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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
310.280	Amendment
310.410	Amendment
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a].
- 5) A Complete Description of the Subjects and Issues Involved: In Section 310.280, Designated Rate, the Department of Public Health requested the change of the designated rate of \$134,000 annually for the Senior Public Service Administrator, position number 40070-20-80-000-00-81, to \$134,004 effective May 5, 2005. The designated rate is changed. The Department of Revenue requested the removal of the designated rates of \$76,668 annually for the Public Service Administrator, position number 37015-25-61-140-80-01, and \$74,904 annually for the Public Service Administrator, position number 37015-25-61-140-90-01, effective May 6, 2005. These designated rates are removed.

In Section 310.410, Jurisdiction, the Civil Service Commission approved the abolishment of the KidCare Supervisor I and II titles, and the establishment of the KidCare Supervisor title effective May 1, 2005. The KidCare Supervisor I and II titles, with their salary grades, are removed from, and the KidCare Supervisor title with its MC-07 salary range is added to, the merit compensation list.

- 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? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.Appendix A, Table D	Amend	28 Ill. Reg. 13949, 10/29/04
310.Appendix A, Table E	Amend	28 Ill. Reg. 13949, 10/29/04
310.Appendix A, Table F	Amend	28 Ill. Reg. 13949, 10/29/04
310.100	Amend	29 Ill. Reg. 2884, 2/25/05
310.490	Amend	29 Ill. Reg. 2884, 2/25/05

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.Appendix A, Table W	Amend	29 Ill. Reg. 2884, 2/25/05
310.100	Amend	29 Ill. Reg. 4186, 3/18/05
310.110	Amend	29 Ill. Reg. 4186, 3/18/05
310.130	Amend	29 Ill. Reg. 4186, 3/18/05
310.280	Amend	29 Ill. Reg. 4186, 3/18/05
310.290	Amend	29 Ill. Reg. 4186, 3/18/05
310.530	Amend	29 Ill. Reg. 4186, 3/18/05
310.540	Amend	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table G	Amend	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table H	Amend	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table I	Amend	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table J	Amend	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table K	Amend	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table M	Amend	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table N	Amend	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table O	Amend	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table P	Amend	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table Q	Amend	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table R	Amend	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table V	Amend	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table W	Amend	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table X	Amend	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table Z	Amend	29 Ill. Reg. 4186, 3/18/05
310.Appendix B	Amend	29 Ill. Reg. 4186, 3/18/05
310.Appendix C	Amend	29 Ill. Reg. 4186, 3/18/05
310.Appendix D	Amend	29 Ill. Reg. 4186, 3/18/05
310.Appendix G	Amend	29 Ill. Reg. 4186, 3/18/05
310.230	Amend	29 Ill. Reg. 6148, 5/6/05
310.280	Amend	29 Ill. Reg. 6148, 5/6/05
310.320	Repeal	29 Ill. Reg. 6148, 5/6/05
310.410	Amend	29 Ill. Reg. 6148, 5/6/05
310.Appendix A Table W	Amend	29 Ill. Reg. 6148, 5/6/05

- 10) Statement of Statewide Policy Objectives: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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- 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: January 2005
- 14) Does this amendment require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25]? No

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 2005
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

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

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NOTICE OF PROPOSED AMENDMENTS

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

SUBPART C: MERIT COMPENSATION SYSTEM

Section

- 310.410 Jurisdiction
- 310.420 Objectives
- 310.430 Responsibilities
- 310.440 Merit Compensation Salary Schedule
- 310.450 Procedures for Determining Annual Merit Increases
- 310.455 Intermittent Merit Increase
- 310.456 Merit Zone (Repealed)
- 310.460 Other Pay Increases
- 310.470 Adjustment
- 310.480 Decreases in Pay
- 310.490 Other Pay Provisions
- 310.495 Broad-Band Pay Range Classes
- 310.500 Definitions
- 310.510 Conversion of Base Salary to Pay Period Units (Repealed)
- 310.520 Conversion of Base Salary to Daily or Hourly Equivalents
- 310.530 Implementation
- 310.540 Annual Merit Increase Guidechart for Fiscal Year 2005
- 310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

310.APPENDIX A Negotiated Rates of Pay

- 310.TABLE A HR-190 (Department of Central Management Services – State of Illinois Building – SEIU) (Repealed)
- 310.TABLE B HR-200 (Department of Labor – Chicago, Illinois – SEIU) (Repealed)
- 310.TABLE C RC-069 (Firefighters, AFSCME) (Repealed)
- 310.TABLE D HR-001 (Teamsters Local #726)
- 310.TABLE E RC-020 (Teamsters Local #330)
- 310.TABLE F RC-019 (Teamsters Local #25)
- 310.TABLE G RC-045 (Automotive Mechanics, IFPE)
- 310.TABLE H RC-006 (Corrections Employees, AFSCME)

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NOTICE OF PROPOSED AMENDMENTS

310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	HR-012 (Fair Employment Practices Employees, SEIU) (Repealed)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
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310.TABLE AB	VR-007 (Plant Maintenance Engineers, Operating Engineers) (Repealed)
310.APPENDIX B	Schedule of Salary Grades – Monthly Rates of Pay for Fiscal Year 2005
310.APPENDIX C	Medical Administrator Rates for Fiscal Year 2005
310.APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 2005
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2005

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

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

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NOTICE OF PROPOSED AMENDMENTS

emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27,

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NOTICE OF PROPOSED AMENDMENTS

1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective

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August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2680, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 14, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. _____, effective _____.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

SUBPART B: SCHEDULE OF RATES

Section 310.280 Designated Rate

The rate of pay for a specific position or class of positions where it is deemed desirable to exclude such from the other requirements of this Pay Plan shall be only as designated by the Governor.

Department of Children & Family Services

Public Service Administrator (Pos. No. 37015-16-23-120-00-01)	<u>Annual Salary</u> 85,104
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Department of Commerce & Economic Opportunity

Private Secretary II (Pos. No. 34202-42-00-000-01-02)	<u>Annual Salary</u> 60,000
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Public Service Administrator (Pos. No. 37015-42-10-900-10-01)	<u>Annual Salary</u> 86,474
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Department of Human Services

Administrative Assistant I (Pos. No. 00501-10-68-010-80-21)	<u>Annual Salary</u> 55,200
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Medical Administrator I, Option D (Pos. No. 26401-10-79-006-00-21)	<u>Annual Salary</u> 142,368
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Medical Administrator V (Pos. No. 26406-10-76-000-00-01)	<u>Annual Salary</u> 186,000
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Public Service Administrator (Pos. No. 37015-10-23-100-30-01)	<u>Annual Salary</u> 76,572
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Senior Public Service Administrator (Pos. No. 40070-10-65-000-00-01)	<u>Annual Salary</u> 105,475
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Senior Public Service Administrator (Pos. No. 40070-10-81-920-00-21)	<u>Annual Salary</u> 105,480
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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Illinois Labor Relations Board

Private Secretary II (Pos. No. 34202-50-19-000-00-01)	<u>Annual Salary</u> 51,900
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Department of Natural Resources

Administrative Assistant II (Pos. No. 00502-12-30-000-20-01)	<u>Annual Salary</u> 50,520
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Department of Public Aid

Senior Public Service Administrator (Pos. No. 40070-33-20-000-00-61)	<u>Annual Salary</u> 123,060
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Department of Public Health

Senior Public Service Administrator (Pos. No. 40070-20-80-000-00-81)	<u>Annual Salary</u> 134,004 134,000
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Department of Revenue

Public Service Administrator (Pos. No. 37015-25-61-140-80-01)	<u>Annual Salary</u> 76,668
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Public Service Administrator (Pos. No. 37015-25-61-140-90-01)	<u>Annual Salary</u> 74,904
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Department of State Police

Senior Public Service Administrator (Pos. No. 40070-21-10-000-00-01)	<u>Annual Salary</u> 117,828
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Senior Public Service Administrator (Pos. No. 40070-21-40-000-00-01)	<u>Annual Salary</u> 117,828
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(Source: Amended at 29 Ill. Reg. _____, effective _____)

SUBPART C: MERIT COMPENSATION SYSTEM

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 310.410 Jurisdiction

The Merit Compensation System shall apply to all classes of positions designated below and in the ALPHABETIC INDEX OF POSITION TITLES. Also see Section 310.495 for the application of the Merit Compensation System for those Broad-Band titles listed with their salary ranges in Section 310. Appendix G.

