall include:

- 1) The names and addresses of all known parties, petitioner and respondent, including the department initiating the hearing;
- 2) Whether the hearing is at the request of the petitioner or the Department;
- 3) The time, date, and place of hearing;
- 4) A short and concise statement of facts (as distinguished from conclusions of law or a mere recitation in the words of the statute) alleging the act or acts done by each petitioner or, where appropriate, respondent; the time, date, and place each such act was done or a short and concise statement of the matters asserted; and the rule, statute, or constitutional provision, if any, alleged to have been violated, or otherwise involved in the proceeding; and the relief sought by the petitioner party;
- 5) A statement to each party that:
 - A) Such party may be represented by legal counsel; may present

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evidence; may cross-examine witnesses and otherwise participate in the hearing.

- B) Failure to so appear shall constitute a default, unless such party has, upon due notice to other parties, moved for and obtained a continuance from the hearing officer.
- C) Delivery of notice to the designated representative of a party constitutes service upon the party.
- D) [A petitioner who has an open revocation for reckless homicide or aggravated driving under the influence that involved a fatality must submit, with his or her petition for driving relief, either a copy of the Order of the circuit court that states the sentence received upon conviction, certified by the Clerk of the Court, or a document from the Department of Corrections that reflects: the offense for which the petitioner was imprisoned; the date of release from imprisonment; and the terms of release or parole. For the purpose of determining a petitioner's eligibility for reinstatement pursuant to §6-208\(b\)1 of the Code, the date of release from imprisonment refers to the imprisonment on the conviction for the offense and does not include release from imprisonment for a violation of parole or probation. It is the responsibility of the petitioner to provide documentation that clearly reflects the date of his/her release from imprisonment.](#)

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 1001.80 Motions

- a) All motions shall be made in writing and shall set forth the relief or order sought and shall be filed with the Department at the earliest time to be considered by the hearing officer. Motions based on matter ~~that~~^{which} does not appear of record shall be supported by affidavit. Motions may be presented by a party to obtain appropriate relief, such as to dismiss the proceedings, to add necessary parties, or to extend time for compliance of an order.
- b) [All Motions to Reconsider or a written request to reconsider a decision made or Order entered in a formal hearing shall be accompanied by a filing fee of \\$20, in the manner and form provided in Section 1001.70.](#)

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(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 1001.100 Conduct of Formal Hearings

- a) Location; Open to Public; Out-of-state Petitioners. All hearings conducted in any proceeding shall be open to the public. Pursuant to statute, formal hearings may be conducted in Springfield, Chicago, Joliet, Mt. Vernon, or such other locations as agreed upon by the Secretary and the petitioner/respondent.
- 1) In petitions for driving relief, petitioners who have permanently relocated outside of the State of Illinois and petitioners who are still residents but are temporarily residing outside the State of Illinois may make, except as provided in subsection (a)(2), written application in lieu of returning to Illinois for a formal hearing. These petitioners shall be deemed to have waived the right to appear in person. Out-of-state petitioners must initially submit the filing fee authorized by §2-118 of the Illinois Vehicle Code and Section 1001.70(b)(1) of this Subpart A, and evidence of their residency, such as, but not limited to, voter's registration, income tax returns, apartment rental leases, mortgage contracts, employment verification, utility and/or telephone bills, etc. The Department reserves the discretion to reject out-of-state petitions which fail to provide this evidence or establish residency. The Department also reserves the discretion to reject an out-of-state petition if there is evidence that the petitioner is regularly present in the State of Illinois, such as through work, school, or family contacts, but not limited thereto, and is capable of attending a hearing in person in a timely manner.
 - 2) Out-of-state petitioners who reside within 30 miles of the Illinois border shall be required to attend a hearing in person, unless the petitioner shows good cause for not being able to attend in person. Good cause is shown when it is demonstrated by a written statement that the petitioner cannot attend a formal hearing in person due to economic, physical, or medical reasons. Mere inconvenience does not constitute good cause.
 - 3) Except as provided in Sections 1001.430(k) and 1001.440(p)(e), out-of-state petitioners must submit at a minimum all documentation and information required by Subpart D of this Part, as well as a sworn Out-Of-State Petitioner's Affidavit that, which provides the information otherwise required by the Secretary, at a formal hearing.

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- 4) A petition for an out-of-state formal hearing is regarded as being filed when the Department accepts, as fully completed, the documentation required by subsection (a)(3). The Department will inform the petitioner of this fact by a dated letter posted in the regular mail. Pursuant to §2-118 of the Code, the petitioner's file will be assigned to a hearing officer within 90 calendar days from the date of filing. A final Order will be entered no more than 90 days after it is assigned to a hearing officer.
- b) [Parties to a Hearing; Disqualification of Hearing Officer.](#) Every hearing shall be presided over by a hearing officer duly appointed by the Secretary. The Secretary may also appoint a representative to appear and participate in the hearing on his/her behalf. Prior to the taking of evidence, the petitioner/respondent may request disqualification of the hearing officer by making a motion for disqualification on the record, stating the specific grounds upon which it is alleged that a fair and impartial hearing cannot be afforded the petitioner/respondent by the hearing officer. The hearing officer will rule upon the motion. If the motion is denied, the hearing will proceed, or the petitioner may withdraw from the hearing. If the motion is granted, the case shall be transferred to another hearing officer for a hearing on the same day if possible. If it is not possible to schedule a hearing on the same day, a new hearing date shall be scheduled and another hearing officer shall be assigned by the Secretary. The hearing officer shall have authority to conduct the hearing, to rule on all motions, to administer oaths, to subpoena witnesses or documents at the request of any party, to examine witnesses, and to rule upon the admissibility of testimony and evidence.
- c) [Depositions and Interrogatories.](#) Upon order of the hearing officer, for good cause shown, and upon reasonable notice to other parties, any party, including the Department, may cause, at his/her or its expense, a deposition of any witness to be taken for use as evidence in a contested case (for example, when the witness is not available due to distance, time, cost to the party using the testimony, sickness, infirmity, imprisonment, the witness being out of state or similar factors). The deposition shall be taken in the manner provided by law for evidence depositions in civil actions in the Circuit Courts of Illinois. Any party may direct written interrogatories to any other party. Interrogatories must be restricted to the subject matter of the case, to avoid undue detail, and to avoid the imposition of any unnecessary burden or expense on the answering party. Written interrogatories shall be served on the opposing party no later than 15 business days before the hearing. Objection to answers or refusals to answer shall be heard on motion at the hearing before the hearing officer, who shall rule on the objection or refusal.

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Answers shall be sworn. If an answer to an interrogatory may be obtained from documents in the possession or control of the party on whom the interrogatories were served, it shall be a sufficient answer to specify the documents and make them available to the inquiring party to inspect and copy at the asking party's expense.

- d) [Rules of Evidence](#). The technical rules of evidence shall not apply. Any relevant evidence may be admitted if it is the sort of evidence relied upon by reasonably prudent people in the conduct of their affairs. The existence of any common law or statutory exclusionary rule which might make improper the admission of the evidence over objections in civil or criminal actions shall not be a bar to the admissibility of otherwise relevant evidence. The rules of privilege shall be followed to the same extent that they are now or hereafter may be recognized in civil actions. Irrelevant, immaterial or unduly repetitious evidence may be excluded upon objection. Objections to evidentiary offers may be made and shall be noted in the record, and ruled upon by the hearing officer. Any party may make an offer of proof following an adverse evidentiary ruling. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced, any part of the evidence may be received in written form. Subject to the evidentiary requirements of this subsection, a party may conduct cross-examination required for a full and fair disclosure of the facts.
- e) [Official Notice](#). Official notice may be taken of past hearings and any matter of which the Circuit Courts of Illinois may take judicial notice. In addition, official notice may be taken of generally recognized technical or scientific facts within the Department's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including staff memoranda and data, and they shall be afforded an opportunity to contest the material so noticed. The Department's and the hearing officer's experience, technical competence and specialized knowledge may be utilized in the evaluation of the evidence.
- f) [Pre-hearing Conference](#). At the request of any party or upon his own motion, the hearing officer may call a prehearing conference. At the conference, the parties or their representatives shall appear as the hearing officer directs. Matters which may be considered at a prehearing conference include, but are not limited to:
- 1) The simplification of the issues;
 - 2) Amendments to the grounds for action;

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- 3) The possibility of obtaining admissions and stipulations of fact and of documents which will avoid unnecessary proof;
 - 4) The limitation of the number of expert witnesses;
 - 5) Any other matters ~~that~~ ~~which~~ may aid in the disposition of the contested case.
- g) [Order from Pre-hearing Conference](#). Upon the conclusion of a prehearing conference, the hearing officer shall enter an order which recites any action taken, any agreements made by the parties as to any of the matters considered, and the issue to be heard.
 - h) [List of Witnesses; Bill of Particulars](#). Upon written request, made at least 10 business days prior to the hearing, a party shall furnish to other parties a list of the names and addresses of prospective witnesses, or furnish written answers to a written demand for a bill of particulars.
 - i) [Inspection of Documents; Interview of Parties](#). Any party or his representative shall have the right, upon written motion made at least 10 business days prior to the hearing, to inspect any relevant documents in the possession of or under the control of any other party and to interview parties or persons having knowledge of relevant facts, subject to any statutory or constitutional privileges. Interviews of persons and inspection of documents shall be at times and places reasonable for the persons and for the custodian of the document.
 - j) [Oath](#). Testimony shall be taken only on oath or affirmation.
 - k) [Stipulations](#). Parties may agree by stipulation upon any facts involved in the hearing. The facts stipulated shall be considered as evidence in the hearing.
 - l) [Right to Subpoena](#). Each party shall have the right to request the subpoena of and to call and to examine witnesses, to introduce exhibits, and to cross-examine witnesses on any matter relevant to the issues, even though that matter was not covered in the direct examination. Applications to the hearing officer assigned to the case for subpoenas duces tecum shall specify the books, papers, and documents desired to be produced.
 - m) [Rights of Parties](#). Each party shall have the right to rebut the evidence against

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him; to appear in person; and to be represented by counsel. If a party does not testify in his/her own behalf, he or she may be called by the Secretary of State's representative and examined as if under cross-examination.

- n) Motions to Continue and Withdraw
- 1) Grounds. Hearings before the Department of Administrative Hearings will be continued only pursuant to a motion: filed prior to or on the date of the hearing, made over the telephone less than 15 days prior to or on the date of the hearing, or in person on the day of the hearing. The movant shall set forth the grounds for the motion, which are limited to unforeseen, unavoidable or uncontrollable circumstances, such as an Act of God, the recent discovery of new evidence, the sudden illness or death of the movant or a member of his/her immediate family, or of the movant's legal counsel, or if the movant is able to demonstrate some other real and compelling need for additional time. A Motion to Continue may be supported by evidence ~~that~~ which tends to prove the grounds alleged, including sworn testimony taken at a motion hearing on the day of the hearing. The inability to obtain transportation to the hearing site or a party's failure or inability to obtain the documentation required to fulfill the minimum requirements to be issued driving relief are not circumstances ~~that~~ which will justify continuing a hearing.
 - 2) Must be Continued to a Date Certain. A formal hearing shall not be continued "generally". A continuance, if granted, shall state a date certain upon which the hearing shall reconvene. If the petitioner is not prepared to go forward after the first continuance, a request to withdraw should be submitted.
 - A) Motions to Continue ~~that~~ which are filed at least 15 days prior to the date of the hearing specified in the Notice of Hearing or Notice of a continued hearing date will be given priority in re-scheduling over those motions filed or made less than 15 days prior to the date of the hearing or made on the day of the hearing. The Department will rule upon Motions to Continue filed at least 15 days prior to the date of the hearing and, when possible, notify the movant of its ruling prior to the date of the hearing. If the motion is denied, then the movant must appear at and proceed with the hearing or withdraw from the hearing.

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- B) Motions to Continue [thatwhich](#) are made in person on the day of the hearing or by telephone less than 15 days prior to the date of the hearing specified in the Notice of Hearing or Notice of a continued hearing date must also be filed in writing and received or postmarked no more than 5 days after the date of the hearing. A Motion to Continue made in writing less than 15 days prior to the date of the hearing specified in the Notice of Hearing or Notice of a continued hearing date must be received or postmarked no more than 5 days after the date of the hearing. The Department cannot assure the movant that it will rule upon such motions prior to the date of the hearing.
- C) A Motion to Continue made or filed by a petitioner waives the statutory requirement of §§2-118 and 3-402.B(7)(a) of the Code that his/her hearing commence within 90 days from the date of his/her written request.
- D) It is the responsibility of the movant to inform the Department, in the Motion to Continue or during his/her telephone conversation, what course of action he/she wishes to take if the motion is denied (either to appear and proceed with the hearing, withdraw or default). In all cases, it is also the responsibility of a movant who has not been notified of the Department's ruling to contact the Department on or before the day of the hearing to determine whether his/her motion has been ruled upon. A movant's failure to appear after a Motion to Continue is denied will result in the entry of an Order of Default.
- 3) [Motions Made by the Department.](#) The Department may also make or file a Motion to Continue for unforeseen, unavoidable or uncontrollable circumstances, such as an Act of God, the recent discovery of new evidence, the sudden illness or death of the hearing officer, the attorney representing the Secretary of State, a witness, or a member of the immediate family of the same, or if the Department is able to demonstrate some other real and compelling need for additional time.
- 4) [Motions to Withdraw.](#) A petitioner may withdraw from a hearing for any reason. A Motion to Withdraw made in person or by telephone on or before the day of the hearing must be followed up with a written motion [thatwhich](#) is received or postmarked no more than 5 days after the date of

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the hearing. A Motion to Withdraw made in writing must be received or postmarked no more than 5 days after the date of the hearing. Failure to do so will result in an Order of Default. A request to withdraw from a hearing, which in the hearing officer's judgment is based upon surprise of evidence presented or adverse evidence, shall not be granted. Upon withdrawal, the requested relief will not be considered and the petition dismissed. Should the petitioner request another hearing, it must be done in writing and it will be treated as any other request for hearing. (See Section 1001.70.)

- 5) [Attorney's Appearance Must be on File](#). A Motion to Continue or Withdraw made by any attorney on behalf of a petitioner/respondent will not be considered unless the attorney shall have filed a written notice of appearance as provided in Section 1001.40.
- 6) [Out-of-State Petitioners](#). An out-of-state petitioner who fails to provide the information required by Sections 1001.100(a)(3) and 1001.440(~~p~~)(~~e~~) within 90 days after a written demand made by the Department to his/her last known address shall have his/her petition withdrawn by a written Order of the Director or Deputy Director. The Order shall be made part of the petitioner's permanent record and a copy shall be sent to the petitioner's last known address. The Department shall not accept another petition for driving relief from a petitioner whose petition for driving relief has been withdrawn pursuant to this provision for 120 calendar days from the date of the Order.
- o) [Admissions](#). A party may serve on any other party a written request for the admission by the latter of the truth of any specified relevant fact set forth in the request or for the admission of genuineness of any relevant documents described in the request. Copies of the documents shall be served with the request unless copies have already been furnished.
- p) [Opening and Closing Statements](#). Upon the opening of the hearing, the hearing officer shall allow the parties to make opening statements. Opening statements may not be made at any other time, except at the discretion of the hearing officer. Upon the close of the hearing each party may make a closing statement orally and/or by written brief at the discretion of the hearing officer, incorporating arguments of fact and law. A written brief may be required when the facts and issues are deemed complicated by the hearing officer and there is a need for the parties to plead their cases in writing for the record.

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- q) [Exhibits](#). All exhibits for any party shall be clearly marked for identification and as admitted into evidence by the hearing officer.
- r) [Cross-examination of Witnesses](#). In the hearing of any case, any party or his agent may be called, as an adverse witness and examined as if under cross-examination, by any party. The adverse party calling for the examination is not bound by the testimony of the adverse witness, but may rebut the testimony given and may impeach the witness by proof of prior inconsistent statements. If the hearing officer determines that a witness is hostile or unwilling, the witness may be examined by the party calling him as if under cross-examination. The party calling an occurrence witness may, upon showing that he called the witness in good faith but is surprised by his testimony, impeach the witness by proof of prior inconsistent statements.
- s) [Burden of Proof](#). The burden of proof is upon the petitioner for any relief in a hearing. The standard of proof is the preponderance of the evidence, except as provided for in Subpart D.
- t) [Interpreters; Hearing Impaired](#). The Secretary will provide an interpreter for hearing impaired petitioners/respondents who wish to testify; providing a language interpreter, however, is the responsibility of the petitioner/respondent.
- u) Report of Proceedings
- 1) The Department shall, at its expense, have present at each hearing an electronic recording device or a qualified court reporter, for the purpose of making a permanent and complete report of the proceedings, including: evidence admitted or tendered and not admitted, testimony, offer of proof, objections, remarks of the hearing officer and of the parties and/or their representatives, all rulings of the hearing officer.
 - 2) Upon request and at his/her own expense any party may have a copy of the report of proceedings, from the court reporter, or transcribed from the electronic device by the Department at the statutory rate set forth in Section 5.5 of the Secretary of State Act [15 ILCS 305/5.5] and 2 Ill. Adm. Code 551.150, or the cost of an audio tape plus mailing.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

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SUBPART C: RULES ON THE CONDUCT OF INFORMAL HEARINGS IN DRIVER'S
LICENSE SUSPENSIONS AND REVOCATIONS**Section 1001.300 Applicability**

- a) This Subpart applies to informal hearings conducted by driver license hearing officers in the Department of Administrative Hearings of the Office of the Secretary of State in various locations throughout Illinois. They are a lower level hearing than the formal hearings conducted pursuant to Subpart A of this Part. There is no appeal from an informal hearing to a formal hearing because the formal hearing is a de novo proceeding. These informal hearings are limited to the consideration of and the making of recommendations on driver's license suspension and revocation matters and the recommendations may include any recommendation able to be made by a formal hearing.
- b) An informal hearing shall not, however, consider petitions in the following cases:
- 1) the current suspension, ~~or~~ revocation, or cancellation resulted from ~~a conviction for~~ an offense, the facts of which involved a death;
 - 2) for the rescission or modification of suspensions or revocations;
 - 3) the current suspension or revocation resulted from multiple convictions pursuant to Section 11-501 of the Code, multiple suspensions pursuant to Section 11-501.1 of the Code or similar provisions of local ordinances or out-of-state statutes, or any combination thereof arising from separate incidents;
 - 4) ~~an open revocation entered pursuant to Section 6-206(a)1.~~
- c) An informal hearing may, however, consider, after initial approval or issuance at a formal hearing, a petition for the continuation/renewal of restricted driving permits in the above cases if:
- 1) a restricted driving permit was granted from a formal hearing;
 - 2) a permit is still in effect or has expired no more than 30 days from the date of the informal hearing;
 - 3) the petitioner has not been subsequently convicted or received court

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supervision for any traffic violation [that is classified as a misdemeanor or felony](#);

- 4) the petitioner has driven on the current permit for at least 75% of the length of the permit; and
- 5) the petitioner is now eligible for and requests the continuation of the previously issued permits.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 1001.320 Right to Representation

Any petitioner may represent himself or herself at an informal hearing, or may be represented by an attorney licensed to practice law in Illinois, or in another state who is specifically permitted, [either by the Director of the Department or a judge of the circuit court of the county in which the hearing is conducted, pursuant to an Order pro hac vice, Hearing Officer](#) to represent a petitioner at the informal hearing, upon the attorney's verbal representations or written documentation as to the attorney's admittance or any law student licensed under Supreme Court Rule 711. A petitioner may be assisted by a non-lawyer if the petitioner is representing himself or herself.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 1001.340 Location of Hearings

- a) There shall be at least one hearing officer in each region.
- b) The headquarters of each region shall be in the facility located in that city, and a work location may also be established by the supervisor for one or more hearing officers within a region.
- c) The regions and headquarters [shall be designated by the Secretary or the Director of the Department and announcements of the location and days and hours of service shall be posted at driver's license stations throughout the State and on the Secretary of State website \(cyberdriveillinois.com\). This information will be updated quarterly. are:](#)
 - 1) [Region 1, consisting of the counties of Jo Daviess, Stephenson, Winnebago, Boone, DeKalb, Lee, Ogle, Whiteside, and Carroll, with headquarters in Rockford.](#)

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- 2) ~~Region 2, consisting of the counties of Rock Island, Henry, Mercer, Knox, Warren, and Henderson, with headquarters in the City of Moline.~~
- 3) ~~Region 3, consisting of the counties of Kendall, Will, Grundy, Kankakee, and Livingston, with headquarters in Joliet.~~
- 4) ~~Region 4, consisting of the counties of Fulton, Stark, Peoria, Woodford, and Tazewell, with headquarters in the City of Peoria.~~
- 5) ~~Region 5, consisting of the counties of Iroquois, Ford, Vermilion, Champaign, and Piatt, with headquarters in the City of Champaign.~~
- 6) ~~Region 6, consisting of the counties of Mason, Logan, Cass, Menard, Morgan, Sangamon, Scott, Christian, Greene, Macoupin, and Montgomery, with headquarters in the Howlett Building, Springfield.~~
- 7) ~~Region 7, consisting of the counties of Hancock, McDonough, Schuyler, Adams, Brown, and Pike, with headquarters in Quincy.~~
- 8) ~~Region 8, consisting of the counties of Douglas, Edgar, Moultrie, Coles, Clark, Cumberland, Shelby, Effingham, Jasper, and Crawford, with headquarters in Mattoon or Effingham.~~
- 9) ~~Region 9, consisting of the counties of Fayette, Bond, Marion, Clay, Clinton, Washington, and Jefferson, with headquarters in Centralia or Mt. Vernon.~~
- 10) ~~Region 10, consisting of the counties of Calhoun, Jersey, Madison, Randolph, St. Clair, and Monroe, with headquarters in East St. Louis.~~
- 11) ~~Region 11, consisting of the counties of Perry, Franklin, Jackson, Williamson, Saline, Gallatin, Union, Johnson, Pope, Hardin, Alexander, Pulaski, and Massac, with headquarters in Carbondale or Marion.~~
- 12) ~~Region 12, consisting of the counties of Kane and DuPage, with headquarters in Naperville.~~
- 13) ~~Region 13, consisting of the county of Cook, with headquarters in the building where the Department is located in Cook County.~~

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- 14) ~~Region 14, consisting of the counties of McHenry and Lake, with headquarters in Libertyville.~~
 - 15) ~~Region 15, consisting of the counties of Bureau, LaSalle, Putnam, and Marshall, with headquarters in the City of LaSalle.~~
 - 16) ~~Region 16, consisting of the counties of DeWitt, Macon, and McLean, with headquarters in Bloomington.~~
 - 17) ~~Region 17, consisting of the counties of Wayne, Edwards, Wabash, Lawrence, Richland, Hamilton, and White, with headquarters in Lawrenceville.~~
- d) Out-of-state Petitioners
- 1) Petitioners who have permanently relocated outside of the State of Illinois and petitioners who are still residents but are temporarily residing outside the State of Illinois may make, except as provided in subsection (d)(2) below, written application in lieu of returning to Illinois for an informal hearing. The petitioner shall be deemed to have waived the right to appear in person. Out-of-state petitioners must initially submit evidence of their residency, such as, but not limited to, voter's registration, income tax returns, apartment rental leases, mortgage contracts, employment verification, utility and/or telephone bills, etc. The Department reserves the discretion to reject out-of-state petitions which fail to provide this evidence or establish residency. The Department also reserves the discretion to reject an out-of-state petition if there is evidence that the petitioner is maintaining substantial contact with the State of Illinois and is capable of attending a hearing in person in a timely manner.
 - 2) Out-of-state petitioners who reside within 30 miles of the Illinois border shall be required to attend a hearing in person, unless the petitioner shows good cause for not being able to attend in person. "Good cause" is shown when it is demonstrated by a written statement that the petitioner cannot attend a hearing in person due to economic, physical, or medical reasons. Mere inconvenience does not constitute good cause.
 - 3) Except as provided in Sections 1001.430(k) and 1001.440(p)(~~o~~), out-of-state petitioners must submit at a minimum all documentation and

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information required by Subpart D, as well as a sworn Out-Of-State Petitioner's Affidavit that provides the information otherwise required by the Secretary at an informal hearing.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

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

Section 1001.410 Definitions

"Abstinence" means to refrain from consuming any type of alcoholic liquor or other drugs.

"Abstract" means a summary of a driver's record of traffic law violations, accidents, suspensions, revocations, cancellations, address and personal information of the driver, as contained in the files of the Office of the Secretary of State.

"Accredited educational course" means any class or course of instruction offered by an accredited educational institution that is either vocational in nature or is part of the matriculation process in receiving an academic degree, diploma, or certificate. It shall also include attendance at any required instructional class in an apprentice program.

"Accredited educational institution" means any school or institution, whether public or private, ~~that which~~ offers classes or courses of instruction; and ~~that which~~ is reviewed and approved or granted a waiver of approval by the controlling State agency.

"Alcohol" means ethanol, commonly referred to as ethyl alcohol or alcoholic beverage.

"Alcohol and drug evaluation (Investigative)" means a typewritten report which conforms to standards established by the Department, as specified in Section 1001.440(a)(6)(D) of this Subpart. The evaluation must be completed on a form prescribed by the Department. This evaluation will be conducted as required pursuant to Sections 1001.420(1) and 1001.430(d) of this Subpart, when:

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the current loss of driving privileges is not related to a DUI arrest/disposition yet the petitioner's/respondent's driving record contains, or other evidence indicates the existence of, a prior DUI disposition or any other conviction or loss of driving privileges that was alcohol/drug related within the last 10 years for which the petitioner/respondent did not or was not required to submit to the Secretary an alcohol/drug evaluation to obtain driving privileges; or

there is evidence that the petitioner/respondent may be a user of alcohol or any other drug to a degree which renders the person incapable of safely driving a motor vehicle. (See Section 6-103.4 of the Code.)

"Alcohol and drug evaluation (Out-of-state)" means a typewritten report which conforms to standards established by the Department as specified in Section 1001.440(a)(6)(C) of this Subpart.

"Alcohol and drug evaluation (Uniform Report)" means a typewritten report which conforms to standards established by the Illinois Department of Human Services, [Division Office](#) of Alcoholism and Substance Abuse ([DASA@ASA](#)). (See 77 Ill. Adm. Code 2060.503.) The evaluation must be completed on a form prescribed by [DASA@ASA](#). The evaluation must be signed and dated by both the evaluator and the petitioner.

"Alcohol and drug evaluation (Update)" means a typewritten report which conforms to standards established by the Department, as specified in Section 1001.440(a)(6)(B) of this Subpart. The evaluation must be completed on a form prescribed by the Department. The update evaluation must be completed by a program in accordance with the provisions of Section 1001.440(a)(6)(A) of this Subpart.

"Alcohol and drug related driver risk education course" means an educational program concerning the effects of alcohol/drugs on drivers of motor vehicles, also referred to as a DUI driver remedial program, which conforms to the standards established by [DASA@ASA](#). (See 77 Ill. Adm. Code 2060.505.)

"Alcohol setpoint" means the minimum or nominal BrAC (0.025) at which a device is set to lock a vehicle's ignition.

"BAC" means blood alcohol concentration as determined by a chemical test administered by police authorities or medical personnel to measure the

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concentration of alcohol in the bloodstream.

"BAIID permittee " means a BAIID petitioner who has been issued an RDP as a result of a hearing.

"BAIID multiple offender " means anyone who is required to install an interlock device on all vehicles he or she owns, pursuant to §§6-205(h) and 11-501(i) of the IVC. Any petitioner whose current or most recent suspension or revocation is for an offense or offenses that are not alcohol/drug-related, and whose alcohol/drug use was the topic of previous hearings that resulted in a finding that the petitioner's alcohol/drug problem had been resolved and who, therefore, previously fulfilled the requirements of §§6-205(h) and 11-501(i), is not a BAIID multiple offender.

"BAIID petitioner" means anyone who, if issued restricted driving permits, may not operate a motor vehicle unless it has been equipped with an interlock device as defined in this Section, as required by §§ 6-205(c) and 6-206(c)3 of the IVC. Any petitioner whose current or most recent suspension or revocation is for an offense or offenses that are not alcohol/drug-related, and whose alcohol/drug use was the topic of previous hearings that resulted in a finding that the petitioner's alcohol/drug problem had been resolved, is not a BAIID petitioner.

"BAIID provider" means an entity authorized by the Secretary to contract with BAIID permittees and distribute, supply, install, maintain and monitor BAIID devices. A "BAIID provider" may be an authorized agent or representative of a manufacturer or an independent entity. "BAIID provider" may be synonymous with vendor, supplier, manufacturer, or installer.

"Breath Alcohol Ignition Interlock Devices (BAIID)" means a mechanical unit that is installed in a vehicle which requires the taking of a BrAC test prior to the starting of a vehicle. If the unit detects a BrAC test result below the alcohol setpoint, the unit will allow the vehicle ignition switch to start the engine. If the unit detects a BrAC test result above the alcohol setpoint, the vehicle will be prohibited from starting. The unit or combination of units, to be approved by the Secretary, shall measure breath alcohol concentrations by breath analysis and shall include both simple and complex units.

"BrAC" means the w/v breath alcohol concentration.

"Certified Controlled Reference Sample" means a suitable reference of known

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ethyl alcohol concentration.

"Chemical Test" means the chemical analyses of a person's blood, urine, breath or other bodily substance performed according to the standards promulgated by the Department of State Police. (See 20 Ill. Adm. Code 1286.)

"Circumvention" means an overt, conscious effort to bypass the BAIID or any other act intended to start the vehicle without first taking and passing a breath test.

"Clinical Impression" means a qualified treatment professional's (see Section 1001.440(b)(2) through (b)(6)) opinion regarding the effectiveness of substance abuse treatment provided to an individual and the likelihood of future alcohol/drug-related problems. This constitutes the treatment professional's most reasonable clinical judgment based on direct involvement with the individual throughout the course of treatment. It should not be interpreted as a definitive statement regarding the likelihood of future alcohol/drug-related problems.

"Code" or "IVC" means the Illinois Vehicle Code [625 ILCS 5].

["DASA" means the Illinois Department of Human Services, Division of Alcoholism and Substance Abuse.](#)

"Decertification" means the removal or cancellation by the Secretary of the authorization to sell, rent, distribute, supply, install, service, repair, or monitor BAIIDs for BAIID permittees and BAIID multiple offenders. The Secretary may decertify a BAIID provider or a particular type of BAIID. "Decertification" is synonymous with disqualification.

