

# 2005

# ILLINOIS

# REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



Volume 29 Issue 3  
January 14, 2005  
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## DEPARTMENT OF LABOR

## NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Illinois Worker Adjustment and Retraining Notification Act
- 2) Code Citation: 56 Ill. Adm. Code 230
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u>
230.100	New Section
230.110	New Section
230.120	New Section
230.130	New Section
230.140	New Section
230.200	New Section
230.210	New Section
230.220	New Section
230.230	New Section
230.240	New Section
230.300	New Section
230.310	New Section
230.320	New Section
230.330	New Section
230.340	New Section
230.350	New Section
230.400	New Section
230.500	New Section
230.510	New Section
230.520	New Section
230.600	New Section
230.610	New Section
230.620	New Section
230.700	New Section
- 4) Statutory Authority: 820 ILCS 65
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking implements provisions of Public Act 93-915, the Illinois Worker Adjustment and Retraining Notification Act (Act). The intent and purpose of the Act is to require employers who are planning a mass layoff or plant closing to give affected employees at least 60 days notice of the mass layoff or plant closing. The Act sets employer and employee thresholds that must be met before the Act applies. The Act also provides for exemptions and mitigation from the relief offered under the Act. The Illinois Department of Labor (Department) must adopt rules necessary to administer and enforce the Act.

## DEPARTMENT OF LABOR

## NOTICE OF PROPOSED RULES

The Act becomes effective January 1, 2005 and emergency rules have been filed concurrently with this rulemaking. The proposed rules will allow the Department to accept and process complaints, conduct investigations and make determinations of violations under the Act. Parties are afforded an opportunity to contest the findings of the Department including participation in formal administrative proceedings.

- 6) Will this proposed rule replace an emergency rule currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date: No
- 8) Does this proposed rule contain incorporation by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This proposed amendment does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 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:  

Valerie A. Puccini  
Illinois Department of Labor  
160 N. LaSalle Street, 13th Floor  
Chicago, IL 60601  
Telephone: (312) 793-7838  
Facsimile: (312) 793-5257
- 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: This rulemaking was not included on either of the 2 most recent regulatory agendas because: it is the result of new legislation effective January 1, 2005.

DEPARTMENT OF LABOR

NOTICE OF PROPOSED RULES

The full text of the Proposed Rules is identical to that of the Emergency Rules that begins on page 1007:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Long Term Care Reimbursement Changes
- 2) Code Citation: 89 Ill. Adm. Code 153
- 3) Section Number: 153.125                      Proposed Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 93-0841
- 5) Complete Description of the Subjects and Issues Involved: Pursuant to Public Act 93-0841, this proposed amendment provides a three percent rate increase for nursing facilities, effective January 1, 2005. This change will result in an annual cost increase of approximately \$27.5 million.
- 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 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 parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

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

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives

## DEPARTMENT OF PUBLIC AID

## NOTICE OF PROPOSED AMENDMENT

during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

Any interested persons may review these proposed amendments on the Internet at <http://www.dpainllinois.com/publicnotice/>. Access to the Internet is available through any local public library. In addition, the amendments may be reviewed at the Illinois Department of Human Services' local offices (except in Cook County). In Cook County, the amendments may be reviewed at the Office of the Director, Illinois Department of Public Aid, 100 West Randolph Street, Suite 10-300, Chicago, Illinois. The amendments may be reviewed at all offices Monday through Friday from 8:30 a.m. until 5:00 p.m. This notice is being provided in accordance with federal requirements at 42 CFR 447.205.

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 12) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not-for-profit corporations affected: Medicaid funded nursing facilities 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 two most recent regulatory agendas because: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment that appears in this issue of the *Illinois Register* on page 1026:

## DEPARTMENT OF LABOR

## NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Illinois Worker Adjustment and Retraining Notification Act
- 2) Code Citation: 56 Ill. Adm. Code 230
- 3) 

<u>Section Numbers:</u>	<u>Emergency Action:</u>
230.100	New Section
230.110	New Section
230.120	New Section
230.130	New Section
230.140	New Section
230.200	New Section
230.210	New Section
230.220	New Section
230.230	New Section
230.240	New Section
230.300	New Section
230.310	New Section
230.320	New Section
230.330	New Section
230.340	New Section
230.350	New Section
230.400	New Section
230.500	New Section
230.510	New Section
230.520	New Section
230.600	New Section
230.610	New Section
230.620	New Section
230.700	New Section
- 4) Statutory Authority: 820 ILCS 65
- 5) Effective Date of Rules: January 1, 2005
- 6) If this emergency rule is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable
- 7) Date Filed with the Index Department: December 30, 2004

## DEPARTMENT OF LABOR

## NOTICE OF EMERGENCY RULES

- 8) A copy of the emergency rule, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: New legislation signed into law requiring the Department to adopt rules to implement the provisions of Public Act 93-915, effective January 1, 2005.
- 10) A Complete Description of the Subjects and Issues Involved: The emergency rulemaking is being implemented in order to comply with the provisions of Public Act 93-915, The Illinois Worker Adjustment and Retraining Notification Act (Act). The intent and purpose of the Act is to require employers who are planning a mass layoff or plant closing to give affected employees at least 60 days notice of the mass layoff or plant closing. The Act sets employer and employee thresholds that must be met before the Act applies. The Act also provides for exemptions and mitigation from the relief offered under the Act. The Illinois Department of Labor (Department) must adopt rules necessary to administer and enforce the Act. The Act becomes effective January 1, 2005 and the emergency rules will enable the Department to accept and process complaints, conduct investigations and make determinations of violations under the Act. Parties are afforded an opportunity to contest the findings of the Department including participation in formal administrative proceedings.
- 11) Are there any proposed amendments to this Part pending? Yes, a proposed rulemaking has been filed concurrent with this emergency rulemaking.
- 12) Statement of Statewide Policy Objectives: This emergency rule does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 13) Information and questions regarding these rules shall be directed to:  
  
Name: Valerie A. Puccini  
Assistant General Counsel  
Address: Illinois Department of Labor  
160 N. LaSalle Street, C-1300  
Chicago, IL 60601  
Telephone: (312) 793-7838

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

DEPARTMENT OF LABOR

NOTICE OF EMERGENCY RULES

TITLE 56: LABOR AND EMPLOYMENT  
CHAPTER I: DEPARTMENT OF LABOR  
SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 230

ILLINOIS WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT

SUBPART A: GENERAL PROVISIONS

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EMERGENCY

230.110 Definitions

EMERGENCY

230.120 Determination of a Single Site of Employment

EMERGENCY

230.130 Application

EMERGENCY

230.140 Records and Confidentiality

EMERGENCY

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230.210 Who Must Receive Notice

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- 230.340 Application and Jurisdiction  
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- 230.400 Answer, Response and Record  
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SUBPART G: FORMAL ADMINISTRATIVE HEARING

- Section
- 230.700 Department Action

## DEPARTMENT OF LABOR

## NOTICE OF EMERGENCY RULES

## EMERGENCY

230.710 Procedures in Formal Administrative Hearing

## EMERGENCY

AUTHORITY: Implementing the Illinois Worker Adjustment and Retraining Notification Act [820 ILCS 65].

SOURCE: Adopted by emergency rulemaking at 29 Ill. Reg. 1007, effective January 1, 2005, for a maximum of 150 days.

## SUBPART A: GENERAL PROVISIONS

**Section 230.100 Purpose and Scope****EMERGENCY**

This Part shall apply to claims arising under the Illinois Worker Adjustment and Retraining Notification Act [820 ILCS 65].

**Section 230.110 Definitions****EMERGENCY**

"Act" means the Illinois Worker Adjustment and Retraining Notification Act (IWARN) [820 ILCS 65].

"Administrative hearing" means a formal administrative hearing.

"Affected employee" means employees who may reasonably be expected to experience an employment loss as a consequence of a proposed plant closing or mass layoff by their employer [820 ILCS 65/5(a)].

"Complaint" means an allegation of a violation of the Act filed with the Department.

"Complainant" means a person who files a complaint.

"Department" means the Illinois Department of Labor or a duly authorized representative.

"Day" means calendar day.

## DEPARTMENT OF LABOR

## NOTICE OF EMERGENCY RULES

"Director" means the Director of Labor or a duly authorized representative.

"Employer" *means any business enterprise that employs:*

*75 or more employees, excluding part-time employees; or*

*75 or more employees who in the aggregate work at least 4,000 hours per week (exclusive of hours of overtime). [820 ILCS 65/5(c)]*

Employer does not include the federal or State government or any of their political subdivisions, including any unit of local government or any school district. Charitable or tax-exempt institutions and organizations are also not included. Further, independent contractors and wholly or partially owned subsidiaries that are independent from the parent corporation are considered separate employers for the purposes of this Act and Part. When determining whether an employer is an independent contractor or a wholly or partially owned subsidiary, the Director will consider: common ownership; common directors and/or officers; actual exercise of control; unity of personnel policies emanating from a common source; and the dependency of operations.

"Employment loss" *means:*

*an employment termination, other than a discharge for cause, voluntary departure, or retirement;*

*a layoff exceeding 6 months; or*

*a reduction in hours of work of more than 50% during each month of any 6-month period.*

*Employment loss does not include instances when the plant closing or layoff is the result of the relocation or consolidation of part or all of the employer's business and, before the closing or layoff, the employer offers to transfer the employee to a different site of employment within a reasonable commuting distance, or the employer offers to transfer the employee to any other site of employment, regardless of distance, with no more than a 6-month break in employment, and the employee accepts within 30 days of the offer or of the closing or layoff, whichever is later. [820 ILCS 65/5(b)]*

"Mass layoff" *means a reduction in force which:*

## DEPARTMENT OF LABOR

## NOTICE OF EMERGENCY RULES

*is not the result of a plant closing; and*

*results in an employment loss at the single site of employment during any 30-day period for:*

*at least 33% of the employees (excluding any part-time employees) and at least 25 employees (excluding any part-time employees); or*

*at least 250 employees (excluding any part-time employees). [820 ILCS 65/5(d)]*

"Part-time employee", for purposes of the Act and this Part, *means an employee who is employed for an average of fewer than 20 hours per week or who has been employed for fewer than 6 of the 12 months preceding the date on which notice is required. [820 ILCS 65/5(e)]*

"Plant closing" *means the permanent or temporary shutdown of a single site of employment, or one or more facilities or operating units within a single site of employment, if the shutdown results in an employment loss at the single site of employment during any 30-day period for 50 or more employees excluding any part-time employees. [820 ILCS 65/5(f)]*

"Respondent" means an employer against whom a complaint is filed.

"Representative" *means an exclusive representative of employees within the meaning of Section 9(a) or 8(f) of the National Labor Relations Act (29 USC 159(a), 158(f)), or as hereafter amended, or Section 2 of the Railway Labor Act (45 USC 152), or as hereafter amended. [820 ILCS 65/5(g)]*

"WARN" means the federal Worker Adjustment and Retraining Notification Act (29 USC 2101 et seq.), or as hereafter amended.

**Section 230.120 Determination of a Single Site of Employment  
EMERGENCY**

- a) A single site of employment refers to either a single location or a group of contiguous locations. Groups of structures which form a campus or industrial park, or separate facilities across the street from one another, may be considered a single site of employment.

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## NOTICE OF EMERGENCY RULES

- b) Several single sites of employment within a single building may exist if separate employers conduct activities within such a building. The offices of each employer will be a single site of employment.
- c) Separate buildings or areas which are not directly connected or in immediate proximity may be considered a single site of employment if they are in reasonable geographic proximity, used for the same purpose and share the same staff and equipment.
- d) Non-contiguous sites in the same geographic area which do not share the same staff or operational purpose should not be considered a single site.
- e) Contiguous buildings owned by the same employer which have separate management, produce different products and have separate workforces are considered separate single sites of employment.
- f) A single site of employment for workers whose primary duties require travel from point to point, who are outstationed or whose primary duties involve work outside any of the employer's regular employment sites, will be the site that workers are assigned to as home base or the site from which they report or receive assignments.
- g) A single site of employment may apply in truly unusual organizational situations where the above criteria do not reasonably apply. The application of this definition with the intent to evade the purposes of the Act to provide notice is not acceptable.