Position Title	Salary Plan
Accountant Supervisor	MC-05
Activity Therapist Supervisor	MC-07
Actuary III	MC-16
Administrative Assistant I	MC-04
Administrative Assistant II	MC-06
Agricultural Marketing Representative	MC-05
Assignment Coordinator	MC-07
Assistant Automotive Shop Supervisor	MC-03
Automotive Shop Supervisor	MC-07
Boat Safety Inspection Supervisor	MC-06
Building Construction Inspector I	MC-04
Building Construction Inspector II	MC-05
Business Manager	MC-05
Commerce Commission Police Sergeant	MC-07
Corrections Leisure Activities Specialist III	MC-06
Corrections Leisure Activities Specialist IV	MC-07
Corrections Vocational School Supervisor	MC-05
Court Reporter Supervisor	MC-08
Data Processing Supervisor II	MC-04
Data Processing Supervisor III	MC-07
Dentist II	MC-14
Dietary Manager I	MC-03
Dietary Manager II	MC-05
Disability Claims Analyst	MC-06
Economic Development Representative I	MC-05
Economic Development Representative II	MC-07
Elections Specialist I	MC-03
Elections Specialist II	MC-05
Elections Specialist III	MC-07

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Electrical Engineer	MC-10
Employment Security Field Office Supervisor	MC-06
Engineering Technician IV	MC-07
Executive I	MC-05
Equal Pay Specialist	MC-04
Executive II	MC-07
Executive Secretary II	MC-01
Executive Secretary III	MC-02
Facility Fire Chief	MC-02
Guard Supervisor	MC-01
Guardianship Supervisor	MC-07
Highway Construction Supervisor I	MC-07
Highway Construction Supervisor II	MC-09
Historical Library Chief of Acquisitions	MC-06
Human Rights Mediator	MC-05
Human Rights Specialist III	MC-07
Human Services Casework Manager	MC-07
Industrial and Community Development Representative I	MC-05
Industrial and Community Development Representative II	MC-07
Internal Auditor I	MC-05
Internal Security Investigator I	MC-04
Internal Security Investigator II	MC-07
International Marketing Representative I	MC-05
<u>Kidcare Supervisor</u>	<u>MC-07</u>
Kidcare Supervisor I	MC-06
Kidcare Supervisor II	MC-07
Laundry Manager I	MC-01
Liability Claims Adjuster II	MC-06
Librarian II	MC-05
Lottery Regional Coordinator	MC-07
Management Operations Analyst I	MC-06
Manuscripts Manager	MC-06
Meat and Poultry Inspector Supervisor	MC-05
Mental Health Administrator I	MC-05
Mental Health Administrator II	MC-07
Methods and Procedures Advisor III	MC-07
Mine Rescue Station Supervisor	MC-01
Office Administrator IV	MC-02

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Office Administrator V	MC-03
Oral Health Consultant	MC-07
Plumbing Consultant	MC-09
Police Lieutenant	MC-09
Private Secretary I	MC-02
Private Secretary II	MC-04
Property Tax Analyst III	MC-05
Public Aid Family Support Specialist II	MC-05
Public Aid Quality Control Supervisor	MC-07
Public Aid Staff Development Specialist III	MC-06
Public Health Program Specialist III	MC-07
Public Information Coordinator	MC-06
Radiologic Technologist Chief	MC-03
Rehabilitation Workshop Supervisor III	MC-05
Reimbursement Officer II	MC-05
Reproduction Service Supervisor I	MC-02
Reproduction Service Supervisor II	MC-04
Residential Care Program Supervisor I	MC-06
Retirement System Disability Specialist	MC-06
Safety Responsibility Analyst Supervisor	MC-02
Security Officer Chief	MC-04
Security Officer Lieutenant	MC-02
Security Therapy Aide IV	MC-05
Sign Shop Foreman	MC-06
Staff Development Specialist I	MC-05
Staff Development Technician II	MC-03
Statistical Research Specialist III	MC-06
Statistical Research Supervisor	MC-07
Storekeeper III	MC-01
Supervising Vehicle Testing Compliance Officer	MC-06
Switchboard Chief Operator	MC-01
Technical Advisor I	MC-05
Technical Advisor II	MC-07
Telecommunications Supervisor	MC-07
Utility Engineer I	MC-05
Utility Engineer II	MC-07
Vehicle Emissions Compliance Supervisor	MC-05
Volunteer Services Coordinator III	MC-07

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Waterways Construction Supervisor I	MC-05
Waterways Construction Supervisor II	MC-07

(Source: Amended at 29 Ill. Reg. _____, effective _____)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Residential Mortgage License Act of 1987
- 2) Code Citation: 38 Ill. Adm. Code 1050
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1050.125	Amendment
1050.246	Amendment
1050.630	Amendment
1050.640	Amendment
1050.650	Amendment
1050.750	Amendment
1050.1760	Amendment
1050.1920	Amendment
1050.2110	Amendment
1050.2115	Amendment
1050.2120	Amendment
1050.2125	Amendment
- 4) Statutory Authority: Illinois Residential Mortgage License Act of 1987 [205 ILCS 635]
- 5) A Complete Description of the Subjects and Issues Involved: Section 1050.246 provides the fee for obtaining electronic registration through the Department. Section 1050.2110 has been amended to more clearly define the requirements in obtaining registration with the Department. Continuing education requirements are clarified in Section 1050.2120. Various other technical changes are made.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Section Number</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
1050.2112	New Section	29 Ill. Reg. 5183
- 10) Statement of Statewide Policy Objectives: This rulemaking has no impact on local government.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

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

Interested persons may submit written comments to:

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

217/785-0813 Fax #: 217/782-7645

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

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing loan originator services.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: Skill and knowledge of residential mortgage financing and competence as a loan originator.
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2005

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER II: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

PART 1050

RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

SUBPART A: DEFINITIONS

Section

1050.100	High Risk Home Loan Definitions; Applicability
1050.110	Act
1050.115	Administrative Decision
1050.120	Assisting
1050.125	Director Commissioner
1050.130	Control
1050.132	Conviction or Convicted
1050.135	Document
1050.140	Employee
1050.145	First Tier Subsidiary
1050.150	Hearing Officer
1050.155	High Risk Home Loan
1050.157	Licensee
1050.160	Material
1050.165	Other Regulatory Agencies
1050.170	Party
1050.175	Principal Place of Business
1050.180	Repurchase a Loan
1050.185	State
1050.190	Servicer
1050.195	Points and Fees
1050.197	Total Loan Amount
1050.198	Approved Credit Counselor
1050.199	Home Equity Loan

SUBPART B: FEES

Section

1050.210	License Investigation Fees
1050.220	License Fees
1050.230	Amended License Fees – Corporate Changes

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

1050.240	Duplicate Original License Fees
1050.245	Loan Originator Registration Application Fee
1050.246	Loan Originator Registration Transfer Fee
1050.247	Loan Originator Registration Reactivation Fee
1050.248	Duplicate Loan Originator Certificate of Registration or Pocket Card Fee
1050.250	Examination Fees
1050.255	Direct Expenses of Out-of-State Examinations
1050.260	Additional Full-Service Office Fees
1050.270	Hearing Fees
1050.280	Late Fees (Repealed)
1050.290	Manner of Payment

SUBPART C: LICENSING

Section

1050.310	Application for an Illinois Residential Mortgage License
1050.320	Application for Renewal of an Illinois Residential Mortgage License
1050.330	Waiver of License Fee
1050.340	Full-Service Office
1050.350	Additional Full-Service Office
1050.360	Continuing Education Requirements for Certain Employees (Repealed)

SUBPART D: OPERATIONS AND SUPERVISION

Section

1050.410	Net Worth
1050.420	Line of Credit (Repealed)
1050.425	Examination
1050.430	Late Audit Reports
1050.440	Escrow
1050.450	Audit Workpapers
1050.460	Selection of Independent Auditor
1050.470	Proceedings Affecting a License
1050.475	Change in Business Activities
1050.480	Change of Ownership, Control or Name or Address of Licensee
1050.490	Bonding Requirements

SUBPART E: ANNUAL REPORT OF MORTGAGE ACTIVITY, MORTGAGE
BROKERAGE ACTIVITY AND MORTGAGE SERVICING ACTIVITY

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Section

- 1050.610 Filing Requirements
- 1050.620 Reporting Forms
- 1050.630 Annual Report of Mortgage Activity
- 1050.640 Annual Report of Brokerage Activity
- 1050.650 Annual Report of Servicing Activity
- 1050.660 Verification

SUBPART F: FORECLOSURE RATE

Section

- 1050.710 Computation of National Residential Mortgage Foreclosure Rate
- 1050.720 Computation of Illinois Residential Mortgage Foreclosure Rate
- 1050.730 Excess Foreclosure Rate
- 1050.740 Foreclosure Rate Hearing
- 1050.750 ~~Director's~~[Commissioner's](#) Authority – Unusually High Rate

SUBPART G: SERVICING

Section

- 1050.810 New Loans
- 1050.820 Transfer of Servicing
- 1050.830 Real Property Tax and Hazard Insurance Payments
- 1050.840 Payment Processing
- 1050.850 Toll-Free Telephone Arrangement
- 1050.860 Payoff of Outstanding Mortgage Loan

SUBPART H: ADVERTISING

Section

- 1050.910 General Prohibition
- 1050.920 Definition of Advertisement
- 1050.930 Compliance with Other Laws
- 1050.940 Requirements
- 1050.950 Misleading and Deceptive Advertising Prohibition