"Department" means the Department of Administrative Hearings of the Office of the Secretary of State.

"Designated driver remedial or rehabilitative program" means an alcohol or drug evaluation, an alcohol or drug-related driver risk education course, an alcohol or drug treatment program, the Office driver improvement program, or any similar program intended to diagnose and change a petitioner's driving problem as evidenced by the petitioner's abstract. (See Sections 6-205(c) and 6-206(c)3 of the Code.)

"Device" means a breath alcohol ignition interlock device approved by the Secretary.

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"Director" means the Director or Acting Director of the Department.

"Documentation of Abstinence" means testimony and documentation, in the form of affidavits, letters, etc., from individuals who have regular, frequent contacts with the petitioner (e.g., spouse, significant other, employer, co-workers, roommates) verifying that to the best of their knowledge the petitioner has been abstinent from alcohol/drugs for a specified period of time.

"Driver License Compact" is an agreement among signatory states [thatwhich](#) deals with the problems of: issuing drivers' licenses to people who move from one signatory state to another; and drivers who are licensed in one signatory state and convicted of traffic offenses in other such states. The Compact has been codified in Illinois and is found in Chapter 6, Article VII of the Code.

"DUI" means driving under the influence.

"DUI disposition" means any conviction or supervision for DUI, or any conviction for reckless homicide when alcohol and/or drugs is recited as an element of the offense or other credible evidence indicates that the petitioner's/respondent's conduct causing death involved the use of alcohol or other drugs, or reckless driving reduced from DUI, or any statutory summary suspension or implied consent suspension.

"Employ" or "employed" or "employment" shall all relate to activity for compensation to support oneself or one's dependents as well as activities ordered by a court in connection with a sentence [thatwhich](#) includes the completion of a term of community service. Employment need not be the sole or primary means of support for the petitioner or his/her dependents.

"Evaluator" means any person licensed to conduct an alcohol and drug evaluation by [DASAQASA](#). (See 77 Ill. Adm. Code 2060.201.) A treatment provider may be considered an evaluator for the purpose of completing an updated evaluation in accordance with Section 1001.440(a)(6)(A) of this Subpart.

"Failure to successfully complete a [runningrolling](#) retest" means [any timeanytime](#) the BAIID Permittee registers a BrAC reading of 0.05 or more on a [runningrolling](#) retest or fails to perform a [runningrolling](#) retest [thatwhich](#) has been requested.

"Fee" means the statutory fees for restricted driving permits or reinstatement of

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driving privileges, as specified in Section 6-118 of the Code.

"Hearing" means informal hearings and/or formal hearings.

"High Risk" means the classification resulting from an alcohol and drug evaluation assigned to a petitioner with:

symptoms of substance dependence (regardless of driving record), referred to in this Part as High Risk Dependent; and/or

within the 10 year period prior to the date of the most current (third or subsequent) arrest, any combination of two prior convictions or court ordered supervisions for DUI, or prior statutory summary suspensions, or prior reckless driving convictions reduced from DUI, resulting from separate incidents, referred to in this Part as High Risk Nondependent. (See 77 Ill. Adm. Code 2060.503(g).)

"Immediate family" means a member of the petitioner's household, the petitioner's parents, grandparents, children, and significant other.

"Initial Monitor Report" means the monitor report obtained or required to be obtained within the first 30 days after initial installation of the device.

"Installer" means an individual trained by a BAIID provider or manufacturer to install, repair, maintain, or monitor a BAIID and employed by an authorized BAIID provider, service center, vendor or manufacturer. "Installer" is synonymous with an authorized entity providing installation, repair, or monitoring services to BAIID permittees through such trained individuals.

"JDP" means a Judicial Driving Permit, as defined by Section 6-206.1 of the Code, which may be ordered by the court of venue to "first offenders" as defined in Section 11-501.1 of the Code.

"Lockout" means the device must prevent engine ignition by a virtual lock with 90% certainty or near absolute lock at 99.5% certainty.

"Manufacturer" means the maker of a BAIID or its authorized representative.

"Medical or physical BAIID modification" means a demonstrated physical or medical condition documented in writing by a physician that consistently

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interferes with the normal operation of the BAIID by the BAIID permittee for which the Department may authorize a modification of the BAIID or its programming to accommodate the condition without violating the BAIID rules and statutory requirements .

"Medical or Physical BAIID Waiver" means a demonstrated physical or medical condition, documented in writing by a physician, that consistently interferes with or prevents the normal operation of the BAIID by the BAIID permittee for which the Department may authorize a waiver of the BAIID.

"Minimal Risk" means the classification resulting from an alcohol and drug evaluation assigned to a petitioner who has:

no prior conviction or court ordered supervisions for DUI, no prior statutory summary suspensions, and no prior reckless driving conviction reduced from DUI; and

a blood alcohol concentration (BAC) of less than .15 as a result of the most current arrest for DUI; and

no other symptoms of substance abuse or dependence. (See 77 Ill. Adm. Code 2060.503(g).)

"Moderate Risk" means the classification resulting from an alcohol and drug evaluation assigned to a petitioner who has:

no prior conviction or court ordered supervisions for DUI, and no prior statutory summary suspensions, and no prior reckless driving conviction reduced from DUI; and

a blood alcohol concentration (BAC) of .15 to .19 or a refusal of chemical testing as a result of the most current arrest for DUI; and no other symptoms of substance abuse or dependence. (See 77 Ill. Adm. Code 2060.503(g).)

"Monitor report" means an electronic report or a printout of the activity of a device obtained by the manufacturer or installer at the time of an inspection of the device which shall include at a minimum the number of successful and unsuccessful attempts to start the vehicle and rolling retests, including each date, time, and BrAC reading, and any evidence of tampering or circumvention of the

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device.

"National Driver Register" means a central index, maintained by the U.S. Department of Transportation, of individuals whose driving privileges are denied, terminated or withdrawn, as reported by the states' driver licensing authorities.

~~"OASA" means the Illinois Department of Human Services, Office of Alcoholism and Substance Abuse.~~

"Office" means the Office of the Secretary of State and not any particular department address or location.

"Permanent lockout" means that feature of the device that prevents a vehicle with the device installed from starting after the lapse of the 5 days (see 92 Ill. Adm. Code 1001.442(b)(7)) and requires servicing by the manufacturer/installer of the device to make the vehicle operable for failure to take the vehicle with the device to the manufacturer or installer for any required monitor report or for any failure to send the device to the manufacturer within 5 days after any service or inspection notification.

"Petitioner" is the party who seeks or applies for relief from the Office from the suspension, revocation, cancellation, or denial of his/her driving privileges pursuant to the provisions of the Illinois Vehicle Code.

"RDP" means a restricted driving permit, as defined by Section 1-173.1 of the Code and limited as specified in Sections 6-205(c) and 6-206(c)3 of the Code.

"Reinstatement" means the restoration of driving privileges entitling the petitioner to apply for a new driver's license in accordance with the requirements of the Illinois Vehicle Code and this Chapter.

"Respondent" means a person against whom a complaint or petition is filed, or who, by reason of interest in the subject matter of a petition or application or the relief sought through that action, is made a respondent or to whom an order or complaint is directed by the department initiating a proceeding.

"Running retest" means that feature of the device that requires the driver to take additional BrAC tests after the initial test to start the vehicle.

"Secretary" means the Illinois Secretary of State or his designee.

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"Service or inspection notification" means that feature of the device that advises or notifies the BAID permittee to either take the vehicle with the device installed to the BAID provider or installer or send the device to the BAID provider or installer for the required inspection and the monitor report.

"Service center" means an authorized dealer, distributor, supplier, or other business engaged in the installation of BAIDs and is synonymous with installer .

"Significant other" means any person with whom an individual is experiencing an ongoing, close association that represents a meaningful part of that individual's established life style (e.g., spouse, other family member, employer, co-worker, clergy member, roommate).

"Significant Risk" means the classification resulting from an alcohol and drug evaluation assigned to a petitioner who has:

one prior conviction or court ordered supervision for DUI, one prior statutory summary suspension, or one prior reckless driving conviction reduced from DUI; and/or

a blood alcohol concentration (BAC) of .20 or higher as a result of the most current arrest for DUI; and/or

other symptoms of substance abuse. (See 77 Ill. Adm. Code 2060.503(g).)

"Stressed" means conditions such as temperature extremes, vibration, and power variability.

"Support/recovery program" means specific activities which a recovering alcoholic/chemically dependent person has incorporated into his/her life style to help support his/her continued abstinence from alcohol and other drugs. This may include, but is not limited to, participating in a self-help program (Alcoholics Anonymous, Narcotics Anonymous, etc.) or a professional support group, or regularly and frequently engaging in religious or other activities which have a distinct and positive effect on an individual's continued abstinence. Any program and its relationship to the individual's ability to remain abstinent must be clearly identified and verified by proper documentation independent from an individual's self report (such as indicated in Section 1001.440(e) through (i) of this Part). The hearing officer shall determine the viability of the petitioner's program as a means

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of supporting continued abstinence, taking into account all the evidence brought forward at the hearing, as well as considering whether the program is substantially consistent with the following criteria:

The program encourages life style change which involves the replacement of substance using activity with non-substance using activity; a strong focus of the program is to provide ongoing assistance in identifying and resolving substance dependency-related issues that may jeopardize an individual's continued recovery;

The program encourages positive individual values of responsibility and honesty, as well as less self-centered thinking;

The program has demonstrated a durability and stability over time that reflects its usefulness in supporting long-term recovery.

"Tampering" means an overt, conscious attempt to disable or disconnect the interlock device.

"24 Hour lockout" means that feature of the device that causes a vehicle with the device installed to become inoperable for a period of 24 hours any time the device registers 3 BrAC readings of 0.05 or more within a 30 minute period.

"Undue hardship as it relates to educational pursuits" means an extreme difficulty in getting to and from the location of the accredited education course, due to the loss of driving privileges. It is more than mere inconvenience to the petitioner, and pertains only to the petitioner. All other reasonable means of transportation must be unavailable to the petitioner. An undue hardship is not shown by the mere fact that the driving privileges are suspended or revoked.

"Undue hardship as it relates to employment" means, as used in the context of Sections 6-205(c) and 6-206(c)3 of the Code, an extreme difficulty in regard to getting to or from a petitioner's place of employment or to operate on a route during employment; e.g., as delivery person, because of the suspension, revocation, or cancellation of the petitioner's driving privileges. It is more than mere inconvenience on the petitioner and pertains only to the petitioner. All other reasonable means of transportation must be unavailable to the petitioner. An undue hardship is not shown by the mere fact that the driving privileges are suspended or revoked.

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"Undue hardship as it relates to necessary medical care" means an extreme difficulty in regard to getting to and from a location where petitioner or a member of his/her immediate family receives examinations, therapy or treatment, etc., prescribed or recommended by a licensed physical or mental health care provider. It means more than mere inconvenience. There must be no other reasonable alternative means of transportation available. An undue hardship is not demonstrated by the mere fact that the petitioner's driving privileges are suspended or revoked.

"Undue hardship as it relates to support/recovery program" means an extreme difficulty in regard to getting to and from a location where a petitioner is participating in an ongoing support program. It means more than mere inconvenience. There must be no other reasonable alternative means of transportation available. An undue hardship is not demonstrated by the mere fact that the petitioner's driving privileges are suspended or revoked.

"Unsuccessful attempt to start the vehicle" means anytime the BAIID permittee registers a BrAC reading of 0.025 or more on the device when attempting to start the vehicle.

"Vehicle", for purposes of the Breath Alcohol Ignition Interlock Device Program, means every apparatus in, upon or by which any person or property is or may be transported or drawn upon a highway and that is self-propelled, except for apparatuses moved solely by human power, motorized wheelchairs, motorcycles and motor driven cycles.

"Vendor" means a retail or wholesale supplier of a device, and may include a service center.

"W/V" means weight of alcohol in the volume of breath based upon grams of alcohol per 210 liters of breath.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 1001.420 General Provisions Relating to the Issuance of Restricted Driving Permits

- a) [Burden of Proof. Petitioners who are not eligible for reinstatement of driving privileges at the time of their hearing must prove that there is no reasonable alternative means of transportation available, that they will not endanger the](#)

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public safety and welfare, and that an undue hardship will result if they are not issued a restricted driving permit (RDP). The Secretary of State does not weigh the nature or extent of a petitioner's hardship against the risk he/she poses to the public safety and welfare. Rather, the petitioner must first carry his/her burden of proving that he/she will not endanger the public safety and welfare in order for the Secretary of State to consider whether the petitioner has an undue hardship.

b) RDP Classifications

- 1) Employment. A petitioner for an employment related RDP must be currently employed, or present a verifiable commitment for employment, and the employment must be verified upon forms prescribed by the Department. If the petitioner is self-employed, evidence of self-employment can include, but is not limited to, stationery, business card, official receipt, check, State or Federal tax returns or letters from business associates.
- 2) Medical or Treatment Purposes. A petitioner for an RDP for medical or treatment purposes must provide verifiable documentation from the licensed physical or mental health care provider involved that the petitioner or a member of his/her immediate family (who is unable to operate a motor vehicle) must receive or is receiving services on a regularly scheduled basis.
- 3) Community Service. A petitioner for an RDP for court ordered community service must provide certified court documents detailing the terms of the service, including but not limited to the place or places the service is performed, the hours during which the service is to be performed and the nature of the service.
- 4) Educational. A petitioner for an educational RDP must be currently enrolled, or intend to enroll for the next available session, in an accredited educational institution for the purpose of taking an accredited educational course or courses. Prior to the issuance of any educational RDP, the petitioner must submit verification of enrollment from the institution. The verification shall be on a form provided by the Secretary of State.
- 5) Support/Recovery.
 - A) A petitioner for a support/recovery program RDP must provide

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verifiable documentation, from members of the group or program, that he/she has been attending meetings on a regular basis.

B) A petitioner who wishes to begin or resume participation in a support/recovery program, but who resides alone or in a household in which there is no other licensed driver and resides in a remote location in or near a community in which public transportation is not available, will be considered for a support/recovery program RDP if the petitioner proves that he/she has been abstinent from all alcohol and drugs for a minimum of 12 months and has satisfied the other provisions of this Subpart.

6) Revocations for Reckless Homicide and Aggravated DUI Involving a Fatality. A petitioner who has an open revocation for reckless homicide or aggravated driving under the influence that involved a fatality must submit, with the petition for driving relief, either a copy of the Order of the circuit court that states the sentence received upon conviction, certified by the Clerk of the Court, or a document from the Department of Corrections that reflects: the offense for which the petitioner was imprisoned; the date of release from imprisonment; and the terms of release or parole. For the purpose of determining a petitioner's eligibility for reinstatement pursuant to §6-208(b)1 of the Code, the date of release from imprisonment refers to the imprisonment on the conviction for the offense and does not include release from imprisonment for a violation of parole or probation. It is the responsibility of the petitioner to provide documentation that clearly reflects the date of his/her release from imprisonment.

cb) Jurisdiction/Eligibility. An RDP may be granted only after suspension, revocation, or cancellation for the offenses listed in Sections 6-205, 6-206, 6-303, 6-201(a)5 as it relates to 6-103.4, 11-501.1, 11-501.6 and 11-501.8 of the Code. Petitioners who are eligible to apply for a JDP are not eligible for and will not be considered for an RDP.

de) Undue Hardship. A petitioner must prove by clear and convincing evidence that an undue hardship is currently being suffered as a result of the inability to legally operate a motor vehicle. Mere inconvenience to the petitioner or family and friends is not undue hardship. The petitioner should produce clear and convincing evidence as to the unavailability of reasonable alternative means of transportation, such as but not limited to: walking, mass transit, car pools, or being driven; how

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the petitioner is currently getting to his/her destination; whether driving is required in the course of employment; the distance between the petitioner's residence and his/her destination; and similar factors relating to employment, necessary medical care, support/recovery program meetings, community service and/or educational pursuits.

- 1) Appropriate limits will be established for necessary on-the-job driving. The days, hours, and mileage limits will not exceed those absolutely necessary for the accomplishment of the petitioner's primary employment and shall be limited to a maximum of 12 hours per day and 6 days per week unless the request for increased limits is substantially documented, such as through an employer's verification of the petitioner's work schedule.
- 2) A support/recovery program RDP may include attendance at no more than 3 meetings per week.
- 3) An educational RDP will be subject to appropriate limits necessary to allow the petitioner to get to and from the subject institution/courses. The days and hours will not exceed those absolutely necessary for that purpose and shall be limited to a maximum of 12 hours per day and 6 days per week. Additional parameters to consider in setting these limits shall include whether the petitioner commutes daily to the courses, is required to participate in clinical or student teaching programs in order to fulfill the requirements for a degree in his/her chosen field, or lives on or within a radius of one mile from the campus and only needs to drive to and from the institution on an infrequent basis (less than once per week) and is then able to get to the courses by other means of transportation. The permit shall expire at the conclusion of the period for which it is granted.

- ed) [Factors Considered](#). Factors which will be considered by the Department in determining the propriety of granting a petitioner an RDP include, but are not limited to: the petitioner's age; whether the petitioner has driven while suspended or revoked; duration of present employment; number of years licensed to drive; number, severity, and frequency of accidents; frequency, type, and severity of traffic violations; efforts at rehabilitation or reform of past driving practices; demeanor of petitioner in the hearing; credibility of petitioner and witnesses in the hearing; credibility of and weight given to the petitioner's documentary evidence; petitioner's total driving record, including but not limited to reasons for violations, prior permits issued (unless such permits were issued pursuant to the order of a

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circuit or appellate court following an administrative review action) and driving record while on such permits; driving history in another state if licensed previously; reports of probation and/or parole officers; and psychiatric reports where the evidence shows that petitioner is suffering or has suffered from a mental disorder which might affect his/her ability to operate a motor vehicle in a safe and responsible manner.

- [fe](#)) [Public Safety and Welfare](#). Pursuant to Sections 6-205(c) and 6-206(c)3 of the Code, the public welfare and safety must not be endangered by the issuance of an RDP. The evidence must show that the petitioner will operate a motor vehicle safely so as not to be a danger to himself or herself or others. The mere passage of time since the date of revocation is not sufficient evidence.
- [gf](#)) [Ticket Pending](#). An RDP will not be issued while any ticket is pending against a petitioner in any court of this or any other state, unless the pending citation or citations are also the only cause of the current loss of driving privileges.
- [hg](#)) [Referral to Remedial Program](#). A petitioner who is otherwise eligible for an RDP may be referred to a remedial or rehabilitative program prior to the permit's issuance, if his/her driving record warrants these measures. (See Sections 6-205(c) and 6-206(c)3 of the Code.)
- [ih](#)) [Probationary RDP – Hardship Not Required](#). A petitioner otherwise eligible for reinstatement of driving privileges or termination of a cancellation under Section 6-201(a)5, as it relates to 6-103.4, may be issued an RDP for a probationary or trial period prior to ~~full~~ reinstatement of driving privileges or termination of cancellation in cases where the petitioner has a poor driving record (evidenced by many minor violations or a few serious violations) or involvement as a driver in a traffic collision or collisions resulting in death or injury requiring immediate professional treatment in a medical facility or doctor's office to any person, or has been evaluated as Moderate Risk, Significant Risk or High Risk by an alcohol/drug evaluation. [A petitioner is not required to prove an undue hardship in order to obtain a probationary RDP.](#)
- [ji](#)) [Out-of-state Resident](#). An RDP will be issued to an out-of-state resident only if he/she has a valid license to drive issued by the jurisdiction in which he/she resides; he/she has a verified employment, medical, community service or educational related need to drive in Illinois; and he/she complies with all other requirements of this Subpart.

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- [kj](#)) [New Resident of Illinois](#). An RDP will not be issued to a new resident of Illinois if his/her driving privileges are suspended in another jurisdiction until such time as that suspension is terminated. An RDP may be issued to a new resident of Illinois if his/her driving privileges are revoked in another jurisdiction under the following conditions:
- 1) At least one year has expired from the date of the revocation yet the revocation period has not expired; and
 - 2) The petitioner submits written verification from the other jurisdiction indicating that an RDP or similar type of driving relief would be available if the petitioner were still a resident of that jurisdiction; and
 - 3) The petitioner meets all other applicable requirements of this Subpart.
- [lk](#)) [Decision](#). The Director or a designee shall make the final decision, on each petition, on behalf of the Secretary. If relief was sought at a formal hearing, petitioners will receive a copy of the hearing officer's Findings of Fact, Conclusions of Law, and Recommendations, and the Secretary's Order.
- [ml](#)) [Investigative Evaluation](#). A petitioner will be required to complete and submit an investigative alcohol and drug evaluation as part of the Secretary's investigative process, where the evidence, including the petitioner's driving record, indicates that:
- 1) the current loss of driving privileges is not related to a DUI arrest/disposition yet the petitioner's/respondent's driving record contains, or other evidence indicates the existence of, a prior DUI disposition or any other conviction or loss of driving privileges that was alcohol/drug related within the last 10 years for which the petitioner/respondent did not or was not required to submit to the Secretary of State an alcohol/drug evaluation to obtain driving privileges; or
 - 2) the petitioner/respondent may be a user of alcohol or any other drug to a degree which renders that person incapable of safely driving a motor vehicle. (See Section 6-103.4 of the Code.)

The petitioner will be required to complete any recommended rehabilitative activity or provide a waiver.

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- ~~nm~~) Examination. A petitioner whose driving privileges have been revoked or cancelled or whose driver's license has expired will be required to submit to a driver's license examination prior to the issuance of an RDP.
- ~~on~~) Fourth Conviction. Pursuant to §6-208(b)4, the Secretary of State will not issue a restricted driving permit to any person who has a fourth conviction and revocation for the offenses listed in that Section and who is, therefore, not eligible to apply for the reinstatement of driving privileges, if the arrest ~~thatwhich~~ resulted in the fourth conviction was made after the effective date of P.A. 90-738 ~~(1/1/99), which was 1 January 1999.~~

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 1001.430 General Provisions for Reinstatement of Driving Privileges after Revocation

- a) Conviction is Dispositive. In all cases, a conviction in a court of law in Illinois or any other state is dispositive of the guilt of a petitioner of the offense which caused his/her revocation.
- b) Cause Removed. If revocation was for a cause that has been removed, such as the reversal of a conviction upon which revocation was entered, the petitioner must demonstrate that fact by clear and convincing evidence.
- c) Hardship Not Required; Factors Considered. A petitioner who is otherwise eligible for reinstatement of driving privileges at the time of his/her hearing is not required to prove an undue hardship as a condition of being, or in order to be, reinstated. The factors ~~thatwhich~~ will be considered by the Department in determining the propriety of reinstating a petitioner whose driving privileges have been revoked include but are not limited to: The petitioner's age; whether the petitioner has driven while suspended or revoked; duration of present employment; number of years licensed to drive; number, severity, and frequency of accidents; frequency, type, and severity of traffic violations; efforts at rehabilitation or reform of past driving practices; demeanor of petitioner in the hearing; credibility of petitioner and witnesses in the hearing; credibility of and weight given to the petitioner's documentary evidence; petitioner's total driving record, including but not limited to reasons for violations, prior permits issued (unless such permit was issued pursuant to the order of circuit or appellate court following an administrative review action), and driving record while on any permit; driving history in another state if licensed previously; reports of probation

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and/or parole officers; and psychiatric reports where the evidence shows that petitioner is suffering or has suffered from a psychiatric disorder thatwhich might affect his/her ability to operate a motor vehicle in a safe and responsible manner.

d) Investigative Evaluation

1) A petitioner will be required to complete and submit an investigative alcohol drug evaluation as part of the Secretary's investigative process, where the evidence, including the petitioner's driving record, indicates that:

A1) the current loss of driving privileges is not related to a DUI arrest/disposition yet the petitioner's/respondent's driving record contains, or other evidence indicates the existence of, a prior DUI disposition or any other conviction or loss of driving privileges that was alcohol/drug related within the last 10 years for which the petitioner/respondent did not or was not required to submit to the Secretary of State an alcohol/drug evaluation to obtain driving privileges; or

B2) the petitioner/respondent may be a user of alcohol or any other drug to a degree thatwhich renders that person incapable of safely driving a motor vehicle. (See Section 6-103.4 of the Code.)

2) The petitioner will be required to complete any recommended rehabilitative activity or provide a waiver.

e) Examination. A petitioner will be required to submit to a driver's license examination prior to the reinstatement of driving privileges if the test has not been successfully completed in the preceding 12 months.

f) Public Safety and Welfare. In case of either subsection (b) or (c), the public welfare and safety must not be endangered by the reinstatement of the petitioner's driving privileges. The petitioner, if restored to full driving privileges, must operate a motor vehicle safely so as not to be a danger to himself or herself or other drivers on the road. The mere passage of time since the date of revocation is not sufficient evidence.

g) Eligibility. A hearing for reinstatement will not be conducted at any time before the prescribed date of eligibility.

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- h) [Ticket Pending](#). The driving privileges of a petitioner shall not be reinstated while any traffic offense is pending against him/her in any court.
- i) [75% Rule](#). A petitioner who is driving on a [probationary](#) restricted driving permit at the time of his/her hearing will not be considered for reinstatement, regardless of the petitioner's eligibility date, unless he/she has successfully completed driving on that permit for 75% of its length, or has driven continuously on the current permit and a previously issued permit for a total of at least 9 months at the time that the petitioner becomes eligible for the reinstatement of driving privileges. However, a petitioner may appeal to the Director of the Department for a waiver of this provision when exigent circumstances warrant consideration of a waiver.
- j) [Decision](#). The Director or a designee shall make the final decision, on each petition, on behalf of the Secretary. If relief was sought at a formal hearing, petitioners will receive a copy of the hearing officer's Findings of Fact, Conclusions of Law, and Recommendations, and the Secretary's Order.
- k) [Out-of-state Petitioners](#). Notwithstanding any other provisions of this Subpart, the following provisions for reinstatement of the Illinois driving privileges for certain out-of-state petitioners shall apply:
- 1) Out-of-state petitioners whose driving privileges are revoked in Illinois shall be granted reinstatement of Illinois driving privileges upon a showing that:
 - A) he/she is not currently a resident of the State of Illinois and resides more than 30 miles from the Illinois border;
 - B) at the time of arrest or arrests in Illinois for the violations that led to the revocation of the Illinois driving privileges, the petitioner was not licensed to drive in Illinois, was a resident of a state or jurisdiction other than Illinois, and continues to reside in that or any other state or jurisdiction;
 - C) the petitioner is not currently seeking to reside in or be licensed to drive in the State of Illinois;
 - D) the state of residence and/or licensure of the petitioner at the time

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of the Illinois ~~arrests~~arrest(s) did not take action, or took action against the driving privileges of the petitioner based upon the Illinois arrest and the action has terminated;

- E) but for the revocation in Illinois, the petitioner is not prohibited from obtaining driving privileges in any state or jurisdiction other than Illinois; and
 - F) the petitioner has paid all necessary fees due the State of Illinois.
- 2) Out-of-state petitioners granted reinstatement under the provisions of this subsection (k), who subsequently apply for Illinois driving privileges and a driver's license within 3 years from the date of reinstatement in Illinois, shall be required to have an administrative hearing and meet all of the applicable requirements of this Subpart prior to the issuance of any Illinois driving privileges and a driver's license.

- 1) Revocations for Reckless Homicide and Aggravated DUI Involving a Fatality. A petitioner who has an open revocation for reckless homicide or aggravated driving under the influence that involved a fatality must submit, with his or her petition for driving relief, either a copy of the Order of the circuit court that states the sentence received upon conviction, certified by the Clerk of the Court, or a document from the Department of Corrections that reflects: the offense for which the petitioner was imprisoned; the date of release from imprisonment; and the terms of release or parole. For the purpose of determining a petitioner's eligibility for reinstatement pursuant to §6-208(b)1 of the Code, the date of release from imprisonment refers to the imprisonment on the conviction for the offense and does not include release from imprisonment for a violation of parole or probation. It is the responsibility of the petitioner to provide documentation that clearly reflects the date of his/her release from imprisonment.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 1001.440 Provisions for Alcohol and Drug Related Revocations, Suspensions, and Cancellations

- a) Statement of Principle and Purpose
 - 1) In cases in which a person's driver's license and driving privileges are suspended or revoked, the Secretary has been given the following

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statutory mandate: *In no event shall the Secretary issue a driver's license unless and until the person has had a hearing pursuant to the IVC and this Part and the Secretary is satisfied, after a review or investigation of the person, that to grant the privilege of driving a motor vehicle on the highways will not endanger the public safety or welfare.* [625 ILCS 5/6-208] In the discharge of this mandate, this Section provides guidance to both the Department and the public for issuing and obtaining driving relief.

- 2) In the implementation of this Section, the Office of the Secretary of State subscribes to the disease concept of alcoholism/chemical dependency, as defined in the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301/1-10] and incorporates by reference the Jellinek chart (E.M. Jellinek, *The Disease Concept of Alcoholism* (6th printing: June 1983, no further amendments or additions included)). Furthermore, it is the policy of the Secretary of State that this Section is to be read, interpreted, and applied as an integrated whole, rather than separately and individually. Therefore, the purpose of this Section is to assist the hearing process to determine, first, the nature and extent of a petitioner's alcohol/drug problem; second, whether the petitioner's alcohol/drug problem has been resolved; and, third, whether the petitioner will be a safe and responsible driver. In other words, the burden is on the petitioner to prove each requirement on each issue required to obtain driving relief has been met. The Secretary must be satisfied that the evidence clearly and convincingly proves the nature and extent of a petitioner's problem before determining, and in order to determine, whether that problem has been resolved. A petitioner cannot prove that he/she will be a safe and responsible driver unless and until his/her alcohol/drug problem has been resolved. The fact the petitioner has abstained from the use of alcohol/drugs is not sufficient, in and of itself, to prove that the petitioner's alcohol/drug problem has been resolved. Rather, a petitioner must also prove that he/she has successfully completed all recommended countermeasures and significant improvement has occurred in his/her attitude and lifestyle from that which existed at the time he/she committed the offenses that resulted in the suspension or revocation. The Secretary must be reasonably assured that the petitioner will be a safe and responsible driver in the future.
- 3) It is also the policy of the Secretary of State that a complete and accurate alcohol/drug use history is essential in determining the nature and extent of a petitioner's alcohol/drug problem and that a service provider's

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classification of a petitioner's alcohol/drug problem is not credible without a complete and accurate alcohol/drug use history. Furthermore, significant discrepancies and/or inconsistencies among or between the alcohol/drug use history recited in an alcohol/drug evaluation and the petitioner's testimony at a driver's license hearing, or the other evidence admitted at a hearing, renders suspect and unreliable a service provider's classification of a petitioner's alcohol/drug problem.