**Section 230.130 Applicability  
EMERGENCY**

This Act applies to plant closings or mass layoffs occurring on or after January 1, 2005. Voluntary notice by an employer is encouraged even in situations which do not constitute a plant closing or mass layoff.

**Section 230.140 Records and Confidentiality  
EMERGENCY**

Information obtained from any employer subject to the Act shall be held confidential pursuant to the terms and conditions contained in Section 30 of the Act.

## DEPARTMENT OF LABOR

## NOTICE OF EMERGENCY RULES

## SUBPART B: EMPLOYER NOTICE AND CONTENT OF NOTICE

**Section 230.200 Employer Notice  
EMERGENCY**

An employer subject to the provisions of the Act shall determine whether notice is required under Section 10 of the Act and whether any exceptions apply pursuant to Section 15 of the Act.

**Section 230.210 Who Must Receive Notice  
EMERGENCY**

Once an employer determines that notice is required under the Act, notice shall be given to all affected employees, representatives of affected employees, the Department of Commerce and Economic Opportunity and the chief elected official of each municipal and county government within which the employment loss, relocation, or mass layoff occurs. Notice shall also be provided to the Illinois Department of Labor at its Springfield office.

**Section 230.220 When Employer Notice Must Be Given  
EMERGENCY**

- a) An employer subject to the Act, and required to give notice pursuant to Section 10 of the Act, must give notice 60 days before the order of a mass layoff or plant closing takes effect.
- b) An employer which is receiving State or local economic development incentives for doing or continuing to do business in this State may be required to provide additional notice pursuant to Section 15 of the Business Economic Support Act [30 ILCS 760/15].
- c) A reduction in the notice period may be allowed if the employer can establish the elements set forth in Section 15 of the Act and provides a brief statement to the Department describing the basis for reducing the notification period.

**Section 230.230 Contents of Employer Notice  
EMERGENCY**

- a) Employer notice to each affected employee shall contain:

## DEPARTMENT OF LABOR

## NOTICE OF EMERGENCY RULES

- 1) a statement as to whether the planned action is expected to be permanent or temporary and a statement concerning whether the entire plant is to be closed; and
  - 2) the expected date when the plant closing or mass layoff will commence and the expected date when the individual employee will be separated; and
  - 3) an indication whether or not bumping rights exist; and
  - 4) the name and telephone number of a company official to contact for further information.
- b) Employer notice to representatives of affected employees shall contain:
- 1) the name and address of the employment site where the plant closing or mass layoff will occur and the name and telephone number of a company official to contact for further information; and
  - 2) a statement as to whether the planned action is expected to be permanent or temporary and a statement regarding whether the entire plant is to be closed; and
  - 3) the expected date of the first separation and the anticipated schedule for making separations; and
  - 4) the job titles of positions to be affected and the names of workers currently holding affected jobs.
- c) Employer notice to the Department of Commerce and Economic Opportunity, the Illinois Department of Labor and the chief elected official of each municipal and county government within which the mass layoff or plant closing occurs shall contain:
- 1) the name and address of the employment site where the plant closing or mass layoff will occur and the name and telephone number of a company official to contact for further information;
  - 2) a statement as to whether the planned action is expected to be permanent or temporary and a statement whether the entire plant is to be closed;

## DEPARTMENT OF LABOR

## NOTICE OF EMERGENCY RULES

- 3) the expected date of the first separation and the anticipated schedule for making separations;
  - 4) the job titles of positions to be affected and the number of affected employees in each job classification;
  - 5) an indication as to whether or not bumping rights exist; and
  - 6) the name of each union representing affected employees and the name and address of the chief elected officer of each union.
- d) An alternate employer notice may be given in lieu of the notice requirements set forth in subsection (c). However, an employer shall maintain the other information that is required by subsection (c) on site and be able to produce this information upon request. Failure to produce this information upon request is deemed a failure to give the required notice. An employer giving alternate notice under this subsection (d) shall provide:
- 1) the name and address of the employment site where the plant closing or mass layoff will occur and the name and telephone number of a company official to contact for further information; and
  - 2) the expected date of the first separation; and
  - 3) the number of affected employees.

**Section 230.240 Exceptions to the Notice Requirement  
EMERGENCY**

- a) An employer is not required to give notice if the Department determines that any of the following has been met:
  - 1) the employer establishes an exception as set forth in Section 15 or Section 20 of the Act;
  - 2) the employer establishes that the mass layoff or plant closing was due to a physical calamity or an act of terrorism or war; or

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- 3) the employer establishes that the plant closing or mass layoff is the result of relocation or consolidation of all or part of an employer's business and, before the closing or layoff, the employer offers either:
  - A) to transfer the employee to a different site of employment within a reasonable commuting distance with no more than a 6-month break in employment; or
  - B) to transfer the employee to any other site of employment, regardless of distance, with no more than a 6-month break in employment, and the employee accepts within 30 days of the offer or of the closing or layoff, whichever is later.
- b) A reasonable commuting distance under this Section means a distance of less than 50 miles, unless an affected employee has already been commuting 50 miles or greater on a voluntary basis prior to the relocation or consolidation or indicates in writing that he or she is willing to commute 50 miles or more under a relocation or consolidation. The Department may determine that a commuting distance of less than 50 miles is not reasonable based upon industry practice or local conditions, such as climate, geographic accessibility, quality of roads, availability of transportation, including public transportation, and travel time.

## SUBPART C: COMPLAINT

**Section 230.300 Persons Who May File a Complaint  
EMERGENCY**

An employee, representative of employees, the Department of Commerce and Economic Opportunity, or the chief elected official of each municipal and county government within which the mass layoff or plant closing occurs may file a complaint, including the Illinois Department of Labor in cases initiated by the Illinois Department of Labor.

**Section 230.310 Contents and Time Limit for Filing  
EMERGENCY**

- a) A complaint shall be filed on a form to be supplied by the Department. Such form shall name the respondent, shall be signed by the complainant and shall be accurately completed alleging the violation of the Act requesting to be reviewed. The form may have attached copies of all supporting documentation.

## DEPARTMENT OF LABOR

## NOTICE OF EMERGENCY RULES

- b) All complaints shall be delivered, by U.S. mail or personal delivery, to the Department's Springfield office within six months after the alleged violation of the Act occurs. The complaint shall be deemed filed as of the date it is postmarked on the envelope or date stamped as received by the Department.

**Section 230.320 Withdrawal, Settlement, and Consent Findings  
EMERGENCY**

- a) A complaint may be voluntarily withdrawn at any time.
- b) Complainant and respondent may settle at any time.
- c) At any time, the parties may enter into consent findings, rules and orders under 56 Ill. Adm. Code 120.540.

**Section 230.330 Employer Threshold  
EMERGENCY**

The Director will determine if an employer is covered under the Act and this Part by calculating the number of employees in the calendar quarter that immediately precedes the date of the required notice.

**Section 230.340 Application and Jurisdiction  
EMERGENCY**

- a) The Director will determine if the requisite number of employees is affected to trigger notice by:
  - 1) looking ahead 30 days and behind 30 days to determine whether employment actions in the aggregate for any 30-day period reach the minimum numbers for a plant closing or a mass layoff and thus trigger the notice requirement; and
  - 2) looking ahead 90 days and behind 90 days to determine whether employment actions, each of which separately is not of sufficient size to trigger coverage, will, in the aggregate for any 90-day period, reach the minimum numbers for a plant closing or mass layoff and thus trigger the notice requirement. An employer is not, however, required to give notice if the employer demonstrates that the separate employment losses are the

## DEPARTMENT OF LABOR

## NOTICE OF EMERGENCY RULES

result of separate and distinct actions and causes and are not an attempt to evade the requirements of the Act.

- b) At the time of filing of the complaint, the Department may determine initially whether the allegations in the complaint sufficiently state a claim under the Act so that the Department can proceed with the investigation.
- c) If, at the time of filing, or at any subsequent time, it is determined that there is a lack of jurisdiction or failure to sufficiently state a claim, the complaint shall be dismissed. All parties shall be notified of the dismissal by U.S. mail.

**Section 230.350 Consolidation  
EMERGENCY**

Similar complaints related to the same respondent for the same alleged violation may be consolidated before the Department.

## SUBPART D: ANSWER, RESPONSE AND RECORD

**Section 230.400 Answer, Response and Record  
EMERGENCY**

- a) Each respondent must remit to the Department a written response to the complaint within 21 calendar days after the date the Department forwarded the complaint. The response shall be signed by a duly authorized individual representative and shall include a complete, accurate and responsive explanation to the claim necessary and appropriate to the Department's investigation, specifying any exceptions asserted and any disputed and undisputed facts. If the respondent is asserting an exception, the respondent shall submit a written record consisting of those documents relied upon and an affidavit verifying the contents of the documents contained in the record as required by Section 15 of the Act.
- b) Upon receipt of a respondent's response, the Department will forward the response to the complainant, except for any records to remain confidential pursuant to Section 30(c) of the Act. Complainant shall submit a rebuttal to the Department within 21 calendar days after the date the Department forwarded the nonconfidential portion of respondent's response.

## SUBPART E: INVESTIGATION PROCEDURE

## DEPARTMENT OF LABOR

## NOTICE OF EMERGENCY RULES

**Section 230.500 Investigation  
EMERGENCY**

- a) After reviewing the information gathered as set forth in Subpart D of this Part, the Department shall determine whether a violation of the Act has occurred. If the Department needs additional information to determine if a violation of the Act has occurred, a conciliator may institute an investigation pursuant to Section 30 of the Act to gather further information.
- b) A conciliator may examine the employer' books and records, as well as any other documents reasonably related to the allegation, to determine whether a violation of the Act has occurred.
- c) The Director shall notify the parties or the parties' representative of the results of the investigation.
- d) The Director shall issue a written determination on whether a violation of the Act has occurred and shall determine the amount of back pay, civil penalties or other relief due, if applicable.
- e) The Director shall provide the parties with an opportunity to review any determination made pursuant to this Section. Such review will be conducted pursuant to the procedures set forth in Subpart F of this Part.

**Section 230.510 Enforcement Procedures  
EMERGENCY**

- a) The payment of any back pay or other relief as provided in Section 35 of the Act will be evidence of compliance with the provisions of the Act. Payment shall be supervised, when possible, by the Director.
- b) Director may require proof that the employees or former employees received all the back pay and other relief due pursuant to Section 35 of the Act and the Director may require the respondent to send certified checks, cashier's checks or money orders, made payable to the individual employees or the Department of Labor, to the Department for disbursement.
- c) If the respondent does not comply within 15 calendar days after the Director's notice of noncompliance, or the respondent fails to request review of a completed

## DEPARTMENT OF LABOR

## NOTICE OF EMERGENCY RULES

investigation as set forth in Subpart F, the Director may bring an action against the respondent as provided in Subpart G of this Part.