SUBPART I: LOAN BROKERAGE PRACTICES

Section

- 1050.1010 Loan Brokerage Agreement

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1050.1020 Loan Brokerage Disclosure Statement
- 1050.1030 Prohibited Practice

SUBPART J: LOAN APPLICATION PRACTICES

Section

- 1050.1100 High Risk Home Loan Application Practices; Applicability
- 1050.1110 Borrower Information Document
- 1050.1120 Description of Required Documentation
- 1050.1130 Maintenance of Records (Repealed)
- 1050.1140 Loan Application Procedures
- 1050.1150 Copies of Signed Documents
- 1050.1160 Confirmation of Statements
- 1050.1170 Cancellation of Application
- 1050.1175 Maintenance of Records
- 1050.1180 Ability to Repay
- 1050.1185 Verification of Ability to Pay Loan
- 1050.1186 Fraudulent or Deceptive Practices
- 1050.1187 Prepayment Penalty

SUBPART K: GENERAL LENDING PRACTICES

Section

- 1050.1200 High Risk Home Loan Lending Practices; Applicability
- 1050.1210 Notice to Joint Borrowers
- 1050.1220 Inaccuracy of Disclosed Information
- 1050.1230 Changes Affecting Loans in Process
- 1050.1240 Prohibition of Unauthorized Lenders
- 1050.1250 Good Faith Requirements
- 1050.1260 Pre-paid Insurance Products and Warranties
- 1050.1270 Refinancing Prohibited in Certain Cases
- 1050.1272 Balloon Payments
- 1050.1275 Financing of Certain Points and Fees
- 1050.1276 Payments to Contractors
- 1050.1277 Negative Amortization
- 1050.1278 Negative Equity
- 1050.1280 Counseling Prior to Perfecting Foreclosure Proceedings

SUBPART L: COMMITMENT AND CLOSING PRACTICES

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Section

1050.1305	Approval Notice
1050.1310	Inconsistent Conditions Prohibited
1050.1315	Avoidance of Commitment
1050.1320	Charges to Seller
1050.1325	Intentional Delay
1050.1330	No Duplication to Borrower of Seller's Costs
1050.1335	Fees and Charges
1050.1340	Refunds on Failure to Close
1050.1345	Representative at Closing
1050.1350	Compliance with Other Laws
1050.1355	Failure to Close – Disclosure
1050.1360	Escrow Account Agreements at Closing

SUBPART M: EXEMPTION GUIDELINES

Section

1050.1410	General
1050.1420	Interpretative Guidelines

SUBPART N: ADMINISTRATIVE HEARING PROCEDURES

Section

1050.1510	Applicability
1050.1520	Definitions
1050.1530	Filing
1050.1540	Form of Documents
1050.1550	Computation of Time
1050.1560	Appearances
1050.1570	Request for Hearing
1050.1580	Notice of Hearing
1050.1590	Service of the Notice of Hearing
1050.1595	Bill of Particulars or Motion for More Definite Statement
1050.1600	Motion and Answer
1050.1610	Consolidation and Severance of Matters – Additional Parties
1050.1620	Intervention
1050.1630	Postponement or Continuance of Hearing
1050.1640	Authority of Hearing Officer
1050.1650	Bias or Disqualification of Hearing Officer
1050.1660	Prehearing Conferences

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NOTICE OF PROPOSED AMENDMENTS

1050.1670	Discovery
1050.1680	Subpoenas
1050.1690	Conduct of Hearing
1050.1700	Default
1050.1710	Evidence
1050.1720	Hostile Witnesses
1050.1730	Record of Proceedings
1050.1740	Briefs
1050.1750	Hearing Officer's Recommendation
1050.1760	Order of the Director Commissioner
1050.1770	Rehearings and Reopening of Hearings
1050.1790	Costs of Hearing

SUBPART O: MORTGAGE AWARENESS PROGRAM

Section	
1050.1800	Applicability
1050.1810	General
1050.1820	Guidelines
1050.1830	Offer of Mortgage Awareness Program

SUBPART P: DEFAULT AND FORECLOSURE RATES ON CONVENTIONAL LOANS

Section	
1050.1900	Applicability
1050.1910	Report of Default and Foreclosure Rates on Conventional Loan
1050.1920	Director's Commissioner's Review and Analysis

SUBPART Q: THIRD PARTY REVIEW OF HIGH RISK HOME LOANS

Section	
1050.2000	Applicability
1050.2010	Third Party Review of High Risk Home Loans

SUBPART R: REGISTRATION OF LOAN ORIGINATORS

Section	
1050.2110	Application for Registration and Investigation
1050.2115	Examination
1050.2120	Continuing Education Requirements for Loan Originators

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1050.2125	Certificate of Registration Issuance
1050.2130	Roster of Registered Loan Originators
1050.2135	Pocket Card
1050.2140	Certificate of Registration Renewal
1050.2145	Certificate of Registration Transfer Application or Inactive Notice
1050.2150	Inactive Registration Status; Reactivation
1050.2155	Temporary Permits
1050.2160	Confidential Information
1050.2165	Averments
1050.2170	Suspension or Revocation of Registration, Refusal to Renew, Fines
1050.2175	Loan Originator Hearings; Fees and Costs
1050.2180	Criminal Proceedings
1050.2185	Violations of Tax Acts
1050.2190	Disciplinary Action for Educational Loan Defaults
1050.2195	Nonpayment of Child Support

SUBPART S: PROVISIONAL REGISTRATION OF LOAN ORIGINATORS

Section

1050.2200	Purpose
1050.2210	Definitions
1050.2220	Registration Required
1050.2230	Exemptions
1050.2240	Application for Provisional Certificate of Registration; Contents; Amendment
1050.2250	Issuance of Provisional Certificate of Registration; Effective Date; Conditions
1050.2260	Loan Origination Practices
1050.2270	Enforcement

1050.APPENDIX A Estimated Monthly Income and Expenses Worksheet

1050.APPENDIX B Mortgage Ratio Worksheet

AUTHORITY: Implementing and authorized by the Residential Mortgage License Act of 1987 [205 ILCS 635].

SOURCE: Filed January 18, 1974; amended at 2 Ill. Reg. 2, p. 1, effective January 16, 1978; codified at 8 Ill. Reg. 4524; amended at 9 Ill. Reg. 17393, effective October 24, 1985; Part repealed by emergency rule at 12 Ill. Reg. 3041, and new Part adopted by emergency rule at 12 Ill. Reg. 3079, effective January 13, 1988, for a maximum of 150 days; Part repealed at 12 Ill. Reg. 8683, and new Part adopted at 12 Ill. Reg. 8685, effective May 10, 1988; emergency amendment at 12 Ill. Reg. 9721, effective May 18, 1988, for a maximum of 150 days; amended

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at 13 Ill. Reg. 17056, effective October 20, 1989; amended at 15 Ill. Reg. 8580, effective May 28, 1991; emergency amendment at 16 Ill. Reg. 2915, effective February 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10463, effective June 23, 1992; emergency amendment at 16 Ill. Reg. 12634, effective August 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 20179, effective December 9, 1992; amended at 17 Ill. Reg. 3513, effective March 2, 1993; transferred from Chapter III, 38 Ill. Adm. Code 450 (Commissioner of Savings and Loan Associations) to Chapter VIII, 38 Ill. Adm. Code 1050 (Commissioner of Savings and Residential Finance) pursuant to Savings Bank Act [205 ILCS 205] at 17 Ill. Reg. 4475; emergency amendment at 19 Ill. Reg. 11080, effective July 13, 1995, for a maximum of 150 days; emergency expired December 11, 1995; amended at 19 Ill. Reg. 15465, effective October 31, 1995; amended at 20 Ill. Reg. 388, effective January 1, 1996; recodified from Chapter VIII, Commissioner of Savings and Residential Finance, to Chapter II, Office of Banks and Real Estate, pursuant to PA 89-508, at 20 Ill. Reg. 12645; amended at 21 Ill. Reg. 10972, effective August 1, 1997; amended at 22 Ill. Reg. 230, effective December 19, 1997; amended at 24 Ill. Reg. 64, effective January 1, 2000; emergency amendment at 24 Ill. Reg. 19322, effective December 15, 2000, for a maximum of 150 days; emergency repealed at 25 Ill. Reg. 3696, effective January 30, 2001 in response to an objection of the Joint Committee on Administrative Rules at 25 Ill. Reg. 1857; amended at 25 Ill. Reg. 6174, effective May 17, 2001; emergency amendment at 27 Ill. Reg. 10783, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; amended at 28 Ill. Reg. 797, effective December 29, 2003; emergency amendment at 28 Ill. Reg. 7137, effective April 30, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 10352, effective June 29, 2004; amended at 28 Ill. Reg. 13351, effective September 21, 2004; amended at 29 Ill. Reg. _____, effective _____.