- 4) Finally, this Section is to be read, interpreted, and applied as an integrated whole. Therefore, the fact that a petitioner proves successful completion of only part of the requirements of the classification of his/her alcohol/drug use is insufficient to determine whether the petitioner's alcohol/drug problem has been resolved and whether the petitioner will be a safe and responsible driver. Proof of long-term abstinence from the use of alcohol/drugs is insufficient to obtain driving relief without the successful completion or accomplishment of the other requirements of the classification of a petitioner's alcohol/drug use. To do so would allow for the arbitrary application of this Section.

b) Documents/Evidence Required. Except as provided in subsection (b)(a)(1), in any application for reinstatement, an RDP, or the termination of an order of cancellation, all petitioners must submit an alcohol and drug evaluation and, where required, evidence of successful completion of an alcohol and drug-related driver risk education course and/or evidence of successful completion of treatment or proof of adequate rehabilitative progress.

- 1) An alcohol and drug evaluation and the evidence of successful completion of treatment submitted by a resident of Illinois must have been conducted by an individual or an agency licensed by DASA@ASA. An alcohol or drug-related driver risk education course completed by an Illinois resident must have been provided by an individual or agency licensed by DASA@ASA. (See 77 Ill. Adm. Code 2060.201.) Exceptions to these requirements will be allowed in the cases listed in subsections (b)(a)(1)(A) and (B). In such case, the evaluation and driver risk education course must be provided by an individual or agency accredited by the state in thatwhich the individual or agency operates:

- A) if the petitioner is currently and has been temporarily residing outside the State of Illinois (except as provided in Section 1001.100(a)(2)); or

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- B) if the petitioner received treatment for alcohol or drug abuse or dependence from a treatment program located outside the State of Illinois ~~that~~which has been appropriately accredited by the state in which it operates.
- 2) Out-of-state Petitioners. If the petitioner is a resident of another state at the time he or she files a petition for reinstatement of Illinois driving privileges and is, therefore, applying as an out-of-state resident pursuant to Section 1001.100(a), he/she may submit an evaluation, evidence of successful completion of an alcohol and drug-related driver risk education course and/or evidence of successful completion of treatment or proof of adequate rehabilitative progress from the state in which he/she resides or from any other state, so long as the agency ~~that~~which provides these services has been appropriately accredited by the state in which it operates.
- 3) Choice of Programs. The choice of these programs is within the discretion of the petitioner. The evidence submitted must be typewritten, although the evaluator may testify at any hearing.
- 4) Evaluation Standards. The alcohol and drug evaluation (uniform report), as defined in Section 1001.410, must conform to ~~all current~~the standards for an evaluation set by ~~DASA, where applicable, and/or to all current Secretary of State requirements set forth in this Subpart D.~~OASA. (See 77 Ill. Adm. Code 2060.503.) The evaluation must be signed and dated by both petitioner and evaluator. The uniform report must include a recitation of the petitioner's alcohol/drug use history, from first use to present use.
- 5) Driver Risk Education Course. The alcohol and drug-related driver risk education course must, at a minimum, conform to the standards for alcohol/drug driver risk education courses set by ~~DASA~~OASA. (See 77 Ill. Adm. Code 2060.505.) Any alcohol or drug related driver risk education course required by this Part must be completed on a date after the most recent DUI disposition arrest date.
- 6) Evaluation Must Be Current. The alcohol and drug evaluation must be current, which is defined as having been completed within 6 months prior to the date of the hearing. ~~This current evaluation, whether a uniform report or an updated evaluation, must conform to all current OASA~~

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~~standards as referred to in this Section, where applicable, and/or to all current Secretary of State requirements set forth in this Subpart D.~~

- A) Updated Evaluation. An updated evaluation shall be conducted only by means of an in-person interview and only by the same program which conducted the original evaluation. Exceptions to the latter requirement will be allowed under the following circumstances:
- 1) Transfer of File. If the petitioner's case file or copies of all case file material are transferred to another program which prepares the update. The agency that conducts the updated evaluation should explain, either in a separate cover letter or in the body of the updated evaluation, how, when and why the petitioner's file was transferred to it. The transfer will be considered acceptable only if the original evaluating program can no longer provide evaluation services for reasons such as a suspended or revoked license or voluntarily terminating evaluation business operations. When transferring a file, the sending agency shall not allow it to be delivered by the petitioner to the receiving agency. If an update cannot be obtained by reviewing the original case file information, another original evaluation must be submitted.
 - 2) Treatment Provider. If the petitioner completes treatment recommended as a result of the most recent alcohol and drug evaluation, the program providing the treatment may prepare any subsequent updated evaluation from its own case file information without obtaining the information from the evaluating program that made the treatment recommendation.
- B) Updated Evaluation – Content. An updated evaluation shall contain, at a minimum, the following: a description of alcohol/drug use and/or abuse covering the time since the last evaluation or update; the facts of any arrest or citation for a traffic or criminal offense that is, in any way, alcohol/drug-related; any impairment of significant life areas since the last evaluation or update; the evaluator's previous and current alcohol/drug-use

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classification of the petitioner; any current recommendations and the rationale for such recommendations; and an indication of whether the petitioner has completed all prior recommendations. The updated evaluation must be corroborated by an interview with a family member or significant other. The information obtained must be summarized and the evaluator should indicate whether it corroborates the data provided by the petitioner. The updated evaluation must be typewritten, on a form provided by the Department, and verified by the evaluator. (See subsection [\(b\)\(a\)](#)(1) of this Section.)

- 1) Any updated evaluation that reclassifies a petitioner to or within a Moderate, Significant or High Risk classification shall include a referral to a treatment provider for the purpose of determining the need, if any, for additional rehabilitative activity. Any waiver of additional rehabilitative activity by the treatment provider must be in writing and include the rationale for the waiver. Any recommendation for additional rehabilitative activity must be complied with before relief will be granted.
 - 2) A petitioner may not submit an updated evaluation if the uniform report evaluation being updated does not discuss the most recent DUI disposition. In such case the petitioner must submit a uniform report evaluation.
- C) [Out-of-state Evaluation – Content](#). An out-of-state alcohol and drug evaluation shall contain, at a minimum, the following: a complete alcohol and drug use history; a history of any alcohol and drug-related offenses; a current alcohol/drug use classification of the petitioner and the rationale for that classification; any recommendations and the rationale for such recommendations. The evaluation must be corroborated by an interview with a significant other and by the administration of an objective test. The information obtained must be summarized and the evaluator should indicate whether it corroborates the data provided by the petitioner. The evaluation must be verified by the evaluator. The individual or agency that completes the evaluation must be properly accredited or licensed in the state in which the individual or agency operates.

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- D) Investigative Evaluation – Content. An investigative alcohol and drug evaluation shall contain, at a minimum, the following: a complete alcohol and drug use history; a history of alcohol and drug-related driving and criminal offenses; a clinical impression of what the evaluation data indicates and the rationale for that conclusion; any recommendations and the rationale for such recommendations. The evaluation must be corroborated by an interview with a significant other and by the administration of an objective test. The information must be summarized and the evaluator should indicate whether it corroborates the data provided by the petitioner. The evaluation must be typewritten, on a form provided by the Department, and verified by the evaluator. The program that completes the evaluation must meet the same standards as programs qualified to prepare uniform report evaluations. (See subsection (b)(a)(1.))
- E) Updated Evaluation Not Required. Petitioners classified at High Risk who have driven successfully on a restricted driving permit for at least 3 years after submitting an original evaluation are not required to provide an updated evaluation if:
- i) the petitioner files for an extension of the RDP or for another hearing during the term of the current RDP; or
 - ii) the current RDP is expired for no more than 30 days at the time the petitioner files for an extension of the RDP or for another hearing.

All other documentation required by this Subpart D must be submitted.

~~7) Any alcohol or drug related driver risk education course required by this Part must be completed on a date after the most recent DUI disposition arrest date.~~

- c)b) Burden of Proof. Before any driving relief will be granted, the petitioner must prove by clear and convincing evidence: that he/she does not have a current problem with alcohol or other drugs; that he/she is a low or minimal risk to repeat his/her past abusive behaviors and the operation of a motor vehicle while under

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the influence of alcohol or other drugs; and that he/she has complied with all other standards as specified in this Subpart D. If the evidence establishes that the petitioner has had an alcohol/drug problem, the petitioner must also prove that the problem has been resolved.

- 1) [Minimal Risk](#). Petitioners whose use of alcohol/drugs has been classified under this Section as Minimal Risk must document successful completion of a 10 hour alcohol/drug driver risk education course by submission of a document ~~that~~^{which} reflects the completion of the requirements contained in 77 Ill. Adm. Code 2060.505.
- 2) [Moderate and Significant Risk](#). Petitioners whose use of alcohol/drugs has been classified under this Section as Moderate or Significant Risk must document successful completion of an alcohol/drug driver risk education course as specified in subsection ~~(c)(b)~~(1) and the treatment recommended by the evaluator or other qualified professional recommended on referral by the evaluator. The treatment must be provided by an individual or agency licensed to provide such treatment by ~~DASA~~^{ASASA} or the Department of Public Health, or an individual therapist who is licensed as a private practitioner by the Illinois Department of Professional Regulation, or an out-of-state individual therapist or agency properly licensed by the state in which he/she operates.
- 3) [High Risk Dependent](#). Petitioners classified under this Section as High Risk Dependent must document abstinence as required in subsection ~~(f)~~^(e); the completion of treatment provided by a facility or facilitator licensed by ~~DASA~~^{ASASA} or the Illinois Department of Public Health, an individual therapist who is licensed as a private practitioner by the Illinois Department of Professional Regulation, or an out-of-state individual therapist or agency properly licensed by the state in which he/she operates; the establishment of an ongoing support/recovery program; and compliance with any additional recommendations of his/her evaluator or treatment provider.
- 4) [High Risk Nondependent](#). Petitioners classified under this Section as High Risk Nondependent must document: non-problematic use as provided in subsection ~~(g)~~^(f); treatment provided by a facility or facilitator licensed by ~~DASA~~^{ASASA} or the Illinois Department of Public Health, an individual therapist who is licensed as a private practitioner by the Illinois Department of Professional Regulation, or an out-of-state individual

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therapist or agency properly licensed by the state in which he/she operates; compliance with any additional recommendations of his/her evaluator or treatment provider, including abstinence; and a detailed explanation by the treatment provider as to why dependency was ruled out.

5) Investigative Evaluation. Petitioners who obtain an investigative alcohol/drug evaluation must document the completion of any recommended treatment provided by a facility or facilitator licensed by DASA@ASA or the Illinois Department of Public Health, an individual therapist who is licensed as a private practitioner by the Illinois Department of Professional Regulation, or an out-of-state individual therapist or agency properly licensed by the state in which he/she operates. If found to be chemically dependent, then the petitioner must prove abstinence as required in subsection (f)(e) and the establishment of an ongoing support/recovery program, and compliance with any additional recommendations of his/her evaluator or treatment provider.

6) Treatment Waiver Required. In the event that a treatment provider does not require an individual classified Moderate, Significant or High Risk to complete at least the minimum amount and type of intervention or treatment specified by DASA@ASA, the treatment provider must supply the Department with a detailed explanation of the rationale for that decision.

de) Rebuttable Presumption. The presence of more than one DUI disposition on a petitioner's abstract shall create a rebuttable presumption that the petitioner suffers from a current alcohol/drug problem and should, therefore, be classified at least Significant Risk.

ed) Evidence Considered. Evidence which shall be considered in determining whether the petitioner has met his/her burden of proof and has overcome the presumption of a current alcohol/drug problem includes, but is not limited to, the following, where applicable:

- 1) The factors enumerated in Section 1001.430(c);
- 2) The similarity of circumstances between alcohol or drug-related arrests;
- 3) Any property damage or personal injury caused by the petitioner while driving under the influence;

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- 4) Changes in life style and alcohol/drug use patterns following alcohol/drug-related arrest, and the reasons for the change;
- 5) The chronological relationship of alcohol/drug-related arrests;
- 6) Length of alcohol/drug abuse pattern;
- 7) Degree of self-acceptance of alcohol/drug problem;
- 8) Degree of involvement in or successful completion of prior treatment/intervention recommendations following alcohol/drug related arrests and in a support/recovery program;
- 9) Prior relapses from attempted abstinence;
- 10) Identification, treatment and resolution of the cause of the high risk behavior of any petitioner classified High Risk Nondependent;
- 11) The problems, pressures and/or external forces alleged to have precipitated the petitioner's abuse of alcohol or other drugs on the occasion of each alcohol/drug-related arrest, and the present status of the same, particularly whether they have been satisfactorily resolved;
- 12) The petitioner's explanation for his/her multiple arrests and/or convictions for offenses involving alcohol/drugs, particularly for allowing the second and subsequent arrests/convictions to occur;
- 13) In out-of-state petitions, the evaluator's rationale for classifying a petitioner with multiple DUI dispositions as a Minimal or Moderate Risk. In these cases it is particularly important that the evaluator's classification be based on complete and accurate information;
- 14) The petitioner's criminal history, particularly drug offenses or offenses that in any way involved alcohol/drugs;
- 15) The petitioner's chemical test results of the petitioner's blood, breath or urine from all previous arrests or all previous alcohol/drug-related offenses (not just traffic offenses) in addition to the chemical test results of the most recent arrest;

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- 16) The extent to which, in terms of completeness and thoroughness, a petitioner and his/her service providers have addressed every issue raised by the hearing officers in previous hearings;
 - 17) It is particularly important that the evaluator's classification be based on complete, accurate and consistent information, especially all of the petitioner's DUI arrests and BAC test results. The probative value of evaluations ~~that~~^{which} deviate from this standard will be diminished. The degree to which their probative value will be diminished will depend upon the degree to which the evaluation deviates from this standard and the standards imposed by [DASA](#)~~OASA~~;
 - 18) The petitioner's record of performance while driving with an interlock device and his/her record of compliance with the terms and conditions of the breath alcohol ignition interlock device program;
 - 19) [Written or verbal statements from members of the public, including crime victims as defined in the Code of Criminal Procedure \[725 ILCS 120/3\] or family members of victims of offenses committed by a petitioner, so long as the statement is relevant to the issues at the hearing.](#)
- [fe\)](#) [Documentation of Abstinence](#)
- 1) Petitioners classified as High Risk Dependent, or any other petitioner with a recommendation of abstinence by ~~a DASA~~^a ~~OASA~~ licensed evaluator or treatment provider, must have a minimum of 12 consecutive months of documented abstinence. Documentation of abstinence must be received from at least 3 independent sources. The sources should not be fellow members of a support group unless those members have regular and frequent contact with the petitioner outside the group meetings. The hearing officer shall determine the weight to be accorded the documentation, taking into account the credibility of the source and the totality of the evidence adduced at the hearing. Letters or witness testimony establishing abstinence should contain, at a minimum, the following:
 - [A+](#)) The person's relationship to petitioner (friend, family member, fellow employee, etc.).

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- B2) How long the person has known the petitioner. |
- C3) How often the person sees the petitioner (daily, weekly, monthly, etc.). |
- D4) How long the person knows the petitioner has abstained. |
- E5) Each letter must be dated and signed by its authors. All letters must be submitted in their original form and should be dated no more than 45 days prior to the hearing date. Telephone facsimiles and photocopies of original letters will be admitted into evidence pending the submission of the original within a reasonable number of days as determined by the presiding hearing officer. |
- 2) Waivers of the rule requiring 12 months of abstinence are discretionary when considering an RDP but shall not be granted unless the petitioner proves at least 6 months continuous abstinence at the time of the hearing. |
- gf) Documentation of Non-problematic Use |
- 1) Petitioners classified as High Risk Nondependent must demonstrate at least 12 consecutive months of non-problematic alcohol use, or abstinence, and abstinence from the use of illegal drugs. This evidence must be submitted from at least 3 independent sources and generally comply with the standards set forth in subsection f(e). |
- 2) Waivers are discretionary when considering an RDP, but shall not be granted unless the petitioner demonstrates at least 6 months of non-problematic alcohol use, or abstinence, and abstinence from the use of illegal drugs. |
- hg) Documentation of Support/Recovery Program |
- 1) If the petitioner has been attending a support/recovery program, the petitioner must present at least 3 dated and signed letters or witness testimony from fellow support/recovery program members documenting at a minimum the following: |
- A+) How long the person has known the petitioner; |

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- ~~B2)~~ How long the petitioner has attended the program;
- ~~C3)~~ How often the petitioner attends the program.
- 2) The hearing officer shall determine the weight to be accorded the documentation, taking into account the credibility of the source and the totality of the evidence adduced at the hearing. Each letter must be dated and signed by its authors. All letters must be submitted in their original form and should be dated no more than 45 days prior to the hearing date. Telephone facsimiles and photocopies of original letters will be admitted into evidence pending the submission of the original within a reasonable number of days as determined by the presiding hearing officer.
- ih) Internet Support/Recovery Programs. A petitioner's participation in internet Alcoholics Anonymous, Narcotics Anonymous or other support/recovery program "chat rooms" or any other support/recovery program services available over the internet is not an acceptable substitute for the regular attendance of meetings in person. However, such participation will be considered as probative of the extent of the petitioner's involvement in a support/recovery program; i.e., as a supplement to the regular attendance of meetings in person.
- ji) Non-traditional Support/Recovery Programs
- 1) If the petitioner's support/recovery program does not involve a structured, organized, recognized program such as A.A. or N.A., the petitioner is required to identify what that program is and explain how it works and keeps petitioner abstinent. The petitioner is required to present either witness testimony or written verification of the program from at least three independent sources involved in the program. If the verification is in the form of letters, those letters should be signed and dated. All such evidence must contain, at a minimum, the following:
- ~~A4)~~ The person's relationship to the petitioner (friend, family member, fellow employee, etc.);
- ~~B2)~~ How long the person has known the petitioner;
- ~~C3)~~ How often the person sees the petitioner (daily, weekly, monthly, etc.);

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- D4) How the person is involved in the petitioner's recovery program and what role the person plays in helping the petitioner abstain from alcohol/drugs;
- E5) What changes the person has seen in the petitioner since petitioner's abstinence.
- 2) The hearing officer shall determine the weight to be accorded the documentation, taking into account the credibility of the source and the totality of the evidence adduced at the hearing. Each letter must be dated and signed by its authors. All letters must be submitted in their original form and should be dated no more than 45 days prior to the hearing date. Telephone facsimiles and photocopies of original letters will be admitted into evidence pending the submission of the original within a reasonable number of days as determined by the presiding hearing officer.
- kj) Support/Recovery Program Sponsor. If the petitioner has a support/recovery program sponsor, ~~a one~~ letter should be obtained (or the testimony submitted) from his/her sponsor documenting the data in subsection (h)(g). The submission of a letter from a petitioner's sponsor is not mandatory, but is strongly recommended. A petitioner's failure to submit a letter from his/her sponsor is not, by itself, a sufficient basis upon which to deny driving relief.
- lk) RDP for Support/Recovery Program – Information Required. In cases where a petitioner seeks a restricted driving permit to allow him/her to drive to support/recovery program meetings, he/she must provide specific information identifying, at a minimum, the following:
- 1) The locations of the meetings he/she wishes to attend;
 - 2) The days of the week when meetings are held at these locations;
 - 3) The hours of the day when these meetings are held.
- ml) Early Intervention – Information Required. If the petitioner has undergone early intervention (Moderate Risk classification), he/she must provide a narrative summary ~~that~~which includes, at a minimum, the following:
- 1) The name, address, and telephone number of the licensed service provider;

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- 2) The dates the petitioner began and completed early intervention, as well as the number of days or hours he/she was involved in the intervention process;
 - 3) A summary discussion of the intervention provided and its outcome, specifically, those issues that were addressed or explored and the provider's perception of what the petitioner gained from the experience and his/her ability to avoid future development of alcohol problems;
 - 4) The rationale for any modification in the early intervention requirements specified by [DASAOASA](#);
 - 5) The dated signature of the professional staff person providing the early intervention information.
- nm) [Treatment – Information Required](#). If the petitioner has had alcohol or drug related treatment, he/she must provide the following information:
- 1) A narrative summary ~~that~~~~which~~ includes, at a minimum:
 - A) The name, address, and telephone number of treatment center;
 - B) The date the petitioner entered treatment and the date the petitioner was discharged from treatment; the number of days or hours the petitioner was involved in treatment; the admitting and discharge diagnosis;
 - C) The type of treatment received (e.g., outpatient, intensive outpatient, or inpatient treatment; individual or group therapy);
 - D) A clinical impression or prognosis of either a Moderate or Significant Risk petitioner's ability to maintain a non-problematic pattern, or a High Risk petitioner's ability to maintain a stable recovery where applicable. Specifically, the treatment provider's perception of ~~what~~~~that~~ the petitioner gained from the treatment experience and whether the experience was sufficient to substantially minimize the possibility of a recurrence of alcohol/drug related problems;
 - E) Any recommendations for continuing care or follow-up support,

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and an indication of the petitioner's participation, if applicable;

- F) The rationale for any modification in the treatment requirements specified by [DASA@ASA](#);
 - G) The dated signature of the professional staff person providing the treatment information.
- 2) Copies of the following documents required by [DASA@ASA](#):
- A) Individualized Treatment Plan. (See 77 Ill. Adm. Code 2060.421.)
 - B) Discharge Summary and Continuing Care Plan. (See 77 Ill. Adm. Code 2060.427.)
- 3) A current status report regarding the petitioner's involvement in continuing care. This report must discuss the petitioner's level of progress in completing follow-up activities outlined in the Continuing Care Plan. If continuing care has been completed, a summary report must be provided [thatwhich](#) discusses the petitioner's progress throughout the course of completing all follow-up activities detailed in the Continuing Care Plan. If continuing care has been determined to be unnecessary, a report must be provided [thatwhich](#) discusses the clinical rationale for that decision.
- 4) If the petitioner is unable to provide the required information, he/she must provide documentary evidence of his/her attempts to obtain the information and the reason for its unavailability.
- [on](#)) [Evaluation Written for Court](#). If a petitioner presents an alcohol/drug evaluation that was obtained as a condition precedent to either obtaining a JDP or the disposition of a DUI charge, that evaluation must meet the requirements of this Section in order to be accepted by the Secretary of State.
- [po](#)) [Out-of-state Petitioners – Evaluation Not Required](#). Out-of-state petitioners whose last arrest for driving under the influence occurred more than 10 years from the date of the current application for relief may be excused from the requirement of an evaluation if the other evidence required of the petitioner, as set out in this subsection, indicates that the petitioner does not have a current problem with alcohol or other drugs; that, if the petitioner has had an alcohol problem, it has been resolved; that the petitioner is now a low or minimum risk to repeat

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his/her past abusive behaviors and the operation of a motor vehicle while under the influence of alcohol or other drugs; and that the petitioner can now be considered a safe and responsible driver. The rationale for this subsection is that the length of time since the petitioner's last DUI arrest indicates he/she is no longer a dangerous driver, and that Illinois' interest in a driver who no longer resides in this State is less than in one who resides in Illinois. Therefore, this exception does not apply to petitioners who reside within 30 miles of the Illinois border.

- 1) Petitioner must submit, at a minimum, the following evidence:
 - A) An affidavit regarding his/her alcohol/drug use, on a form provided by the Secretary of State;
 - B) At least 3 letters of reference ~~that~~which, at a minimum, verify the frequency and amount of the petitioner's alcohol/drug use for at least the last 12 months prior to the hearing. The letters should also discuss the petitioner's character and ability to be a safe and responsible driver. The author must state how long he/she has known the petitioner, how often he/she sees, speaks to, or otherwise has contact with the petitioner, the nature of the contact, and the nature of their relationship;
 - C) If the petitioner was required to participate in an alcohol/drug evaluation after his/her last arrest for driving under the influence, then the petitioner must submit a copy of that evaluation;
 - D) If the petitioner has received treatment for alcohol/drug abuse, then he/she must submit a copy of the discharge summary of that treatment (written by the agency ~~(c)(b)~~which provided the treatment);
 - E) Petitioners who have been identified as or believe themselves to be alcoholic/chemically dependent must fulfill the requirements of subsection ~~(c)(b)~~(3) pertaining to abstinence and the establishment of an ongoing support/recovery program;
 - F) Credible evidence of his/her driving record in the current state of residence. The Secretary of State may also obtain this evidence;

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- G) Any other relevant evidence ~~which~~ the petitioner desires to provide.
- 2) Upon receipt of this evidence, it shall be reviewed by the Director of the Department, or a duly appointed hearing officer designated by the Director, for the purpose of determining whether the requirement of an alcohol/drug evaluation should be waived and the out-of-state petition disposed of based upon the evidence listed in subsection ~~(p)(1)~~(1). The factors recited in subsection ~~(e)(1)~~ shall be utilized and applied in making this determination.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 1001.441 Procedures for Breath Alcohol Ignition Interlock Device Conditioned RDPs

- a) [BAIID Required for RDP; Fee Required](#)
- 1) The issuance of RDPs to a BAIID petitioner shall be conditioned upon the use of a Breath Alcohol Ignition Interlock Device (BAIID), as required by §§ 6-205, 6-206 and/or 11-501 of the IVC. As provided in these Sections, a BAIID petitioner must pay a non-refundable fee of \$20 per month on an annual basis, for a total annual payment of \$240. This total annual payment must be paid in advance and prior to the issuance of any permit. Payment must be submitted in the form of a money order, check, or a credit card charge (with a pre-approved card), made payable to the Secretary of State. This fee must be paid by all petitioners for the issuance of restricted driving permits at any hearing conducted on or after 9 November 2001. The payment of the fee also applies to any petitioner who was issued a BAIID permit prior to 9 November 2001 and whose driving record requires that he/she install an interlock device according to the definition set forth in P.A. 92-418 (see §§ 6-205(c) and (d) and 6-206(c)3 of the IVC), and who petitions for a hearing to renew his/her restricted driving permits on or after 9 November 2001. Anyone driving on a BAIID permit on 9 November 2001 and whose driving record does not require that he/she operate a vehicle with a BAIID according to the definition set forth in P.A. 92-418, must nonetheless drive with the BAIID until the expiration of his/her permits (without payment of the above-referenced fee). Thereafter, such a petitioner is entitled to renew the restricted driving permits without the installation of the interlock device.