**Section 230.520 Procedure for Assessment of Civil Penalties  
EMERGENCY**

- a) The Department shall conduct investigations, conferences or hearings for the purpose of assessing penalties as provided under Section 40 of the Act.
- b) When the Department finds, upon evidence resulting from an investigation, that an employer has violated the Act or regulations, the Director may issue a notice to the employer of a civil penalty, if any, to be assessed for the violation.
- c) The Department may convene an informal investigative conference for the purpose of obtaining evidence, identifying the issues in dispute and exploring the possibility of a negotiated settlement. Notice of the conference shall be given to the employer at least 10 days prior thereto and shall identify the individuals requested to attend, along with any books, records or documents the employer must produce at the conference. The Department shall consider the matter resolved in the event a settlement has been reached prior to the conference date.
- d) An employer may be accompanied at the informal conference by an attorney and by a translator if necessary. The employer may bring witnesses to the conference in addition to those whose attendance may be specifically requested by the Department, but the Department employee conducting the conference shall decide which witnesses shall be heard and the order in which they will be heard. The Department employee conducting the conference may exclude witnesses and other persons from the conference when they are not giving evidence, except that the employer's counsel and translator, if necessary, may be permitted to remain throughout. The Department employee shall conduct and control the proceedings. No tape recording, stenographic report or other verbatim record of the conference shall be made.
- e) If any person becomes disruptive or abusive, the Department employee shall exclude the person from the conference and shall continue the conference without the excluded individual.
- f) If the informal conference is held but did not resolve the dispute, a final determination on the amount of civil penalties may be made in an administrative hearing pursuant to Section 230.710.

## DEPARTMENT OF LABOR

## NOTICE OF EMERGENCY RULES

## SUBPART F: INFORMAL INVESTIGATIVE HEARING ON INVESTIGATION RESULTS

**Section 230.600 Request for Informal Investigative Hearing  
EMERGENCY**

- a) After receiving a written determination under Section 230.500 or Section 230.520, either party subject to the determination may request an informal investigative hearing to review the determination. The informal investigative hearing is conducted to obtain evidence, identify the issues in dispute, ascertain the positions of the parties, explore the possibility of settlement and decide whether there is sufficient evidence to recommend Department action pursuant to Subpart G.
- b) All requests for an informal investigative hearing must be in writing and must be mailed to the Department's Chicago office within 15 days of the determination. A request for an informal investigative hearing shall specify the reasons why the party believes the determination is incorrect as a matter of law or fact, or, if applicable, any newly discovered evidence the party could not have discovered during the investigation. Late submissions need not be considered by the Director.

**Section 230.610 Informal Investigative Hearing  
EMERGENCY**

- a) At an informal investigative hearing, a party may be represented by himself or herself or by an attorney at law. The Department may permit a party to have available witnesses, a translator and/or a representative of a union.
- b) Parties shall be prepared to proceed at the informal investigative hearing. A request by one party for a continuance will be granted prior to the hearing only if the other party agrees and the Department grants permission. Otherwise, a request for a continuance shall be made in person to the Department at the time of the hearing and will be granted only upon a showing of good cause. Good cause may be shown by, without limitation, the failure of a party to receive notice of the hearing, the inability of a party to produce a material witness or relevant evidence, the illness or death of a party or counsel, the sudden and unexpected unavailability of counsel and substitution of counsel.

## DEPARTMENT OF LABOR

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- c) The Department shall conduct the informal investigative hearing and control the proceedings. No tape recordings, stenographic report or other verbatim record of the hearing shall be made.
- d) If any person becomes so disruptive or abusive that a full and fair hearing cannot be conducted, the Department shall exclude the person from the hearing. The Department may take any of the following actions: continue the hearing without participation of the excluded individual; render a decision based upon the evidence previously presented; dismiss the complaint; or strike the employer's response.
- e) Telephone Hearing
  - 1) Written requests to participate in an informal investigative hearing by telephone must be received by the Department's Chicago office no later than seven calendar days prior to the hearing date. The request shall be in writing and state a compelling reason why the party needs to participate by telephone and the name, address and telephone number of the person to be contacted.
  - 2) A party shall not consider its request granted unless the party receives written notice of the Department's approval prior to the hearing date.

**Section 230.620 Request for Review  
EMERGENCY**

Upon the issuance of a decision under this Subpart F, a party has 15 days from the date of the decision to request a review of the decision. The request must set forth the reasons why the party believes the Director's duly authorized representative misconstrued the evidence or misapplied the law to the facts. Late submissions need not be considered by the Director.

## SUBPART G: FORMAL ADMINISTRATIVE HEARING

**Section 230.700 Department Action  
EMERGENCY**

Any liabilities and/or civil penalties found due under Section 35 and Section 40 of this Act and not paid may be subject to a formal administrative hearing to recover the amounts found due and owing.

## DEPARTMENT OF LABOR

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**Section 230.710 Procedures in Formal Administrative Hearing  
EMERGENCY**

Upon referral of a matter for formal administrative hearing, the parties and the Department shall comply with this Part, all provisions of Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10], and the Department's Rules of Procedure in Administrative Hearings (56 Ill. Adm. Code 120).

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Long Term Care Reimbursement Changes
- 2) Code Citation: 89 Ill. Adm. Code 153
- 3) Section Number: 153.125                      Emergency Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 93-0841
- 5) Effective Date: January 1, 2005
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed with the Index Department: December 30, 2004
- 8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency amendment is being filed pursuant to the State's budget implementation plan for fiscal year 2005 under Public Act 93-0841. Rates taking effect on January 1, 2005 for nursing facilities will be three percent more than the rates in effect on December 31, 2004. Emergency rulemaking is specifically authorized for the implementation of this change for fiscal year 2005 by Section 5-45 of Public Act 93-0841.
- 10) Complete Description of the Subjects and Issues Involved: Pursuant to Public Act 93-0841, this proposed amendment provides a three percent rate increase for nursing facilities, effective January 1, 2005. This change will result in an annual cost increase of approximately \$27.5 million.
- 11) Are there any other amendments pending on this Part? No
- 12) Statement of Statewide Policy Objective: These emergency amendments neither create nor expand any State mandate affecting units of local government.
- 13) Information and questions regarding this amendment shall be directed to:

Joanne Scattoloni

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

Office of the General Counsel, Rules Section  
Illinois Department of Public Aid  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763-0002  
(217) 524-0081

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

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER e: GENERAL TIME-LIMITED CHANGESPART 153  
LONG TERM CARE REIMBURSEMENT CHANGES

## Section

153.100 Reimbursement for Long Term Care Services

153.125 Long Term Care Facility Rate Adjustments

**EMERGENCY**

153.150 Quality Assurance Review (Repealed)

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

SOURCE: Emergency rules adopted at 18 Ill. Reg. 2159, effective January 18, 1994, for maximum of 150 days; adopted at 18 Ill. Reg. 10154, effective June 17, 1994; emergency amendment at 18 Ill. Reg. 11380, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16669, effective November 1, 1994; emergency amendment at 19 Ill. Reg. 10245, effective June 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16281, effective November 27, 1995; emergency amendment at 20 Ill. Reg. 9306, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14840, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 9568, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13633, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 13114, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16285, effective August 28, 1998; amended at 22 Ill. Reg. 19872, effective October 30, 1998; emergency amendment at 23 Ill. Reg. 8229, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12794, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13638, effective November 1, 1999; emergency amendment at 24 Ill. Reg. 10421, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15071, effective October 1, 2000; emergency amendment at 25 Ill. Reg. 8867, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14952, effective November 1, 2001; emergency amendment at 26 Ill. Reg. 6003, effective April 11, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 12791, effective August 9, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11087, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17817, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 11088, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18880, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 10218, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15584, effective

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

November 24, 2004; emergency amendment at 29 Ill. Reg. 1026, effective January 1, 2005, for a maximum of 150 days.

**Section 153.125 Long Term Care Facility Rate Adjustments****EMERGENCY**

- a) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates established on July 1, 1996, shall be increased by 6.8 percent for services provided on or after January 1, 1997.
- b) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates and developmental training rates established on July 1, 1998, for services provided on or after that date, shall be increased by three percent. For nursing facilities (SNF/ICF) only, \$1.10 shall also be added to the nursing component of the rate.
- c) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates and developmental training rates established on July 1, 1999, for services provided on or after that date, shall include:
  - 1) an increase of 1.6 percent for SNF/ICF, ICF/MR and developmental training rates;
  - 2) an additional increase of \$3.00 per resident day for ICF/MR rates; and
  - 3) an increase of \$10.02 per person, per month for developmental training rates.
- d) Notwithstanding the provisions set forth in Section 153.100, SNF/ICF rates shall be increased by \$4.00 per resident day for services provided on or after October 1, 1999.
- e) Notwithstanding the provisions set forth in Section 153.100, SNF/ICF, ICF/MR and developmental training rates shall be increased 2.5 percent per resident day for services provided on or after July 1, 2000.
- f) Notwithstanding the provisions set forth in Section 153.100, nursing facility (SNF/ICF) rates effective on July 1, 2001, shall be computed using the most recent cost reports on file with the Department no later than April 1, 2000, updated for inflation to January 1, 2001.

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

- 1) The Uniform Building Value shall be as defined in 89 Ill. Adm. Code 140.570(b)(10), except that, as of July 1, 2001, the definition of current year is the year 2000.
  - 2) The real estate tax bill that was due to be paid in 1999 by the nursing facility shall be used in determination of the capital component of the rate. The real estate tax component shall be removed from the capital rate if the facility's status changes so as to be exempt from assessment to pay real estate taxes.
  - 3) For rates effective July 1, 2001, only, rates shall be the greater of the rate computed for July 1, 2001, or the rate effective on June 30, 2001.
  - 4) All accounting records and other documentation necessary to support the costs and other information reported on the cost report to be used in accordance with rate setting under Section 153.125(f) shall be kept for a minimum of two years after the Department's final payment using rates that were based in part on that cost report.
- g) Notwithstanding the provisions set forth in Section 153.100, intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled nursing facilities for persons under 22 years of age (SNF/Ped), shall receive an increase in rates for residential services equal to a statewide average of 7.85 percent. Residential rates taking effect March 1, 2001, for services provided on or after that date, shall include an increase of 11.01 percent to the residential program rate component and an increase of 3.33 percent to the residential support rate component, each of which shall be adjusted by the geographical area adjuster, as defined by the Department of Human Services (DHS).
- h) For developmental training services provided on or after March 1, 2001, for residents of long term care facilities, rates shall include an increase of 9.05 percent and rates shall be adjusted by the geographical area adjuster, as defined by DHS.
- i) Notwithstanding the provisions set forth in Section 153.100, daily rates for intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age (SNF/Ped), shall be increased by 2.247 percent for services provided during the period beginning on April 11, 2002, and ending on June 30, 2002.

## DEPARTMENT OF PUBLIC AID

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- j) Notwithstanding the provisions set forth in Section 153.100, daily rates effective on July 1, 2002, for intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age (SNF/Ped), shall be reduced to the level of the rates in effect on April 10, 2002.
- k) Notwithstanding the provisions set forth in Section 153.100, nursing facility (SNF/ICF) rates effective on July 1, 2002 will be 5.9 percent less than the rates in effect on June 30, 2002.
- l) Notwithstanding the provisions set forth in Section 153.100, daily rates effective on July 1, 2003, for intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age (SNF/Ped), shall be increased by 3.59 percent.
- m) Notwithstanding the provisions set forth in Section 153.100, developmental training rates effective on July 1, 2003, shall be increased by 4 percent.
- n) Notwithstanding the provisions set forth in Section 153.100, pending the approvals described in this subsection (n), nursing facility (SNF/ICF) rates effective July 1, 2004, shall be 3.0 percent greater than the rates in effect on June 30, 2004. The increase is contingent on approval of both the payment methodologies required under Article 5A-12 of the Public Aid Code [305 ILCS 5/5A-12] and the waiver granted under 42 CFR 433.68.
- o) Notwithstanding the provisions set forth in Section 153.100, the "Original Building Base Cost" for nursing facilities (SNF/ICF) which have been rented continuously from an unrelated party since prior to January 1, 1978, effective on July 1, 2004, shall be added to the capital rate calculation using the most recent cost reports on file with the Department no later than June 30, 2004. The "Original Building Base Cost" as defined in 89 Ill. Adm. Code 140.570 shall be calculated from the original lease information that is presently on file with the Department. This original lease information will be used to capitalize the oldest available lease payment from the unrelated party lease that has been in effect since prior to January 1, 1978, and continued to be in effect on December 31, 1999. Before the lease payment is capitalized, a 15 percent portion will be removed from the oldest available lease payment for movable equipment costs. After the lease payment is capitalized, a portion of the capitalized amount will be removed for land cost. The land cost portion is 4.88 percent. The remaining

## DEPARTMENT OF PUBLIC AID

## NOTICE OF EMERGENCY AMENDMENTS

amount will be the facility's building cost. The construction/acquisition year for the building will be the date the pre-1978 lease began. The allowable cost of subsequent improvements to the building will be included in the original building base cost. The original building base cost will not change due to sales or leases of the facility after January 1, 1978.