SUBPART A: DEFINITIONS

Section 1050.125 ~~Director~~Commissioner

"~~Director~~Commissioner" means the ~~Director~~Commissioner of ~~the Department of Financial and Professional Regulation-Division of~~ Banks and Real Estate or some person authorized by the ~~Director~~Commissioner to act for the ~~Director~~Commissioner.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

SUBPART B: FEES

Section 1050.246 Loan Originator Registration Transfer Fee

The ~~Director~~Commissioner shall receive and there shall be paid by or on behalf of the Loan Originator to the ~~Director~~Commissioner a non-refundable Loan Originator Registration Transfer

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Fee of ~~\$35~~\$50 for each Certificate of Registration transferred by mail or \$25 for each Certificate of Registration transferred electronically pursuant to Subpart R of this Part.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

SUBPART E: ANNUAL REPORT OF MORTGAGE ACTIVITY, MORTGAGE
BROKERAGE ACTIVITY AND MORTGAGE SERVICING ACTIVITY

Section 1050.630 Annual Report of Mortgage Activity

- a) Each licensee shall report the number and aggregate dollar amount of application for, and the number granted and the aggregate dollar amount of, loans pursuant to Section 4-8.3 described in 4-9(a)(1)-(3) of the Act. This report shall be categorized by: residential mortgage loans; construction loans; and home improvement and rehabilitation loans. Such reporting shall be made by census tract. If the U.S. Department of Commerce Census Bureau has not assigned census tracts, the reporting shall be by zip code.
- b) Each licensee shall report the information regarding residential mortgage loans pursuant to Section 4-8.3 described in Section 4-9(b) of the Act by census tract. If the U.S. Department of Commerce Census Bureau has not assigned census tracts, then reporting shall be by zip code. In addition to the information required to be reported under Section 4-8.3-9(b) of the Act, each licensee shall furnish the name of any loan broker who has had any connection with such loans.
- c) Service corporations of savings and loan associations and subsidiaries or affiliates of certain banks and foreign banking corporations exempted from licensing at Section 1-4(d)(1)(viii) and (ix) of the Act (except those which only service or only broker loans), are required to file Annual Reports of Mortgage Activity as though they are licensees. They shall so file on forms prescribed by and obtained from the Director~~Commissioner~~. In lieu of the information required at subsection (a), the service corporations of savings and loan associations may submit Federal Home Loan Bank Board (FHLBB) Form 1154-0 "Loan Application Register of Mortgage Loans".

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 1050.640 Annual Report of Brokerage Activity

- a) Each licensee and service corporation of savings and loan associations and

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subsidiaries or affiliates of certain banks and foreign banking organizations exempted from licensing at Section 1-4(d)(viii) and (ix) of the Act, which broker residential mortgage loans shall file an Annual Report of Brokerage Activity.

- b) The Annual Report of Brokerage Activity shall include the names of the loan funders~~originators~~, dollar amount of the loans and with whom the licensee had mortgage brokerage agreements including any specific loan programs and any aggregate dollar limits.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 1050.650 Annual Report of Servicing Activity

Each licensee which services home loan mortgages and reports any of these loans as being in default or foreclosure pursuant to Section 4-8.34-9(b) of the Act shall furnish, in addition to other information requested by the Director~~Commissioner~~, the names of the lenders~~lender~~ who funded~~originated~~ the loan.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

SUBPART F: FORECLOSURE RATE

Section 1050.750 Director's~~Commissioner's~~ Authority – Unusually High Rate

The Director~~Commissioner~~ may take any action permitted to be taken at Sections 1050.730 and 1050.740 of this Subpart or at any other Section of this Part whenever the Director~~Commissioner~~ determines that a licensee's foreclosure rate on government-insured mortgage loans in a particular area, as deemed by the Director~~Commissioner~~ on a case-by-case basis, is higher than a rate deemed appropriate by the Director~~Commissioner~~ in that particular area. The Director~~Commissioner~~ shall determine the appropriate rate for a particular area by calculating the average of the foreclosure rates on government-insured mortgage loans in the same area for the same period of time based on information filed with the Director~~Commissioner~~ pursuant to the Act. A licensee's rate which exceeds such average shall be considered unusually high.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

SUBPART N: ADMINISTRATIVE HEARING PROCEDURES

Section 1050.1760 Order of the Director~~Commissioner~~

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- a) The ~~Director~~~~Commissioner~~ shall review the hearing officer's proposed findings and recommended conclusions of law and shall issue an order.
- b) The decision in the case will become effective immediately upon the execution of a written order.
- c) Parties shall be immediately notified either personally or by mail, postage prepaid, certified or registered, addressed to the last-known address of the person of the order. A copy of the order shall be delivered or mailed to each party and to the party's attorney of record.
- d) The ~~Director~~~~Commissioner~~ shall, as part of ~~thesaid~~ order, require any party to the proceeding to pay part or all of the costs of the hearing as described in Section 1050.1790.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

SUBPART P: DEFAULT AND FORECLOSURE RATES ON CONVENTIONAL LOANS

Section 1050.1920 ~~Director's~~~~Commissioner's~~ Review and Analysis

- a) The ~~Director~~~~Commissioner~~ shall review and analyze the default and foreclosure rate data reports submitted under Section 1050.1910.
- b) The reports and their analyses may be used:
 - 1) In setting the scope of a regularly scheduled examination.
 - 2) In setting the scope of a special examination.
 - 3) In comparing the reported information of a licensee to other licensees subject to the Act.
 - 4) In comparing the reported information of a licensee to the reports submitted by licensees and charters under other Acts.
- c) The ~~Director~~~~Commissioner~~ may correspond with a licensee to seek clarification of information contained in its report and to gather additional data concerning loans in default or loans in foreclosure.

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(Source: Amended at 29 Ill. Reg. _____, effective _____)

SUBPART R: REGISTRATION OF LOAN ORIGINATORS

Section 1050.2110 Application for Registration and Investigation

- a) Each applicant for registration as a Loan Originator shall file with the Division of Banks and Real Estate (Division) a completed, signed application, on forms supplied by the Division, that includes:~~An application to be registered as a Loan Originator shall be in writing, under oath or affirmation and declared under the penalty of perjury, and in the form prescribed by the Commissioner. The application shall be accompanied by a non-refundable application fee as prescribed in Section 1050.245 of this Part and contain the following information:~~
- 1) a clear copy of a state identification card containing a current photo; ~~The name, home address, U.S. postal service mailing address, work address, e-mail address if available, date of birth, social security number, driver's license number and state of issue, and phone number of the applicant. A clear copy of a State identification card containing a current photo is to be included with the application. If any of this information changes after the filing of the initial application, the applicant shall provide updated information in writing within 30 calendar days to the Office of Banks and Real Estate. Failure to provide updated material may result in a fine of \$50 per violation for the initial failure and \$100 per violation for each additional failure.~~
 - 2) a complete work history for the 3 years immediately preceding the date of application; ~~A statement as to whether the applicant has been convicted of any criminal offense; has been subject to any adverse judgment involving financial crimes or a criminal or civil act involving monies, breach of trust, moral turpitude, or misfeasance or malfeasance; or has been convicted in any jurisdiction of a crime that is a felony in any jurisdiction. The statement shall describe fully all convictions and adverse judgments.~~
 - 3) the name, address, phone number and license number of the licensee that the applicant is or will be employed as a Loan Originator and the start date of employment or prospective employment; ~~The applicant's employment history for the 3 years immediately preceding the date of application.~~

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- 4) verification of fingerprint processing from the Illinois Department of State Police, or its designated agent for fingerprint processing, that complies with the form and manner for requesting and furnishing criminal history record information prescribed by the Department of State Police. These fingerprints shall be verified with the Department of State Police and Federal Bureau of Investigation criminal history record databases; The name, address, phone number, and license number of the licensee that the applicant is or will be employed by as a Loan Originator, along with the start date of employment or prospective employment. This employment shall be verified on a form approved by the Commissioner and signed by an authorized representative of the licensee. Any Loan Originator who is not employed by a licensee at the time of application as provided in Section 1050.2150 shall so indicate.
- 5) proof of passage of the examination or **qualification for an exemption** specified in Section 1050.2115; A statement of eligibility under Section 1050.2115(b), (c), or (d). If the applicant cannot verify eligibility under one or more of these subsections to the Commissioner's satisfaction, the applicant shall be required to pass the examination pursuant to Section 1050.2115(a) prior to performing loan origination activities.
- 6) verification that the applicant has not been convicted of any criminal offense, including a misdemeanor or felony, or has not been subject to any adverse judgment involving financial crimes or a criminal or civil act involving monies, breach of trust, moral turpitude, or misfeasance or malfeasance, or a detailed explanation describing fully all convictions and adverse judgements; A statement as to whether the applicant has been issued, denied, or forfeited a professional or occupational license or registration by any jurisdiction, or has been the subject of any disciplinary action in connection with the license or registration, and the reasons for the disciplinary action.
- 7) A statement that the applicant is in compliance with Sections 1050.2165, 1050.2185, 1050.2190, and 1050.2195.
- 8) certification from the employing licensee of the name of the **Loan Originator**, office location where employed, and employment hire date, which shall be electronically submitted to the Division's website; Such further information as the Commissioner requires.