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- 2) A BAIID petitioner who is renewing restricted driving permits and who also is eligible for the full reinstatement of driving privileges less than 12 months from the date of the expiration of the current restricted driving permits at the time he/she renews the permits, shall not be required to make an annual payment. If the petitioner has been scheduled for a formal hearing on a petition for reinstatement at the time of renewal, then petitioner shall pay the above-referenced fee in an amount equal to the number of months between the date of renewal and date of the hearing, plus an additional 3 months (not to exceed 12 months), times \$20. If the petitioner does not have a formal hearing on a petition for reinstatement scheduled at the time of renewal, then the fee shall be paid for 9 months. If, however, the petitioner is denied full reinstatement, then the petitioner must resume payment on an annual basis.
- b) [Notification of BAIID Requirements.](#) The Secretary shall notify any BAIID petitioner who requests a hearing of the procedures for obtaining a BAIID and the BAIID requirements. Notification may be accomplished in one of the following ways, though not limited thereto: informal hearing officer; phone contact; written notification, or by electronic mail.
- c) [Type of Hearing Required.](#) All hearings involving a BAIID petitioner seeking driving relief shall be formal hearings. Any extension or modification of an RDP issued under this Section may be done at an informal hearing. Any hearing involving a BAIID petitioner shall be conducted as any other hearing under this Part and all other applicable standards shall apply.
- d) [Petitioner Must Meet Requirements of Subpart D.](#) The Secretary shall issue an RDP to a BAIID petitioner if, through the hearing process, the petitioner is determined to meet all of the requirements of this Subpart D and installs and utilizes a device in all motor vehicles operated by the BAIID petitioner and, where applicable, all motor vehicles owned by the BAIID petitioner as required by the RDP issued under this Subpart D. BAIIDs shall not be installed on and BAIID permittees shall not operate motorcycles or motor driven cycles.
- e) [Hearing Officer's Responsibilities; Petitioner's Responsibilities.](#) Prior to the taking of evidence at the hearing:
- 1) The hearing officer shall make sure that the BAIID petitioner understands: all of the provisions and requirements of receiving a BAIID permit ; that

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to obtain an RDP the BAIID petitioner must minimally meet all of the requirements of Section 1001.440 of this Subpart D and install and utilize the device; that a BAIID petitioner's agreement to install a BAIID or willingness to comply with the BAIID requirements does not guarantee issuance of an RDP; and that all costs associated with the device are the responsibility of the BAIID petitioner; and

- 2) The BAIID petitioner shall advise the hearing officer that he/she understands all of the provisions and conditions of the BAIID requirements and whether he/she agrees to comply with the BAIID requirements. If the BAIID petitioner is unwilling to use the device, or comply with this Section, he/she shall be advised that restricted driving permits cannot be granted.
- f) [Decision](#). After the hearing, the hearing officer shall consider the evidence and the relief requested and make a recommendation as in any other hearing under this Part.
- 1) If the hearing officer does not determine that the relief requested should be granted, an order denying relief shall be prepared.
 - 2) If the hearing officer determines that an RDP should be granted, an order granting a RDP shall be prepared with the additional requirement that the RDP is conditioned upon the installation and continued use of the device. All RDPs issued under this Section shall require continued use of the device until the driving privileges of the petitioner are reinstated.
- g) [Installation of BAIID](#). Upon the issuance of an RDP under this Section, the Secretary shall send a list of certified BAIID providers to the BAIID permittee. In addition to the other requirements under this Part, the BAIID Permittee may operate the vehicle for 14 days from the issuance of the RDP without the device installed only for the purpose of taking the vehicle to a BAIID provider or installer for installation of the device. The installer or BAIID provider must notify the Secretary that a device has been installed in the vehicles designated by the BAIID permittee within 7 days from the date of the installation of the device. Proof of installation shall be by such means as determined by the Secretary from the installer or BAIID provider. Failure to comply with these requirements will result in the denial of driving relief and the cancellation of any RDP issued.
- h) [Petitioner's Responsibilities – Driving with BAIID](#). Any BAIID petitioner

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receiving an RDP under this Section must comply with the following requirements:

- 1) Operate only vehicles with an installed, operating device authorized by the Secretary whether the vehicle is owned, rented, leased, loaned, or otherwise in the possession of the BAIID permittee as required by the RDP issued under this Section.
 - 2) Take the vehicle with the device installed to the BAIID provider or installer or send the appropriate portion of the device to the BAIID provider or installer within the first 30 days for an initial monitor report to help the BAIID permittee learn how to correctly use the device, and thereafter not longer than every 60 days for the purposes of calibration and having a monitor report of the device's activity prepared and sent to the Secretary by the BAIID provider or installer.
 - 3) Take the vehicle with the device installed to the BAIID provider or installer or send the appropriate portion of the device to the BAIID provider or installer as instructed for a monitor report within 5 working days after any service or inspection notification.
 - 4) Maintain a journal of events surrounding unsuccessful attempts to start the vehicle, failures to successfully complete a running retest, or any problems with the device. If BAIIDs have been installed on multiple vehicles pursuant to Section 1001.443, a separate journal must be kept for each vehicle, recording unsuccessful attempts to start the vehicle, failures to successfully complete a running retest, or any problems with the device, and recording the name of the driver operating the vehicle at the time of the event.
- i) [Review of Monitor Reports; Sanctions for Failure to Comply](#). Upon receipt or nonreceipt of the monitor reports, the Secretary shall review them and take the following action. The failure of the BAIID permittee to comply with the requirements of this Subpart D will be made part of his/her record of performance to be considered at future formal hearings.
- 1) For any BAIID permittee who fails to take a vehicle with the device in for timely monitor reports or send the appropriate portion of the device, utilizing a traceable package delivery service, to the BAIID provider or installer for timely monitor reports, send a letter to the BAIID permittee

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indicating that if the device is not taken in for a monitor report within 10 days after the date of the letter, the failure to comply will be made part of his/her record of performance;

- 2) For any BAIID permittee whose monitor reports show 10 or more unsuccessful attempts to start the vehicle, or a failure to successfully complete a running retest, during the initial monitor period, send a warning letter to the BAIID permittee indicating that future unsuccessful attempts to start the vehicle or failure to successfully complete a running retest will result in the Secretary sending a letter to the BAIID permittee asking for an explanation of the unsuccessful attempts to start the vehicle or the failure to successfully complete a running retest;
- 3) For any BAIID permittee whose monitor reports show 10 or more unsuccessful attempts to start the vehicle after the initial monitor report period, send the BAIID permittee a letter asking for an explanation of the unsuccessful attempts to start the vehicle. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the failure to comply will be made part of his/her record of performance;
- 4) For any BAIID permittee whose monitor reports show a failure to successfully complete a running retest, after the initial monitor report period, send the BAIID permittee a letter asking for an explanation of the failure to successfully complete a running retest. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonable assure the Secretary, the failure to comply will be made part of his/her record of performance;
- 5) For any BAIID permittee whose monitor reports show a BrAC reading of 0.05 or more or a pattern of BrAC readings consistent with the use of alcoholic beverages, regardless of any other provision contained in this Section, there shall arise a rebuttable presumption that the BAIID permittee consumed alcoholic beverages. The presumption may result in the cancellation of the RDP if the BAIID permittee is required to abstain from alcohol, claimed abstinence at the time of the hearing, or agreed at

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the hearing not to consume alcohol to the point of attaining a BrAC of 0.025 while attempting to drive a vehicle. In every case, the Secretary shall send a letter asking for an explanation of the BrAC reading or the pattern of BrAC readings consistent with the use of alcoholic beverages. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that the BAIID permittee did not consume alcoholic beverages, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the failure to comply will be made part of his/her record of performance and the Secretary shall cancel the RDP and authorize the immediate removal/deinstallation of any BAIID;

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

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- 2) Notification from a BAIID provider or installer on a removal/deinstallation report form stating that the device installed in a BAIID permittee's vehicle has been removed and/or is no longer being utilized by the permittee, as required by subsection (d), including a removal or deinstallation caused by the BAIID permittee's failure to pay lease or rental fees due to the BAIID provider;
 - 3) Any law enforcement report involving a DUI arrest or other law enforcement report indicating use of alcohol in violation of Subpart D.
- k) [Hearing to Contest Cancellation of BAIID Permit](#). Any BAIID permittee whose RDP is cancelled as provided for in this Section may request a hearing to contest the cancellation within 60 days from the effective date of the cancellation. Such a hearing will be scheduled and held on an expedited basis. The hearing will be conducted as any other formal hearing under this Part. Any BAIID permittee whose RDP is cancelled under the provisions of this Section and who: is required to abstain from alcohol; claimed abstinence at the time of the hearing; or agreed at the hearing not to consume alcohol to the point of attaining a BrAC of 0.025 while attempting to drive a vehicle; and who admits to consuming alcoholic beverages may not request a hearing to contest the cancellation.
- l) [No Hearing for 12 Months After Cancellation](#). Any BAIID permittee whose RDP is cancelled for any reason as provided for in this Section shall not be granted another hearing for any type of driving relief for one year from the date of the cancellation, except to contest the cancellation as provided in subsection (k). This provision does not apply to BAIID permittees who: voluntarily have surrendered their RDPs; have not committed any offense or act that would be grounds for the cancellation of their RDPs; or are able to demonstrate that he/she was not the perpetrator of the offense or conduct which otherwise would be grounds for the cancellation of his/her RDPs.
- m) [Formal Order – Content](#). Any formal order entered which grants the issuance of an RDP as provided for in this Section shall, in addition to all other requirements, clearly indicate the following:
- 1) That the RDP is issued conditioned upon BAIID installation and proper usage of the BAIID by the permittee; and
 - 2) That the BAIID permittee is aware of all conditions and terms of BAIID installation and proper usage of the BAIID, and he or she accepts those

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conditions and terms as conditions precedent to the issuance of the RDP.

- n) [RDPs – Content](#). Any RDPs issued as provided for in this Section shall, in addition to all other requirements, clearly indicate:
- 1) That the RDP is issued pursuant to the BAIID requirements of this Section, and that a vehicle operated by a BAIID permittee must be equipped with an installed, properly operating device;
 - 2) That the provisions of the RDP also allow the BAIID permittee to drive to and from the BAIID provider or installer for the purposes of installing the device within 14 days after the issuance of the RDP, or obtaining monitor reports, and any necessary servicing.
- o) [Use of Monitor Reports](#). The Secretary shall gather all monitor reports and any other information relative to the permittee's performance and compliance with the BAIID requirements under this Subpart D. Such reports may be used as evidence at any administrative hearing conducted by the Secretary under this Part.
- p) [Modification or Waiver of BAIID](#). The Secretary may make a medical or physical BAIID modification or waiver for RDPs issued under this Section.
- q) [Employment Exemption from BAIID Requirements](#). In determining whether a BAIID permittee is exempt from the BAIID requirements pursuant to the waiver provided for in Sections 6-205 and 6-206 of the IVC, the following shall apply:
- 1) The term “employer” shall not include an entity owned or controlled in whole or in part by the permittee or any member of the permittee's immediate family, unless the entity is a corporation and the permittee and the permittee's immediate family own a total of less than 5% of the outstanding shares of stock in the corporation. Immediate family shall include spouse, children, children's spouses, parents, spouse's parents, siblings, siblings' spouses and spouse's siblings;
 - 2) The exemption shall not apply where the employer's vehicle is assigned exclusively to the BAIID permittee and used solely for commuting to and from employment.
- r) [Decertification of BAIID Providers and BAIID Device](#). The Secretary must notify the BAIID permittee of the decertification of a BAIID provider or the

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decertification of a particular type of BAIID. The BAIID permittee must then select a new BAIID provider or type of BAIID from the list of approved BAIID providers maintained by the Secretary. The BAIID permittee must inform the Secretary of that selection within 7 days after the receipt of notification from the Secretary. The BAIID permittee must complete registration with a new BAIID provider and/or installation of a new BAIID within 21 days after the receipt of the notification from the Secretary. Failure to complete these steps within the 21-day period may result in cancellation of the BAIID permittee's RDP. All costs related to any change in BAIID provider or BAIID shall be paid by the BAIID permittee.

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

(Source: Amended at 28 Ill. Reg. _____, effective _____)

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

- a) [Ownership Defined.](#) For the purposes of this Section, a person “owns” a vehicle when it is registered in his or her name, regardless of whether it is registered solely in his or her name or jointly with another person or persons.
- b) [Certification of Installation Required](#)
- 1) Anyone who is required to install an interlock device on all vehicles which he or she owns, pursuant to §§6-205(h) and 11-501(i) of the IVC, and who is granted any driving relief pursuant to Subpart D of this Part, shall certify to the Secretary, in the manner stated in subsection (c), that he or she has installed an interlock device on all vehicles he or she owns within 14 days after the issuance of driving relief. The offender must maintain an interlock device on each vehicle for a period of 12 consecutive months.
- 2) [For purposes of subsection \(b\)\(1\), the period of 12 consecutive months begins on the date the petitioner certifies that an interlock device has been installed on all vehicles he or she owns and ends 12 months later. This shall be known as the "base period". The base period remains the same](#)

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regardless of whether the petitioner adds or replaces vehicles during the 12 consecutive months.

c) Manner of Certification – Affidavit Required

1) A BAIID multiple offender shall certify compliance with the interlock program by filing an affidavit with the Secretary which states that the offender installed an interlock device on all vehicles he or she owns and which lists, by make, model, and registration plate number, each and every vehicle that the offender owns, the name and address of the installer, the date installed, and any other information deemed necessary by the Secretary. The offender must submit one certification listing all of the vehicles that he or she owns on a form provided by the Secretary. This certification must be submitted within 7 days after the date of the final installation. The failure to submit this certification within the time allowed will result in the immediate cancellation of the driving relief issued.

2) The offender must submit another, complete affidavit whenever he or she buys another vehicle, sells a vehicle listed on the affidavit, or changes the installer. This new certification must be submitted within 7 days after the date that one of these transactions is finalized. The failure to submit this certification within the time allowed will result in the immediate cancellation of the driving relief issued.

d) Verification of Compliance. The Secretary shall verify compliance by conducting periodic random checks of the information contained in the affidavits filed by BAIID multiple offenders, and by monitoring compliance with the terms and conditions of the interlock requirements as provided in Section 1001.441.

1) If the Secretary finds evidence of non-compliance with the affidavit requirements, then the Secretary will send the offender a letter asking for an explanation for the alleged violation. If a response is received within 21 days after the date of the Secretary's letter and it reasonably assures the Secretary that no violation occurred, no further action will be taken. If a response is not received within 21 days or does not reasonably assure the Secretary, the failure to comply will result in the immediate cancellation of the driving relief issued. The cancellation shall continue until the offender submits the proper affidavit. BAIID multiple offenders whose driving privileges are cancelled due to violation of the affidavit

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requirements will be required to certify installation of another BAIID and compliance with the affidavit requirements of this Section for another 12 consecutive months from the date that their compliance is re-certified;

- 2) If the Secretary finds evidence of non-compliance with the terms and conditions of the interlock requirements by a BAIID multiple offender whose driving privileges have been reinstated, then the offender's driving privileges will be cancelled for a term of 3 months on the first violation, 6 months on the second violation, and 12 months on the third and subsequent violations. At the end of the period of cancellation, the offender will be required to certify installation of another BAIID and compliance with the affidavit requirements of this Section for another 12 consecutive months from the date that his/her compliance is re-certified;
- 3) The offender may contest a cancellation entered pursuant to this Section by filing a petition for a formal hearing pursuant to §2-118 of the Code.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 1001.450 New Hearings

- a) [Relief Denied](#). If a petitioner is denied relief after a formal hearing conducted pursuant to Subpart A, either for cause or upon default, another formal hearing will not be granted to that petitioner regarding the same relief requested at the last hearing until at least 120 calendar days have elapsed since the date of the hearing. Furthermore, a request for another hearing will not be accepted for 30 days from the date of the last hearing. [A petitioner who is denied relief after a formal hearing must wait 30 calendar days before presenting himself or herself for an informal hearing.](#)
- b) [Decision Pending](#). The Department will not accept a request for a hearing from a petitioner or a party requesting a hearing to contest an action taken by a department of the Secretary of State while a decision is pending on a hearing regarding the same issue or issues.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 1001.460 Requests for Modification of Revocations and Suspensions

- a) [No Rescission](#). Revocations and suspensions will not be rescinded, except as

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provided by law or rule.

- b) Early Termination of Suspensions. Consideration for early termination of suspension may be given to a petitioner under the following conditions:
- 1) No serious accidents on past record, as defined by Sections 6-205(a) and (b) and 6-206(a) of the Code.
 - 2) No violations for at least 6 months, and no prior revocations or suspensions on the petitioner's driving record.
 - 3) Extent of petitioner's culpability.
 - 4) The extent to which a petitioner is able to present credible evidence that he/she has cooperated with law enforcement authorities in the investigation, apprehension, and prosecution of persons for violations of the Illinois Vehicle Code, particularly those related to: underaged drinking; the possession, display, use, attempted use, distribution or manufacture of fraudulent or fictitious driver's licenses, permits, or identification cards; and the possession, display, fraudulent use, attempted fraudulent use, or distribution of driver's licenses, permits, or identification cards not issued to the petitioner.
- c) No Reduction or Modification. Mandatory revocations and suspensions cannot be reduced or modified in any way.
- d) Discretionary Revocations and Discretionary Suspensions. A discretionary revocation may be reduced to a 12 month suspension. ~~or the~~ The period of a discretionary suspension may be reduced for good cause shown. However, a discretionary revocation shall not be reduced to a 12 month suspension and then the suspension reduced. Factors to consider include prior revocations or suspensions (suspensions under the Illinois Safety Responsibility Law [625 ILCS 5/Ch. 7] and Sections 6-306.3; and 13A-112 of the Code notwithstanding), and the seriousness of the offenses. The petitioner must demonstrate that he/she is a low risk for repeating his/her behavior in the future. Other factors may be considered by the hearing officer.
- e) Credit for Out-of-state and Military Offenses. Credit may be given to petitioners whose Illinois driving privileges have been suspended or revoked pursuant to ~~Sections~~ Section 6-203.1, 6-206(a)6, or 6-514 of the Code for an out-of-state

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implied consent suspension, conviction, or disqualification for an offense that ~~which~~, if committed in Illinois, would be grounds for suspension or revocation, and whose driving privileges were suspended or revoked in that state or, if the petitioner is a member of the armed forces at the time of the offense and his/her Illinois driving privileges have been suspended or revoked pursuant to Sections 6-206(a)6 or (a)24 of the Code, if the petitioner's military installation driving privileges were suspended or revoked as a result of his/her arrest or conviction for such an offense. The petitioner must also demonstrate that the suspension or revocation created an undue hardship affecting his/her ability to go to work and perform daily tasks, in that state. Such credit shall be given against the Illinois suspension or revocation for the same length of time actually served on the out-of-state or military suspension or revocation prior to the effective date of the Illinois suspension or revocation. A discretionary revocation will be modified to a suspension and terminated early, or the date of eligibility for full reinstatement of Illinois driving privileges shall be advanced.

- f) Modifications Limited. Suspension periods are set by rule (see 92 Ill. Adm. Code 1040) of the Department of Driver Services to apply equally to all persons. Modifications in any way should be granted in only limited cases. This procedure should be used rarely and the reasons should be fully documented on the record.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Claims
- 2) Code Citation: 92 Ill. Adm. Code 1226
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1226.10	Repealed
1226.15	Repealed
1226.100	Repealed
1226.110	Repealed
1226.120	Repealed
1226.130	Repealed
1226.140	Repealed
1226.150	Repealed
1226.160	Repealed
1226.200	Repealed
1226.210	Repealed
1226.220	Repealed
1126.230	Repealed
1226.240	Repealed
1226.250	Repealed
1226.255	Repealed
1226.260	Repealed
1226.270	Repealed
1226.280	Repealed
- 4) Statutory Authority: Implementing Section 18c-1202(3) and authorized by Section 18c-1202(9) of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202(3) and 18c-1202(9)].
- 5) Effective date of repealer: April 15, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer is on file in the Commission's principal office located at the address below and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: June 20, 2003; 27 Ill. Reg. 9289

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

- 10) Has JCAR issued a Statement of Objection to this repealer? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? None were made.
- 13) Will this repealer replace any emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of repealer: The repeal of this rule is the result of a comprehensive rewrite of the rules governing Household Goods Carriers at 92 Ill. Adm. Code 1457 (“Part 1457”), which was adopted by Commission in November 2001. At the time Part 1457 was enacted, existing rules were retained to ensure that any subject matter inadvertently omitted from the rewrite was still covered by rules.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Steven L. Matrisch
Office of Transportation Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
217/782-6447
smatrisc@icc.state.il.us

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Annual Reports
- 2) Code Citation: 92 Ill. Adm. Code 1303
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1303.10	Repealer
1303.20	Repealer
- 4) Statutory Authority: Implementing Section 18c-1202(4) and authorized by Section 18c-1202(9) of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202(4) and 18c-1202(9)].
- 5) Effective date of repealer: April 15, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer is on file in the Commission's principal office located at the address below and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: June 20, 2003; 27 Ill. Reg. 9302.
- 10) Has JCAR issued a Statement of Objections to this repealer? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? None were made.
- 13) Will this repealer replace any emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: The repeal of this rule is the result of a comprehensive rewrite of the rules governing Household Goods Carriers at 92 Ill. Adm. Code 1457 ("Part 1457"), which was adopted by Commission in November 2001. At the time Part 1457 was enacted, existing rules were retained to ensure that any subject matter inadvertently omitted from the rewrite was still covered by rules.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

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

Steven L. Matrisch
Office of Transportation Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
217/782-6447
smatrisc@icc.state.il.us

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Establishment of Rates Based on Value (Released Value Rates)
- 2) Code Citation: 92 Ill. Adm. Code 1385
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1385.10	Repealed
1385.20	Repealed
- 4) Statutory Authority: Implementing Section(s) 18c-4804 and authorized by Section 18c-1202(9) of the Illinois Commercial Transportation Law [625 ILCS 5/18c-4804 and 18c-1202(9)].
- 5) Effective date of repealer: April 15, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer is on file in the Commission's principal office located at the address below and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: June 20, 2003; 27 Ill. Reg. 9310
- 10) Has JCAR issued a Statement of Objection to this repealer? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? None were made.
- 13) Will this repealer replace any emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of repealer: The repeal of this rule is the result of a comprehensive rewrite of the rules governing Household Goods Carriers at 92 Ill. Adm. Code 1457 ("Part 1457"), which was adopted by Commission in November 2001. At the time Part 1457 was enacted, existing rules were retained to ensure that any subject matter inadvertently omitted from the rewrite was still covered by rules.

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

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

Steven L. Matrisch
Office of Transportation Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
217/782-6447
smatrisc@icc.state.il.us

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Tariff Bureaus
- 2) Code Citation: 92 Ill. Adm. Code 1400
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1400.5	Repealed
1400.10	Repealed
1400.20	Repealed
1400.30	Repealed
1400.40	Repealed
1400.50	Repealed
1400.110	Repealed
1400.120	Repealed
1400.130	Repealed
1400.140	Repealed
1400.145	Repealed
- 4) Statutory Authority: Implementing Section 18c-4502 and authorized by Section 18c-1202(9) of the Illinois Commercial Transportation Law [625 ILCS 5/18c-4502 and 18c-1202(9)].
- 5) Effective date of repealer: April 15, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer is on file in the Commission's principal office located at the address below and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: June 20, 2003; 27 Ill. Reg. 9314
- 10) Has JCAR issued a Statement of Objection to this repealer? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? None were made.
- 13) Will this repealer replace any emergency repealer currently in effect? No

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of repealer: The repeal of this rule is the result of a comprehensive rewrite of the rules governing Household Goods Carriers at 92 Ill. Adm. Code 1457 ("Part 1457"), which was adopted by the Commission in November 2001. At the time Part 1457 was enacted, existing rules were retained to ensure that any subject matter inadvertently omitted from the rewrite was still covered by rules.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Steven L. Matrisch
Office of Transportation Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
217/782-6447
smatrisc@icc.state.il.us

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Transportation of Household Goods in Intrastate Commerce
- 2) Code Citation: 92 Ill. Adm. Code 1455
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1455.10	Repealed
1455.15	Repealed
1455.25	Repealed
1455.30	Repealed
1455.40	Repealed
1455.45	Repealed
1455.50	Repealed
1455.55	Repealed
1455.75	Repealed
1455.80	Repealed
1455.90	Repealed
1455.100	Repealed
1455.130	Repealed
1455.140	Repealed
1455.150	Repealed
1455.160	Repealed
1455.170	Repealed
1455.180	Repealed
1455.190	Repealed
- 4) Statutory Authority: Implementing Section 18c-1202(3) and authorized by Section 18c-1202(9) of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202(3) and 18c-1202(9)].
- 5) Effective date of repealer: April 15, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer is on file in the Commission's principal office located at the address below and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: June 20, 2003; 27 Ill. Reg. 9320

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

- 10) Has JCAR issued a Statement of Objection to this repealer? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? None were made.
- 13) Will this repealer replace any emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of repealer: The repeal of this rule is the result of a comprehensive rewrite of the rules governing Household Goods Carriers at 92 Ill. Adm. Code 1457 (“Part 1457”), which was adopted by Commission in November 2001. At the time Part 1457 was enacted, existing rules were retained to ensure that any subject matter inadvertently omitted from the rewrite was still covered by rules.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Steven L. Matrisch
Office of Transportation Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
217/782-6447
smatrisc@icc.state.il.us

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Resolution of Household Goods Disputes
- 2) Code Citation: 92 Ill. Adm. Code 1456
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1456.10	Repealed
1456.20	Repealed
1456.30	Repealed
1456.40	Repealed
1456.50	Repealed
- 4) Statutory Authority: Implementing Section 18c-5202 and authorized by Section 18c-1202(9) of the Illinois Commercial Transportation Law [625 ILCS 5/18c-5202 and 18c-1202(9)].
- 5) Effective date of repealer: April 15, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer is on file in the Commission's principal office located at the address below and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: June 20, 2003; 27 Ill. Reg. 9336
- 10) Has JCAR issued a Statement of Objection to this repealer? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? None were made.
- 13) Will this repealer replace any emergency repealer currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of repealer: The repeal of this rule is the result of a comprehensive rewrite of the rules governing Household Goods Carriers at 92 Ill. Adm. Code 1457 ("Part 1457"), which was adopted by Commission in November 2001. At the

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED REPEALER

time Part 1457 was enacted, existing rules were retained to ensure that any subject matter inadvertently omitted from the rewrite was still covered by rules.

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

Steven L. Matrisch
Office of Transportation Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701
217/782-6447
smatrisc@icc.state.il.us

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Camping on Department of Natural Resources Properties
- 2) Code Citation: 17 Ill. Adm. Code 130
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
130.40	Amendment
130.50	Amendment
130.70	Amendment
130.80	Amendment
130.120	Amendment
130.130	Amendment
130.150	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1 and 4(1) and (5) of the State Parks Act [20 ILCS 835/1 and 4(1) and (5)], and by Sections 63a23 and 63a28 of the Civil Administrative Code of Illinois [20 ILCS 805/63a23 and 63a28].
- 5) Effective date of amendments: April 15, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: December 12, 2003; 27 Ill. Reg. 18495
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:

Section 130.40(e) – strike "~~amps~~" added "campsites"

Section 130.70(a)(1)(M) – changed as follows:

 - "state" to "State"
 - "MJ) Rent-A-Camp Tents"

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

i) Tents~~Sites~~ will be made available at designated"

- Added the label "ii)" before the text

Section 130.70(a)(1)(N):

- Strike "~~an additional~~" and added "a basic cabin rental"
- Changed text to read "fee plus of \$24 per night in addition to the Class specific utility and camping fees, as follows: fee for the class of the camping site on which the Rent A Cabins are located."
- Added the label "i)" before the text
- Added the label "ii)" before the text

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: This Part was amended to provide for camping fee increases, define and designate Premium Campgrounds, allow for fees to be collected at Horseshoe Lake Conservation Area (Alexander County) for use of the Wicker Facility and to extend the number of days a camper may be evicted.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER a: LANDSPART 130
CAMPING ON DEPARTMENT OF NATURAL RESOURCES PROPERTIES

Section	
130.10	Location
130.20	Purpose of Campground
130.30	Classification of Camps by Equipment Used – Definitions
130.40	Definitions Definition of a Camp
130.50	Registrations
130.60	Permits, Extensions and Time Limits
130.70	Fees and Charges
130.80	Refunds
130.90	Check-in and Check-out Times
130.100	Unoccupied Camps
130.110	Vehicles per Camp (Refer to 17 Ill. Adm. Code 130.30)
130.120	Youth Group (Boy Scouts, Girl Scouts, Explorers, church groups, or others)
130.130	Organization Group Camps (charter organizations, ROTC, private clubs or others)
130.135	Campground Host Program
130.140	Use of Campground
130.150	Violation of Rule

AUTHORITY: Implementing and authorized by Sections 1 and 4(1) and (5) of the State Parks Act [20 ILCS 835/1 and 4(1) and (5)], and by Sections 63a23 and 63a28 of the Civil Administrative Code of Illinois [20 ILCS 805/63a23 and 63a28].

SOURCE: Adopted at 4 Ill. Reg. 7, p. 110, effective February 4, 1980; emergency amendment at 5 Ill. Reg. 5707, effective June 1, 1981 for a maximum of 150 days; codified at 5 Ill. Reg. 10623; amended at 5 Ill. Reg. 14568, effective December 9, 1981; amended at 6 Ill. Reg. 3840, effective March 31, 1982; amended at 6 Ill. Reg. 9626, effective July 21, 1982; amended at 6 Ill. Reg. 14835, effective November 24, 1982; amended at 7 Ill. Reg. 5870, effective April 22, 1983; amended at 8 Ill. Reg. 5647, effective April 16, 1984; amended at 9 Ill. Reg. 6173, effective April 23, 1985; amended at 9 Ill. Reg. 11594, effective July 16, 1985; amended at 10 Ill. Reg. 9777, effective May 21, 1986; amended at 10 Ill. Reg. 13244, effective July 28, 1986; amended at 11 Ill. Reg. 9506, effective May 15, 1987; amended at 14 Ill. Reg. 12402, effective July 20, 1990; emergency amendment at 16 Ill. Reg. 7925, effective May 11, 1992, for a maximum of 150 days; emergency expired October 8, 1992; amended at 16 Ill. Reg. 15982, effective October

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

2, 1992; amended at 18 Ill. Reg. 1126, effective January 18, 1994; amended at 19 Ill. Reg. 6462, effective April 28, 1995; amended at 20 Ill. Reg. 6683, effective May 6, 1996; amended at 21 Ill. Reg. 9034, effective June 26, 1997; amended at 22 Ill. Reg. 3076, effective January 23, 1998; amended at 22 Ill. Reg. 11781, effective June 24, 1998; amended at 23 Ill. Reg. 8376, effective July 7, 1999; amended at 24 Ill. Reg. 1634, effective January 13, 2000; amended at 24 Ill. Reg. 13699, effective August 23, 2000; amended at 27 Ill. Reg. 12630, effective July 21, 2003; amended at 28 Ill. Reg. _____, effective _____.

Section 130.40 ~~Definitions~~**Definition of a Camp**

- a) "Camp" means a single family or group occupying one site that is a designated individual site within a Departmentally managed site, established and maintained for the sole purpose of camping, including the use of tents, trailers or any other type of camping device.
- b) A "Single Family" consists of either or both parents and unmarried children. Other family members will be considered as part of the family as long as they occupy the same shelter, but not to exceed a total of 4 adults (18 years of age or older).
- c) The "Single Group" consists of unrelated adults (18 years of age or older) with or without children occupying the same shelter. This group would not exceed 4 occupants: ~~(except~~~~Except~~ for Rent-A-Camp sites with an extra large tent which would not exceed 8 occupants and a campground cabin would not exceed 6 occupants~~);~~~~).~~
- d) A "Camp Shelter" is the portable equipment used by the single family or group for bedding and housing.
- e) If more than one camp shelter is required for the single family or group, they shall occupy separate ~~campsites~~~~amps~~. ~~(Exceptions: Minor children (under 18) sleeping in sleeping bags or in a tent outside the family shelter are considered occupants sharing the same shelter.);~~ ~~or a~~ A group of no more than 4 occupants may occupy up to 2 or 4 one-man tents on a single ~~campsite~~~~.~~
- f) In no case will 2 or more tent trailers, travel trailers, self-propelled mobile campers, pick-up campers, or any combination thereof be considered as a single camp.
- g) Where campgrounds are laid out in defined sites, not more than one camp will be

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

permitted on a site. Where campgrounds are not laid out in sites, the number of camps will be determined by the capacity of the existing sanitary facilities, parking areas, soil and turf conditions, potential social conflicts between campers due to crowding, and similar factors as determined by ~~Department~~department staff.

- h) A "Premium Campground" is a designated camping facility that has a preponderant history of consistently operating at capacity. The following sites are designated as Premium Campgrounds: Chain O'Lakes State Park, Illinois Beach State Park, Kankakee River State Park, Rock Cut State Park, Shabbona Lake State Recreation Area and Starved Rock State Park.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 130.50 Registrations

- a) A permit will be issued and fees collected at the time the camp is established with the camp shelter in place or as soon as possible thereafter (see Sections 130.70 and 130.80). A responsible adult (18 years of age or older) from the camping party must register for the party and thereby acknowledge compliance with the rules and regulations of the park for the party.
- b) The camping attendant has the authority to assign sites.
- c) Curfew: the provisions of Section 1 of the Child Curfew Act [720 ILCS 555/1] with reference to curfew for persons under the age of 17 years are in effect on Department of Natural Resources' properties.
- d) No camping equipment shall be placed on any campground site while that site is occupied by another camping party. A person acquiring a permit must have camp shelter at the time of registration and must occupy the site at that time.
- e) In "emergency situations", the camping attendant may designate an area and charge a fee commensurate with facilities provided (see Section 130.70).
- f) Reservations will be accepted at selected sites offering reservation service. A \$5 non-refundable fee must be submitted for each site reserved. The reservation fee shall be the applicable first night's camping and utility fee in addition to the \$5 per campsite non-refundable fee and is required at the time reservation is made ~~for individual campsite reservations~~. The reservation fee insures that a reserved

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

campsite will be held until 3:00 p.m. of the next day assuring reservation holders of a campsite in the event of late arrival.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 130.70 Fees and Charges

- a) The full amount of the camping fee and, if applicable, the utility fee shall be collected at the time the permit is issued. If checks are taken, they shall be made payable to the Illinois Department of Natural Resources and the site identified. Camping fees vary according to the type of campground and are in accordance with the degree of campground development and type of facilities available effective May 11, 1992 as follows:
- 1) Spring-Summer Camping (May 1 through September 30)
 - A) Class AA Sites: Camping fee of ~~\$1542~~ per night per site, ~~\$53~~ utility fee. Sites having availability to showers, electricity, water hookups, sewer hookups, and vehicular access.
 - B) Class A Sites: Camping fee of ~~\$108~~ per night per site, ~~\$53~~ utility fee. Sites having availability to showers, electricity and vehicular access.
 - C) Class A Premium Sites: Camping fee of \$15 per night per site, \$5 utility fee. Sites having availability to showers, electricity and vehicular access.
 - ~~D)E)~~ Class B-E Sites: Camping fee of ~~\$87~~ per night per site, ~~\$53~~ utility fee. Sites having availability to electricity and vehicular access.
 - E) Class B-E Premium Sites: Camping fee of \$10 per night per site, \$5 utility fee. Sites having availability to electricity and vehicular access.
 - ~~F)D)~~ Class B-S Sites: Camping fee of ~~\$108~~ per night per site. Sites having availability to showers and vehicular access.
 - G) Class B-S Premium Sites: Camping fee of \$12 per night per site. Sites having availability to showers and vehicular access.