- p) Notwithstanding the provisions set forth in Section 153.100, nursing facility (SNF/ICF) rates effective on January 1, 2005 will be 3.0 percent more than the rates in effect on December 31, 2004.

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 1026, effective January 1, 2005, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of December 28, 2004 through January 3, 2005 and have been scheduled for review by the Committee at its January 11, 2005 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>
2/10/05	<u>Department of Revenue, Service Occupation Tax (86 Ill. Adm. Code 140)</u>	3/12/04 28 Ill. Reg. 4528	1/11/05
2/16/05	<u>Illinois Community College Board, Adminis- tration of the Illinois Public Community College Act (23 Ill. Adm. Code 1501)</u>	9/10/04 28 Ill. Reg. 12501	1/11/05
2/16/05	<u>State Universities Retirement System, Universities Retirement (80 Ill. Adm. Code 1600)</u>	3/5/04 28 Ill. Reg. 4161	1/11/05

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL

## JANUARY 2005 REGULATORY AGENDA

## I. DIVISION OF BANKS AND REAL ESTATE

a) Part(s) (Heading and Code Citation): Auction License Act (68 Ill. Adm. Code 1440)1) Rulemaking:

- A) Description: Clarification will be added pertaining to advertising.
- B) Statutory Authority: [225 ILCS 401]
- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed auctioneers and auction companies may be affected.
- F) Agency contact person for information:

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

- G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Hearings Before the Office of Banks and Real Estate Bureau of Banks and Trust Companies (38 Ill. Adm. Code 392)1) Rulemaking:

- A) Description: This Part will be amended to provide a fee schedule for hearings.
- B) Statutory Authority: [205 ILCS 5]

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL

## JANUARY 2005 REGULATORY AGENDA

- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: It may affect a bank if it qualifies as a small business.
- F) Agency contact person for information:

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

- G) Related rulemakings and other pertinent information: None

- c) Part(s) (Heading and Code Citation): Hearings Before the Office of Banks and Real Estate Bureau of Banks and Trust Companies (38 Ill. Adm. Code 900)

- 1) Rulemaking:

- A) Description: This Part will amended to provide a fee schedule for hearings.
- B) Statutory Authority: [205 ILCS 5]
- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: It may affect a bank if it qualifies as a small business.
- F) Agency contact person for information:

Department of Financial and Professional Regulation  
Attention: Barb Smith

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL

## JANUARY 2005 REGULATORY AGENDA

320 West Washington, 3rd Floor  
Springfield IL 62786  
217/785-0813  
Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): High Risk Home Loans (38 Ill. Adm. Code 345)

1) Rulemaking:

A) Description: Technical revisions are needed in reporting requirements for banks on convention 1-4 family mortgage loans secured by Illinois real estate.

B) Statutory Authority: [205 ILCS 48]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

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

G) Related rulemakings and other pertinent information: None.

e) Part(s) (Heading and Code Citation): Illinois Banking Act (New Part)

1) Rulemaking:

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL

## JANUARY 2005 REGULATORY AGENDA

- A) Description: Rules will be promulgated addressing record retention by banks.
- B) Statutory Authority: [205 ILCS 5]
- C) Scheduled meeting/hearing date: No hearings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: This may affect a bank if it qualifies as a small business.
- F) Agency contact person for information:

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

- G) Related rulemakings and other pertinent information: None.

f) Part(s) (Heading and Code Citation): Real Estate License Act of 2000 (68 Ill. Adm. Code 1450)

1) Rulemaking:

- A) Description: Amendments are needed to implement the provisions of PA 93-0957, including changes pertaining to continuing education, pre-license exemptions and exclusive brokerage agreements.
- B) Statutory Authority: [225 ILCS 454]
- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL

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E) Effect on small businesses, small municipalities or not for profit corporations: Licensed real estate brokers may be affected.

F) Agency contact person for information:

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

G) Related rulemakings and other pertinent information: None.

g) Part(s) (Heading and Code Citation): Real Estate Appraiser Licensing Act (68 Ill. Adm. Code 1455)

1) Rulemaking:

A) Description: This Part will be amended to reflect federally mandated provisions for pre-license education and to amend the continuing education requirements for an appraiser.

B) Statutory Authority: [225 ILCS 458]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Individuals wishing to be licensed as an appraiser may be affected.

F) Agency contact person for information:

Department of Financial and Professional Regulation  
Attention: Barb Smith  
320 West Washington, 3rd Floor  
Springfield IL 62786

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL

## JANUARY 2005 REGULATORY AGENDA

217/785-0813

Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.

h) Part(s) (Heading and Code Citation): Residential Mortgage License Act of 1987 (38 Ill. Adm. Code 1050)

1) Rulemaking:

A) Description: Various revisions are being considered to the loan originator registration program including the addition of a temporary permit. Various technical amendments are also being considered to provisions relating to residential mortgage loans.

B) Statutory Authority: [205 ILCS 635]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Loan originators for residential mortgage licensees may be affected.

F) Agency contact person for information:

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

G) Related rulemakings and other pertinent information: None.

i) Part(s) (Heading and Code Citation): Savings Bank Act (38 Ill. Adm. Code 1075)

1) Rulemaking:

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL

## JANUARY 2005 REGULATORY AGENDA

- A) Description: Technical revisions may be made concerning the application procedure and requirements for nonstandard mutual holding company reorganizations of savings banks.
- B) Statutory Authority: [205 ILCS 205/2007 and 9002]
- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: This may affect savings banks that may qualify as a small business.
- F) Agency contact person for information:
- Department of Financial and Professional Regulation  
Attention: Barb Smith  
320 West Washington, 3rd Floor  
Springfield IL 62786  
217/785-0813  
Fax: 217/782-7645
- G) Related rulemakings and other pertinent information: None.

## II. DIVISION OF FINANCIAL INSTITUTIONS

- a) Part(s) (Heading and Code Citation): Illinois Credit Union Act (38 Ill. Admin. Code 190)

1) Rulemaking:

- A) Description: The limits imposed by the Division of Financial Institutions that the credit union may lend a member for each category may be increased to reflect increases in the Consumer Price Index and the median home prices in Illinois.
- B) Statutory Authority: [205 ILCS 305]

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL

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- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

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

- G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Schedule of Maximum Rates to be Charged for Check Cashing and Writing of Money Orders by Community and Ambulatory Currency Exchanges (38 Ill. Adm. Code 130)

- 1) Rulemaking:

- A) Description: This Part may be amended to increase the maximum rates currency exchanges may charge for cashing checks and issuing money orders.
- B) Statutory Authority: [205 ILCS 405]
- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: This change would assist currency exchanges to remain competitive.

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DEPARTMENT OF FINANCIAL AND PROFESSIONAL  
JANUARY 2005 REGULATORY AGENDA

F) Agency contact person for information:

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

G) Related rulemakings and other pertinent information: None.

## III. DIVISION OF INSURANCE

a) Part(s) (Heading and Code Citation): Advertising and Sales Promotion of Life Insurance and Annuities (50 Ill. Admin. Code 909)1) Rulemaking:A) Description: This Part will set forth minimum standards and guidelines to assure a full and truthful disclosure to the public of all material and relevant information in the advertising of life insurance policies and annuity contracts.B) Statutory Authority: [225 ILCS 45]C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.D) Date agency anticipates First Notice: UnknownE) Effect on small businesses, small municipalities or not for profit corporations: NoneF) Agency contact person for information:

Department of Financial and Professional Regulation  
Attention: Barb Smith  
320 West Washington, 3rd Floor

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL

## JANUARY 2005 REGULATORY AGENDA

Springfield IL 62786

217/785-0813

Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.b) Part(s) (Heading and Code Citation): Contracts, Administrative Arrangements and Material Modifications (50 Ill. Adm. Code 5421)1) Rulemaking:A) Description: This Part may be amended to establish a surety bond/letter of credit requirement for HMO Managed Care Organization (MCO) contracts for the financial protection of providers in case of MCO insolvencies and to require all contracts to have a provider hold harmless clause to ensure enrollees are not held liable for provider payments when MCOs go insolvent.B) Statutory Authority: [50 ILCS 125]C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.D) Date agency anticipates First Notice: UnknownE) Effect on small businesses, small municipalities or not for profit corporations: Insurance costs may nominally increase in some instances.F) Agency contact person for information:

Department of Financial and Professional Regulation

Attention: Barb Smith

320 West Washington, 3rd Floor

Springfield IL 62786

217/785-0813

Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.c) Part(s) (Heading and Code Citation): Life Insurance Solicitation (50 Ill. Adm. Code 930)

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- 1) Rulemaking:
  - A) Description: This Part may be amended to specify that if a life insurance policy is used to fund a pre-need contract, the pre-need contract must state this fact in bold print, and must indicate that an assignment of the policy or annuity to a seller or provider to fund a guaranteed price pre-need contract can only be made subsequent to issue of the policy or annuity. Other technical revisions may also be made.
  - B) Statutory Authority: [215 ILCS 5]
  - C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
  - D) Date agency anticipates First Notice: Unknown
  - E) Effect on small businesses, small municipalities or not for profit corporations: None
  - F) Agency contact person for information:

Department of Financial and Professional Regulation  
Attention: Barb Smith  
320 West Washington, 3rd Floor  
Springfield IL 62786  
217/785-0813  
Fax: 217/782-7645
  - G) Related rulemakings and other pertinent information: None.
- d) Part(s) (Heading and Code Citation): Minimum Standards For Individual and Group Medicare Supplement Insurance (50 Ill. Adm. Code 2008)
  - 1) Rulemaking:
    - A) Description: This Part is being revised to comply with the new requirements set forth by the federal government in the Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA) and the new Medicare Supplement Plans K and L as set forth in the Act.

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subsequent to issue of the policy or annuity. Other technical revisions may also be made.

- B) Statutory Authority: [215 ILCS 5/363 and 363a]
- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

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

- G) Related rulemakings and other pertinent information: None.