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- 9) the required fees set forth in Section 1050.245 of this Part.
- b) If an applicant has held or holds any professional license in another jurisdiction, certification of that registration must be submitted to the Division directly from the state or territory in which the applicant was licensed stating whether the file on the applicant contains any record of disciplinary actions taken or pending. The Commissioner shall investigate information submitted by the applicant upon receipt of a complete application, including all required fees. The submission of an application shall be deemed the applicant's authorization for the Commissioner to conduct an investigation of information contained in the application for purposes of establishing the veracity of the application and to conduct background checks as the Commissioner may deem appropriate, including but not limited to criminal history, credit, and administrative or disciplinary action by other regulatory agencies.
- c) The ~~Director~~ Commissioner shall consider an application for registration withdrawn if it does not contain all of the information required under subsection (a) and if the information is not submitted to the ~~Director~~ Commissioner within 15 business days after the ~~Director~~ Commissioner requests the information.
- d) If any information changes after the filing of the initial application, the applicant shall provide updated information in writing within 30 calendar days to the Division. Failure to provide updated material may result in a fine of \$50 per violation for the initial failure and \$100 per violation for each additional failure.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 1050.2115 Examination

- a) Each applicant for an initial Loan Originator Certificate of Registration shall pass a written examination approved by the ~~Director~~ Commissioner to determine the applicant's competency to be a Loan Originator. The ~~Director~~ Commissioner may prepare, charge a nonrefundable fee for, and conduct examinations. The ~~Director~~ Commissioner may also designate an independent testing service to perform these activities on behalf of the ~~Director~~ Commissioner. In addition, any person who desires to take the written examination shall apply in writing on forms approved by the ~~Director~~ Commissioner. The examination shall be comprehensive and shall evaluate the applicant's knowledge of residential mortgage financing, including but not limited to:

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- 1) Residential mortgage financing fundamentals, including, but not limited to, industry overview, mortgage products and life cycle, and qualification calculations and principles; and
- 2) Legal, regulatory, and ethical requirements including federal, State, and local requirements and ethical responsibility.

~~b)~~ ~~Notwithstanding anything to the contrary required by subsection (a), each applicant for a Loan Originator Certificate of Registration who is able to verify current employment by a licensee and who has 2 or more years of loan origination experience in the 36 months immediately preceding the date of application shall not be required to pass the examination until the first renewal of his or her Certificate of Registration.~~

~~b)e)~~ Notwithstanding anything to the contrary required by subsection (a), each applicant who is able to verify possession of a professional certification approved by the ~~Director~~~~Commissioner~~ that requires at least 18 hours of continuing education every three years shall be exempt from the residential mortgage financing fundamentals portion of the examination and shall be required to take only the legal, regulatory, and ethical requirements portion of the examination.

~~c)d)~~ Exception ~~for~~ Solicitors ~~and Processors~~.

- 1) Notwithstanding anything to the contrary required by subsection (a) of this Section and subject to the ~~Director's~~~~Commissioner's written~~ approval, an applicant for a ~~Loan Originator~~~~loan originator~~ Certificate of Registration shall not be required to pass an examination if the applicant avers, and does in fact, limit his or her activity as a ~~Loan Originator~~~~loan originator~~, pursuant to Section 1-4(hh) of the Act, to collecting from prospective borrowers personal or financial information for the sole purpose of conveying this information to a licensee and its registered Loan Originator or an exempt entity the following:

- A) ~~soliciting residential mortgage loan applications or expressions of interest to apply for a residential mortgage loan and forwarding them, without collecting credit or appraisal information, to a licensee and its registered Loan Originators or an exempt entity; or~~
- B) ~~processing a residential mortgage loan application taken by a licensee and its registered Loan Originators, provided that the~~

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~~applicant is an employee of the licensee or an exempt entity approved by the Commissioner under Section 1-4(d)(6) of the Act.~~

- 2) The ~~Director~~Commissioner may approve the registration of a Loan Originator applicant to solicit ~~or process~~ residential mortgage loans as provided in this Part under a classification of "no examination required" provided that:
- A) the employing licensee or licensee pursuant to Section 1-4(d)(6) of the Act expressly, in writing on a form approved by the Director~~Commissioner~~, assumes full and direct legal responsibility for the solicitation ~~or processing~~ activity performed on behalf of or in the name of the licensee or that benefits or is intended to benefit the licensee;
 - B) the Loan Originator will perform no activities for which an examination under this Part is required, subject to discipline by the Director~~Commissioner~~ of the Loan Originator and his or her employing licensee or licensee pursuant to Section 1-4(d)(6) of the Act; and
 - C) otherwise meets the requirements of this Part and the Act and does not undermine the purposes of this Part and the Act.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 1050.2120 Continuing Education Requirements for Loan Originators

- a) Each calendar year, a Loan Originator shall complete a minimum of 6 hours of continuing education in residential mortgage ~~financing and related topics~~finance, as approved by the Director~~Commissioner~~. The employing licensee shall be responsible for ensuring compliance with these requirements for each Loan Originator it employs.
- ~~b) Notwithstanding anything to the contrary in subsection (a), a Loan Originator whose employment with a licensee commences after December 1 shall complete the requirements of subsection (a) by April 1 of the following calendar year and shall complete 6 additional hours of continuing education by December 31 of such following calendar year.~~

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- b) Any Loan Originator who possesses a professional certification approved by the ~~Director~~ Commissioner shall be exempt from the continuing education requirements of this Section. For a professional certification to be eligible for approval, it must require at a minimum 18 hours of continuing education related to residential mortgage lending every 3 years.
- d) ~~A licensee shall require each Loan Originator it employs to meet the requirements of this Section.~~
- ce) ~~A Notwithstanding anything to the contrary required by subsection (a) of this Section, a~~ Loan Originator who is admitted to practice law pursuant to the Illinois Supreme Court rule shall be exempt from the continuing education requirements of this Section.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 1050.2125 Certificate of Registration Issuance

- a) ~~If an applicant meets the following conditions, The Director~~ the Commissioner shall issue a Certificate of Registration for the applicant to the employing licensee (or issue and hold until requested by the employing licensee) or at the Director's discretion may issue a Certificate of Registration to the applicant if he or she meets the following conditions:
- 1) The applicant has met the requirements of Sections 1050.2110, 1050.2115, and 1050.2165;
 - 2) An investigation has been conducted as required by Section 1050.2110;
 - 3) The applicant complies with the Act, this Part, and other applicable law;
 - 4) The applicant has not been convicted of any criminal offense or subject to any adverse judgment described in Section 1050.2110(a)(2), unless the ~~Director~~ Commissioner finds that the applicant is rehabilitated and is currently honest, truthful, and of good reputation;
 - 5) The applicant's character and general fitness command the confidence of the public and warrant the belief that the applicant's employment by a licensee will be conducted honestly and fairly in compliance with the Act, this Part, and other applicable law; and

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- 6) If the ~~Director~~Commissioner has previously denied the applicant a license or registration under the Act or this Part, a period of 24 months must pass from the date of that denial and the taking of a new application for the applicant's Certificate of Registration.
- b) The ~~Director~~Commissioner shall issue the Certificate of Registration subject to the following conditions:
 - 1) Each Loan Originator's Certificate of Registration shall be mailed to the employing licensee and maintained by the employing licensee at its main office, or to the applicant if the Director so chooses under subsection (a). The Director may institute an electronic registration system and retain all certificates within that system. If the Loan Originator is not employed by a licensee at the time the Certificate of Registration is issued, the ~~Director~~Commissioner shall retain the Certificate of Registration.
 - 2) Each Loan Originator and employing licensee shall provide written notification to the ~~Director~~Commissioner within 15 calendar days after obtaining information~~discovering~~ that the Loan Originator employed by the licensee is convicted of any criminal offense; is subject to any adverse judgment in any jurisdiction involving financial crimes or criminal or civil act involving monies, breach of trust, moral turpitude, misfeasance or malfeasance; or has been convicted in any jurisdiction of a crime that is a felony in that jurisdiction. The notification shall describe fully all convictions and adverse judgments.
 - 3) If a Loan Originator's employment with a licensee ceases for any reason, the employing licensee shall return the Certificate of Registration to the ~~Director~~Commissioner within 10 calendar days after the date such employment ceases. If applicable, the employing licensee also shall provide a report pursuant to Section 6-2(4) of the Act and comply with Section 1050.2135. Licensees may be subject to discipline for filing a frivolous, false, or misleading report under Section 6-2(4) of the Act.
 - 4) Pending the transfer of a Loan Originator's Certificate of Registration to another licensee and written confirmation from the ~~Director~~Commissioner, a licensee may employ a Loan Originator as an exclusive employee on a temporary basis for a period not to exceed 45 calendar days.