DEPARTMENT OF NATURAL RESOURCES

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- ~~H)E)~~ Class C Sites: Camping fee of ~~\$8~~7 per night per site. Sites having vehicular access or tent camp/primitive sites (walk-in or backpack) having availability to showers.
- ~~J)F)~~ Class D Sites: Camping fee of \$6 per night per site. Tent camping or primitive sites with no vehicular access.
- ~~J)G)~~ Youth Group Camping: ~~\$2~~1 per person, minimum daily camping fee of ~~\$20~~10.
- ~~K)H)~~ Adult Group Camping: ~~\$4~~2 per person, minimum daily camping fee of ~~\$40~~20.
- ~~L)I)~~ Each member of an organized group utilizing facilities furnished at Dixon Springs State Park, [Horseshoe Lake State Fish and Wildlife Area \(Alexander County\)](#) and Pere Marquette State Park shall pay a fee of \$4 per night. At Dixon Springs [and Horseshoe Lake State Fish and Wildlife Area \(Alexander County\)](#), a deposit of \$40 will be required before confirmation of a reservation. The deposits will be credited to the total camping fee. At Pere Marquette, a deposit of \$100 will be required before confirmation of a reservation. The deposits will not be refunded until inspection is made of the facilities after the group departs. If damages warrant, Pere Marquette will have authority to retain this deposit. Fees for day use of the group camps at Dixon Springs, [Horseshoe Lake State Fish and Wildlife Area \(Alexander County\)](#) and Pere Marquette shall be \$50 per day.
- ~~M)J)~~ Rent-A-Camp [Tents](#)
- i) [Tents](#)~~Sites~~ will be made available at designated ~~State~~state parks and recreational areas throughout the Department's statewide system. Rent-A-Camp Tent areas will provide, at additional fees of \$8 and \$12 per night, one large tent (approximately 10' x 13') or one extra large tent (approximately 14' x 14'), respectively (erected), with wood floor, one charcoal grill, one picnic table, one trash barrel, and either 4 sleeping cots per large tent or 8 sleeping cots per extra large tent. The total overnight fee for a Rent-A-

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Camp Tent will be based on the basic fees of \$8 or \$12 per night in addition to the class of camping rate on which the Rent-A-Camp site is located fee for the Class A Campsite.

- ii) Rent-A-Camp Tent at Class A Sites:
\$8 or \$12 plus ~~\$53~~ utility fee and ~~\$108~~ camping fee per night per site at all sites having availability to showers, electricity and vehicular access.

~~N)K)~~ Rent-A-Camp Cabin areas will provide, at a basic cabin rental ~~additional~~ fee of ~~\$2524~~ per night, one 2-bedroom cabin with 2 bunk beds, one full-sized bed, ceiling fans, electric heaters, table with chairs, one charcoal grill, one picnic table, and one trash barrel. The total overnight fee for a Rent-A-Camp Cabin will be based on the basic fee plus of \$24 per night in addition to the Class specific utility and camping fees, as follows: fee for the class of the camping site on which the Rent-A-Camp Cabins are located.

- i) Rent-A-Camp Cabins at Class A Sites:
~~\$2524~~ cabin rental plus ~~\$53~~ utility fee and ~~\$108~~ camping fee per night, per site at all sites having availability to showers and vehicular access.

- ii) Rent-A-Camp Cabins at Class A Premium Sites:
\$25 cabin rental plus \$5 utility fee and \$15 camping fee per night, per site at all sites having availability to showers and vehicular access.

~~O)L)~~ A \$5 per campsite non-refundable fee must be remitted at those facilities offering reservation services. This fee applies to reservations for group campsites as well as individual site reservations and individual Rent-A-Camp Cabin and individual Rent-A-Camp Tent reservations. In addition to the \$5 non-refundable fee, the first night's camping and utility fee is required at the time reservations are made ~~for individual campsite reservations. The Rent-A-Camp Cabin and Tent reservation fee for each cabin/tent will be the applicable first night's cabin/tent rental, camping and utility fees if applicable, in addition to the \$5 per campsite non-refundable reservation fee, and is required at the time reservations are made for individual Rent-A-Camp Cabin and Tent~~

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~~campsites.~~

- 2) Fall-Winter Camping (October 1 through April 30)
 - A) As long as buildings, water and electrical service are available, regardless of the date, the regular camping fee will apply.
 - B) When cold weather requires closing down buildings and shutting off water in any Class A or B Class AA, A or B-S campgrounds, the fee shall be reduced commensurate with the services and facilities available for use.
 - C) The fee for primitive campsites shall be \$6 per site. When a change in facilities is made and a campsite is reclassified, the fee for a site will change automatically.
- b) Exceptions: Employees, Concessionaires, and Special Legislation
 - 1) Except for temporary employees of the Department of Natural Resources who qualify and are placed in the campground host program at approved camping sites, employees of the Department of Natural Resources or any other State agency, regardless of their official status, will be required to pay the established camping fee.
 - 2) The concessionaire, manager, or a responsible employee designated by the concessionaire will not be charged the regular camping fee. Rent will be paid at the rate established by the Department or pursuant to the concession lease.
 - 3) An Illinois resident age 62 or older, or a person who has a Class 2 disability as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335/4A] or a disabled veteran, or a former prisoner of war as defined in Section 5 of the Department of Veterans Affairs Act [20 ILCS 2805/5], is entitled to the following camping fee provisions, upon qualifying, which will allow the spouse or minor (under 18) children, or minor grandchildren to be included in the camping party. All other members must be registered and pay the regular camping fee for the facilities provided.
 - A) Illinois residents age 62 or older will be charged one-half the

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established camping fee on any Monday, Tuesday, Wednesday, or Thursday, at Class [AA, A Premium, A, B-E Premium, B-E, B-S Premium, and B-S A and B](#)-sites but must pay the entire established camping fee on all sites on any Friday, Saturday or Sunday, and, if at a site with utilities, must pay the entire utility fee for each day of camping. Verification of age may be made by any document required by law to establish proof of age and date of birth and issued by a federal or state governmental agency. No fee on Class C and D sites Monday through Thursday.

- B) Illinois residents who have a Class 2 disability and present a current Illinois Disabled Person Identification Card issued by the Secretary of State will be charged one-half the established camping fee for Class [AA, A Premium, A, B-E Premium, B-E, B-S Premium and B-S A and B](#)-sites on any Monday, Tuesday, Wednesday or Thursday, but must pay the entire established camping fee for any Friday, Saturday or Sunday, and, if at a site with utilities, must pay the entire utility fee for each day of camping. No fee on Class C and D sites.
- C) An Illinois resident who is a disabled veteran or former prisoner of war may camp without being charged a camping fee, but if at a site with utilities, must pay the entire utility fee for each day of camping. An individual wishing to qualify for free camping under the provisions stated above must be able to submit the appropriate document issued by the Illinois Department of Veterans' Affairs (see 20 ILCS 2805/5).

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 130.80 Refunds

- a) A refund of camping and utility fees for unused time shall be made, within 7 days after departure, upon the request of the registered camper. No personal check refunds shall be made sooner than 10 days after the check has been deposited to insure clearance. Refunds will be made in the field out of current cash receipts. Refunds for Camper's Permit will be prepared and appropriate copies submitted to accounting.
- b) Refund forms must be completed whenever a camper requests a refund for the

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unused portion of this camping permit.

- c) The person requesting the refund must show identification at the time of the refund.
- d) The camper's copy of the permit must be surrendered at the time of the refund.
- e) Rent-A-Camp reservation fees will not be refunded by the Department.
- f) No refunds will be made for reservation fees unless the campground is closed by the Department.
- g) The deposit required for organized group camps at Pere Marquette, ~~and~~ Dixon Springs [and Horseshoe Lake State Fish and Wildlife Area \(Alexander County\)](#) will be non-refundable unless notice of cancellation is received [at least by](#) 30 days prior to reservation date.
- h) There is no refund of the first night's cabin/tent fee or camping and utility fee made as part of a campsite reservation that is canceled less than 3 days prior to the date of arrival.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 130.120 Youth Group (Boy Scouts, Girl Scouts, Explorers, church groups, or others)

- a) A youth group/organization camp is a group of five or more minors up to 18 years of age who are members of an organization camping with its adult leaders.
- b) The regular camping fee will be charged on the basis of: ~~\$21.00~~/person, or a minimum of ~~\$20.00~~ a day.
- c) These camps will be placed in an organization campground or special area set aside for such use, rather than in the regular campground.
- d) One responsible adult (18 years of age or older) must accompany each group of 15 or ~~fewer~~ campers under the age of 18.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

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Section 130.130 Organization Group Camps (charter organizations, ROTC, private clubs or others)

- a) The organized group camping areas are available for camping without showers or electricity. Other forms of camps will be placed in the appropriate sites on an individual and equal basis with other campers. An organized group camp is a group of 10 or more adults (18 years of age or older) with or without children.
- b) The regular camping fee will be charged on the basis of: ~~\$42~~/person; or a minimum of ~~\$40~~29 a day.
- c) If the organized group camping area is unavailable, the organization will be accommodated only as individual campers and will use the regular campgrounds on an equal basis with other campers. The camping fee and utility fee applicable to the campsite classification will be charged for each campsite used by the group.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 130.150 Violation of Rule

- a) For violation of these rules and regulations, a camper is subject to eviction. The camper at the demand of the Department, shall remove all equipment and personal property.
- b) The Department may refuse to permit a person to re-enter the eviction site/park for a period of up to ~~365~~90 days from such eviction.
- c) No refunds will be granted in such cases.
- d) Any person who violates any provision of this Part shall be guilty of a Class B Misdemeanor.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Firewood Collection
- 2) Code Citation: 17 Ill. Adm. Code 170
- 3) Section Number: 170.10 Adopted Action: Amendment
- 4) Statutory Authority: Implementing Section 5 of the State Forest Act [525 ILCS 40/5] and authorized by Section 805-130 of the Civil Administrative Code of Illinois [20 ILCS 805/805-130].
- 5) Effective date of amendment: April 1, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: January 2, 2004; 28 Ill. Reg. 298
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: Section 170.10(b) and (c) – changed "state" to "State" in three places
Section 170.10(e) – changed "\$10.00" to "\$10"
Section 170.10(h) – removed "(1)"
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: This Part was amended to update the Statutory

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Authority and to remove the requirement that persons sign in and sign out of a State forest when collecting firewood.

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

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

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER a: LANDSPART 170
FIREWOOD COLLECTIONSection
170.10 Firewood Collection

AUTHORITY: Implementing Section 5 of the State Forest Act [525 ILCS 40/5] and authorized by Section 805-130 of the Civil Administrative Code of Illinois [20 ILCS 805/805-130].

SOURCE: Adopted at 5 Ill. Reg. 9574, effective September 16, 1981; codified at 5 Ill. Reg. 10626; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 28 Ill. Reg. _____, effective _____.

Section 170.10 Firewood Collection

- a) Firewood collection shall be allowed at all state forests under the control of the Illinois Department of Natural Resources by permit only.
- b) Firewood collection days and collection hours will be established at each Statestate forest by the site superintendent. Each Statestate forest will announce, through the local press, the time periods during the year in which collection will take place.
- c) Permits may be obtained from the site superintendent's office at the particular Statestate forest where firewood is to be collected.
- d) Permits shall be effective for one specific date, ~~and all persons must sign in and sign out of a state forest when collecting firewood.~~
- e) The fee for such permits shall be \$10\$10.00.
- f) Any individual may obtain up to two permits for each calendar year.
- g) Permittees shall collect firewood for personal use only and not for resale.

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- h) Permittees are allowed only one (4) standard half-ton pickup truck load for each permit obtained. Other vehicles may be used, but the volume of firewood shall not exceed the standard half-ton pickup load area as defined below:

A standard half-ton pickup truck load area shall be no more than 79" in length, 72" in width and 20" in height, with a total load area of up to 78 cubic feet.

- i) Permittees may collect only down, dead wood that is unattached from any standing tree and only in areas designated by the site superintendent or his authorized representative.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Rental of Boats and Boating Facilities
- 2) Code Citation: 17 Ill. Adm. Code 210
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
210.10	Amendment
210.20	Amendment
210.30	Amendment
210.40	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 805-300, 805-330, 805-400, and 805-525 of the Civil Administrative Code of Illinois [20 ILCS 805/805-300, 805-330, 805-400 and 805-525].
- 5) Effective date of amendments: April 1, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: January 2, 2004; 28 Ill. Reg. 302
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In Section 210.20(b), the following changes were made:
 - Changed the comma after "Auxiliary" to "or" and changed "or a National" to "or who have satisfactorily completed a National"
 - Changed "wishes" to "wish"
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No

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- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: This Part was amended to clarify language in the Section on safety requirements, add language regarding rental requirements for persons under 18, and to update a Division name and the Department's address.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER a: LANDSPART 210
RENTAL OF BOATS AND BOATING FACILITIES

Section

210.10	Safety Requirements
210.20	Rental Procedures
210.30	Boat Rental Fees
210.35	Docking Fees
210.40	Additional Information

AUTHORITY: Implementing and authorized by Sections 805-300, 805-330, 805-400, and 805-525 of the Civil Administrative Code of Illinois [20 ILCS 805/805-300, 805-330, 805-400 and 805-525].

SOURCE: Adopted at 9 Ill. Reg. 2912, effective February 26, 1985; amended at 9 Ill. Reg. 10248, effective June 26, 1985; amended at 14 Ill. Reg. 2013, effective January 23, 1990; amended at 19 Ill. Reg. 16062, effective November 21, 1995; amended at 20 Ill. Reg. 6719, effective May 6, 1996; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 28 Ill. Reg. _____, effective _____.

Section 210.10 Safety Requirements

All boats rented by the Department of Natural Resources (DNR) or concessionaire will comply with the Boat Registration and Safety Act [625 ILCS 45] and U.S. Coast Guard approved personal flotation devices ~~shall~~ ~~are to~~ be used as required by the Boat Registration and Safety Act.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 210.20 Rental Procedures

- a) All persons renting boats must complete a boat registration form CA-6 provided by DNR or a pre-numbered boat registration form provided by the concessionaire and approved by DNR at the time and location of the rental. The boat, when rented, is not transferable to another person, unless such person is a part of the

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family or a member of a group associated with the person renting the boat. Except upon other arrangements with the renter, the boat should be returned by the person who rented the boat. ~~No person under 14 years of age shall be permitted to rent a State or concessionaire owned boat, paddle boat, canoe or other watercraft.~~

- b) No person under 14 years of age shall be permitted to rent a State or concessionaire owned boat, paddle boat, canoe or other watercraft. No person under 18 years of age shall be permitted to rent a concessionaire owned motorboat. Exceptions are persons who have a Boating Safety Certificate issued by the Department, a valid certificate issued by another state, a province of Canada, the U.S. Coast Guard Auxiliary or the U.S. Power Squadron, or who have satisfactorily completed a National Association of State Boating Law Administrators (NASBLA) certified course, and are between 14 and 18 years of age and wish to rent a motorboat other than a personal watercraft or specialty prop-craft, or are between 16 and 18 years of age and wish to rent a personal watercraft or a specialty prop-craft.
- ~~b~~) Boats may be rented when available and returned before 8 p.m. the same day unless prior arrangements have been made with the person from whom the boat was rented to keep the boat overnight. A person not returning a boat by 8 p.m. without such prior arrangement will be charged an additional day's fee. If a person making arrangements to keep a boat overnight does not return the boat by 8 a.m. the next day, rent will be charged for that day in addition to the fee for the previous day. Campers who arrange to rent boats for more than one day may beach the boats near their campsites overnight in lieu of returning them to the concession each night.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 210.30 Boat Rental Fees

The fee for rental of boats by concessionaires shall be established through the periodic concession bidding process. During the periods when the concession is not in operation, the site manager may rent State owned boats and charge the same fee as has been approved for the concessionaire. The concessions are awarded by the DNR Concession and Lease Management Division Property Manager in accordance with 17 Ill. Adm. Code 150. Boat rental fees at sites not managed through concessionaires shall be ~~\$10~~\$10-00 per day. Reasonable security deposits, not to exceed the replacement value of equipment, may be required on rental equipment, if approved by the DNR Property Manager due to security risks inherent to the type of equipment

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or the site.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 210.40 Additional Information

Further information on rental of boats may be obtained by contacting the Concessions Section, Division of Administrative Support, [One Natural Resources Way](#)~~524 S. Second Street~~, Springfield, IL ~~62702-1271~~[62701-1787](#).

(Source: Amended at 28 Ill. Reg. _____, effective _____)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Number: 120.310 Adopted Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective date of amendment: April 1, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: December 19, 2003; 27 Ill. Reg. 18961
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: No changes have been made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace any emergency amendment currently in effect? No
- 14) Are there any other amendments pending on this Part? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
120.378	New Section	April 2, 2004 (28 Ill. Reg. 5606)
120.379	Amendment	April 2, 2004 (28 Ill. Reg. 5606)
120.387	Amendment	April 2, 2004 (28 Ill. Reg. 5606)
120.530	New Section	February 27, 2004 (28 Ill. Reg. 3685)

- 15) Summary and purpose of amendment: These amendments are being made pursuant to Public Act 93-0342, which broadens the types of non-citizens who are eligible for coverage under the Department's Medical Assistance Program. Six new categories of

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such eligibles include nationals of Cuba or Haiti, Amerasians from Vietnam, refugee victims of trafficking, some members of the Hmong or Highland Laotian tribe, certain victims of extreme cruelty, and American Indians born in Canada. The Department anticipates that the related costs will not be significant.

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

Joanne Scattoloni
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62763-0002
217/524-0081

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

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NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 120
MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
120.1 Incorporation by Reference

SUBPART B: ASSISTANCE STANDARDS

Section
120.10 Eligibility For Medical Assistance
120.11 MANG(P) Eligibility
120.12 Healthy Start – Medicaid Presumptive Eligibility Program For Pregnant Women
120.20 MANG(AABD) Income Standard
120.30 MANG(C) Income Standard
120.31 MANG(P) Income Standard
120.32 KidCare Parent Coverage Waiver Eligibility and Income Standard
120.40 Exceptions To Use Of MANG Income Standard
120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section
120.60 Cases Other Than Long Term Care, Pregnant Women and Certain Children
120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD –
MANG(AABD) and All Other Licensed Medical Facilities
120.62 Department of Mental Health and Developmental Disabilities (DMHDD)
Approved Home and Community Based Residential Settings Under 89 Ill. Adm.
Code 140.643
120.63 Department of Mental Health and Developmental Disabilities (DMHDD)
Approved Home and Community Based Residential Settings
120.64 MANG(P) Cases
120.65 Department of Mental Health and Developmental Disabilities (DMHDD)
Licensed Community – Integrated Living Arrangements

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SUBPART D: MEDICARE PREMIUMS

Section	
120.70	Supplementary Medical Insurance Benefits (SMIB) Buy-In Program
120.72	Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)
120.73	Eligibility for Medicaid Payment of Medicare Part B Premiums as a Specified Low-Income Medicare Beneficiary (SLIB)
120.74	Qualified Medicare Beneficiary (QMB) Income Standard
120.75	Specified Low-Income Medicare Beneficiary (SLIB) Income Standards
120.76	Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section	
120.80	Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Section	
120.90	Migrant Medical Program (Repealed)
120.91	Income Standards (Repealed)

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section	
120.200	Elimination Of Aid To The Medically Indigent
120.208	Client Cooperation (Repealed)
120.210	Citizenship (Repealed)
120.211	Residence (Repealed)
120.212	Age (Repealed)
120.215	Relationship (Repealed)
120.216	Living Arrangement (Repealed)
120.217	Supplemental Payments (Repealed)
120.218	Institutional Status (Repealed)
120.224	Foster Care Program (Repealed)
120.225	Social Security Numbers (Repealed)
120.230	Unearned Income (Repealed)
120.235	Exempt Unearned Income (Repealed)
120.236	Education Benefits (Repealed)
120.240	Unearned Income In-Kind (Repealed)

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120.245	Earmarked Income (Repealed)
120.250	Lump Sum Payments and Income Tax Refunds (Repealed)
120.255	Protected Income (Repealed)
120.260	Earned Income (Repealed)
120.261	Budgeting Earned Income (Repealed)
120.262	Exempt Earned Income (Repealed)
120.270	Recognized Employment Expenses (Repealed)
120.271	Income From Work/Study/Training Program (Repealed)
120.272	Earned Income From Self-Employment (Repealed)
120.273	Earned Income From Roomer and Boarder (Repealed)
120.275	Earned Income In-Kind (Repealed)
120.276	Payments from the Illinois Department of Children and Family Services (Repealed)
120.280	Assets (Repealed)
120.281	Exempt Assets (Repealed)
120.282	Asset Disregards (Repealed)
120.283	Deferral of Consideration of Assets (Repealed)
120.284	Spend-down of Assets (AMI) (Repealed)
120.285	Property Transfers (Repealed)
120.290	Persons Who May Be Included in the Assistance Unit (Repealed)
120.295	Payment Levels for AMI (Repealed)

SUBPART H: MEDICAL ASSISTANCE – NO GRANT

Section	
120.308	Client Cooperation
120.309	Caretaker Relative
120.310	Citizenship
120.311	Residence
120.312	Age
120.313	Blind
120.314	Disabled
120.315	Relationship
120.316	Living Arrangements
120.317	Supplemental Payments
120.318	Institutional Status
120.319	Assignment of Rights to Medical Support and Collection of Payment
120.320	Cooperation in Establishing Paternity and Obtaining Medical Support
120.321	Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support

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- 120.322 Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
- 120.323 Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
- 120.324 Health Insurance Premium Payment (HIPP) Program
- 120.325 Health Insurance Premium Payment (HIPP) Pilot Program
- 120.326 Foster Care Program
- 120.327 Social Security Numbers
- 120.330 Unearned Income
- 120.332 Budgeting Unearned Income
- 120.335 Exempt Unearned Income
- 120.336 Education Benefits
- 120.338 Incentive Allowance
- 120.340 Unearned Income In-Kind
- 120.342 Child Support and Spousal Maintenance Payments
- 120.345 Earmarked Income
- 120.346 Medicaid Qualifying Trusts
- 120.347 Treatment of Trusts
- 120.350 Lump Sum Payments and Income Tax Refunds
- 120.355 Protected Income
- 120.360 Earned Income
- 120.361 Budgeting Earned Income
- 120.362 Exempt Earned Income
- 120.363 Earned Income Disregard – MANG(C)
- 120.364 Earned Income Exemption
- 120.366 Exclusion From Earned Income Exemption
- 120.370 Recognized Employment Expenses
- 120.371 Income From Work/Study/Training Programs
- 120.372 Earned Income From Self-Employment
- 120.373 Earned Income From Roomer and Boarder
- 120.375 Earned Income In Kind
- 120.376 Payments from the Illinois Department of Children and Family Services
- 120.379 Provisions for the Prevention of Spousal Impoverishment
- 120.380 Assets
- 120.381 Exempt Assets
- 120.382 Asset Disregard
- 120.383 Deferral of Consideration of Assets
- 120.384 Spend-down of Assets (AABD MANG)
- 120.385 Property Transfers for Applications Filed Prior to October 1, 1989 (Repealed)
- 120.386 Property Transfers Occurring On or Before August 10, 1993

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- 120.387 Property Transfers Occurring On or After August 11, 1993
120.390 Persons Who May Be Included In the Assistance Unit
120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Children Born October 1, 1983, or Later
120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
120.393 Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project
120.395 Payment Levels for MANG (Repealed)
120.399 Redetermination of Eligibility
120.400 Twelve Month Eligibility for Persons under Age 19

SUBPART I: SPECIAL PROGRAMS

Section

- 120.500 Health Benefits for Persons with Breast or Cervical Cancer
120.510 Health Benefits for Workers with Disabilities
120.520 SeniorCare

- 120.TABLE A Value of a Life Estate and Remainder Interest
120.TABLE B Life Expectancy

AUTHORITY: Implementing Articles III, IV, V and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13].

SOURCE: Filed effective December 30, 1977; preemptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; preemptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; preemptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; preemptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective

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March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; preemptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill. Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985;

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amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at 15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective

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September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill. Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective October 30, 1998; amended at 23 Ill. Reg. 2381, effective January 22, 1999; amended at 23 Ill. Reg. 11301, effective August 27, 1999; amended at 24 Ill. Reg. 7361, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 10425, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15075, effective October 1, 2000; amended at 24 Ill. Reg. 18309, effective December 1, 2000; amended at 25 Ill. Reg. 8783, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 10533, effective August 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16098, effective December 1, 2001; amended at 26 Ill. Reg. 409, effective December 28, 2001; emergency amendment at 26 Ill. Reg. 8583, effective June 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9843, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11029, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 15051, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16288, effective October 25, 2002; amended at 27 Ill. Reg. 4708, effective February 25, 2003; emergency amendment at 27 Ill. Reg. 10793, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18609, effective November 26, 2003; amended at 28 Ill. Reg. 4701, effective March 3, 2004; amended at 28 Ill. Reg. _____, effective _____.

SUBPART H: MEDICAL ASSISTANCE – NO GRANT

Section 120.310 Citizenship

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To be eligible for assistance, an individual shall be either a [United States \(U.S.\)](#) citizen or a non-citizen within specific categories and subject to specific restrictions as set forth below:

- a) Citizenship status – Persons born in the U.S., or in its possessions, are U.S. citizens. Citizenship can also be acquired by naturalization through court proceedings, or by certain persons born in a foreign country of U.S. citizen parent(s).
- b) Non-citizens
 - 1) The following categories of non-citizens may receive assistance, if otherwise eligible:
 - A) A ~~U.S.~~ [United States](#) veteran honorably discharged and a person on active military duty, and the spouse and unmarried dependent children of such a person;
 - B) Refugees under Section 207 of the Immigration and Nationality Act (INA);
 - C) Asylees under Section 208 of the INA;
 - D) Persons for whom deportation has been withheld under Section 243(h) of the INA;
 - E) Persons granted conditional entry under Section 203(a)(7) of the INA as in effect prior to April 1, 1980;
 - F) Persons lawfully admitted for permanent residence under the INA; ~~and~~
 - G) Parolees, for at least one year, under Section 212(d)(5) of the INA;
 - H) [Nationals of Cuba or Haiti](#);
 - I) [Persons identified by the Federal Office of Refugee Resettlement \(ORR\) as victims of trafficking](#);
 - J) [Amerasians from Vietnam](#);

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- K) Members of the Hmong or Highland Laotian tribe when the tribe helped U.S. personnel by taking part in a military or rescue operation during the Vietnam era;
- L) American Indians born in Canada; and
- M) Persons who are a spouse, widow or child of a U.S. citizen or a spouse or child of a legal permanent resident (LPR) who have been battered or subjected to extreme cruelty by the U.S. citizen or LPR or a member of that relative's family who lived with them, who no longer live with the abuser or plan to live separately within one month of assistance and whose need for assistance is due, at least in part, to the abuse.

- 2) Those persons who are in the categories as set forth in (b)(1)(F) and (b)(1)(G) of this Section, who enter the United States on or after August 22, 1996, shall not be eligible for five years beginning on the date the person entered the United States.
- 3) Notwithstanding the provisions of subsections (b)(1) and (2) of this Section above, any non-citizen is eligible for medical assistance if such medical care and services are necessary for the treatment of an emergency medical condition of the non-citizen, and the non-citizen otherwise meets the income, asset and categorical requirements of the AABD MAG program or AFDC MAG program. An emergency medical condition is a medical condition (including labor and delivery) of sufficient severity (including severe pain) that the absence of immediate medical attention could result in:
 - A) placing the non-citizen's health in serious jeopardy;
 - B) serious impairments to bodily functions; or
 - C) serious dysfunction of any organ or part (42 U.S.C. 1396(b)(v)).

(Source: Amended at 28 Ill. Reg. _____, effective _____)

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NOTICE OF EXPEDITED CORRECTION

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: 310.APPENDIX A TABLE O, "RC-028 (Paraprofessional Human Services Employees, AFSCME)"
- 4) Date Proposal published in the Illinois Register: November 1, 2002; Issue 44, 26 Ill. Reg. 15350
- 5) Date Adoption published in the Illinois Register: February 28, 2003; Issue 9, 27 Ill. Reg. 3261
- 6) Date Request for Expedited Correction to Adopted Rules published in Illinois Register: March 12, 2004; Issue 11, 28 Ill. Reg. 4756
- 7) Adoption Effective Date: February 11, 2003
- 8) Correction Effective Date: February 11, 2003
- 9) Reason for Approval of Expedited Correction: The proposed amendments to the Pay Plan 310.APPENDIX A TABLE O were in the rulemaking process when a preemptory amendment (December 2, 2002; Issue 48, 26 Ill. Reg. 17280) was made to the same TABLE O. The proposed amendments were adopted on February 28, 2003 when a JCAR Objection to the Preemptory Rulemaking was being responded to by CMS. The CMS response was accepted by JCAR in its April 8, 2003 meeting, after the adoption of the proposed amendments. This expedited correction incorporates into the Pay Plan, TABLE O, the changes contained in the preemptory amendment.