## IV. DIVISION OF PROFESSIONAL REGULATION

- a) Part(s) (Heading and Code Citation): Medical Practice Act (68 Ill. Admin. Code 1285)
  - 1) Rulemaking:
    - A) Description: In response to an audit finding, submission of medical education forms may be revised. Various other technical and clean-up-changes may be proposed.
    - B) Statutory Authority: [225 ILCS 60]
    - C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

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- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Department of Financial and Professional Regulation  
Attention: Barb Smith  
320 West Washington, 3rd Floor  
Springfield IL 62786  
217/785-0813  
Fax: 217/782-7645
- G) Related rulemakings and other pertinent information: None.

b) Part(s) (Heading and Code Citation): Nursing Home Administrators Licensing and Disciplinary Act (68 Ill. Adm. Code 1310)

- 1) Rulemaking:
- A) Description: Clarifies requirements for maintaining a temporary license as a nursing home administrator.
- B) Statutory Authority: [225 ILCS 70]
- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:

Department of Financial and Professional Regulation  
Attention: Barb Smith  
320 West Washington, 3rd Floor  
Springfield IL 62786

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217/785-0813

Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.c) Part(s) (Heading and Code Citation): Illinois Optometric Practice Act (68 Ill Adm. Code 1320)1) Rulemaking:A) Description: Provides that an optometrist who is a volunteer for a charitable organization may be issued an ancillary license without charge.B) Statutory Authority: [225 ILCS 80]C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.D) Date agency anticipates First Notice: UnknownE) Effect on small businesses, small municipalities or not for profit corporations: Not-for-profit entities would benefit by not being required to pay for an Ancillary license.F) Agency contact person for information:

Department of Financial and Professional Regulation

Attention: Barb Smith

320 West Washington, 3rd Floor

Springfield IL 62786

217/785-0813

Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.d) Part(s) (Heading and Code Citation): Public Accounting Act (68 Ill. Adm. Code 1420 and 1430)1) Rulemaking:

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- A) Description: These rules are undergoing substantial revisions to reflect PA 92-457, including the licensure of certified public accountants.
- B) Statutory Authority: [225 ILCS 450]
- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: January 2005
- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed public accountants and CPAs not previously licensed will be affected.
- F) Agency contact person for information:
- Division of Professional Regulation  
Attention: Barb Smith  
320 West Washington, 3rd Floor  
Springfield IL 62786  
217/785-0813  
Fax: 217/782-7645
- G) Related rulemakings and other pertinent information: None.

## V. GENERAL

- a) Part(s) (Heading and Code Citation): Access to Information (2 Ill. Adm. Code 1326)
- 1) Rulemaking:
- A) Description: This Part is being revised to provide for uniformity among the 4 divisions within the Department of Financial and Professional Regulation with regard to fees for copying information requested by individuals under the Freedom of Information Act
- B) Statutory Authority: [5 ILCS 140] and [5 ILCS 100]

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- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:

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

- G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Fee Schedule, Fee Waivers, and Payment of Fees for Copies and Certifications (2 Ill. Adm. Code 951)

- 1) Rulemaking:

- A) Description: This Part is being revised to provide for uniformity among the 4 divisions within the Department of Financial and Professional Regulation with regard to fees for copying information requested by individuals under the Freedom of Information Act
- B) Statutory Authority: [5 ILCS 140]
- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL

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

G) Related rulemakings and other pertinent information: None.

c) Part(s) (Heading and Code Citation): Freedom of Information (2 Ill. Adm. Code 901)

1) Rulemaking:

A) Description: This Part is being revised to provide for uniformity among the 4 divisions within the Department of Financial and Professional Regulation with regard to fees for copying information requested by individuals under the Freedom of Information Act

B) Statutory Authority: [5 ILCS 140]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

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

G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL

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d) Part(s) (Heading and Code Citation): Public Information, Rulemaking and Organization (2 Ill. Adm. Code 2300)

1) Rulemaking:

A) Description: This Part is being revised to provide for uniformity among the 4 divisions within the Department of Financial and Professional Regulation with regard to fees for copying information requested by individuals under the Freedom of Information Act

B) Statutory Authority: [5 ILCS 100]

C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

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

G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF AGRICULTURE

## JANUARY 2005 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Agrichemical Facility Response Action Program; 8 Ill. Adm. Code 259

1) Rulemaking:

A) Description: Retail agrichemical facilities conducting remediation activities of soil or groundwater contamination from fertilizer releases may opt to request a written approval from the Department of Agriculture for the voluntary site assessment and corrective action. The owner or operator of the facility can apply for Department review and approval for plans and reports detailing the scope and implementation of the environmental response actions. Upon successful completion of the fertilizer release cleanup and remediation, the Department shall issue a notice of closure indicating that site specific cleanup objectives have been met and no further remedial action is required to remedy the fertilizer release pursuant to the Illinois Pesticide Act [415 ILCS 60/19.3].

B) Statutory Authority: Illinois Pesticide Act [415 ILCS 60/19]

C) Scheduled meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. A public hearing will be held near the end of the public comment period.

D) Date Agency anticipates First Notice: June 2005

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will have no effect on municipalities, small businesses, or not for profit corporations. Small businesses, such as some types of agrichemical facilities, will benefit from the remediation portion allowed by the proposed rules.

F) Agency contact person for information:

Warren D. Goetsch, P.E.  
Illinois Department of Agriculture  
P. O. Box 19281  
Springfield IL 62794-9281  
217/785-2427  
Fax: 217/524-4882

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- G) Related rulemakings and other pertinent information: The rules for the Land Application Authorization Program, 8 Ill. Adm. Code 258, are related to this rulemaking.
- b) Part(s) (Heading and Code Citation): Livestock Management Facility Regulations; 8 Ill. Adm. Code 900
- 1) Rulemaking:
- A) Description: The current regulations require owners of livestock facilities to mail copies of the Notice of Intent to Construct form to owners of property located within the setback distances, depending on the type of facility. The procedures and timeframes are very prescriptive and have caused the cessation of projects. The proposed amendments would include an opportunity for the owner to correct any deficiencies prior to the rescission of the setback compliance acknowledgment or the imposition of further enforcement action.
- B) Statutory Authority: Livestock Management Facilities Act [510 ILCS 77]
- C) Scheduled meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. A public hearing will be held near the end of the public comment period.
- D) Date Agency anticipates First Notice: June 2005
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will have no effect on municipalities or not-for-profit corporations. Small businesses, such as some types of livestock facilities, may benefit from the additional time period prior to an enforcement action.
- F) Agency contact person for information:
- Warren D. Goetsch, P.E.  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield IL 62794-9281  
217/785-2427  
Fax: 217/524-4882
- G) Related rulemakings and other pertinent information: None
- c) Part(s) (Heading and Code Citation): Insect Pest and Plant Disease Act; 8 Ill. Adm. Code

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1) Rulemaking:

- A) Description: The Department proposes to increase various inspection, permit and licensing fees associated with the nursery inspection program.
- B) Statutory Authority: Section 30 of the Inspect Pest and Plant Disease Act [505 ILCS 90/30]
- C) Scheduled meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. A public hearing will be held near the end of the public comment period.
- D) Date Agency anticipates First Notice: April 2005
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will have no effect on municipalities or not-for-profit corporations. The rulemaking will increase the licensure requirements of small retail businesses that handle large quantity packages of non-restricted use pesticides.
- F) Agency contact person for information:  
Warren D. Goetsch, P.E.  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield IL 62794-9281  
217/785-2427  
Fax: 217/524-4882
- G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Farmland Preservation Act; 8 Ill. Adm. Code 7001) Rulemaking:

- A) Description: The Farmland Preservation Act requires that state preservation shall be updated by the state agency and reviewed and approved by the Department of Agriculture every three years. The purpose of the rulemaking activity is to update the policy statements and working agreements, as necessary, to protect Illinois' agricultural land base from needless state agency farmland conversion impacts.
- B) Statutory Authority: Farmland Preservation Act [505 ILCS 75/1-8]

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- C) Scheduled meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. A public hearing will be held near the end of the public comment period.
- D) Date Agency anticipates First Notice: April 2005
- E) Effect on small businesses, small municipalities or not for profit corporations: No impacts anticipated
- F) Agency contact person for information:  
Steve Chard  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield IL 62794-9281  
217/785-2661  
Fax: 217/524-4882
- G) Related rulemakings and other pertinent information: None
- e) Part(s) (Heading and Code Citation): Soil and Water Conservation Districts Act; 8 Ill. Adm. Code 650
- 1) Rulemaking:
- A) Description: The rules need to be amended to clarify terms and update references to present technology.
- B) Statutory Authority: Soil and Water Conservation Districts Act [70 ILCS 405/1]
- C) Scheduled meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*.
- D) Date Agency anticipates First Notice: June 2005
- E) Effect on small businesses, small municipalities or not for profit corporations: No impacts anticipated
- F) Agency contact person for information:  
Steve Chard  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield IL 62794-9281

## DEPARTMENT OF AGRICULTURE

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217/785-2661  
Fax: 217/524-4882

G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Definitions; 8 Ill. Adm. Code 20

1) Rulemaking:

A) Description: All cites to the Code of Federal Regulations will be updated. A definition for "livestock" will be added.

B) Statutory Authority: Illinois Diseased Animals Act [510 ILCS 50/1], Section 6 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/6], Livestock Auction Market Law [225 ILCS 640/1], and Equine Infectious Anemia Control Act [510 ILCS 65].

C) Scheduled meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. The Advisory Board of Livestock Commissioners is scheduled to meet in the Spring 2005.

D) Date Agency anticipates First Notice: April 2005

E) Effect on small businesses, small municipalities or not for profit corporations: None anticipated

F) Agency contact person for information:

Dr. Colleen O'Keefe  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield IL 62794-9281  
217/782-4944  
Fax: 217/524-7702

G) Related rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Citation): Bovine Brucellosis; 8 Ill. Adm. Code 75

1) Rulemaking:

A) Description: Cites to the Code of Federal Regulations will be updated.

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- B) Statutory Authority: The Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/6]
- C) Scheduled meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. The Advisory Board of Livestock Commissioners is scheduled to meet in the Spring 2005.
- D) Date Agency anticipates First Notice: April 2005
- E) Effect on small businesses, small municipalities or not for profit corporations: None anticipated
- F) Agency contact person for information:  
Dr. Colleen O'Keefe  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield IL 62794-9281  
217/782-4944  
Fax: 217/524-7702
- G) Related rulemakings and other pertinent information: None
- h) Part(s) (Heading and Code Citation): Diseased Animals; 8 Ill. Adm. Code 85
- 1) Rulemaking:
- A) Description: The situation regarding Chronic Wasting Disease (CWD) is changing daily, and the Department may need to review these regulations.
- Entry permit requirements may need to be redefined.
- Sheep and goats entering Illinois will be required to be examined within 30 days (instead of 60 days) prior to entry for signs of infectious or communicable diseases. This brings the requirement in line with all other species which is 30 days.
- Section 85.145 pertaining to Johne's disease positive animals will be clarified so that animals being sold from Johne's restricted herds must be tested negative 30 days prior to sale (not after).
- Cites to the Code of Federal Regulations will be updated.

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- B) Statutory Authority: Illinois Diseased Animals Act [510 ILCS 50/1], Section 6 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/6], Livestock Auction Market Law [225 ILCS 640/1], and Equine Infectious Anemia Control Act [510 ILCS 65].
- C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. The Advisory Board of Livestock Commissioners will meet in the Spring 2005.
- D) Date Agency anticipates First Notice: April 2005
- E) Effect on small businesses, small municipalities or not for profit corporations: None anticipated
- F) Agency contact person for information:

Dr. Colleen O'Keefe  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield IL 62794-9281  
217/782-4944  
Fax 217/524-7702

- G) Related rulemakings and other pertinent information: None
- i) Part(s) (Heading and Code Citation): Bovidae and Cervidae Tuberculosis Eradication; 8 Ill. Adm. Code 80
- 1) Rulemaking:
- A) Description: Cites to the Code of Federal Regulations will be updated.
- B) Statutory Authority: Illinois Bovidae and Cervidae Tuberculosis Eradication Act [510 ILCS 35/1]
- C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the

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proposed rule in the *Illinois Register*. The Advisory Board of Livestock Commissioners is scheduled to meet in the Spring 2005.

- D) Date Agency anticipates First Notice: April 2005
- E) Effect on small businesses, small municipalities or not for profit corporations: None anticipated
- F) Agency contact person for information:

Dr. Colleen O'Keefe  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield IL 6279409281  
217/782-4944  
Fax: 217/524-7702

- G) Related rulemakings and other pertinent information: None

j) Part(s) (Heading and Code Citation): Auction Markets; 8 Ill. Adm. Code 40

1) Rulemaking:

- A) Description: Cites to the Code of Federal Regulations will be updated.
- B) Statutory Authority: Livestock Auction Market Law [225 ILCS 640/1]

C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. The Advisory Board of Livestock Commissioners is scheduled to meet in the Spring 2005.