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- 5) No licensee shall employ a person or entity to perform the duties of a Loan Originator, except a person with a current Loan Originator Certificate of Registration or Temporary Permit issued under Section 1050.2155.
- 6) A Certificate of Registration and the authority granted by that certificate are granted only to the Loan Originator. The Certificate of Registration and authority shall not in any manner be assigned or transferred to or used by any other person or entity.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Housing Discrimination
- 2) Code Citation: 71 Ill. Admin. Code 2300
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
2300.10	Amendment
2300.30	Amendment
2300.70	Amendment
- 4) Statutory Authority: Implementing Articles 3, 6 and 7B, and authorized by Section 7-101(A), of the Illinois Human Rights Act [775 ILCS 5/Arts. 3, 6 and 7B and 7-101(A)].
- 5) A Complete Description of the Subjects and Issues Involved: Sections 7B-102(C)(1), (D)(2), and (G)(1) of the Illinois Human Rights Act [775 ILCS 5/7B-102(C)(1), (D)(2), and (G)(1)] state that the Department must complete an investigation of alleged housing discrimination within 100 days after the charge is filed, unless it is impracticable to do so. The proposed amendments to Sections 2300.10 and 2300.70 clarify that the aforementioned Sections of the Illinois Human Rights Act are related, with the intent to permit the Department to complete its investigation. The additional definitions in Sections 2300.10 and 2300.30 clarify terms used in Article 3 of the Illinois Human Rights Act [775 ILCS 5/3] and in this Part.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendment(s) pending on this Part? No
- 10) Statement of Statewide Policy Objectives: The proposed amendments do not affect units of local government.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested parties may submit comments in writing within 45 days after publication to:

Brent A. Harzman
Staff Attorney
Illinois Department of Human Rights – Legal Division

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENT

100 W. Randolph St., Ste. 10-100
Chicago, IL 60601
(312) 814-1906 or (312) 263-1579 (TTY)

- 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 two most recent regulatory agendas because: it was not anticipated.

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

DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENT

TITLE 71: PUBLIC BUILDINGS, FACILITIES, AND REAL PROPERTY
CHAPTER VII: DEPARTMENT OF HUMAN RIGHTSPART 2300
HOUSING DISCRIMINATION

Section	
2300.10	Definitions
2300.30	Exemptions
2300.35	Housing for Elderly Persons
2300.50	Dismissal for Refusal to Accept Settlement Offer
2300.70	Procedures
2300.80	Rental of Rooms in a Private Home
2300.90	Real Estate Transactions

AUTHORITY: Implementing Articles 3, 6 and 7B, and authorized by Section 7-101(A), of the Illinois Human Rights Act [775 ILCS 5/Arts. 3, 6 and 7B and 7-101(A)].

SOURCE: Adopted at 16 Ill. Reg. 8178, effective May 19, 1992; amended at 25 Ill. Reg. 2420, effective January 23, 2001; amended at 25 Ill. Reg. 9619, effective July 17, 2001; amended at 29 Ill. Reg. _____, effective _____.

Section 2300.10 Definitions

For purposes of this Part, the following terms shall have the meanings indicated:

Act – shall mean the Illinois Human Rights Act [775 ILCS 5].

Aid, abet, compel or coerce – includes threatening, intimidating or interfering with a real estate transaction or a person for pursuing any right protected under Article 3 of the Act. Such conduct must be: because of unlawful discrimination; because that person has aided or encouraged another person in the exercise or enjoyment of a right protected under Article 3; or because of the race, color, religion, national origin, ancestry, citizenship status, age, sex, marital status, handicap, familial status or unfavorable discharge from the military of visitors or associates of any person.

Department – shall mean the Illinois Department of Human Rights.

Director – shall mean the Director of the Department or a duly authorized

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designee.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 2300.30 Exemptions

- a) It shall not be a civil rights violation to restrict rental of rooms in a housing ~~accommodation~~ ~~accomodation~~, including housing used exclusively for dormitory facilities by educational institutions, to persons of one sex to further important privacy interests.
- b) As used in Section 3-106 of the Act, the phrase "member of his or her family" shall include the person's mother, father, spouse, son, or daughter.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 2300.70 Procedures

- a) Procedures set forth in Articles 7B and 8B of the Act shall be followed for the processing of any civil rights violation set out in Article 6 alleging the following, if related to housing discrimination: retaliation for opposing unlawful discrimination, filing a charge or complaint, or for testifying, assisting or participating in an investigation, proceeding or hearing under the Act; aiding, abetting, compelling or coercing a person to commit a violation of the Act; or willfully interfering with the performance of a duty or the exercise of a power by the Human Rights Commission or one of its members or representatives or by the Department or one of its officers or employees.
- b) Pursuant to Section 7B-102(C)(1), (D)(2) and (G)(1) of the Act, and within 100 days after a charge has been properly filed, the Department (or Director) shall either order that no complaint be filed or file a complaint with the Human Rights Commission, unless it is impracticable to do so. If it is impracticable to do so, the Department shall continue to process the charge pursuant to Section 7B-102 of the Act with the greatest promptness that is administratively feasible.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Field Trials on Department-Owned or-Managed Sites
- 2) Code Citation: 17 Ill. Adm. Code 910
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
910.10	Amendment
910.15	Amendment
910.20	Amendment
910.22	New Section
910.25	Amendment
910.30	Amendment
910.40	Amendment
910.50	Amendment
910.60	Amendment
910.70	Amendment
910.80	Amendment
910.EXHIBIT A	New Section
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.34, 3.1 and 3.5 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.34, 3.1 and 3.5].
- 5) Effective Date of Amendments: May 26, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: February 14, 2005; 28 Ill. Reg. 2149
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:

Section 910.15 – put the defined terms in alphabetical order, removed the subsection labels and added the following definitions:

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Gunner – a person designated by a field trial organization to shoot captive-reared game birds, captive-reared mallard ducks or domestic pigeons during a field trial.

Handler – a person charged with the responsibility of directing and managing the field performance of a dog or dogs during a field trial.

Scout – a person directed by the handler or field trial judge to locate an errant dog being run in a field trial and who may also be temporarily charged with directing and managing the field performance of a dog or dogs during a field trial.

Section 910.22 – Changed "Des Plaines Conservation Areas" to "Des Plaines Conservation Area"

Section 910.60(d) – added ", dog handlers and scouts" following "gunners"

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Amendments to this Part include updating and adding new definitions; updating permit application procedures; increasing permit fees; adding a new Section on field trial site classification; simplifying and streamlining the field trial scheduling procedures; adding a requirement for a minimum amount of liability insurance; expanding hunting/habitat stamp license requirements for participants; adding banding requirements for captive-reared game birds and health certificates for imported captive-reared game birds released at field trials; updating the Section on violations; and adding an exhibit containing the application form.
- 16) Information and questions regarding these Adopted Amendments shall be directed to:

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

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 910
FIELD TRIALS ON DEPARTMENT-OWNED OR -MANAGED SITES

Section

910.10	Statewide Regulations
910.15	Definitions
910.20	Permits and Fees
910.22	Field Trial Site Classifications
910.25	Scheduling of Field Trials
910.30	Responsibility
910.40	Liability Insurance
910.50	Field Trial Season
910.60	Hunting License Requirements
910.70	Game Birds
910.80	Future Rights
910.EXHIBIT A	Application Form

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.34, 3.1 and 3.5 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.34, 3.1 and 3.5].

SOURCE: Adopted at 2 Ill. Reg. 30, p. 291, effective July 29, 1978; codified at 5 Ill. Reg. 10650; amended at 7 Ill. Reg. 1784, effective February 1, 1983; amended at 11 Ill. Reg. 12860, effective July 28, 1987; amended at 18 Ill. Reg. 13425, effective August 23, 1994; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 29 Ill. Reg. 8295, effective May 26, 2005.

Section 910.10 Statewide Regulations

| All regulations found in 17 Ill. Adm. Code 110,~~130~~ and 140 will apply unless regulations in this Part are more restrictive.

(Source: Amended at 29 Ill. Reg. 8295, effective May 26, 2005)

Section 910.15 Definitions

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- b) Championship/Classic – field trial classifications awarded by recognized sporting dog registries such as the American Kennel Club, The American Field – Field Dog Stud Book, United Kennel Club, etc., or by recognized national sporting dog associations such as the National Shoot-To-Retrieve Field Trial Association, etc., that are used to designate particular field trials as superior and more prestigious events.

Class A Field Trial Sites – sites that accommodate a variety of field trial types and a substantial number of sporting dog field trials. The types of field trials may include horseback and walking pointing dog field trials, horseback fox hound field trials, retriever field trials, spaniel field trials, beagle hound field trials and competitive coon hound events. These sites include the requirements for field trials in the planning and implementation of wildlife and resource management. Facilities necessary to support field trials (e.g., field trial headquarters building, stable, adequate parking, dog kennels, corral, pasture) are typically available at these sites.

Class B Field Trial Sites – sites that accommodate a variety, but smaller number, of field trial opportunities. Field trial requirements are not included in wildlife and resource management planning and implementation at these sites. Facilities to support field trials are typically not developed at these sites.