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

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 2004
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

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

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

SUBPART C: MERIT COMPENSATION SYSTEM

Section

- 310.410 Jurisdiction
- 310.420 Objectives
- 310.430 Responsibilities
- 310.440 Merit Compensation Salary Schedule
- 310.450 Procedures for Determining Annual Merit Increases
- 310.455 Intermittent Merit Increase
- 310.456 Merit Zone (Repealed)
- 310.460 Other Pay Increases
- 310.470 Adjustment
- 310.480 Decreases in Pay
- 310.490 Other Pay Provisions
- 310.495 Broad-Band Pay Range Classes
- 310.500 Definitions
- 310.510 Conversion of Base Salary to Pay Period Units (Repealed)
- 310.520 Conversion of Base Salary to Daily or Hourly Equivalents
- 310.530 Implementation
- 310.540 Annual Merit Increase Guidechart for Fiscal Year 2004
- 310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

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

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310.TABLE G	RC-045 (Automotive Mechanics, IFPE)
310.TABLE H	RC-006 (Corrections Employees, AFSCME)
310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	HR-012 (Fair Employment Practices Employees, SEIU) (Repealed)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.APPENDIX B	Schedule of Salary Grades – Monthly Rates of Pay for Fiscal Year 2004
310.APPENDIX C	Medical Administrator Rates for Fiscal Year 2004
310.APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 2004
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2004

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

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

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1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988,

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for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill.

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Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill.

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Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill.

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Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; emergency expired September 28, 2002; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. _____, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2680, effective January 22, 2004.

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE O RC-028 (Paraprofessional Human Services Employees, AFSCME)**

<u>Title</u>	<u>Salary Grade</u>	<u>Code</u>
Apparel/Dry Goods Specialist III	RC-028-12a	01233
Assistant Reimbursement Officer	RC-028-08	02424
Child Development Aide III	RC-028-10	07183
Clinical Laboratory Associate	RC-028-07	08200
Clinical Laboratory Technician I	RC-028-10	08215
Clinical Laboratory Technician II	RC-028-12	08216
Compliance Officer	RC-028-14	08919
Construction Supervisor I	RC-028-13	09561
Construction Supervisor II	RC-028-16	09562
Crime Scene Investigator	RC-028-21	09980
Data Processing Administrative Specialist	RC-028-14	11415
Data Processing Specialist	RC-028-12	11430
Data Processing Technician	RC-028-09	11440
Data Processing Technician Trainee	RC-028-06	11443
Dental Assistant	RC-028-08	11650
Dental Assistant (Eff. 07-01-01)	RC-028-09	11650
Dental Hygienist	RC-028-12	11700
Dental Hygienist (Eff. 07-01-01)	RC-028-13	11700
Electroencephalograph Technician	RC-028-08	13300
Environmental Equipment Operator I	RC-028-12	13761
Environmental Equipment Operator II	RC-028-14	13762
Environmental Protection Technician I	RC-028-08	13831
Environmental Protection Technician II	RC-028-10	13832
Health Information Associate	RC-028-10	18045
Health Information Technician	RC-028-12	18047
Hearing & Speech Technician I	RC-028-06	18261
Hearing & Speech Technician II	RC-028-09	18262
Historic Site Interpreter	RC-028-09	18955
Historic Site Lead I	RC-028-013	18961
Historic Site Lead II	RC-028-014	18962
Housekeeper II	RC-028-03a	19602
Inhalation Therapist	RC-028-08	21259
Intermittent Unemployment Insurance	RC-028-06H	21690

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Technician (Hourly)		
Laboratory Assistant	RC-028-04	22995
Laboratory Associate I	RC-028-10	22997
Laboratory Associate II	RC-028-12	22998
Legal Research Assistant	RC-028-13	23350
Licensed Practical Nurse I	RC-028-09a	23551
Licensed Practical Nurse II	RC-028-10a	23552
Lock and Dam Tender	RC-028-10	24290
Medical Records Assistant	RC-028-09	26520
Medical Records Technician	RC-028-11	26575
Natural Resource Technician I	RC-028-10	28851
Natural Resource Technician II	RC-028-13	28852
Office Administrative Specialist	RC-028-12	29990
Office Specialist	RC-028-11	30080
Pharmacist Lead Technician	RC-028-09	32007
Pharmacist Technician	RC-028-07	32008
Public Aid Eligibility Assistant	RC-028-08	35825
Radiologic Technologist	RC-028-11	37500
Radiologic Technologist Program Coordinator	RC-028-12	37507
Ranger	RC-028-13	37725
Rehabilitation Counselor Aide I	RC-028-09	38155
Rehabilitation Counselor Aide II	RC-028-11	38156
Senior Ranger	RC-028-14	40090
Site Interpreter	RC-028-10	41090
Site Technician I	RC-028-10	41131
Site Technician II	RC-028-12	41132
Social Service Community Planner	RC-028-11	41295
State Police Crime Information Evaluator	RC-028-11	41801
State Police Evidence Technician I	RC-028-12	41901
State Police Evidence Technician II	RC-028-13	41902
Statistical Research Technician	RC-028-11	42748
Veterans Service Officer	RC-028-14	47800
Vocational Instructor	RC-028-12	48200

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1c	1b	1a	1	2	3	4	5	6	7	8	1/1/02

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RC-028-03a	1684	1729	1775	1822	1874	1927	1978	2027	2084	2181	2203
RC-028-03aa	1729	1775	1822	1871	1924	1979	2031	2082	2141	2240	2262
RC-028-03am	1780	1826	1874	1922	1976	2030	2083	2133	2192	2292	2315
RC-028-04	1684	1729	1775	1822	1877	1931	1980	2041	2090	2188	2210
RC-028-04a	1729	1775	1822	1871	1927	1983	2033	2096	2147	2248	2270
RC-028-04m	1780	1826	1874	1922	1979	2034	2085	2148	2198	2299	2322
RC-028-06	1786	1834	1883	1933	1992	2050	2114	2173	2237	2340	2363
RC-028-06a	1834	1883	1933	1985	2046	2106	2171	2232	2298	2404	2428
RC-028-06m	1885	1935	1985	2036	2097	2157	2223	2284	2350	2456	2481
RC-028-06H	10.99	11.29	11.59	11.90	12.26	12.62	13.01	13.37	13.77	14.40	14.54
RC-028-06Ha	11.29	11.59	11.90	12.22	12.59	12.96	13.36	13.74	14.14	14.79	14.94
RC-028-06Hm	11.60	11.91	12.22	12.53	12.90	13.27	13.68	14.06	14.46	15.11	15.27
RC-028-07	1840	1889	1940	1992	2053	2119	2184	2249	2317	2430	2454
RC-028-07a	1889	1940	1992	2046	2109	2177	2244	2310	2381	2497	2522
RC-028-07m	1941	1991	2044	2097	2160	2228	2295	2362	2432	2548	2573
RC-028-08	1896	1947	1999	2053	2124	2193	2269	2335	2408	2526	2551
RC-028-08a	1947	1999	2053	2109	2182	2253	2331	2399	2474	2596	2622
RC-028-08m	1998	2051	2104	2160	2233	2304	2383	2451	2526	2647	2673
RC-028-09	1961	2014	2068	2124	2196	2274	2349	2429	2505	2627	2653
RC-028-09a	2014	2068	2124	2182	2256	2336	2413	2496	2574	2700	2727
RC-028-09m	2065	2120	2176	2233	2307	2388	2465	2547	2626	2751	2779
RC-028-09a	2013	2067	2123	2181	2254	2337	2416	2502	2576	2704	2731
RC-028-09aa	2067	2123	2181	2240	2316	2401	2482	2571	2647	2779	2807
RC-028-09am	2119	2175	2232	2292	2367	2453	2534	2623	2699	2833	2861
RC-028-10	2029	2084	2141	2199	2286	2361	2443	2523	2606	2740	2767
RC-028-10a	2084	2141	2199	2259	2349	2426	2510	2593	2678	2818	2846
RC-028-10m	2135	2192	2251	2310	2400	2477	2562	2644	2730	2872	2901
RC-028-10a	2101	2158	2217	2278	2369	2451	2538	2625	2711	2877	2906
RC-028-10aa	2158	2217	2278	2340	2434	2519	2608	2698	2787	2960	2990
RC-028-10am	2210	2268	2329	2392	2486	2570	2660	2749	2841	3014	3044

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RC-028-11	2110	2167	2226	2287	2373	2454	2545	2633	2715	2859	2888
RC-028-11a	2167	2226	2287	2350	2438	2522	2615	2706	2791	2942	2971
RC-028-11m	2219	2278	2338	2401	2490	2573	2667	2757	2845	2995	3025
RC-028-12	2200	2260	2322	2386	2478	2564	2663	2751	2852	3005	3035
RC-028-12a	2260	2322	2386	2452	2546	2635	2737	2830	2934	3093	3124
RC-028-12m	2312	2373	2437	2503	2598	2686	2789	2883	2988	3148	3179
RC-028-12a	2256	2318	2382	2447	2541	2634	2734	2829	2921	3080	3111
RC-028-12aa	2318	2382	2447	2514	2611	2707	2812	2911	3005	3173	3205
RC-028-12am	2369	2433	2499	2566	2663	2759	2866	2964	3059	3229	3261
RC-028-13	2287	2350	2415	2481	2576	2678	2779	2880	2987	3154	3186
RC-028-13a	2350	2415	2481	2549	2647	2752	2859	2963	3073	3248	3280
RC-028-13m	2401	2466	2533	2601	2699	2805	2913	3017	3129	3304	3337
RC-028-14	2388	2454	2522	2592	2694	2799	2921	3027	3143	3325	3358
RC-028-14a	2454	2522	2592	2664	2769	2880	3005	3118	3238	3426	3460
RC-028-14m	2505	2573	2643	2715	2822	2933	3059	3172	3292	3480	3515
RC-028-16	2600	2672	2746	2824	2951	3080	3210	3343	3477	3682	3719
RC-028-16a	2672	2746	2824	2906	3036	3173	3307	3442	3581	3793	3831
RC-028-16m	2724	2799	2878	2959	3091	3229	3362	3498	3637	3847	3885
RC-028-21	3351	3453	3556	3661	3849	4036	4225	4417	4600	4887	4936
RC-028-21a	3453	3556	3661	3771	3965	4156	4351	4548	4738	5034	5084
RC-028-21m	3507	3612	3717	3827	4020	4211	4407	4604	4793	5089	5140

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	S T E P S											Eff.
	1c	1b	1a	1	2	3	4	5	6	7	8	8
												1/1/03
RC-028-03a	1784	1829	1875	1922	1974	2027	2078	2127	2184	2281	2304	2327
RC-028-03aa	1829	1875	1922	1971	2024	2079	2131	2182	2241	2340	2363	2387
RC-028-03am	1880	1926	1974	2022	2079	2130	2183	2233	2292	2392	2416	2440
RC-028-04	1784	1829	1875	1922	1977	2031	2080	2141	2190	2288	2311	2334
RC-028-04a	1829	1875	1922	1971	2027	2083	2133	2196	2247	2348	2371	2395
RC-028-04m	1880	1926	1974	2022	2079	2134	2185	2248	2298	2399	2423	2447

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RC-028-06	1886	1934	1983	2033	2092	2150	2214	2273	2337	2440	2464	2489
RC-028-06a	1934	1983	2033	2085	2146	2206	2271	2332	2398	2504	2529	2554
RC-028-06m	1985	2035	2085	2136	2197	2257	2323	2384	2450	2556	2582	2607
RC-028-06H	11.61	11.90	12.20	12.51	12.87	13.23	13.62	13.99	14.38	15.02	15.16	15.32
RC-028-06Ha	11.90	12.20	12.51	12.83	13.21	13.58	13.98	14.35	14.76	15.41	15.56	15.72
RC-028-06Hm	12.22	12.52	12.83	13.14	13.52	13.89	14.30	14.67	15.08	15.73	15.89	16.04
RC-028-07	1940	1989	2040	2092	2153	2219	2284	2349	2417	2530	2555	2581
RC-028-07a	1989	2040	2092	2146	2209	2277	2344	2410	2481	2597	2623	2649
RC-028-07m	2041	2091	2144	2197	2260	2328	2395	2462	2532	2648	2674	2701
RC-028-08	1996	2047	2099	2153	2224	2293	2369	2435	2508	2626	2652	2679
RC-028-08a	2047	2099	2153	2209	2282	2353	2431	2499	2574	2696	2723	2750
RC-028-08m	2098	2151	2204	2260	2333	2404	2483	2551	2626	2747	2774	2802
RC-028-09	2061	2114	2168	2224	2296	2374	2449	2529	2605	2727	2754	2782
RC-028-09a	2114	2168	2224	2282	2356	2436	2513	2596	2674	2801	2829	2857
RC-028-09m	2165	2220	2276	2333	2407	2488	2565	2647	2726	2854	2883	2911
RC-028-09a	2113	2167	2223	2281	2354	2437	2516	2602	2676	2805	2833	2861
RC-028-09aa	2167	2223	2281	2340	2416	2501	2582	2671	2747	2883	2912	2941
RC-028-09am	2219	2275	2332	2392	2467	2553	2634	2723	2800	2939	2968	2998
RC-028-10	2129	2184	2241	2299	2386	2461	2543	2623	2706	2843	2871	2900
RC-028-10a	2184	2241	2299	2359	2449	2526	2610	2693	2778	2924	2953	2982
RC-028-10m	2235	2292	2351	2410	2500	2577	2662	2744	2832	2980	3010	3040
RC-028-10a	2201	2258	2317	2378	2469	2551	2638	2725	2813	2985	3015	3045
RC-028-10aa	2258	2317	2378	2440	2534	2619	2708	2799	2892	3071	3102	3132
RC-028-10am	2310	2368	2429	2492	2586	2670	2760	2852	2948	3127	3158	3190
RC-028-11	2210	2267	2326	2387	2473	2554	2645	2733	2817	2966	2996	3025
RC-028-11a	2267	2326	2387	2450	2538	2622	2715	2807	2896	3052	3083	3113
RC-028-11m	2319	2378	2438	2501	2590	2673	2767	2860	2952	3107	3138	3169
RC-028-12	2300	2360	2422	2486	2578	2664	2763	2854	2959	3118	3149	3180
RC-028-12a	2360	2422	2486	2552	2646	2735	2840	2936	3044	3209	3241	3273
RC-028-12m	2412	2473	2537	2603	2698	2787	2894	2991	3100	3266	3299	3331

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EXPEDITED CORRECTION

RC-028-12a	2356	2418	2482	2547	2641	2734	2837	2935	3031	3196	3228	3260
RC-028-12aa	2418	2482	2547	2614	2711	2809	2917	3020	3118	3292	3325	3358
RC-028-12am	2469	2533	2599	2666	2763	2862	2973	3075	3174	3350	3384	3417
RC-028-13	2387	2450	2515	2581	2676	2778	2883	2988	3099	3272	3305	3337
RC-028-13a	2450	2515	2581	2649	2747	2855	2966	3074	3188	3370	3404	3437
RC-028-13m	2501	2566	2633	2701	2800	2910	3022	3130	3246	3428	3462	3497
RC-028-14	2488	2554	2622	2692	2795	2904	3031	3141	3261	3450	3485	3519
RC-028-14a	2554	2622	2692	2764	2873	2988	3118	3235	3359	3554	3590	3625
RC-028-14m	2605	2673	2743	2817	2928	3043	3174	3291	3415	3611	3647	3683
RC-028-16	2700	2772	2849	2930	3062	3196	3330	3468	3607	3820	3858	3896
RC-028-16a	2772	2849	2930	3015	3150	3292	3431	3571	3715	3935	3974	4014
RC-028-16m	2826	2904	2986	3070	3207	3350	3488	3629	3773	3991	4031	4071
RC-028-21	3477	3582	3689	3798	3993	4187	4383	4583	4773	5070	5121	5171
RC-028-21a	3582	3689	3798	3912	4114	4312	4514	4719	4916	5223	5275	5327
RC-028-21m	3639	3747	3856	3971	4171	4369	4572	4777	4973	5280	5333	5386

Effective July 1, 2003

	S T E P S											Eff.
	1c	1b	1a	1	2	3	4	5	6	7	8	1/1/04
RC-028-03a	1884	1929	1975	2022	2074	2127	2178	2227	2284	2381	2429	2452
RC-028-03aa	1929	1975	2022	2071	2124	2179	2231	2282	2341	2440	2489	2513
RC-028-03am	1980	2026	2074	2122	2176	2230	2283	2333	2392	2492	2542	2567
RC-028-04	1884	1929	1975	2022	2077	2131	2180	2241	2290	2388	2436	2460
RC-028-04a	1929	1975	2022	2071	2127	2183	2233	2296	2347	2448	2497	2521
RC-028-04m	1980	2026	2074	2122	2179	2234	2285	2348	2398	2499	2549	2574
RC-028-06	1986	2034	2083	2133	2192	2250	2314	2373	2437	2540	2591	2616
RC-028-06a	2034	2083	2133	2185	2246	2306	2371	2432	2498	2604	2656	2682
RC-028-06m	2085	2135	2185	2236	2297	2357	2423	2484	2550	2658	2711	2738
RC-028-06H	12.22	12.52	12.82	13.13	13.49	13.85	14.24	14.60	15.00	15.63	15.94	16.10
RC-028-06Ha	12.52	12.82	13.13	13.45	13.82	14.19	14.59	14.97	15.37	16.02	16.34	16.50

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EXPEDITED CORRECTION

RC-028-06Hm	12.83	13.14	13.45	13.76	14.14	14.50	14.91	15.29	15.69	16.36	16.68	16.85
RC-028-07	2040	2089	2140	2192	2253	2319	2384	2449	2517	2631	2684	2710
RC-028-07a	2089	2140	2192	2246	2309	2377	2444	2510	2581	2701	2755	2782
RC-028-07m	2141	2191	2244	2297	2360	2428	2495	2562	2633	2754	2809	2837
RC-028-08	2096	2147	2199	2253	2324	2393	2469	2535	2608	2731	2786	2813
RC-028-08a	2147	2199	2253	2309	2382	2453	2531	2599	2677	2804	2860	2888
RC-028-08m	2198	2251	2304	2360	2433	2504	2583	2653	2731	2857	2914	2943
RC-028-09	2161	2214	2268	2324	2396	2474	2549	2630	2709	2836	2893	2921
RC-028-09a	2214	2268	2324	2382	2456	2536	2614	2700	2781	2913	2971	3000
RC-028-09m	2265	2320	2376	2433	2507	2588	2668	2753	2835	2968	3027	3057
RC-028-09a	2213	2267	2323	2381	2454	2537	2617	2706	2783	2917	2975	3005
RC-028-09aa	2267	2323	2381	2440	2516	2601	2685	2778	2857	2998	3058	3088
RC-028-09am	2319	2375	2432	2492	2567	2655	2739	2832	2912	3057	3118	3149
RC-028-10	2229	2284	2341	2399	2486	2561	2645	2728	2814	2957	3016	3046
RC-028-10a	2284	2341	2399	2459	2549	2627	2714	2801	2889	3041	3102	3132
RC-028-10m	2335	2392	2451	2510	2600	2680	2768	2854	2945	3099	3161	3192
RC-028-10a	2301	2358	2417	2478	2569	2653	2744	2834	2926	3104	3166	3197
RC-028-10aa	2358	2417	2478	2540	2635	2724	2816	2911	3008	3194	3258	3290
RC-028-10am	2410	2468	2529	2592	2689	2777	2870	2966	3066	3252	3317	3350
RC-028-11	2310	2367	2426	2487	2573	2656	2751	2842	2930	3085	3147	3178
RC-028-11a	2367	2426	2487	2550	2640	2727	2824	2919	3012	3174	3237	3269
RC-028-11m	2419	2478	2538	2601	2694	2780	2878	2974	3070	3231	3296	3328
RC-028-12	2400	2460	2522	2586	2681	2771	2874	2968	3077	3243	3308	3340
RC-028-12a	2460	2522	2586	2654	2752	2844	2954	3053	3166	3337	3404	3437
RC-028-12m	2512	2573	2638	2707	2806	2898	3010	3111	3224	3397	3465	3499
RC-028-12a	2456	2518	2582	2649	2747	2843	2950	3052	3152	3324	3390	3424
RC-028-12aa	2518	2582	2649	2719	2819	2921	3034	3141	3243	3424	3492	3527
RC-028-12am	2569	2634	2703	2773	2874	2976	3092	3198	3301	3484	3554	3589
RC-028-13	2487	2550	2616	2684	2783	2889	2998	3108	3223	3403	3471	3505
RC-028-13a	2550	2616	2684	2755	2857	2969	3085	3197	3316	3505	3575	3610

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF EXPEDITED CORRECTION

RC-028-13m	2601	2669	2738	2809	2912	3026	3143	3255	3376	3565	3636	3672
RC-028-14	2588	2656	2727	2800	2907	3020	3152	3267	3391	3588	3660	3696
RC-028-14a	2656	2727	2800	2875	2988	3108	3243	3364	3493	3696	3770	3807
RC-028-14m	2709	2780	2853	2930	3045	3165	3301	3423	3552	3755	3830	3868
RC-028-16	2808	2883	2963	3047	3184	3324	3463	3607	3751	3973	4052	4092
RC-028-16a	2883	2963	3047	3136	3276	3424	3568	3714	3864	4092	4174	4215
RC-028-16m	2939	3020	3105	3193	3335	3484	3628	3774	3924	4151	4234	4276
RC-028-21	3616	3725	3837	3950	4153	4354	4558	4766	4964	5273	5378	5431
RC-028-21a	3725	3837	3950	4068	4279	4484	4695	4908	5113	5432	5541	5595
RC-028-21m	3785	3897	4010	4130	4338	4544	4755	4968	5172	5491	5601	5656

(Source: Expedited correction at 28 Ill. Reg. _____, effective February 11, 2003)

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC HEARING

- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3) Register Citation to Notice of Proposed Rules: 28 Ill. Reg. 4106; March 5, 2004
- 4) Date, Time and Location of Public Hearing:

April 27, 2004
9:00 a.m. – 12:00 p.m.
IL Department of Revenue
101 West Jefferson Street
Springfield IL 62794
- 5) Other Pertinent Information: Pursuant to subsection (b) of Section 5-40 of the Illinois Administrative Code, the Department has received a request for a public hearing regarding its rulemaking for the Commercial Distribution Fee Sales Tax Exemption. The public is invited to provide testimony at the above date and time in regards to this rulemaking.

Persons interested in presenting testimony are advised that the Department will adhere to the following procedures in the conduct of the hearing:
 1. Each person presenting oral testimony shall provide to the hearing officer a written (preferably typed) copy of such testimony at the time the oral testimony is presented. No oral testimony will be accepted without a written copy of the testimony being provided.
 2. Each person presenting oral testimony will be limited to fifteen minutes for presentation of such testimony.
 3. No person will be recognized to speak for a second time until all persons wishing to testify have done so.
 4. All testimony shall conclude at the specified time except that an individual presenting testimony at that time shall be allowed to complete the presentation.
- 6) Name and Address of Agency Contact Person: Questions regarding the public hearing on the proposed rulemaking may be directed to:

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC HEARING

Terry D. Charlton
Associate Counsel
Legal Services Division, 5-500
Illinois Department of Revenue
101 W. Jefferson
Springfield IL 62794
217/782-2844

ILLINOIS RACING BOARDNOTICE OF CORRECTIONS TO NOTICE ONLY

- 1) Heading of the Part: General Licensee Rules
- 2) Code Citations: 11 Ill. Adm. Code 1313
- 3) The Notice of Adopted Amendment(s) being corrected appeared at 28 Ill. Reg. 5627, dated April 2, 2004.
- 4) The information being corrected is as follows: The Notice Page should have indicated that the proposed amendments will replace emergency amendments currently in effect.

Also, the Notice Page should have indicated that the proposed amendments may have an effect on those small businesses involved in harness racing as defined in Section 1-75 of the Illinois Administrative Procedure Act (IAPA) [5 ILCS 100/1-75]. These entities may submit comments in writing to Mickey Ezzo, IRB, James Thompson Center, 100 W. Randolph St., Suite 11-100, Chicago IL 60601 in accordance with the regulatory flexibility provisions in Section 5-30 of the IAPA [5 ILCS 100/5-30] and shall indicate their status as a small business.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
10:00 A.M.
APRIL 20, 2004

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
Phone: 217/785-2254*

RULEMAKINGS CURRENTLY BEFORE JCAR**PROPOSED RULEMAKINGS**Aging

1. Community Care Program (89 Ill. Adm. Code 240)
 - First Notice Published: 28 Ill. Reg. 470 – 1/9/04
 - Expiration of Second Notice: 4/23/04

Banks and Real Estate

2. Illinois Savings and Loan Act of 1985 (38 Ill. Adm. Code 1000)
 - First Notice Published: 28 Ill. Reg. 1820 – 2/6/04
 - Expiration of Second Notice: 5/7/04
3. Savings Bank Act (38 Ill. Adm. Code 1075)
 - First Notice Published: 28 Ill. Reg. 1835 – 2/6/04

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
10:00 A.M.
APRIL 20, 2004

-Expiration of Second Notice: 5/7/04

Children and Family Services

4. Department of Children and Family Services Scholarship Program (89 Ill. Adm. Code 312)
 - First Notice Published: 27 Ill. Reg. 14691 – 9/19/03
 - Expiration of Second Notice: 4/23/04
5. Permanency Planning (89 Ill. Adm. Code 315)
 - First Notice Published: 27 Ill. Reg. 9052 – 6/13/03
 - Expiration of Second Notice: 4/23/04

Education

6. Standards for Certification in Specific Teaching Fields (23 Ill. Adm. Code 27)
 - First Notice Published: 29 Ill. Reg. 201 – 1/2/04
 - Expiration of Second Notice: 5/9/04
7. Standards for Administrative Certification (23 Ill. Adm. Code 29)
 - First Notice Published: 28 Ill. Reg. 249 – 1/2/04
 - Expiration of Second Notice: 5/9/04
8. Secular Textbook Loan (23 Ill. Adm. Code 350)
 - First Notice Published: 28 Ill. Reg. 278 – 1/2/04
 - Expiration of Second Notice: 5/9/04

Human Services

9. Early Intervention Program (89 Ill. Adm. Code 500)
 - First Notice Published: 27 Ill. Reg. 13948 – 8/22/03
 - Expiration of Second Notice: 4/21/04
10. Audit Requirements of DHS (89 Ill. Adm. Code 507)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
10:00 A.M.
APRIL 20, 2004

-First Notice Published: 28 Ill. Reg. 2582 – 2/13/04
-Expiration of Second Notice: 5/16/04

Insurance

11. Premium Fund Trust Account (50 Ill. Adm. Code 3113)
-First Notice Published: 27 Ill. Reg. 19108 – 12/26/03
-Expiration of Second Notice: 5/6/04

Natural Resources

12. Public Use of State Parks and Other Properties of the Department of Natural Resources (17 Ill. Adm. Code 110)
-First Notice Published: 28 Ill. Reg. 1924 – 2/6/04
-Expiration of Second Notice: 5/9/04
13. The Protection of Archaeological Resources (17 Ill. Adm. Code 370)
-First Notice Published: 28 Ill. Reg. 1931 – 2/6/04
-Expiration of Second Notice: 5/9/04
14. Non-Departmental Archaeological Research on Department of Natural Resources Managed Lands (17 Ill. Adm. Code 390)
-First Notice Published: 28 Ill. Reg. 1935 – 2/6/04
-Expiration of Second Notice: 5/9/04
15. Dog Training on Non-Departmental Owned or –Managed Lands (17 Ill. Adm. Code 960)
-First Notice Published: 28 Ill. Reg. 1993 – 2/6/04
-Expiration of Second Notice: 5/9/04

Professional Regulation

16. Marriage and Family Therapy Licensing Act (68 Ill. Adm. Code 1283)
-First Notice Published: 27 Ill. Reg. 17354 – 11/21/03
-Expiration of Second Notice: 5/9/04

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
10:00 A.M.
APRIL 20, 2004

Public Aid

17. Medical Payment (89 Ill. Adm. Code 140)
 - First Notice Published: 28 Ill. Reg. 1330 – 1/23/04
 - Expiration of Second Notice: 5/15/04
18. Hospital Services (89 Ill. Adm. Code 148)
 - First Notice Published: 28 Ill. Reg. 1350 – 1/23/04
 - Expiration of Second Notice: 5/15/04

Purchased Care Review Board

19. Governor's Purchased Care Review Board (89 Ill. Adm. Code 900)
 - First Notice Published: 27 Ill. Reg. 8523 – 5/23/03
 - Expiration of Second Notice: 5/8/04

Racing Board

20. Hearings and Enforcement Proceedings (11 Ill. Adm. Code 204)
 - First Notice Published: 28 Ill. Reg. 2649 – 2/13/04
 - Expiration of Second Notice: 5/15/04
21. Interstate Common Pools (11 Ill. Adm. Code 302)
 - First Notice Published: 28 Ill. Reg. 2653 – 2/13/04
 - Expiration of Second Notice: 5/15/04
22. Superfecta (11 Ill. Adm. Code 311)
 - First Notice Published: 28 Ill. Reg. 1353 – 1/23/04
 - Expiration of Second Notice: 4/22/04
23. Superfecta (11 Ill. Adm. Code 311)
 - First Notice Published: 28 Ill. Reg. 2657 – 2/13/04
 - Expiration of Second Notice: 5/15/04

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
10:00 A.M.
APRIL 20, 2004

Revenue

24. Income Tax (86 Ill. Adm. Code 100)
-First Notice Published: 28 Ill. Reg. 1725 – 1/30/04
-Expiration of Second Notice: 5/2/04

Secretary of State

25. Department of Personnel (80 Ill. Adm. Code 420)
-First Notice Published: 28 Ill. Reg. 1358 – 1/23/04
-Expiration of Second Notice: 5/13/04
26. Literacy Grant Program (23 Ill. Adm. Code 3040)
-First Notice Published: 28 Ill. Reg. 1356 – 1/23/04
-Expiration of Second Notice: 4/28/04

EMERGENCY RULEMAKINGSProfessional Regulation

27. Illinois Controlled Substances Act (77 Ill. Adm. Code 3100)
-Notice Published: 28 Ill. Reg. 4985 – 3/19/04

Public Aid

28. Hospital Services (89 Ill. Adm. Code 148)
-Notice Published: 28 Ill. Reg. 5902 – 4/9/04

Racing Board

29. General Licensee Rules (11 Ill. Adm. Code 1313)
-Notice Published: 28 Ill. Reg. 5713 – 4/2/04

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
10:00 A.M.
APRIL 20, 2004

EXEMPT RULEMAKING

Pollution Control Board

30. Primary Drinking Water Standards (35 Ill. Adm. Code 611)
-Proposed Date: 28 Ill. Reg. 481 – 1/9/04
-Adopted Date: 3/26/04

EXPEDITED CORRECTION

State Universities Retirement System

31. Universities Retirement (80 Ill. Adm. Code 1600)
-Notice Published: 28 Ill. Reg. 5556 – 3/26/04

AGENCY RESPONSE

Building Commission

32. Alternative Dispute Resolution Procedure (2 Ill. Adm. Code 3203; 27 Ill. Reg. 17322)

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 March 30, 2004 through April 5, 2004 and have been scheduled for review by the Committee at its April 20, 2004 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
5/13/04	<u>Secretary of State</u> , Department of Personnel (80 Ill. Adm. Code 420)	1/23/04 28 Ill. Reg. 1358	4/20/04
5/15/04	<u>Illinois Racing Board</u> , Hearings and Enforcement Proceedings (11 Ill. Adm. Code 204)	2/13/04 28 Ill. Reg. 2649	4/20/04
5/15/04	<u>Illinois Racing Board</u> , Interstate Common Pools (11 Ill. Adm. Code 302)	2/13/04 28 Ill. Reg. 2653	4/20/04
5/15/04	<u>Illinois Racing Board</u> , Superfecta (11 Ill. Adm. Code 311)	2/13/04 28 Ill. Reg. 2657	4/20/04
5/15/04	<u>Department of Public Aid</u> , Medical Payment (89 Ill. Adm. Code 140)	1/23/04 28 Ill. Reg. 1330	4/20/04
5/15/04	<u>Department of Public Aid</u> , Hospital Services (89 Ill. Adm. Code 148)	1/23/04 28 Ill. Reg. 1350	4/20/04
5/16/04	<u>Department of Human Services</u> , Audit Requirements of DHS (89 Ill. Adm. Code 507)	2/13/04 28 Ill. Reg. 2582	4/20/04

ILLINOIS BUILDING COMMISSION

NOTICE OF AGENCY RESPONSE TO RECOMMENDATION BY THE JOINT
COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Alternative Dispute Resolution Procedures
- 2) Code Citation: 2 Ill. Adm. Code 3203
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
3203.101	Withdrawal
3203.102	Withdrawal
3203.105	Withdrawal
3203.115	Withdrawal
3203.120	Withdrawal
3203.125	Withdrawal
3203.130	Withdrawal
3203.135	Withdrawal
3203.140	Withdrawal
3203.145	Withdrawal
3203.150	Withdrawal
APPENDIX A	Withdrawal
APPENDIX B	Withdrawal
APPENDIX C	Withdrawal
APPENDIX D	Withdrawal
APPENDIX E	Withdrawal
- 4) Date Originally Published in the Illinois Register: 27 Ill. Reg. 17322; November 21, 2003
- 5) JCAR Statement of Recommendation on Rulemaking Published in the Illinois Register:
As the Illinois Building Commission (IBC) does not have the specific statutory authority to charge the fees set in its rulemaking entitled Alternative Dispute Resolution (2 Ill. Adm. Code 3203; 27 Ill. Reg. 17322), IBC withdraws this rulemaking and shall secure statutory authority for charging these fees.
- 6) Summary of Action Taken by Agency: In response to the Recommendation filed by JCAR at its March 23, 2004 Committee meeting, the Commission will establish by statute the appropriate statutory authority regarding fees charged by the Commission to administer the Alternative Dispute Resolution program. Until this occurs, the IBC is requesting to withdraw the rulemaking.