- D) Date Agency anticipates First Notice: April 2005

E) Effect on small businesses, small municipalities or not for profit corporations: None anticipated

- F) Agency contact person for information:

## DEPARTMENT OF AGRICULTURE

## JANUARY 2005 REGULATORY AGENDA

Dr. Colleen O'Keefe  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield IL 62794-9281  
217/782-4944  
Fax: 217/524-7702

- G) Related rulemakings and other pertinent information: None
- k) Part(s) (Heading and Code Citation): Hatcheries, Poultry Flocks, and Produce Thereof; 8 Ill. Adm. Code 55
- 1) Rulemaking:
- A) Description: Cites to the Code of Federal Regulations will be updated.
- B) Statutory Authority: Poultry Inspection Act [510 ILCS 85/1]
- C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. The Advisory Board of Livestock Commissioners is scheduled to meet in the Spring 2005.
- D) Date Agency anticipates First Notice: April 2005
- E) Effect on small businesses, small municipalities or not for profit corporations: None anticipated
- F) Agency contact person for information:
- Dr. Colleen O'Keefe  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield IL 62794-9281  
217/782-4944  
Fax: 217/524-7702
- G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF AGRICULTURE

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l) Part(s) (Heading and Code Citation): Grain Code; 8 Ill. Adm. Code 281

1) Rulemaking:

A) Description: The administrative rules are being updated pursuant to the Grain Code in Public Act 93-0225, effective 7/21/03. Statutory amendments include the use of electronic warehouse receipts and other electronic documents to be used in the industry; an increase in licensing fees; a three-tier examination system of licensees based on the type of grain merchandising activity utilized by the respective companies; an assessment of first sellers of grain to grain dealers that will be utilized to rebuild and maintain the equity in the Illinois Grain Insurance Fund; and assessments of lenders possessing collateral warehouse receipts or executing repurchase agreements with licensees.

B) Statutory Authority: Grain Code [240 ILCS 40]

C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*.

D) Date Agency anticipates First Notice: February 2005

E) Effect on small businesses, small municipalities or not for profit corporations: No adverse impact is expected.

F) Agency contact person for information:

Stuart Jackson  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield IL 62794-9281  
217/785-8302  
Fax: 217/524-7801

G) Related rulemakings and other pertinent information: None

m) Part(s) (Heading and Code Citation): Weights and Measures Act; 8 Ill. Adm. Code 600

1) Rulemaking:

## DEPARTMENT OF AGRICULTURE

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- A) Description: Define and provide enforcement for Maintenance Requirement contained in the General Code of the National Institute of Standards and Technology's Handbook 44.
- B) Statutory Authority: Weights and Measures Act [225 ILCS 470]
- C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.
- D) Date Agency anticipates First Notice: March 2005
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will have no effect on municipalities or not-for-profit corporations. This rule will only affect small businesses that do not properly maintain their weighing and measuring devices.
- F) Agency contact person for information:

Jonelle Brent  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield IL 62794-9281  
217/785-8301  
Fax: 217/524-7801

- G) Related rulemakings and other pertinent information: None

n) Part(s) (Heading and Code Citation): Egg and Egg Products Act; 8 Ill. Adm. Code 65

1) Rulemaking:

- A) Description: The Department is clarifying the definition, "eggs sold at retail", where samples are taken and a second inspection fee that needs to be paid when eggs are removed from their original case, carton or container. The Department is amending labeling requirements, including organic labeling, in order to have traceable information. Cites to the Code of Federal Regulations will be updated.
- B) Statutory Authority: Illinois Egg and Egg Products Act [410 ILCS 615]
- C) Scheduled meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.

## DEPARTMENT OF AGRICULTURE

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- D) Date Agency anticipates First Notice: February 2005
- E) Effect on small businesses, small municipalities or not for profit corporations: Egg packagers
- F) Agency contact person for information:  
Dr. Colleen O'Keefe  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield IL 62794-9281  
217/782-4944  
Fax: 217/524-7702
- G) Related rulemakings and other pertinent information: None
- o) Part(s) (Heading and Code Citation): Administrative Rules (Formal Administrative Proceedings; Contested Cases; Petitions; Public Disclosure); 8 Ill. Adm. Code 1
- 1) Rulemaking:
- A) Description: The Department's procedural rules will be updated, including adding a provision establishing a fee for any party requesting a copy of an administrative hearing transcript, and reorganized.
- B) Statutory Authority: Sections 5-10, 5-145, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-40, 10-50, and 10-60 of the Illinois Administrative Procedure Act [5 ILCS 100/5-10, 5-145, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-40, 10-50, and 10-60] and the Freedom of Information Act [5 ILCS 140]
- C) Scheduled meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.
- D) Date Agency anticipates First Notice: September 2005
- E) Effect on small businesses, small municipalities or not for profit corporations: Any party requesting a copy of an administrative hearing transcript will be responsible for the costs associated with the transcription.
- F) Agency contact person for information:  
Linda Rhodes  
Illinois Department of Agriculture  
P. O. Box 19281

## DEPARTMENT OF AGRICULTURE

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Springfield IL 62794-9281  
217/785-5713  
Fax: 217/785-4505

G) Related rulemakings and other pertinent information: None

p) Part(s) (Heading and Code Citation): Freedom of Information Act; 2 Ill. Adm. Code 701

1) Rulemaking:

A) Description: Amendments to this Part will update these rules in accordance with statutory amendments. The fee schedule in Section 701.140 will also be amended and updated.

B) Statutory Authority: Freedom of Information Act [5 ILCS 140]

C) Scheduled meeting/hearing date: None

D) Date Agency anticipates First Notice: First Notice publication is not required under this Part.

E) Effect on small businesses, small municipalities or not for profit corporations: There will be an increase in duplication costs for those requesting copies under the FOIA.

F) Agency contact person for information:

Linda Rhodes  
Illinois Department of Agriculture  
P. O. Box 19281  
Springfield IL 62794-9281  
217/785-5713  
Fax: 217/785-4505

G) Related rulemakings and other pertinent information: None

q) Part(s) (Heading and Code Citation): Illinois State Fair, and DuQuoin State Fair, Non-Fair Space Rental and the General Operation of the State Fairgrounds; 8 Ill. Adm. Code 270

1) Rulemaking:

A) Description: New regulations will be developed regarding advertising in State Fair publications [20 ILCS 210/6] and leasing buildings during the State Fair. Amendments to "Facility Availability" (Section 270.420) will be amended to facilitate additional rentals to maximize income throughout the non-fair season. A clarification is needed to further explain the

## DEPARTMENT OF AGRICULTURE

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Department's policy of allowing last year's lessees to have first right to the same dates in subsequent years in Section 270.380 concerning "Application for Space".

Amendments to "Non-Fair Space Rental, Payment Process, Camping, Facility Availability, Insurance, Concessions, Gambling, Raffles, Prizes, Beverages, Rate Schedules, Contract and General Stabling Rules will be amended to facilitate additional rentals to maximize income throughout the non-fair season. In addition, the amendments will bring the rules in line with new procedures on the DuQuoin and Illinois State Fairgrounds.

- B) Statutory Authority: State Fair Act [20 ILCS 210] and Section 40.14 and Section 16 of the Civil Administrative code of Illinois [20 ILCS 5/16 and 40.14]
- C) Scheduled meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.
- D) Date Agency anticipates First Notice: September 2004
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect those wishing to rent space/buildings on the fairgrounds and those advertising in fair publications.
- F) Agency contact person for information:
- Shari West  
Illinois Department of Agriculture  
P. O. Box 19281  
Springfield IL 62794-9281  
217/558-0014  
Fax: 217/785-4505

- G) Related rulemakings and other pertinent information: None

r) Part(s) (Heading and Code Citation): Standardbred, Thoroughbred and Quarter Horse Breeding and Racing Programs, Illinois; 8 Ill. Adm. Code 290

1) Rulemaking:

- A) Description: The Department will amend Section 290.210(a) to change "registered Illinois conceived and foaled horses that were conceived before May 30, 1995" to "registered Illinois conceived and foaled horses prior to May 30, 1995."

## DEPARTMENT OF AGRICULTURE

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- B) Statutory Authority: The Illinois Horse Racing Act of 1975 [230 ILCS 5/30]
- C) Scheduled meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.
- D) Date Agency anticipates First Notice: March 2005
- E) Effect on small businesses, small municipalities or not for profit corporations: No impacts anticipated.
- F) Agency contact person for information:  
Tex Moats  
Illinois Department of Agriculture  
State Fairgrounds  
Springfield IL 62794-9281  
217/782-4231  
Fax: 217/524-6194
- G) Related rulemakings and other pertinent information: None
- s) Part(s) (Heading and Code Citation): Illinois Seed Law; 8 Ill. Adm. Code 230
- 1) Rulemaking:
- A) Description: The rule changes will allow the Department to offer different tests that are currently available for seed products and allow the establishment of fees for these tests (i.e. TZ, seed count, etc.).
- Section 230.70 may be amended to allow the Department to increase seed permit fees.
- Section 230.80 may be amended to allow the Department to increase fees for established services offered (i.e. purity, germination and noxious weed seed testing).
- These amendments allow for the Department to update its services offered to those groups or individuals wishing to utilize them.
- B) Statutory Authority: The Illinois Seed Law [505 ILCS 110]
- C) Scheduled meeting/hearing date: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.

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- D) Date Agency anticipates First Notice: April 2005
- E) Effect on small businesses, small municipalities or not for profit corporations: Anyone utilizing the Department's seed lab will have to pay a fee or increase in fee.
- F) Agency contact person for information:  
  
Jim Larkin  
Illinois Department of Agriculture  
P. O. Box 19281  
Springfield IL 62794-9281  
217/785-8212  
Fax: 217/524-7801
- G) Related rulemakings and other pertinent information: None
- t) Part(s) (Heading and Code Citation): Meat and Poultry Inspection Act; 8 Ill. Adm. Code 125
- 1) Rulemaking:
- A) Description: Expanding provisions for existing Section 125.141 by requiring all licensed plants, Type I and Type II, to operate and maintain Sanitation SOP at all times.  
  
The Department will be adopting Rules of Practice (9 CFR 500).  
  
Update all cites to the Code of Federal Regulations (CFR).
- B) Statutory Authority: Meat and Poultry Inspection Act [225 ILCS 650] and Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16]
- C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of proposed rulemaking in the *Illinois Register*.
- D) Date Agency anticipates First Notice: March 2005
- E) Effect on small businesses, small municipalities or not for profit corporations: All Type I establishments are operating under provisions of Sanitation SOP since October 1, 1997. Currently the recordkeeping requirement is limited to operations conducted under inspection. Due to increase in numbers for operations conducted outside of official hours, but still involving meat and poultry products, becomes necessary to expand

## DEPARTMENT OF AGRICULTURE

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existing requirements for providing uniform sanitation procedures. Only 8% of very small businesses (Type II) will be required to adopt these rules. The Department will provide guidance and assistance during implementation process.