- a) Field Trial – a stylized form of hunting for any competition involving the classification of dogs commonly referred to as sporting dogs as well as beagle hounds, fox hounds, coon hounds and squirrel dogs and that involves competition in which the primary purpose is to evaluate the field performance of the dogs.

Gunner – a person designated by a field trial organization to shoot captive-reared game birds, captive-reared mallard ducks or domestic pigeons during a field trial.

Handler – a person charged with the responsibility of directing and managing the field performance of a dog or dogs during a field trial.

Scout – a person directed by the handler or field trial judge to locate an errant dog being run in a field trial and who may also be temporarily charged with directing and managing the field performance of a dog or dogs during a field trial.

(Source: Amended at 29 Ill. Reg. 8295, effective May 26, 2005)

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Section 910.20 Permits and Fees

- a) ~~Applications~~Requests for Field Trial Permits must be received on forms prescribed by the Department of Natural Resources (Department or DNR). Applications can be submitted by mail, fax or electronic mail and in writing by the Department at least four weeks prior to the date of the field trial. Requests should be sent to:

Department of Natural Resources
 Division of ~~Parks and Recreation~~Wildlife Resources
One Natural Resources Way Lincoln Tower Plaza
~~524 South Second St.~~
 Springfield, IL ~~62702-1271~~62706

- b) ~~Request for Field Trial Permits must contain the following information:~~
- ~~1) Name of the field trial organization~~
 - ~~2) Date(s) the field trial is to be conducted~~
 - ~~3) Location~~
 - ~~4) Type of field trial (e.g., pointing dog-horseback, pointing dog-walking, beagle-hound, retriever, shoot-to-retrieve, springer spaniel, etc.)~~
 - ~~5) Licensing or sanctioning sporting dog registry or association if applicable (e.g., American Kennel Club, The American Field-Dog Stud Book, National Shoot-To-Retrieve Field Trial Association, United Kennel Club, etc.)~~
- b)e) Fees – Illinois Department of Natural Resources ~~Areas~~Area
- 1) ~~Pointing Breed, Horseback Fox Hound, Retrieving Breed and Flushing Breed~~ Field Trials – ~~\$70~~\$35.00 per day or part of day
 - 2) ~~Retrieving Breed and English Springer Spaniel~~ Field Trials – ~~\$25.00~~ per day or part of day
 - 2)3) ~~Beagle and Coon~~ Hound Field Trials – ~~\$25~~\$12.50 per day or part of day

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- ~~c) d)~~ Field trial participants shall be permitted to remain overnight at designated field trial headquarters areas or staging areas in recreational vehicles or horse trailers with living quarters. The rates established in 17 Ill. Adm. Code 130.70 (camping fees) appropriate for the services provided shall be assessed. Established camp sites and group camping are available to field trial participants at rates established in 17 Ill. Adm. Code 130.

(Source: Amended at 29 Ill. Reg. 8295, effective May 26, 2005)

Section 910.22 Field Trial Site Classifications

- a) Class A Field Trial Sites:

Des Plaines Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area

Hamilton County State Fish and Wildlife Area

Middle Fork State Fish and Wildlife Area

Moraine View State Park

Pyramid State Park

Wayne Fitzgerald State Park

- b) Class B Field Trial Sites:

Chain O'Lakes State Park

Banner Marsh State Fish and Wildlife Area

Beaver Dam State Park

Eldon Hazlet State Park – North of Allen Branch

Kickapoo State Park

Peabody River King State Park

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Randolph County Conservation Area

Sangchris Lake State Park

Stephen Forbes State Park

Weinberg-King State Park

(Source: Added at 29 Ill. Reg. 8295, effective May 26, 2005)

Section 910.25 Scheduling of Field Trials

The following scheduling procedures apply to all Class A and B field trial sites:

- a) Scheduling of field trial dates will be on a weekend basis with the first weekend being the first two-day weekend of January.
- b) A field trial organization has first option for the dates date(s) it had the previous calendar year July 1-December 31 or January 1-June 30 if it follows the scheduling procedures in this Section.
- c) The Department will accept applications requests from January 1 through March 31 April 30 for field trials that will occur the following calendar year. In 2005 only, the Department will also accept applications from January 1 through March 31 for field trials that will occur from July 1 through December 31, 2005 from July 1 through December 31 of the same year.
- d) The Department will accept requests from June 1 through September 30 for field trials that will occur from January 1 through June 30 of the following year.
- d)e) Due to the time required for advance arrangements, the Department will accept requests from field trial organizations sponsoring a championship or classic at a time in advance of that specified in subsections subsections (c) and (d).
- e)f) A field trial organization that wishes to change dates during the scheduling periods must complete these arrangements with the appropriate field trial organization that used the date previously.

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- ~~f)g)~~ Dates remaining open after the conclusion of ~~the each~~ scheduling period will be filled on a first-come, first-served basis. Applications for these dates must be received at least four weeks prior to the date of the field trial. Applications received less than four weeks in advance may not be able to be processed prior to the requested dates and as a result may be denied. Applications for the period from the opening date of the Upland Game Season to the following January 15 at Pyramid State Park will only be accepted as prescribed in subsection (c).
- ~~h)~~ If an open date is requested via telephone, it will be held ten business days. If a letter is not received in this time period and the scheduling priority period has concluded, the date will revert to an open date.
- ~~i)~~ Championship field trials may be accommodated during or by delaying the controlled pheasant hunting season at Class A field trial sites providing there are no significant adverse impacts to either activity.
- ~~j)~~ Field trials will not be scheduled at the Lee County Conservation Area (Green River State Wildlife Area) from September 1 through September 15.

(Source: Amended at 29 Ill. Reg. 8295, effective May 26, 2005)

Section 910.30 Responsibility

The officers of a field trial organization shall be responsible for the proper conduct of all trial activities ~~and~~ for the condition of the field trial area during and after the trial and for following all applicable Department rules. Tie-outs shall be exempt from 17 Ill. Adm. Code 110.30(b).

(Source: Amended at 29 Ill. Reg. 8295, effective May 26, 2005)

Section 910.40 Liability Insurance

~~Field~~ It will be necessary that field trial organizations must acquire liability insurance coverage in an amount of at least \$1,000,000 ~~adequate~~ to cover personal injuries or accidents to participants or spectators and to cover damage to ~~State~~ property or to the property and crops of landowners adjacent to ~~State~~ property.

(Source: Amended at 29 Ill. Reg. 8295, effective May 26, 2005)

Section 910.50 Field Trial Season

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Except for the retrieving breed trials, and the qualifying statements provided, no trials will be authorized before September 1, or after April 30, in the Northern Zone, or before September 1, or after April 15, in the Southern Zone (the boundary between Northern Zone and Southern Zone for these purposes will be U.S. Route 36):

- a) If the opening date of the field trial season falls on a Sunday, the season will begin on Saturday of that weekend.
- b) If the closing date of the field trial season falls on a Saturday, the season will conclude on Sunday of that weekend.
- c) If, during the final days of the field trial season, a field trial organization begins trial activities ~~that which~~ are subsequently ~~delayed or suspended~~ called due to inclement weather, the field trial organization may complete the trial even though the trialing season has ended. The field trial organization must complete the trial on the first possible day or days ~~day(s)~~.

(Source: Amended at 29 Ill. Reg. 8295, effective May 26, 2005)

Section 910.60 Hunting License Requirements

- a) ~~In field trials where the taking of hand-reared game birds and hand-reared Mallard Ducks is a necessary function of the trial, the following shall apply:~~
- a)1) All resident dog handlers, scouts and gunners are required to have a valid Illinois hunting license and habitat stamp, except as exempted by ~~Sections~~ Section 3.1 and 3.1-2 of the Wildlife Code ~~[520 ILCS 5/3.1 and 3.1-2](Ill. Rev. Stat. 1991, ch. 61, par. 3.1) [520 ILCS 5/3.1].~~
- b)2) All non-resident dog handlers, scouts and gunners are required to have a valid Illinois non-resident hunting license and habitat stamp or written exemption from the Department waiving the license and stamp requirement, except as exempted by Section 3.1 of the Wildlife Code.
- c) Non-resident dog handlers, scouts and gunners with hunting privileges suspended or revoked in another state or Canada are ineligible to participate in Illinois field trials.
- d)1) A written exemption from the Department waiving the hunting license and habitat stamp requirements ~~requirement~~ will be granted on request to all non-resident

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gunners, dog handlers and scouts. A request for a waiver of the hunting license and habitat stamp requirements~~requirement~~ must be in writing.

(Source: Amended at 29 Ill. Reg. 8295, effective May 26, 2005)

Section 910.70 Game Birds

- a) All hand-reared game birds or mallard ducks released and shot at field trials shall be banded on the same day they are taken and prior to removal from the field trial area. Bands shall be purchased from the Department for \$.10 each in increments of 100 bands by calling or writing to: Illinois Department of Natural Resources, Commercial License Office, P.O. Box 19458, Springfield IL 62794-9458.
- b) Hand-reared game birds or mallard ducks released at field trials must either be purchased from an Illinois licensed game breeder or, if they are purchased from a non-resident game bird breeder, a health certificate signed by a licensed veterinarian from the state of origin certifying the game birds are disease free must accompany the game birds or mallard ducks.