EXECUTIVE ORDERS**2004-1****EXECUTIVE ORDER ABOLISHING THE WOMEN'S COMMISSION AND
CREATING THE GOVERNOR'S OFFICE OF WOMEN'S AFFAIRS**

WHEREAS, while women have made extraordinary strides in Illinois and throughout the United States toward economic and social equity over the years, barriers to equity continue to exist; and

WHEREAS, it is necessary and desirable to examine the economic, societal and legal barriers that do continue to exist, and to study the best means by which to eliminate them; and

WHEREAS, the work of the Governor's Commission on the Status of Women over the past five years has been invaluable for its thorough statewide outreach to identify the challenges that need to be met in order for women to become economically independent while meeting their families' needs; and

WHEREAS, the Office of Governor not only accomplished, but exceeded many of the Commission's recommendations; and

WHEREAS, the Governor's Commission on the Status of Women has provided the foundation on which to build an office to meet the ever-evolving challenges of health, education, family care, and economic independence on behalf of the women of Illinois;

THEREFORE, I hereby order the following:

I. CREATION OF THE GOVERNOR'S OFFICE OF WOMEN'S AFFAIRS

- A. The Governor's Commission on the Status of Women created by Executive Order Number 1 (1997) and Executive Order Number 1 (1999) are hereby abolished.
- B. There is hereby created within the Governor's Office an Office of Women's Affairs. This office shall be headed by a Director of Women's Affairs appointed by the Governor and who will report to the Office of the Governor. The Director may appoint necessary staff with the approval of the Office of the Governor.

II. PURPOSE

Building on the accomplishments of the Commission, the purpose of the Governor's Office of Women's Affairs shall include, but is not limited to, the following:

- A. To provide an inter-governmental and public/private "clearinghouse" of initiatives, programs, and legislation to promote health, education, family care, and economic independence on behalf of women,
- B. To maintain a resource pool of agency heads, legislators, and private sector professionals (including former commissioners), serving as

EXECUTIVE ORDERS

volunteers, who can be accessed, based on their expertise, for long and short-term projects, and

- C. To direct and maintain ongoing collaboration between state government and private sector professionals acting as advocates for policies, programs, and initiatives to benefit women's health, education, families, and economic security.

III. POWERS AND DUTIES

The Governor's Office of Women's Affairs shall have the following powers and duties:

- A. Collect and maintain information on programs and initiatives of state agencies and on legislation beneficial to women,
- B. state agencies to apply a proactive focus on women's issues within Encourage respective domains,
- C. Advocate for the passage of crucial pieces of legislation affecting women and their families,
- D. Act as liaison between state agencies to keep them informed of each other's work and to encourage and maintain the sharing of information and resources,
- E. Serve as an information center on government services, private services and resources available to women,
- F. Maintain a resource pool of committed professional to access for long and short-term advisories on women's issues,
- G. Maintain up-to-date website information and links, and
- H. Develop strategies and opportunities for disseminating information to the public about the purpose and work of the office.

IV. SAVINGS CLAUSE

Nothing in this Executive Order shall be construed to contravene any State or federal law.

V. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid in a court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

VI. EFFECTIVE DATE

This Executive Order shall be in full force and effect upon its filing with the Secretary of State.

Issued by Governor: March 31, 2004
Filed with Secretary of State March 31, 2004

EXECUTIVE ORDERS**2004-2****EXECUTIVE ORDER TO REORGANIZE AGENCIES BY THE TRANSFER OF CERTAIN MEDIA RELATIONS FUNCTIONS TO THE DEPARTMENT OF CENTRAL MANAGEMENT SERVICES**

WHEREAS, Article V, Section 11 of the Illinois Constitution authorizes the Governor to reassign functions or reorganize executive agencies that are directly responsible to him by means of executive order; and

WHEREAS, Section 3.2 of the Executive Reorganization Implementation Act, 15 ILCS 15/3.2, provides that “Reorganization” includes (a) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency, (b) the consolidation or coordination of the whole or any part of any other agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; and

WHEREAS, there are multiple executive agencies directly responsible to the Governor which have rights, powers, duties and responsibilities that involve, in significant part, media relations; and

WHEREAS, streamlining and consolidating the functions of certain of these agencies into a single agency offers the opportunity to eliminate redundancy, simplify the organizational structure of the Executive Branch, improve accessibility and accountability, provide more efficient use of specialized expertise and facilities, reduce administrative support, promote more effective sharing of best practices and state of the art technology and realize significant cost savings, among other things; and

WHEREAS, the foregoing benefits can be achieved by transferring media relations functions of certain agencies directly responsible to the Governor to the Department of Central Management Services.

THEREFORE, pursuant to the powers vested in me by Article V, Section 11 of the Illinois Constitution, I hereby order:

I. TRANSFER

- A. Media relations functions for each agency, office, division, department, bureau, board and commission directly responsible to the Governor shall be consolidated under the jurisdiction of the Department of Central Management Services.
- B. For purposes of this Executive Order, “media relations functions” shall include, but not be limited to, all outreach to and communications with the print, radio and television media, as well as all functions performed by Public Information Officers, in agencies, offices, divisions, departments, bureaus, boards and commissions directly responsible to the Governor.

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- C. The functions that are similar to the functions provided by Illinois Information Services in each agency, office, division, department, bureau, board and commission directly responsible to the Governor shall be consolidated under the jurisdiction of the Department of Central Management Services.
- D. For the purpose of this Executive Order, “functions that are similar to the functions provided by Illinois Information Services” include, but are not limited to, any video recording services provided in all agencies, offices, divisions, departments, bureaus, boards and commissions directly responsible to the Governor.

II. EFFECT OF TRANSFER

- A. Personnel who are employed by agencies, offices, divisions, departments, bureaus, boards and commissions and who are assigned media relations functions, including any related administrative staffing assisting in the performance of the functions, shall be transferred to the Department of Central Management Services. The Director of Central Management Services, in consultation with agency directors, shall determine where media relations work specific to each agency should be performed. The status and rights of the employees, the State and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension retirement or annuity plan shall not be affected by the Executive Order.
- B. Personnel who are employed by agencies, offices, divisions, departments, bureaus, boards and commissions and who are assigned to functions that are similar to the functions provided by Illinois Information Services shall be transferred to the Department of Central Management Services. The Director of Central Management Services, in consultation with agency directors, shall determine where work that is similar to the work provided by Illinois Information Services and specific to each agency should be performed and which related staff shall be transferred to the Department of Central Management Services. The status and rights of the employees, the State and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension retirement or annuity plan shall not be affected by the Executive Order.
- C. All books, records, papers, documents, property (real and personal), contracts, unexpended appropriations and pending business pertaining to the functions transferred by this Executive Order to the Department of Central Management Services, including but not limited to material in electronic or magnetic format and necessary electronic equipment and computer hardware and software, shall be delivered to the Department of

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Central Management Services pursuant to the direction of the Director of the Department of Central Management Services.

- D. All unexpended appropriations and balance and other funds available for use in connection with any of the functions transferred in this Executive Order shall be transferred for use by the Department of Central Management Services and the unexpended balances so transferred shall be expended only for the purpose for which the appropriation was originally made.

III. SAVINGS CLAUSE

- A. The powers, duties, rights and responsibilities related to the functions transferred to the Department of Central Management Services by this Executive Order shall be vested in and shall be exercised by the Department of Central Management Services. Each act done in exercise of such powers, duties, rights and responsibilities shall have the same legal effect as if done by the agencies, offices, divisions, departments, bureaus, boards and commissions from which they were transferred.
- B. Every person or corporation shall be subject to the same obligations and duties and any penalties, civil or criminal, arising therefrom, and shall have the same rights arising from the exercise of such powers, duties, rights and responsibilities as had been exercised by the agencies, offices, divisions, departments, bureaus, boards and commissions from which they were transferred.
- C. Every officer of the Department of Central Management Services shall, for every offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer whose powers or duties were transferred under this Executive Order.
- D. Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person in regards to the functions transferred to or upon the agencies, offices, divisions, departments, bureaus, boards and commissions from which the functions were transferred, the same shall be made, given, furnished or served in the same manner to or upon the Department of Central Management Services.
- E. This Executive Order shall not affect any act done, ratified or canceled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil or criminal cause regarding the functions transferred, but such proceedings may be continued by the Department of Central Management Services.
- F. Any rules of the agencies, offices, divisions, departments, bureaus, boards and commissions that relate to the functions that were transferred, are in full force on the effective date of this Executive Order and have been duly

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adopted by the agencies, offices, divisions, departments, bureaus, boards and commissions shall become the rules of the Department of Central Management Services for those functions. This Executive Order shall not affect the legality of any such rules in the Illinois Administrative Code. Any proposed rules filed with the Secretary of State by the agencies, offices, divisions, departments, bureaus, boards and commissions that are pending in the rulemaking process on the effective date of this Executive Order and pertain to the functions transferred, shall be deemed to have been filed by the Department of Central Management Services. As soon as practicable hereafter, the Department of Central Management Services shall revise and clarify the rules transferred to it under this Executive Order to reflect the reorganization of rights, power and duties effected by this Order, using the procedures for recodification of rules available under the Illinois Administrative Procedures Act, except that existing title, part, and section numbering for the affected rules may be retained. The Department of Central Management Services may propose and adopt under the Illinois Administrative Procedures Act such other rules of the agencies, offices, divisions, departments, bureaus, boards and commissions that will now be administered by the Department of Central Management Services.

IV. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

V. EFFECTIVE DATE

This Executive Order shall become effective upon its filing with the Secretary of State.

Issued by Governor: March 31, 2004

Filed with Secretary of State April 1, 2004

2004-3

EXECUTIVE ORDER TO REORGANIZE AGENCIES BY THE TRANSFER OF CERTAIN PROGRAMS OF THE DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY AND THE DEPARTMENT OF REVENUE TO THE DEPARTMENT OF PUBLIC AID AND THE DEPARTMENT ON AGING

WHEREAS, Article V, Section 11 of the Illinois Constitution authorizes the Governor to reassign functions or reorganize executive agencies that are directly responsible to him by means of executive order; and

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WHEREAS, Section 3.2 of the Executive Reorganization Implementation Act, 15 ILCS 15/3.2, provides that “Reorganization” includes, in pertinent part (a) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency, and (b) the consolidation or coordination of the whole or any part of any other agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; and

WHEREAS, the Department of Commerce and Economic Opportunity, the Department of Revenue, the Department of Public Aid and the Department on Aging are executive agencies directly responsible to the Governor which exercise the rights, powers, duties and responsibilities derived from 20 ILCS 605 et seq., 20 ILCS 2505 et seq., 20 ILCS 2205 et seq. and 20 ILCS 105 et seq., respectively; and

WHEREAS, streamlining and consolidating certain programs of some of these agencies into other agencies offers the opportunity to eliminate redundancy, simplify the organizational structure of the Executive Branch, improve accessibility and accountability, provide more efficient use of specialized expertise and facilities, realize savings in administrative costs, promote more effective sharing of best practices and state of the art technology and realize other cost savings, among other things; and

WHEREAS, the Department of Commerce and Economic Opportunity administers a comprehensive low income energy assistance program (“LIHEAP”) and the Illinois Home Weatherization Assistance program (collectively, with LIHEAP, “LIHEAP/Weatherization”) which incorporate income assistance, home weatherization, and other measures to ensure that Illinois residents have access to affordable energy services; and

WHEREAS, the Illinois Department of Revenue administers the Circuit Breaker and Pharmaceutical Assistance Programs (the “Circuit Breaker/Pharmaceutical Programs”) that provide grants and prescription medicines to senior citizens and disabled adults; and

WHEREAS, the aforementioned benefits of consolidation can be achieved by transferring (i) LIHEAP/Weatherization from the Department of Commerce and Economic Opportunity to the Department of Public Aid, and (ii) the Circuit Breaker/Pharmaceutical Programs from the Department of Revenue to the Department of Public Aid and the Department on Aging; and

WHEREAS, for purposes of this Executive Order, LIHEAP/Weatherization and the Circuit Breaker/Pharmaceutical Programs are sometimes referred to collectively as the “Programs,” the Department of Commerce and Economic Opportunity and the Department of Revenue are sometimes referred to collectively as the “Transferring Agencies,” and the Department of Public Aid and the Department on Aging are sometimes referred to collectively as the “Receiving Agencies”; and

WHEREAS, the specific functions, as well as the staff performing those functions, of the LIHEAP/Weatherization Programs shall be transferred to the Department of Public Aid by way of an interagency agreement between the Department of Commerce and Economic Opportunity and the Department of Public Aid (the “LIHEAP/Weatherization Interagency Agreement”) in accordance with the objectives of 20 ILCS 605/1 et seq. and this Executive Order; and

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WHEREAS, the specific functions, as well as the staff performing those functions, of the Circuit Breaker/Pharmaceutical Programs shall be transferred to the Receiving Agencies by way of an interagency agreement between the Department of Revenue and the Receiving Agencies (the "Circuit Breaker/Pharmaceutical Programs Interagency Agreement") in accordance with the objectives of 320 ILCS 25/1 et seq. and this Executive Order.

THEREFORE, pursuant to the powers vested in me by Article V, Section 11 of the Illinois Constitution, I hereby order:

I. TRANSFER

- A. Effective July 1, 2004 or as soon thereafter as practicable, the powers, duties, rights and responsibilities related to (i) LIHEAP/Weatherization shall be transferred from the Department of Commerce and Economic Opportunity to the Department of Public Aid pursuant to the LIHEAP/Weatherization Interagency Agreement, and (ii) the Circuit Breaker/Pharmaceutical Programs shall be transferred from the Department of Revenue to the Department of Public Aid and the Department on Aging pursuant to the Circuit Breaker/Pharmaceutical Programs Interagency Agreement. The statutory powers, duties, rights and responsibilities of the Transferring Agencies associated with these Programs derive from 20 ILCS 605 et seq., 20 ILCS 605/605 et seq., 20 ILCS 625 et seq., 220 ILCS 5/8-206, 305 ILCS 20 et seq. and 305 ILCS 22/1 et seq. for LIHEAP/Weatherization and 35 ILCS 515/7, 35 ILCS 200/20-15, 220 ILCS 10/9, 305 ILCS 5/3-1, 320 ILCS 25/1 et seq., 320 ILCS 50/1 et seq., 320 ILCS 50/20, 320 ILCS 55/1 et seq. and 320 ILCS 55/5 for the Circuit Breaker/Pharmaceutical Programs.
- B. Whenever any provision of an Executive Order or any Act or section thereof transferred by this Executive Order provides for membership of the Director of either of the Transferring Agencies on any council, commission, board or other entity relating to the Programs, the Director of the appropriate Receiving Agency or their designee(s) shall serve in that place. If more than one such person is required by law to serve on any council, commission, board or other entity, an equivalent number of representatives of the Receiving Agency shall so serve.

II. EFFECT OF TRANSFER

The powers, duties, rights and responsibilities vested in the Programs shall not be affected by this Executive Order, except that all management and staff support or other resources necessary to the operations of the Programs shall be provided by the Receiving Agencies.

- A. The status and rights of employees in the Transferring Agencies engaged in the performance of the functions of the Programs shall not be affected

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by the transfer. The rights of the employees, the State of Illinois and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement or annuity plan shall not be affected by this Executive Order. Personnel under the Transferring Agencies affected by this Executive Order shall continue their service within the Receiving Agencies.

- B. All books, records, papers, documents, property (real and personal), contracts, and pending business pertaining to the powers, duties, rights and responsibilities related to the Programs and transferred by this Executive Order from the Transferring Agencies to the Receiving Agencies, including but not limited to material in electronic or magnetic format and necessary computer hardware and software, shall be delivered to the Receiving Agencies; provided, however, that the delivery of such information shall not violate any applicable confidentiality constraints.
- C. All unexpended appropriations and balances and other funds available for use in connection with any of the Programs shall be transferred for use by the Receiving Agencies for the Programs pursuant to the direction of the Governor. Unexpended balances so transferred shall be expended only for the purpose for which the appropriation was originally made.

III. SAVINGS CLAUSE

- A. The powers, duties, rights and responsibilities related to the Programs and transferred from the Transferring Agencies by this Executive Order shall be vested in and shall be exercised by the Receiving Agencies. Each act done in exercise of such powers, duties, rights and responsibilities shall have the same legal effect as if done by the Transferring Agencies or their divisions, officers or employees.
- B. Every person or entity shall be subject to the same obligations and duties and any penalties, civil or criminal, arising therefrom, and shall have the same rights arising from the exercise of such powers, duties, rights and responsibilities as had been exercised by the Transferring Agencies or their divisions, officers or employees.
- C. Every officer of the Receiving Agencies shall, for any offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer whose powers or duties were transferred under this Executive Order.
- D. Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon the Transferring Agencies in connection with any of the functions of the Programs transferred by this Executive Order, the same shall be made, given, furnished or served in the same manner to or upon the Receiving Agencies.

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- E. This Executive Order shall not affect any act done, ratified or canceled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil or criminal cause regarding the Programs before this Executive Order takes effect; such actions or proceedings may be prosecuted and continued by the Receiving Agencies.
- F. Any rules of the Transferring Agencies that relate to the Programs, are in full force on the effective date of this Executive Order and have been duly adopted by the Transferring Agencies shall become the rules of the Receiving Agencies for the Programs. This Executive Order shall not affect the legality of any such rules in the Illinois Administrative Code. Any proposed rulings filed with the Secretary of State by the Transferring Agencies that are pending in the rulemaking process on the effective date of this Executive Order and pertain to the functions transferred, shall be deemed to have been filed by the Receiving Agencies. As soon as practicable hereafter, the Receiving Agencies shall revise and clarify the rules transferred to them under this Executive Order to reflect the reorganization of rights, powers and duties affected by this Order, using the procedures for recodification of rules available under the Illinois Administrative Procedures Act, except that existing title, part, and section numbering for the affected rules may be retained. The Receiving Agencies may propose and adopt under the Illinois Administrative Act such other rules of the reorganized agencies that will now be administered by the Receiving Agencies.

IV. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Issued by Governor: March 31, 2004

Filed with Secretary of State: April 1, 2004

2004-4

**EXECUTIVE ORDER TO REORGANIZE AGENCIES BY THE TRANSFER OF
CERTAIN FUNCTIONS OF THE DEPARTMENT OF CENTRAL MANAGEMENT
SERVICES TO THE DEPARTMENT OF STATE POLICE**

EXECUTIVE ORDERS

WHEREAS, Article V, Section 11 of the Illinois Constitution authorizes the Governor to reassign functions or reorganize executive agencies that are directly responsible to him by means of executive order; and

WHEREAS, Section 3.2 of the Executive Reorganization Implementation Act, 15 ILCS 15/3.2, provides that “Reorganization” includes, in pertinent part (a) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency, and (b) the consolidation or coordination of the whole or any part of any other agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; and

WHEREAS, the Department of Central Management Services and the Department of State Police are executive agencies directly responsible to the Governor which exercise the rights, powers, duties and responsibilities derived from 20 ILCS 405 et seq. and 20 ILCS 2605 et seq., respectively; and

WHEREAS, streamlining and consolidating the functions of certain of these agencies into a single agency offers the opportunity to eliminate redundancy, simplify the organizational structure of the Executive Branch, improve accessibility and accountability, provide more efficient use of specialized expertise and facilities, realize savings in administrative costs, promote more effective sharing of best practices and state of the art technology and realize other cost savings, among other things; and

WHEREAS, the foregoing benefits can be achieved by transferring the law enforcement and security functions (the “Functions”) of the Department of Central Management Services (the “Transferring Agency”) to the Department of State Police (the “Receiving Agency”).

THEREFORE, pursuant to the powers vested in me by Article V, Section 11 of the Illinois Constitution, I hereby order:

I. TRANSFER

Effective July 1, 2004, the powers, duties, rights and responsibilities related to the Functions shall be transferred from the Transferring Agency to the Receiving Agency. The statutory powers, duties, rights and responsibilities of the Transferring Agency associated with these Functions derive from 20 ILCS 405/405-315.

II. EFFECT OF TRANSFER

- A. The powers, duties, rights and responsibilities related to the Functions shall not be affected by this Executive Order, except that all management and staff support or other necessary resources related to the Functions shall be provided by the Receiving Agency.
- B. The staff of the Transferring Agency engaged in the performance of the Functions shall be transferred to the Receiving Agency. The status and rights of employees in the Transferring Agency engaged in the performance of the Functions shall not be affected by the transfer. The

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rights of the employees, the State of Illinois and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement or annuity plan shall not be affected by this Executive Order. Personnel under the Transferring Agency affected by this Executive Order shall continue their service within the Receiving Agency.

- C. All books, records, papers, documents, property (real and personal), contracts, and pending business pertaining to the powers, duties, rights and responsibilities related to the Functions and transferred by this Executive Order from the Transferring Agency to the Receiving Agency, including but not limited to material in electronic or magnetic format and necessary computer hardware and software, shall be delivered to the Receiving Agency.
- D. All unexpended appropriations and balances and other funds available for use in connection with any of the Functions shall be transferred for use by the Receiving Agency for the Functions pursuant to the direction of the Governor. Unexpended balances so transferred shall be expended only for the purpose for which the appropriation was originally made.

III. SAVINGS CLAUSE

- A. The powers, duties, rights and responsibilities related to the Functions and transferred from the Transferring Agency by this Executive Order shall be vested in and shall be exercised by the Receiving Agency. Each act done in exercise of such powers, duties, rights and responsibilities shall have the same legal effect as if done by the Transferring Agency or their divisions, officers or employees.
- B. Every person or entity shall be subject to the same obligations and duties and any penalties, civil or criminal, arising therefrom, and shall have the same rights arising from the exercise of such powers, duties, rights and responsibilities as had been exercised by the Transferring Agency or its divisions, officers or employees.
- C. Every officer of the Receiving Agency shall, for any offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer whose powers or duties were transferred under this Executive Order.
- D. Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon the Transferring Agency in connection with the Functions transferred by this Executive Order, the same shall be made, given, furnished or served in the same manner to or upon the Receiving Agency.
- E. This Executive Order shall not affect any act done, ratified or canceled or any right occurring or established or any action or proceeding had or

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commenced in an administrative, civil or criminal cause regarding the Transferring Agency before this Executive Order takes effect; such actions or proceedings may be prosecuted and continued by the Receiving Agency.

IV. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Issued by Governor: March 31, 2004

Filed with Secretary of State: April 1, 2004

2004-5

**EXECUTIVE ORDER TO TRANSFER CERTAIN ADMINISTRATIVE AND
SUPPORT FUNCTIONS OF THE ILLINOIS BUILDING COMMISSION TO THE
CAPITAL DEVELOPMENT BOARD**

WHEREAS, Article V, Section 11 of the Illinois Constitution authorizes the Governor to reassign functions or reorganize executive agencies that are directly responsible to him by means of executive order; and

WHEREAS, Section 3.2 of the Executive Reorganization Implementation Act, 15 ILCS 15/3.2, provides that "Reorganization" includes, in pertinent part (a) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency, and (b) the consolidation or coordination of the whole or any part of any other agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; and

WHEREAS, the Capital Development Board and the Illinois Building Commission are executive agencies directly responsible to the Governor which exercise the rights, powers, duties and responsibilities derived from 20 ILCS 3105 et seq. and 20 ILCS 3918 et seq., respectively; and

WHEREAS, streamlining and consolidating some of the administrative and support functions of these agencies into a single agency offers the opportunity to eliminate redundancy, simplify the organizational structure of the Executive Branch, improve accessibility and accountability, provide more efficient use of specialized expertise and facilities, realize savings in administrative costs, promote more effective sharing of best practices and state of the art technology and realize other cost savings, among other things; and

WHEREAS, the Illinois Building Commission (i) serves as a forum to suggest resolution of conflicts between State agencies, or between a State agency and another entity that consents to the resolution forum, concerning

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State building requirements, and (ii) reviews proposed State building requirement amendments and proposed legislation for conflicts with current State law or building requirements and makes recommendations concerning those amendments or laws to the proper authorities; and

WHEREAS, the aforementioned benefits can be achieved by transferring some of the administrative and support functions, including information technology, clerical, accounting, human resources and office space (the “Functions”) of the Illinois Building Commission (the “Transferring Agency”) to the Capital Development Board (the “Receiving Agency”); and

WHEREAS, the consolidation and streamlining of the Functions of the Transferring Agency to the Receiving Agency shall not impede, disrupt or impair in any fashion the independent and conflict resolution responsibilities and duties of the Transferring Agency as contemplated in 20 ILCS 3918 et seq.

THEREFORE, pursuant to the powers vested in me by Article V, Section 11 of the Illinois Constitution, I hereby order:

I. TRANSFER

Effective July 1, 2004, the powers, duties, rights and responsibilities related to the Functions of the Transferring Agency shall be transferred to the Receiving Agency. The statutory powers, duties, rights and responsibilities of the Transferring Agency associated with these Functions derive from 20 ILCS 3918 et seq.

II. EFFECT OF TRANSFER

The powers, duties, rights and responsibilities other than the Functions vested in the Transferring Agency shall not be affected by this Executive Order, including the Transferring Agency’s ability to serve as an independent forum to suggest resolution of conflicts between State agencies, or between a State agency and another entity that consents to the resolution forum, concerning State building requirements, except that the Functions necessary to the operation of the Transferring Agency shall be provided by the Receiving Agency.

A. The staff of the Transferring Agency engaged in the performance of the Functions shall be transferred to the Receiving Agency. The status and rights of such employees under the Personnel Code shall not be affected by the transfer. The rights of the employees, the State and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement or annuity plan shall not be affected by this Executive Order. Personnel under the Transferring Agency affected by this Executive Order shall continue their service within the Receiving Agency.

B. All books, records, papers, documents, property (real and personal), contracts, and pending business pertaining to the powers, duties, rights and responsibilities transferred by this Executive Order from the Transferring

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Agency to the Receiving Agency, including but not limited to material in electronic or magnetic format and necessary computer hardware and software, shall be delivered to the Receiving Agency.

- C. All unexpended appropriations and balances and other funds available for use in connection with any of the Functions shall be transferred for use by the Receiving Agency for the Functions pursuant to the direction of the Governor. Unexpended balances so transferred shall be expended only for the purpose for which the appropriation was originally made.