F) Agency contact person for information:

Dr. Kris Mazureczak  
Illinois Department of Agriculture  
Springfield IL 62794-9281  
217/782-3817  
Fax: 217/524-7801

G) Related rulemakings and other pertinent information: None

## OFFICE OF THE AUDITOR GENERAL

## JANUARY 2005 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Code of Rules; 74 Ill. Adm. Code 440

Rulemaking:

- A) Description: Public Act 93-630 amended the Illinois State Auditing Act to conform to recent changes in generally accepted government auditing standards. Corresponding changes will need to be made in our rules.
- B) Statutory Authority: Implementing and authorized by Section 2-12 of the Illinois State Auditing Act [30 ILCS 5/2-12]
- C) Scheduled meeting/hearing dates: There is no proposed schedule of dates for meetings or hearings at this time.
- D) Date agency anticipates First Notice: February 1, 2005
- E) Effect on small business, small municipalities or not for profit corporations: The rulemaking will impact auditing and attestation standards and policies followed by accounting firms under contract with our Office.
- F) Agency contact person for information:  
  
Rebecca Patton  
Office of the Auditor General  
740 E. Ash St.  
Springfield IL 62703  
217/782-6698  
TTY: 888/261-2887
- G) Related rulemakings and other pertinent information: None

## ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

## JANUARY 2005 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Operating Procedures for the Administration of Federal Funds, 20 Ill. Adm. Code 1520
- 1) Rulemaking:
- A) Description: The Authority plans to propose rulemaking necessary to streamline the administration of federal funds and incorporate changes necessitated by a new federally authorized grant program.
- B) Statutory Authority: 20 ILCS 3930/7
- C) Scheduled meeting/hearing dates: No meetings or hearings have been scheduled.
- D) Date agency anticipates First Notice: The Authority anticipates that it will submit a notice of proposed rulemaking during the first 6 months of 2005.
- E) Affect on small businesses, small municipalities or not for profit corporations: The rulemaking may affect small municipalities and not for profit corporations in that they are potential recipients of grant funds.
- F) Agency contact person for information:
- Corey-Anne Gulkewicz  
Illinois Criminal Justice Information Authority  
120 S. Riverside Plaza, Suite 1016  
Chicago IL 60606  
312/793-8550
- G) Related rulemakings and other pertinent information: None

## STATE BOARD OF EDUCATION

## JANUARY 2005 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Certification; 23 Ill. Adm. Code 25
- 1) Rulemaking:
- A) Description: Amendments will be proposed to the rules for being considered “highly qualified” under the federal No Child Left Behind Act, for the provisional vocational certificate, and for certification of school psychologists, as well as to update individual provisions on miscellaneous other topics.
- B) Statutory Authority: 105 ILCS 5/Art. 21, 14C-8, and 2-3.6
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: March 4, 2005
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:
- Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
217/782-5270
- G) Related rulemakings and other pertinent information:
- b) Part (Heading and Code Citation): Dismissal of Tenured Teachers; 23 Ill. Adm. Code 51
- 1) Rulemaking:
- A) Description: Part 51 will be expanded to cover both its own current subject matter and that currently covered by Part 52, which will be repealed (see below).
- B) Statutory Authority: 105 ILCS 5/24-12 and 34-85

## STATE BOARD OF EDUCATION

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- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: March 4, 2005
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
217/782-5270

- G) Related rulemakings and other pertinent information: See item (c) below

- c) Part (Heading and Code Citation): Dismissal of Tenured Teachers and Civil Service Employees Under Article 34; 23 Ill. Adm. Code 52

- 1) Rulemaking:

- A) Description: Part 52 will be repealed concurrently with integration of necessary material from those rules into Part 51.
- B) Statutory Authority: 105 ILCS 5/34-85
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: March 4, 2005
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education

## STATE BOARD OF EDUCATION

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100 North First Street  
Springfield, Illinois 62777  
217/782-5270

- G) Related rulemakings and other pertinent information: See item (b) above
- d) Part (Heading and Code Citation): Program Accounting Manual; 23 Ill. Adm. Code 110
- 1) Rulemaking:
- A) Description: Part 110 will be generally updated, and any necessary amendments arising from ISBE's comprehensive review of its rules will be incorporated.
- B) Statutory Authority: 105 ILCS 5/2-3.17a, 2-3.27, and 2-3.28
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: May 6, 2005
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:
- Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
217/782-5270
- G) Related rulemakings and other pertinent information: None
- e) Part (Heading and Code Citation): Pupil Transportation Reimbursement; 23 Ill. Adm. Code 120
- 1) Rulemaking:

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- A) Description: This set of rules will be amended to incorporate any revisions identified as part of ISBE's comprehensive review of its rules.
- B) Statutory Authority: 105 ILCS 5/Art. 29
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: April 1, 2005
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: Unknown at this time; some provisions in Part 120 affect contractors who provide pupil transportation.
- F) Agency contact person for information:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
217/782-5270

- G) Related rulemakings and other pertinent information: None

f) Part (Heading and Code Citation): Student Activity Funds and Convenience Accounts;  
23 Ill. Adm. Code 125

1) Rulemaking:

- A) Description: This set of rules will be amended to incorporate any revisions identified as part of ISBE's comprehensive review of its rules.
- B) Statutory Authority: 105 ILCS 5/2-3.27
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: April 1, 2005
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

## STATE BOARD OF EDUCATION

## JANUARY 2005 REGULATORY AGENDA

F) Agency contact person for information:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
217/782-5270

G) Related rulemakings and other pertinent information: Noneg) Part (Heading and Code Citation): Determining Special Education Per Capita Tuition Charge; 23 Ill. Adm. Code 1301) Rulemaking:

A) Description: This set of rules will be amended to incorporate any revisions identified as part of ISBE's comprehensive review of its rules.

B) Statutory Authority: 105 ILCS 5/14-7.01

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: June 3, 2005

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
217/782-5270

G) Related rulemakings and other pertinent information: None

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h) Part (Heading and Code Citation): Calculation of Excess Cost Under Section 18-3 of the School Code; 23 Ill. Adm. Code 140

1) Rulemaking:

A) Description: This set of rules will be amended to incorporate any revisions identified as part of ISBE's comprehensive review of its rules.

B) Statutory Authority: 105 ILCS 5/18-3.

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: May 6, 2005

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
217/782-5270

G) Related rulemakings and other pertinent information: None

i) Part (Heading and Code Citation): Temporary Relocation Expenses; 23 Ill. Adm. Code 145

1) Rulemaking:

A) Description: This set of rules will be amended to incorporate any revisions identified as part of ISBE's comprehensive review of its rules.

B) Statutory Authority: 105 ILCS 5/2-3.77

C) Scheduled meeting/hearing date: To be announced.

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- D) Date agency anticipates First Notice: April 1, 2005
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
217/782-5270

- G) Related rulemakings and other pertinent information: None

j) Part (Heading and Code Citation): School Construction Program; 23 Ill. Adm. Code 151

1) Rulemaking:

- A) Description: This set of rules will be amended to incorporate any revisions identified as part of ISBE's comprehensive review of its rules.
- B) Statutory Authority: 105 ILCS 230/5-55
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: April 1, 2005
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
217/782-5270

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G) Related rulemakings and other pertinent information: None

k) Part (Heading and Code Citation): Electronic Transfer of Funds; 23 Ill. Adm. Code 155

1) Rulemaking:

A) Description: This set of rules will be amended to incorporate any revisions identified as part of ISBE's comprehensive review of its rules.

B) Statutory Authority: 105 ILCS 5/2-3.2a and 2-3.116

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: April 1, 2005.

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.

F) Agency contact person for information:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
217/782-5270

G) Related rulemakings and other pertinent information: None

l) Part (Heading and Code Citation): Health/Life Safety Code for Public Schools; 23 Ill. Adm. Code 180

1) Rulemaking:

A) Description: This set of rules will be amended to incorporate any revisions identified as part of ISBE's comprehensive review of its rules.

B) Statutory Authority: 105 ILCS 5/2-3.12, 2-3.25, and 17-2.11

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- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: May 6, 2005
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
217/782-5270

- G) Related rulemakings and other pertinent information: None

m) Part (Heading and Code Citation): Special Education; 23 Ill. Adm. Code 226

1) Rulemaking:

- A) Description: This set of rules will be revised in response to reauthorization of the federal Individuals with Disabilities Education Act (IDEA) and to incorporate any other revisions identified as part of ISBE's comprehensive review of its rules.
- B) Statutory Authority: 105 ILCS 5/Art. 14 and 2-3.6
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: May 6, 2005
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:

Sally Vogl  
Agency Rules Coordinator

## STATE BOARD OF EDUCATION

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Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
217/782-5270

G) Related rulemakings and other pertinent information: None

n) Part (Heading and Code Citation): Driver Education; 23 Ill. Adm. Code 252

1) Rulemaking:

A) Description: This set of rules will be amended to incorporate any revisions identified as part of ISBE's comprehensive review of its rules.

B) Statutory Authority: 105 ILCS 5/27-23 and 27-24 through 27-24.8

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: March 4, 2005

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
217/782-5270

G) Related rulemakings and other pertinent information: None

o) Part (Heading and Code Citation): Pupil Transportation; 23 Ill. Adm. Code 275

1) Rulemaking:

A) Description: This set of rules will be amended to incorporate any revisions identified as part of ISBE's comprehensive review of its rules.

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- B) Statutory Authority: 105 ILCS 5/2-3.6 and 625 ILCS 5/12-807.2 and 12-812(b)
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: April 1, 2005.
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None.
- F) Agency contact person for information:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
217/782-5270

- G) Related rulemakings and other pertinent information: None

p) Part (Heading and Code Citation): School Food Service; 23 Ill. Adm. Code 305

1) Rulemaking:

- A) Description: This set of rules will be amended to incorporate any revisions identified as part of ISBE's comprehensive review of its rules.
- B) Statutory Authority: 105 ILCS 125.
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: May 6, 2005
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:

## STATE BOARD OF EDUCATION

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Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
217/782-5270

G) Related rulemakings and other pertinent information: None

q) Part (Heading and Code Citation): Secular Textbook Loan; 23 Ill. Adm. Code 350

1) Rulemaking:

A) Description: This set of rules will be amended to incorporate any revisions identified as part of ISBE's comprehensive review of its rules.

B) Statutory Authority: 105 ILCS 5/18-17

C) Scheduled meeting/hearing date: To be announced.

D) Date agency anticipates First Notice: April 1, 2005

E) Effect on small businesses, small municipalities, or not-for-profit corporations: None

F) Agency contact person for information:

Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
217/782-5270

G) Related rulemakings and other pertinent information: None

r) Part (Heading and Code Citation): Contested Cases and Other Formal Hearings; 23 Ill. Adm. Code 475

1) Rulemaking:

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- A) Description: Part 475 will be expanded to cover both its own current subject matter and that currently covered by Part 480, which will be repealed (see below).
- B) Statutory Authority: 5 ILCS 100/10-5
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: March 4, 2005
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:
- Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
217/782-5270
- G) Related rulemakings and other pertinent information: See item (s) below.
- s) Part (Heading and Code Citation): Hearings Before the State Teacher Certification Board; 23 Ill. Adm. Code 480
- 1) Rulemaking:
- A) Description: Part 480 will be repealed concurrently with integration of necessary material from those rules into Part 475.
- B) Statutory Authority: 5 ILCS 100/10-5
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: March 4, 2005

## STATE BOARD OF EDUCATION

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- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:
- Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777  
217/782-5270
- G) Related rulemakings and other pertinent information: See item immediately above.
- t) Part (Heading and Code Citation): Procurement by the State Board of Education; 44 Ill. Adm. Code 1100
- 1) Rulemaking:
- A) Description: Part 1100 will be shortened as much as possible by substituting references to the comparable rules of the Department of Central Management Services.
- B) Statutory Authority: 30 ILCS 500
- C) Scheduled meeting/hearing date: To be announced.
- D) Date agency anticipates First Notice: February 4, 2005
- E) Effect on small businesses, small municipalities, or not-for-profit corporations: None
- F) Agency contact person for information:
- Sally Vogl  
Agency Rules Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 62777

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- G) Related rulemakings and other pertinent information: None

## EXECUTIVE ORDERS

**2004-14****EXECUTIVE ORDER CREATING THE SAFE GAMES ILLINOIS TASK FORCE ON VIOLENT AND SEXUALLY EXPLICIT VIDEO GAMES**

WHEREAS, the popularity of video games among all Americans including youth in Illinois has exponentially increased and in 2003, the video game industry collected \$5.8 billion in revenues; and

WHEREAS, ninety two percent of all children ages two to seventeen play video games; and children between the ages of eight and eighteen years old play an average of 20 to 30 minutes of video games each day; boys spend an average of thirteen hours per week playing video games; and many children play video games as their primary, if not exclusive leisure activity; and

WHEREAS, with each new day, new technology creates video games that more realistically depict human behavior and these games have become increasingly violent and sexually explicit; and

WHEREAS, the video game industry created the Entertainment Software Rating Board (ESRB) to rate video games as EC – Early Childhood; E – Everyone; T – Teen; M – Mature; and AO – Adult Only; and

WHEREAS, the ESRB rating system is intended to notify parents which games are appropriate for their children to play, but it neither prohibits children from playing sexually explicit or violent video games, nor prohibits retailers from selling such games to children; and

WHEREAS, only ten percent of games released in 2003 were M-rated, but 87% of boys play M-rated video games; and

WHEREAS, a Federal Trade Commission Study found that teens were able to purchase M-rated games 69% of the time they tried to do so and it is evident that the industry does not effectively enforce its own standards; and

WHEREAS M-rated games often contain, among other things, profanity, consumption of illegal drugs, alcohol, and tobacco; partial nudity, graphic depictions of rape and other sexual acts; blood, the mutilation of body parts, dismemberment, and the infliction of serious human injury, including death; and

WHEREAS, studies indicate that playing violent video games increases aggressive behavior in the player and may increase societal violence; and

WHEREAS, researchers have found that playing violent video games causes a thirteen percent to twenty-two percent increase in adolescents' violent behavior; and

WHEREAS, A Stanford University study found that reducing the amount of time third and fourth graders spend watching television and playing video games to under seven hours per week decreases verbal aggression by fifty percent and physical aggression by forty percent; and

WHEREAS, the ultimate responsibility of monitoring what video games a child plays lies with that child's parents; however, children are often more technologically savvy than their parents, who may have difficulty even playing the games to discover their contents; and

## EXECUTIVE ORDERS

WHEREAS, a working family may not have the time and technological sophistication to monitor each and every game its children play; and one third of all children ages two to eighteen have a video game playing system in their bedrooms, making it especially difficult for parents to know what games their children are playing at all times;

THEREFORE, I hereby order the following:

1. Within the Department of Public Health, there shall be created the Safe Games Illinois Task Force to study the aforementioned issues related to violent and sexually explicit video games and serve as an advisory board to the Governor.
2. The Task Force shall consist of twenty-four members, all to be appointed by the Governor. Of the twenty-four members, one shall serve as Chairperson. The Governor shall determine who serves as Chairperson. Additional members may be appointed in the future at the Governor's discretion.
3. The Task Force's duties shall be the following, including but not limited to:
  - Compiling research data on the effects of violent and sexually explicit video games on the psychological well being of children under 18 and the incidence of violence in society at large;
  - Reviewing the content of video games to determine which games are violent or sexually explicit and may be inappropriate for Illinois children;
  - Compiling a list of and informing parents about potentially inappropriate games for children and displaying the list on the [safegamesillinois.org](http://safegamesillinois.org) website;
  - Informing the Governor of parents' concerns and providing recommendations on how to educate parents and the public about violent and sexually explicit video games;
  - Creating a parents working group to actively solicit input from parents around the State.

Issued by Governor: December 30, 2004

Filed with Secretary of State: December 30, 2004

## PROCLAMATIONS

**2005-1****AMBUCS™ VISIBILITY MONTH**

WHEREAS, AMBUCS™ is a national service organization composed of a diverse group of men and women dedicated to creating opportunities for people with disabilities to become more independent; and

WHEREAS, there are currently more than 6,000 members of AMBUCS™, spanning fifteen states, who work diligently to provide important programs such as AMBUCS™ Scholars – Scholarships for Therapists and AmBility™ ; and

WHEREAS, since its inception, the AMBUCS™ Scholars program has provided over \$6 million to educate physical and occupational therapists; and

WHEREAS, AmBility™ is a program that focuses on providing AmTryke® therapeutic bicycles to children with disabilities and building ramps to make homes and businesses more accessible to disabled citizens; and

WHEREAS, there are fifteen AMBUCS™ organizations in the State of Illinois who partner with such organizations as the Special Olympics and Easter Seals to expand on their excellent programs and services; and

WHEREAS, National AMBUCS™, Incorporated has set aside February as National AMBUCS Visibility Month to recognize the hard work accomplished by AMBUCS™ organizations across the country:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 2005 as AMBUCS™ VISIBILITY MONTH in Illinois, and encourage all citizens to recognize AMBUCS™ for the excellent programs they provide for people with disabilities.

Issued by the Governor January 3, 2005

Filed by the Secretary of State January 3, 2005

**2005-2****ASIAN AMERICAN COALITION DAY**

WHEREAS, the Asian American Coalition of Chicago exists to organize and promote equal opportunity in government, education, economic development, and international affairs in order to advance the integration of all Asian Americans into the mainstream of society; and

WHEREAS, Asian Americans comprise over 3 percent of the total population of the State of Illinois; and

WHEREAS, the 22<sup>nd</sup> Annual Asian American Conference on Education and Lunar New Year Celebration is sponsored by the Asian American Coalition of Chicago; and

WHEREAS, each year, a different Asian community hosts the celebration, and this year's prestigious ceremony will be hosted by the Vietnamese American community, who welcomes The Year of the Rooster, 4708; and

WHEREAS, individuals and community-based agencies who have dedicated themselves to providing excellent service to the Asian American communities will be honored and awarded during this year's celebration; and

## PROCLAMATIONS

WHEREAS, just as previous years, this annual event will promote the value of having Asian Americans in a leadership role. The theme for this year is, "Asian Americans 2005: Preparing Our Future Leaders":

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim February 5, 2005 as ASIAN AMERICAN COALITION DAY in Illinois, and encourage all citizens to be appreciative of the impact that Asian Americans have on our country, while taking the opportunity to learn about their rich heritage.

Issued by the Governor January 3, 2005

Filed by the Secretary of State January 3, 2005

**2005-3****DAYS OF REMEMBRANCE FOR THE SOUTH ASIAN TSUNAMI VICTIMS**

WHEREAS, on Sunday, December 26, 2004, tragedy struck when a tsunami hit South Asia, taking the lives of over 100,000 people, and leaving hundreds of thousands without food, safe water and shelter; and

WHEREAS, in the wake of this terrible natural disaster, numerous nations, including the United States of America, along with various international organizations and charities have begun massive relief efforts to assist the victims and prevent further damage; and

WHEREAS, as we stand as a world united, joining together to restore peace and solace in the hearts of South Asians, we must remember all the innocent lives that were taken in this tsunami, and take time to mourn with the victims' families and loved ones; and

WHEREAS, by Executive Proclamation, President George W. Bush has declared that for the week of January 3, 2005, all federal facilities will fly their flags at half-staff in honor of those that perished in the South Asian tsunami; and

WHEREAS, the State of Illinois joins with President Bush in mourning the tsunami victims, and in accordance with his proclamation, will fly flags at all State facilities at half-staff during this week:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim January 3-7, 2005 as DAYS OF REMEMBERANCE FOR THE SOUTH ASIAN TSUNAMI VICTIMS, and order all State facilities to fly their flags at half-staff for the duration of this week. Additionally, I encourage all Illinoisans to join in this observance, and to do what they can to assist the relief efforts in South Asia.

Issued by the Governor January 3, 2005

Filed by the Secretary of State January 3, 2005

**2005 -3 (Revised)****DAYS OF REMEMBRANCE FOR THE SOUTH ASIAN TSUNAMI VICTIMS**

WHEREAS, on Sunday, December 26, 2004, tragedy struck when a tsunami hit South Asia, taking the lives of over 100,000 people, and leaving hundreds of thousands without food, safe water and shelter; and

## PROCLAMATIONS

WHEREAS, in the wake of this terrible natural disaster, numerous nations, including the United States of America, along with various international organizations and charities have begun massive relief efforts to assist the victims and prevent further damage; and

WHEREAS, as we stand as a world united, joining together to restore peace and solace in the hearts of South Asians, we must remember all the innocent lives that were taken in this tsunami, and take time to mourn with the victims' families and loved ones; and

WHEREAS, by Executive Proclamation, President George W. Bush has declared that for the week of January 3, 2005, all federal facilities will fly their flags at half-staff in honor of those that perished in the South Asian tsunami; and

WHEREAS, the State of Illinois joins with President Bush in mourning the tsunami victims, and in accordance with his proclamation, will fly flags at all State facilities at half-staff during this week:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim January 3-7, 2005 as DAYS OF REMEMBRANCE FOR THE SOUTH ASIAN TSUNAMI VICTIMS, and order all State facilities to fly their flags at half-staff for the duration of this week. Additionally, I encourage all Illinoisans to join in this observance, and to do what they can to assist the relief efforts in South Asia.

Issued by the Governor January 3, 2005

Filed by the Secretary of State January 3, 2005

**2005-4****ILLINOIS NEWS BROADCASTERS ASSOCIATION DAY**

WHEREAS, the Illinois News Broadcasters Association (INBA) is made up of broadcast journalists, educators and students from all across the State of Illinois; and

WHEREAS, since its inception a half-century ago, the INBA has provided a forum for students to learn from and network with professional journalists; and

WHEREAS, in addition to their educational and networking efforts, the INBA also works in conjunction with the INBA Foundation to offer scholarships to deserving broadcast journalism students; and

WHEREAS, the INBA, and its members, continue to display strong commitment to fair and accurate journalism through the association's Code of Ethics. They also serve as a vocal and active proponent of First Amendment press freedoms; and

WHEREAS, the Board of Directors of the INBA will mark its 50<sup>th</sup> anniversary on January 22, 2005, with a meeting at the Leland Building (Leland Hotel) in Springfield, where the Association's very first meeting was held on the same date in 1955:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim January 22, 2005 as ILLINOIS NEWS BROADCASTERS ASSOCIATION DAY in Illinois, and encourage all citizens to join in celebrating the INBA's terrific contributions to the broadcasting profession in this State over the past 50 years.

Issued by the Governor January 3, 2005

Filed by the Secretary of State January 3, 2005

## PROCLAMATIONS

**2005 -5****JUNIOR LEAGUE OF KANE AND DUPAGE COUNTIES, INCORPORATED DAY**

WHEREAS, the Junior League of Kane and DuPage Counties, Incorporated is a group of dedicated women volunteers who strive to better the lives of their fellow citizens through education and community service; and

WHEREAS, this organization is committed to developing the potential of women and increasing their commitment to helping others. Through the help of the Junior League, these women become trained volunteers, ready to help others in the community; and

WHEREAS, the Junior League also strives to help all children, specifically those who are from economically disadvantaged backgrounds. Through their many partnerships with other non-profit organizations, the Junior League reaches out to the community on a number of levels; and

WHEREAS, the volunteer efforts of the Junior League of Kane and DuPage Counties, Incorporated have brought hope to at-risk children, giving them the tools they need to work diligently towards a bright future:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 12, 2005 as JUNIOR LEAGUE OF KANE AND DUPAGE COUNTIES, INCORPORATED DAY in Illinois, and encourage all citizens to recognize the valiant efforts put forth by this group of dedicated women to better their communities.

Issued by the Governor January 3, 2005

Filed by the Secretary of State January 3, 2005

# ILLINOIS ADMINISTRATIVE CODE

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