III. SAVINGS CLAUSE

- A. The powers, duties, rights and responsibilities related to the Functions and transferred from the Transferring Agency by this Executive Order shall be vested in and shall be exercised by the Receiving Agency. Each act done in exercise of such powers, duties, rights and responsibilities shall have the same legal effect as if done by the Transferring Agency or its divisions, officers or employees.
- B. Every person or entity shall be subject to the same obligations and duties and any penalties, civil or criminal, arising therefrom, and shall have the same rights arising from the exercise of such powers, duties, rights and responsibilities as had been exercised by the Transferring Agency or its divisions, officers or employees.
- C. Every officer of the Receiving Agency shall, for any offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer whose powers or duties were transferred under this Executive Order.
- D. Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon the Transferring Agency in connection with any of the Functions transferred by this Executive Order, the same shall be made, given, furnished or served in the same manner to or upon the Receiving Agency.
- E. This Executive Order shall not affect any act done, ratified or canceled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil or criminal cause regarding the Functions of the Transferring Agency before this Executive Order takes effect; such actions or proceedings may be prosecuted and continued by the Receiving Agency.
- F. Any rules of the Transferring Agency that relate to the Functions, are in full force on the effective date of this Executive Order and have been duly adopted by the Transferring Agency shall become the rules of the Receiving Agency for the Functions. This Executive Order shall not affect the legality of any such rules in the Illinois Administrative Code. Any proposed rulings filed with the Secretary of State by the Transferring

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Agency that are pending in the rulemaking process on the effective date of this Executive Order and pertain to the Functions transferred, shall be deemed to have been filed by the Receiving Agency. As soon as practicable hereafter, the Receiving Agency shall revise and clarify the rules transferred to it under this Executive Order to reflect the reorganization of rights, powers and duties affected by this Order, using the procedures for recodification of rules available under the Illinois Administrative Procedures Act, except that existing title, part, and section numbering for the affected rules may be retained. The Receiving Agency may propose and adopt under the Illinois Administrative Act such other rules of the reorganized agencies that will now be administered by the Receiving Agency.

IV. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Issued by Governor: March 31, 2004

Filed with Secretary of State: April 1, 2004

2004-6

**EXECUTIVE ORDER TO REORGANIZE AGENCIES BY THE TRANSFER OF
FUNCTIONS OF THE DEPARTMENT OF FINANCIAL INSTITUTIONS, THE
DEPARTMENT OF INSURANCE, THE DEPARTMENT OF PROFESSIONAL
REGULATION AND THE OFFICE OF BANKS AND REAL ESTATE INTO THE
NEWLY CREATED DEPARTMENT OF FINANCIAL AND PROFESSIONAL
REGULATION**

WHEREAS, Article V, Section 11 of the Illinois Constitution authorizes the Governor to reassign functions or reorganize executive agencies that are directly responsible to him by means of executive order; and

WHEREAS, Section 3.2 of the Executive Reorganization Implementation Act, 15 ILCS 15/3.2, provides that "Reorganization" includes, in pertinent part, (a) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency, (b) the abolition of the whole or any part of any agency which does not have, or upon the taking effect of such reorganization will not have, any functions, and (c) the establishment of a new agency to perform all or any part of the functions of an existing agency or agencies; and

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WHEREAS, the Department of Financial Institutions, the Department of Insurance, the Department of Professional Regulation and the Office of Banks and Real Estate are executive agencies directly responsible to the Governor which exercise the rights, powers, duties and responsibilities derived from 20 ILCS 1205 et seq., 20 ILCS 1405 et seq., 20 ILCS 2105 et seq. and 20 ILCS 3205 et seq., respectively; and

WHEREAS, substantial benefits can be achieved by the transfer of all functions (the “Functions”), respectively, of the Department of Financial Institutions, the Department of Insurance, the Department of Professional Regulation and the Office of Banks and Real Estate (the “Consolidating Agencies”) into a newly created Department of Financial and Professional Regulation (the “New Agency”) and the subsequent corresponding abolition of the Consolidating Agencies; and

WHEREAS, consolidating the powers, duties, rights, responsibilities and Functions of the Consolidating Agencies into the New Agency provides for opportunities to increase operational efficiency and effectiveness, eliminate redundancies in functions and costs, increase accessibility by consumers and industry, increase accountability, simplify the organizational structure of the Executive Branch, increase leverage of specialized expertise, facilities and technology, promote a more effective sharing of best practices and realize significant economies of scale, among other things; and

WHEREAS, the transfer of the Functions of the Consolidating Agencies into the New Agency shall not impede, disrupt or impair in any fashion any council, commission, board or other entity previously established and operating under any of the Consolidating Agencies.

THEREFORE, pursuant to the powers vested in me by Article V, Section 11 of the Illinois Constitution, I hereby order:

I. CREATION OF NEW DEPARTMENT

- A. Effective July 1, 2004, the New Agency shall be created and known as the “Department of Financial and Professional Regulation.”
- B. The New Agency shall have an officer as its lead known as the Secretary who shall be responsible for all agency Functions. Appointment to this office shall be made by the Governor, by and with the advice and confirmation of the Senate. Vacancies in the office of the Secretary shall be filled pursuant to 20 ILCS 5/5-605. The Secretary of the New Agency shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, as the case may be.
- C. The New Agency shall also have four Directors who will oversee the respective Functions of the Consolidating Agencies within the New Agency and report to the Secretary, as well as such other assistants and deputies as may be appropriate for the efficient operation of the New Agency. None of the four Directors, nor any such assistants or deputies, shall be state officers subject to Senate confirmation.

EXECUTIVE ORDERS**II. TRANSFER OF FUNCTIONS**

- A. Effective July 1, 2004, the Functions and all associated powers, duties, rights and responsibilities of the Consolidating Agencies shall be transferred to the New Agency. The statutory powers, duties, rights and responsibilities of the Consolidating Agencies associated with these Functions derive from the statutes listed in the attached Appendix.
- B. Whenever any provision of an Executive Order or any Act or section thereof transferred by this Executive Order provides for membership of the Director or Commissioner of any of the Consolidating Agencies on any council, commission, board or other entity, the Secretary or, at the Governor's discretion, the appropriate Director of the New Agency, or their designee(s), shall serve in that place. If more than one such person is required by law to serve on any council, commission, board or other entity, an equivalent number of representatives of the New Agency shall so serve.

III. ABOLITION OF CONSOLIDATING AGENCIES

The Consolidating Agencies listed in this Part III shall be abolished effective July 1, 2004. The rights, powers and duties associated with the Functions vested by law in these Consolidating Agencies, or any office, division, council, committee, bureau, board, commission, officer, employee, or associated individual, person or entity, and all rights, powers and duties of the Consolidating Agencies related to the Functions, including funding mechanisms, shall be transferred to the New Agency in accordance with Part II of this Executive Order:

- A. Department of Financial Institutions (20 ILCS 1205 et seq.)
B. Department of Insurance (20 ILCS 1405 et seq.)
C. Department of Professional Regulation (20 ILCS 2105 et seq.)
D. Office of Banks and Real Estate (20 ILCS 3205 et seq.)

IV. EFFECT OF TRANSFER

The powers, duties, rights and responsibilities related to the Functions and transferred by the Consolidating Agencies to the New Agency shall not be affected by this Executive Order, except that they shall all be carried out by the New Agency from the effective date of the transfers.

- A. The staffs of the Consolidating Agencies engaged in the performance of the Functions shall be transferred to the New Agency. The status and rights of such employees under the Personnel Code shall not be affected by the transfers. The rights of the employees, the State of Illinois and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement or annuity plan shall not be affected by this Executive Order.
- B. All books, records, papers, documents, property (real and personal), contracts, and pending business pertaining to the powers, duties, rights and

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responsibilities transferred by this Executive Order from the Consolidating Agencies to the New Agency, including but not limited to material in electronic or magnetic format and necessary computer hardware and software, shall be delivered to the New Agency.

- C. All unexpended appropriations and balances and other funds available for use in connection with any of the Functions shall be transferred for use by the New Agency for the Functions pursuant to the direction of the Governor. Unexpended balances so transferred shall be expended only for the purpose for which the appropriations were originally made.

V. SAVINGS CLAUSE

- A. The powers, duties, rights and responsibilities related to the Functions and transferred from the Consolidating Agencies by this Executive Order shall be vested in and shall be exercised by the New Agency. Each act done in exercise of such powers, duties, rights and responsibilities shall have the same legal effect as if done by any of the Consolidating Agencies or their divisions, officers or employees.
- B. Every officer of the New Agency shall, for any offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer whose powers or duties were transferred under this Executive Order.
- C. Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon any of the Consolidating Agencies in connection with any of the Functions transferred by this Executive Order, the same shall be made, given, furnished or served in the same manner to or upon the New Agency.
- D. This Executive Order shall not affect any act done, ratified or canceled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil or criminal cause regarding the Functions of any of the Consolidating Agencies before this Executive Order takes effect; such actions or proceedings may be prosecuted and continued by the New Agency.
- E. Any rules of the Consolidating Agencies that relate to the Functions, are in full force on the effective date of this Executive Order and that have been duly adopted by the Consolidating Agencies shall become the rules of the New Agency. This Executive Order shall not affect the legality of any such rules in the Illinois Administrative Code. Any proposed rules filed with the Secretary of State by the Consolidating Agencies that are pending in the rulemaking process on the effective date of this Executive Order and pertain to the Functions transferred, shall be deemed to have been filed by the New Agency. As soon as practicable hereafter, the New Agency shall revise and clarify the rules transferred to it under this Executive Order to

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reflect the reorganization of rights, powers and duties affected by this Order, using the procedures for recodification of rules available under the Illinois Administrative Procedures Act, except that existing title, part, and section numbering for the affected rules may be retained. The New Agency, consistent with the Consolidating Agencies' authority to do so, may propose and adopt under the Illinois Administrative Procedures Act such other rules of the Consolidating Agencies that will now be administered by the New Agency. To the extent that, prior to the effective date of the transfers, the Director or Commissioner of a Consolidating Agency had been empowered to prescribe regulations or had other rulemaking authority with respect to transferred Functions, such duties shall be exercised from and after the effective date of the transfers jointly by the Secretary and the Director responsible for the oversight of those respective Functions.

VI. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

Issued by Governor: March 31, 2004

Filed with Secretary of State: April 1, 2004

Appendix**Department of Financial Institution statutes affected by the Reorganization:**

Financial Institutions Code, 20 ILCS 1205/1 et seq.
Illinois Credit Union Act, 205 ILCS 305/1 et seq.
Currency Exchange Act, 205 ILCS 405/0.1 et seq.
Transmitters of Money Act, 205 ILCS 657/1 et seq.
Sales Finance Agency Act, 205 ILCS 660/1 et seq.
Debt Management Service Act, 205 ILCS 665 et seq.
Consumer Installment Loan Act, 205 ILCS 670/1 et seq.
Title Insurance Act, 215 ILCS 155/1 et seq.
Development Credit Corporations Act, 815 ILCS 35/1 et seq.
Safety Deposit Box Act, 240 ILCS 5/0.01 et seq.
Motor Vehicle Retail Installment Sales Act, 815 ILCS 375/1 et seq.
Retail Installment Sales Act, 815 ILCS 405/1 et seq.
Interest Act, 815 ILCS 205/11
High Risk Home Loan Act, 815 ILCS 137/1 et seq.

Department of Insurance statutes affected by the Reorganization:

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Department of Insurance Law, 20 ILCS 1405 et seq.
Illinois Insurance Code, 215 ILCS 5/1 et seq.
Small Employer Health Insurance Rating Act, 215 ILCS 93/1 to 215 ILCS 93/40
Small Employer Rating, Renewability and Portability Health Insurance Act, 215 ILCS 95/1 to 215 ILCS 95/55 [Repealed]
Illinois Health Insurance Portability and Accountability Act, 215 ILCS 97/1 to 215 ILCS 97/99
Reinsurance Intermediary Act, 215 ILCS 100/1 to 215 ILCS 100/60
Comprehensive Health Insurance Plan Act, 215 ILCS 105/1 to 215 ILCS 105/15
Children's Health Insurance Program, 215 ILCS 106/1 to 215 ILCS 106/99 [Repealed effective July 1, 2004]
Producer Controlled Insurer Act, 215 ILCS 107/1 to 215 ILCS 107/99
Dental Care Patient Protection Act, 215 ILCS 109/1 to 215 ILCS 109/85
Dental Service Plan Act, 215 ILCS 110/1 to 215 ILCS 110/47
Employee Leasing Company Act, 215 ILCS 113/1 to 215 ILCS 113/99
Employees Dental Freedom of Choice Act, 215 ILCS 115/1 to 215 ILCS 115/4
Farm Mutual Insurance Company Act of 1986, 215 ILCS 120/1 to 215 ILCS 120/17
Health Care Purchasing Group Act, 215 ILCS 123/1 to 215 ILCS 123/75
Health Maintenance Organization Act, 215 ILCS 125/1-1 to 215 ILCS 125/6-19
Limited Health Service Organization Act, 215 ILCS 130/1001 to 215 ILCS 130/4009
Managed Care Reform and Patient Rights Act, 215 ILCS 134/1 to 215 ILCS 134/299
Pharmaceutical Service Plan Act, 215 ILCS 135/1 to 215 ILCS 135/46.1 [Repealed]
Uniform Prescription Drug Information Card Act, 215 ILCS 138/1 to 215 ILCS 139/99
Product Liability Insurance Act, 215 ILCS 140/0.01, 215 ILCS 140/1 [Repealed]
Property Fire Loss Act, 215 ILCS 145/0.1, 215 ILCS 145/1
Religious and Charitable Risk Pooling Trust Act, 215 ILCS 150/1 to 215 ILCS 150/28
Service Contract Act, 215 ILCS 152/1 to 215 ILCS 152/99
Title Insurance Act, 215 ILCS 155/1 to 215 ILCS 155/25
Viatical Settlements Act, 215 ILCS 158/1 to 215 ILCS 158/99
Vision Service Plan Act, 215 ILCS 160/1 to 215 ILCS 160/32 [Repealed]
Voluntary Health Services Plans Act, 215 ILCS 165/1 to 215 ILCS 165/30
Intergovernmental Cooperation Act, 5 ILCS 220/1 to 5 ILCS 220/16
State Employees Group Insurance Act of 1971, 5 ILCS 375/1 to 5 ILCS 375/17
Civil Administrative Code of Illinois (Part 11.5), 20 ILCS 1405/56.3, 20 ILCS 1405/1405-1 to 20 ILCS 1405/1405-30
Military Code of Illinois, 20 ILCS 1805/30.20
State Fire Marshall Act, 20 ILCS 2905/0.01 to 20 ILCS 2905/3
Experimental Organ Transplantation Procedures Act, 20 ILCS 3935/1 to 20 ILCS 3935/5
Illinois Municipal Code, Art. 11, Corporate Powers and Functions (Public Health, Safety and Welfare), 65 ILCS 5/11-10-1 to 65 ILCS 5/11-10-3, 65 ILCS 5/11-152-1 to 65 ILCS 5/11-152-4.
Asbestos Abatement Act, 105 ILCS 105/1 to 105 ILCS 105/16
Illinois Banking Act, 205 ILCS 5/5, 205 ILCS 5/48.2
Illinois Savings and Loan Act of 1985
 Art. 1 General Provisions, 205 ILCS 105/1-6, 205 ILCS 105/1-11
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Illinois Credit Union Act, 205 ILCS 305/13, 205 ILCS 305/55

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Corporate Fiduciary Act

Art. 1 General Provisions 205 ILCS 620/1-6

Art. IX Miscellaneous Provisions, Fiduciary Advisory Committee, 205 ILCS 620/9-1 to 205 ILCS 620-/9-6

Structural Pest Control Act, 225 ILCS 235/9

Elevator Safety and Regulation Act, 225 ILCS 312/100

Fire Sprinkler Contractor Licensing Act, 225 ILCS 317/1 to 225 ILCS 317/999

Petroleum Equipment Contractors Licensing Act, 225 ILCS 729/35

Senior Pharmaceutical Assistance Act, 320 ILCS 50/1 to 320 ILCS 50/99

Medical Patient Rights Act, 410 ILCS 50/0.01 to 410 ILCS 50/99

Hearing Screening for Newborns Act, 410 ILCS 213/1 to 410 ILCS 213/99

Fire Investigation Act, 425 ILCS 25/0.01 to 425 ILCS 25/13.1

Carnival and Amusement Rides Safety Act, 430 ILCS 85/2-14

Illinois Vehicle Code

Ch. 3 Certificates of Title and Registration of Vehicles, 625 ILCS 5/3-100 to 625 ILCS 5/3-2006

Ch. 7 Illinois Safety and Family Financial Responsibility Law, 625 ILCS 5/7-100 to 625 ILCS 5/7-708

Ch. 8 Motor Vehicles Used for Transportation of Passengers, 625 ILCS 5/8-101 to 625 ILCS 5/8-116

Ch. 9 Owners of For-Rent Vehicles for Hire, 625 ILCS 5/9-101 to 625 ILCS 5/9-110

Ch. 18a Illinois Commercial Relocation of Trespassing Vehicles Law, 625 ILCS 5/18a-301

Boat Registration and Safety Act

Art. V Operation of Motor Boats, 625 ILCS 45/5-1 to 625 ILCS 45/5-21

Criminal Code of 1961

Art. 46 Insurance Fraud, Fraud on the Government, and Related Offenses, 720 ILCS 5/46-1 to 720 ILCS 5/46-5

Criminal Juris Prudence Act (insurance law violation), 720 ILCS 275/119 [Repealed]

Insurance Claims for Excessive Charges Act, 720 ILCS 325/1 to 720 ILCS 325/15

Bail Bond False Statement Act, 720 ILCS 540/0.01, 720 ILCS 540/1

Quasi-criminal and Misdemeanor Bail Act, 725 ILCS 195/0.01 to 725 ILCS 195/5

Insurance Claims Fraud Prevention Act, 740 ILCS 92/1 to 740 ILCS 92/45

Securities in Fiduciary Accounts Act, 760 ILCS 75/0.01 to 760 ILCS 75/4

Condominium Property Act, 765 ILCS 605/12, 765 ILCS 605/12.1

Mortgage Certificate of Release Act, 765 ILCS 935/5 to 765 ILCS 935/99

Bailment Insurance Act, 765 ILCS 1015/0.01 to 765 ILCS 1015/4

General Not-for-Profit Corporation Act of 1986, 805 ILCS 105/101.01 to 805 ILCS 105/117.05

Motor Vehicle Retail Installment Sales Act, 815 ILCS 375/8 to 815 ILCS 375/10

Restricted Call Registry Act, 815 ILCS 402/5

Retail Installment Sales Act, 815 ILCS 405/8 to 815 ILCS 405/11.1

Consumer Fraud and Deceptive Business Practices Act, 815 ILCS 505/1 to 815 ILCS 505/12

Uniform Deceptive Trade Practices Act, 815 ILCS 510/1 to 815 ILCS 510/7

Health Insurance Claim Filing Act, 820 ILCS 45/0.01 to 820 ILCS 45/2

Medical Care Savings Account Act of 2000, 820 ILCS 153/1 to 820 ILCS 153/99

Workers Compensation Act, 820 ILCS 305/1 to 820 ILCS 305/6

Workers Occupational Diseases Act, 820 ILCS 310/4 to 820 ILCS 310/6

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Department of Professional Regulation Law, 20 ILCS 2105 et seq.
Acupuncture Practice Act of 1989, 225 ILCS 2/
Illinois Architecture Practice Act of 1989, 225 ILCS 305/
Illinois Athletic Trainers Practice Act, 225 ILCS 5/
Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985,
225 ILCS 410/
Professional Boxing and Wrestling Act, 225 ILCS 105/
Collection Agency Act, 225 ILCS 425/
Mail Order Contact Lens Act, 225 ILCS 83/
Illinois Controlled Substances Act, 720 ILCS 570/
Illinois Dental Practice Act, 225 ILCS 25/
Detection of Deception Examiners Act, 225 ILCS 430/
The Private Detective, Private Alarm, Private Security and Locksmith Act of 2004, 225 ILCS 447/
Dietetic and Nutrition Services Practice Act, 225 ILCS 30/
Electrologist Licensing Act, 225 ILCS 412/
Environmental Health Practitioner Licensing Act, 225 ILCS 37/
Funeral Directors and Embalmers Licensing Code, 225 ILCS 41/
Home Medical Equipment and Services Provider License Act, 225 ILCS 51/
Humane Euthanasia in Animal Shelters Act, 510 ILCS 72/
Interior Design Title Act, 225 ILCS 310/
Illinois Landscape Architecture Act of 1989, 225 ILCS 315/
Illinois Professional Land Surveyor Act of 1989, 225 ILCS 330/
Marriage and Family Therapy Licensing Act, 225 ILCS 55/
Massage Licensing Act, 225 ILCS 57/
Medical Practice Act of 1987, 225 ILCS 60/
Medical Corporation Act, 225 ILCS 15/
Naprathic Practice Act of 1993, 225 ILCS 63/
Nursing and Advance Practice Nursing Act, 225 ILCS 65/
Nursing Home Administrators Licensing and Disciplinary Act
Illinois Occupational Therapy Practice Act, 225 ILCS 75/
Illinois Optometric Practice Act of 1987, 225 ILCS 80/
Orthotics, Prosthetics and Pedorthics Practice Act, 225 ILCS 84/
Perfusionist Practice Act, 225 ILCS 125/
Pharmacy Practice Act of 1987, 225 ILCS 85/
Illinois Physical Therapy Act, 225 ILCS 90/
Physician Assistant Practice Act of 1987, 225 ILCS 30
Podiatric Medical Practice Act of 1987, 225 ILCS 100/
Professional Counselor and Clinical Professional Counselor Licensing Act, 225 ILCS
107/
Professional Engineering Practice Act of 1989, 225 ILCS 325
Professional Geologist Licensing Act, 225 ILCS 745
Professional Service Corporation Act, 805 ILCS 10/
Clinical Psychologist Licensing Act, 225 ILCS 15/
Illinois Public Accounting Act, 225 ILCS 450/
Respiratory Care Practice Act, 225 ILCS 106/
The Illinois Roofing Industry Licensing Act, 225 ILCS 335
Illinois Certified Shorthand Reporters Act of 1984, 225 ILCS 415/
The Clinical Social Work and Social Work Practice Act, 225 ILCS 20/

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Illinois Speech-Language Pathology and Audiology Practice Act, 225 ILCS 110/
Structural Engineering Licensing Act of 1989, 225 ILCS 340
Veterinary Medicine and Surgery Practice Act of 1983, 225 ILCS 115/
Wholesale Drug Distributors Act, 225 ILCS 120/
Registered Surgical Assistant and Registered Surgical Technologist Title Protection Act,
225 ILCS 130/
The Department of Professional Regulation:
Illinois Police Training Act, 50 ILCS 705/6.1

Office of Banks and Real Estate statutes affected by the Reorganization:

Office of Banks and Real Estate Act, 20 ILCS 3205/0.1 et seq.
State Treasurer Act, 15 ILCS 505/0.01 et seq.
Illinois Bank Examiners' Education Foundation Act, 20 ILCS 3210/1 et seq.
State Finance Act, 30 ILCS 105/1 et seq.
Illinois Banking Act, 205 ILCS 5/1 et seq.
Illinois Bank Holding Company Act of 1957, 205 ILCS 10/1 et seq.
Illinois Savings and Loan Act of 1985, 205 ILCS 105/1-1 et seq.
Savings Bank Act, 205 ILCS 205/1001 et seq.
Pawnbroker Regulation Act, 205 ILCS 510/0.01 et seq.
Banking Emergencies Act, 205 ILCS 610/0.01 et seq.
Electronic Fund Transfer Act, 205 ILCS 616/1 et seq.
Corporate Fiduciary Act, 205 ILCS 620/1-1 et seq.
Promissory Note and Bank Holiday Act (Part 3), 205 ILCS 630/17 et seq.
Residential Mortgage License Act of 1987, 205 ILCS 635/1-1 et seq.
Foreign Banking Office Act, 205 ILCS 645/1 et seq.
Foreign Bank Representative Office Act, 205 ILCS 650/1 et seq.
Financial Institution Activity Reporting Act, 205 ILCS 680/1 et seq.
Check Printer and Check Number Act, 205 ILCS 690/1 et seq.
Auction License Act, 225 ILCS 407/5-1 et seq.
Home Inspector License Act, 225 ILCS 441/1-1 et seq.
Real Estate License Act of 2000, 225 ILCS 454/1-1 et seq.
Real Estate Appraiser Licensing Act of 2002, 225 ILCS 458/1-1 et seq.
Land Sales Registration Act of 1999, 765 ILCS 86/1-1 et seq.
Real Estate Timeshare Act of 1999, 765 ILCS 101/101 et seq.
Uniform Disposition of Unclaimed Property Act, 765 ILCS 1025/0.05 et seq.
High Risk Home Loan Act, 815 ILCS 137/1 et seq.
Deposit of State Moneys Act, 15 ILCS 520/0.01 et seq.
Interest Act, 815 ILCS 205/0.01 et seq.

PROCLAMATIONS**2004-56****Building Safety Week**

WHEREAS, building safety affects many aspects of American life. Because of building safety code enforcement, citizens enjoy the comfort of structures that are safe and sound; and

WHEREAS, building safety and fire prevention officials work with citizens to address building safety and fire prevention concerns everyday; and

WHEREAS, the dedicated members of the International Code Council, including building safety and fire prevention officials, architects, engineers, and others in the construction industry, develop and enforce the codes that safeguard Americans in the buildings where people live, work, play and learn; and

WHEREAS, the International Codes, the most widely adopted building safety and fire prevention codes in the nation, are used by most U. S. cities, counties and states; and

WHEREAS, building safety codes provide safeguards to protect the public from natural disasters that can occur all across the country, such as snowstorms, hurricanes, tornadoes, wild land fires, and earthquakes. Building safety codes also work to minimize other potential building catastrophes; and

WHEREAS, Building Safety Week, sponsored by the International Code Council Foundation, is an opportunity to educate and increase public awareness of the hard work put forth by building safety and fire prevention officials, local and state building departments, and federal agencies; and

WHEREAS, this year's theme, "You Can Be a Part of Building Safety Week", encourages all Americans to raise their awareness of building safety, and to take appropriate steps to ensure that the places where they live, work, play and learn are safe. Countless lives have been saved because of the building safety codes adopted and enforced by local and state agencies; and

WHEREAS, this year, while observing Building Safety Week, I ask all Illinoisans to recognize the local building safety and fire prevention officials and the important role that they play in public safety:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 4 – 10, 2004 as BUILDING SAFETY WEEK in Illinois.

Issued by the Governor April 1, 2004.

Filed by the Secretary of State April 2, 2004.

2004-57**American Ex-POW Recognition Day**

WHEREAS, many loyal and brave Americans who served in the wars of this nation were captured by the enemy or listed as missing in action while performing their duties; and

PROCLAMATIONS

WHEREAS, despite strict rules and regulations set forth by international codes, American Prisoners of War have often suffered unconscionable treatment and many have died as a result of cruel and inhumane acts by their enemy captors; and

WHEREAS, it is exceedingly fitting that we recognize the sacrifices of American Prisoners of War and those missing in action; and

WHEREAS, these heroic soldiers have demonstrated their love and convictions in the people and freedoms of this country by enduring these tragedies, and in some unfortunate cases by giving the ultimate sacrifice:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 9, 2004, as AMERICAN EX-POW RECOGNITION DAY in Illinois, and encourage all citizens to take a moment to honor and remember the men and women who suffered while fighting to make America a better place for all to live.

Issued by the Governor April 1, 2004.

Filed by the Secretary of State April 2, 2004.

2004-58**World Health Day**

WHEREAS, the theme for World Health Day 2004 is Road Safety; and

WHEREAS, according to 2002 statistics gathered and reported by the National Highway Traffic Safety Administration, over 42,000 Americans die in motor vehicle accidents every year; and

WHEREAS, motor vehicle accidents are the number one cause of death for United States citizens under the age of 35; and

WHEREAS, death and injury from motor vehicle crashes may be significantly reduced by greater public awareness, enforcement and strengthening of existing laws; and

WHEREAS, the State of Illinois is committed to ensuring the safety of each motorist that utilizes our roadways. Recently, the General Assembly passed legislation allowing police officers to pull over a vehicle for no other reason than the driver's failure to wear their safety belt; and

WHEREAS, research indicates that between 1979 and 1999 safety belts have been effective in saving approximately 123,000 lives in the U.S.; and

WHEREAS, the American Automobile Association (AAA) and other safety groups across the country will be emphasizing the importance of safety belt use in 2004; and

WHEREAS, minor steps like wearing safety belts, obeying traffic laws, avoiding distracted driving and knowing your personal driving limits will reduce traffic crashes and injuries:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 7, 2004 as WORLD HEALTH DAY in Illinois, and encourage all citizens to join in observing the importance of road safety.

Issued by the Governor April 1, 2004.

Filed by the Secretary of State April 2, 2004.

PROCLAMATIONS**2004-59****Student Athlete Day**

WHEREAS, student-athletes display a consummate level of discipline, dedication and pride in balancing the valuable time that both their schoolwork and athletics training require; and

WHEREAS, perseverance, teamwork, and belief in racial, gender and ethnic equality are fostered and promoted by both the academic and athletic pursuits of student-athletes; and

WHEREAS, student-athletes who have achieved excellence in academics and athletics, while having made significant contributions to their communities, should be viewed as role models for the youth of America; and

WHEREAS, former student-athletes have proven to be successful beyond the game, having become many of this country's business, governmental, community and educational leaders; and

WHEREAS, thousands of America's youth use their athletic ability to afford them the chance to obtain an education, and develop skills to help them later in life:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 6, 2004 as STUDENT-ATHLETE DAY in Illinois, and encourage all citizens to support any and all education and athletic programs, and recognize the hard work put forth by students that choose to undertake both endeavors.

Issued by the Governor April 1, 2004.

Filed by the Secretary of State April 2, 2004.

2004-60**Public Health Week**

WHEREAS, improvement in the quality of life and health of our community depends on programs and services that emphasize the prevention of disease, disability, and dependence; and

WHEREAS, April 5 – 11, 2004 has been designated as National Public Health Week by the American Public Health Association and other distinguished state and national organizations; and

WHEREAS, in response to the widespread existence of health disparities, this year's theme for Public Health Week is "Eliminating Health Disparities: Communities Moving from Statistics to Solutions"; and

WHEREAS, all observances during National Public Health Week will be used as a means to improve understanding and appreciation of the essential role that public health and prevention-based programs have in the health care system; and

WHEREAS, in order to better its citizens' health care system, the State of Illinois has created and expanded some of its programs, such as the State's first prescription drug card that will provide significant savings for senior citizens and people with disabilities; and

WHEREAS, other public health initiatives in Illinois include the FamilyCare and KidCare programs which provide health care coverage and insurance for working families and children. These programs are helping to eliminate health disparities in Illinois; and

PROCLAMATIONS

WHEREAS, the Illinois Public Health Association is a voluntary professional society whose members strive to protect and promote personal, community, and environmental health through organized activities in the areas of education, research, and health policy development:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 5 – 11, 2004 as PUBLIC HEALTH WEEK in Illinois, and encourage all citizens to recognize the men and women that dedicate themselves to improving our country's health care system.

Issued by the Governor April 1, 2004.

Filed by the Secretary of State April 2, 2004.

ILLINOIS ADMINISTRATIVE CODE

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