~~Unless written authorization to do otherwise is obtained from the Department, game birds furnished to field trial organizations by the Department may not be killed. Permission to kill game birds will only be granted by the Department when the by-laws of field trial organizations require the killing of game birds.~~

(Source: Amended at 29 Ill. Reg. 8295, effective May 26, 2005)

Section 910.80 Future Rights

- a) For violation of Section 2.34 of the Wildlife Code (~~Ill. Rev. Stat. 1991, ch. 61, par. 2.34~~) [520 ILCS 5/2.34] or this Part, the Department will reject all future requests for Field Trial Permits for a period of time not to exceed five years following a finding of guilt~~the conviction of the violation~~.
- b) Organizations denied Field Trial Permits may contest the denial of a permit according to the process delineated in 17 Ill. Adm. Code 2530.

(Source: Amended at 29 Ill. Reg. 8295, effective May 26, 2005)

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Section 910.EXHIBIT A Application FormField Trial Organization Name: _____Contact Person's Name: _____Contact Person's Address: _____City: _____ State: _____ Zip: _____ Email Address: _____Work Phone: (____) _____ Home Phone: (____) _____Fax Number: (____) _____ Cell Phone: (____) _____Dates of Field Trials: _____Location of Field Trial: _____

- | | |
|--|---|
| <input type="checkbox"/> <u>Des Plaines CA</u> | <input type="checkbox"/> <u>Pyramid SP – Captain Unit</u> |
| <input type="checkbox"/> <u>Jim Edgar Panther Creek SFWA</u> | <input type="checkbox"/> <u>Pyramid SP – Denmark Unit</u> |
| <input type="checkbox"/> <u>Hamilton Co. SFWA</u> | <input type="checkbox"/> <u>Pyramid SP – Galum Unit</u> |
| <input type="checkbox"/> <u>Moraine View SP</u> | <input type="checkbox"/> <u>Wayne Fitzgerald SP</u> |
| <input type="checkbox"/> <u>Middle Fork SFWA</u> | <input type="checkbox"/> <u>Other</u> _____ |

Type of Field Trial: _____

- | | |
|--|--|
| <input type="checkbox"/> <u>Pointing Dog – Horseback</u> | <input type="checkbox"/> <u>Retriever</u> |
| <input type="checkbox"/> <u>Pointing Dog – Walking</u> | <input type="checkbox"/> <u>Flushing Dog – Shoot-To-Retrieve</u> |
| <input type="checkbox"/> <u>Pointing Dog – Shoot-To-Retrieve</u> | <input type="checkbox"/> <u>English Springer Spaniel</u> |
| <input type="checkbox"/> <u>Beagle Hound</u> | <input type="checkbox"/> <u>Fox Hound</u> |
| <input type="checkbox"/> <u>Coon Hound</u> | <input type="checkbox"/> <u>Other</u> _____ |

Licensing or Sanctioning Sporting Dog Registry or Association if Applicable: _____

- American Kennel Club (AKC)
- American Rabbit Hound Association (ARHA)
- National Shoot-To-Retrieve Field Trial Association (NSTRA)
- United Kennel Club (UKC)
- The American Field – Field Dog Stud Book (AFDSB)
- Amateur Field Trial Clubs of America (AFTCA)
- National Kennel Club (NKC)
- Professional Kennel Club (PKC)
- Club Sponsored Event

Request must be received at least four weeks prior to the date of the field trail.Fees: Pointing Breed, Horseback Fox Hound, Retrieving Breed and Flushing Breed Field Trials – \$70 per dayBeagle and Coon Hound Field Trials – \$25 per dayA current certificate of liability insurance valid for the dates of the field trial must either be on file with DNR or attached to this application.Submit application to: IDNR, Attention: Field Trial Program, One Natural Resources Way, Springfield IL 62702-1271; Phone: (217)782-6752; Fax: (217)524-5612

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(Source: Added at 29 Ill. Reg. 8295, effective May 26, 2005)

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- 1) Heading of the Part: Field Trials on Non-Department Owned or-Managed Lands
- 2) Code Citation: 17 Ill. Adm. Code 930
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
930.5	New Section
930.20	Amendment
930.40	Amendment
930.45	Amendment
930.50	Amendment
930.55	New Section
930.60	Amendment
930.EXHIBIT A	New Section
930.EXHIBIT B	New Section
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.34, 3.1 and 3.5 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.34, 3.1 and 3.5].
- 5) Effective Date of Amendments: May 26, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: February 14, 2005; 28 Ill. Reg. 2161
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:

Section 930.40 - Changed section heading in Table of Contents and text to read "Hunting License Requirements"

Section 930.5 – Added following definitions:

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Gunner – a person designated by a field trial organization to shoot captive-reared game birds, captive-reared mallard ducks or domestic pigeons during a field trial.

Handler – a person charged with the responsibility of directing and managing the field performance of a dog or dogs during a field trial.

Scout – a person directed by the handler or field trial judge to locate an errant dog being run in a field trial and who may also be temporarily charged with directing and managing the field performance of a dog or dogs during a field trial.

Section 930.20 – Replaced "Field Trial Permits" with "all types of field trial permits"

EXHIBIT B – Removed "List property owners by name in which these events will be conducted"

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Amendments to this Part include adding a definitions section; updating permit application procedures; expanding hunting/habitat stamp license requirements for participants; simplifying the furbearer competitive event section and adding the American Kennel Club; adding banding requirements for captive-reared game birds and health certificates for imported captive-reared game birds released at field trials; updating the violation Section and adding exhibits containing application forms.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

PART 930

FIELD TRIALS ON NON-DEPARTMENT-OWNED OR -MANAGED LANDS

Section

930.5	Definitions
930.10	Statewide Regulations
930.20	Permits
930.30	Responsibility
930.40	Hunting License Requirements Licenses
930.45	Furbearer Competitive Events
930.50	Shoot-to-Retrieve Field Trials
930.55	Game Birds
930.60	Future Rights/Appeal Procedures
930.EXHIBIT A	Application Form for Field Trials on Non-Department-Owned or -Managed Sites
930.EXHIBIT B	Application Form for Competitive Coon Hound Events

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.34, 3.1 and 3.5 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.34, 3.1 and 3.5].

SOURCE: Adopted at 2 Ill. Reg. 48, p. 57, effective December 1, 1978; codified at 5 Ill. Reg. 10617; amended at 9 Ill. Reg. 13951, effective September 4, 1985; amended at 11 Ill. Reg. 12864, effective July 28, 1987; amended at 12 Ill. Reg. 11720, effective June 30, 1988; amended at 13 Ill. Reg. 10572, effective June 19, 1989; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 29 Ill. Reg. 8307, effective May 26, 2005.

Section 930.5 Definitions

Field Trial – a stylized form of hunting for the classifications of dogs commonly referred to as sporting dogs, as well as beagle hounds, fox hounds, coon hounds and squirrel dogs, and that involves competition in which the primary purpose is to evaluate the field performance of the dogs.

Gunner – a person designated by a field trial organization to shoot captive-reared game birds, captive-reared mallard ducks or domestic pigeons during a field trial.

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Handler – a person charged with the responsibility of directing and managing the field performance of a dog or dogs during a field trial.

Scout – a person directed by the handler or field trial judge to locate an errant dog being run in a field trial and who may also be temporarily charged with directing and managing the field performance of a dog or dogs during a field trial.

(Source: Added at 29 Ill. Reg. 8307, effective May 26, 2005)

Section 930.20 Permits

a) Applications Requests for all types of field trial permits Field Trial Permits must be received by the Department of Natural Resources (Department or DNR) in writing at least four weeks prior to the date of the trial. Applications received less than four weeks in advance may not be able to be processed prior to the field trial. Applications Requests must be forwarded to:

Department of Natural Resources
Division of Land Management Wildlife Resources
One Natural Resources Way 524 S. Second Street
Springfield, IL 62702-1271 62701-1787

- b) Requests for Field Trial Permits must contain the following information:
- 1) Name of the field trial organization
 - 2) Date(s) the field trial is to be conducted
 - 3) Location
 - A) For coon hound and fox hound field events, the headquarter's location in distance and direction from the nearest town must be provided. The county(s) where hounds will be run must be listed. The specific location(s) where hounds will be run must be provided to the Department at the time of the drawing.
 - B) For all other field trials, the location of the grounds in distance and direction from the nearest town must be provided.
 - 4) Type of field trial (i.e., beagle hound, retriever, shoot to retrieve, coon

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~~hound competitive wild coon hunt, etc.)~~

- 5) ~~Licensing or sanctioning sporting dog registry or association (i.e., American Kennel Club, United Kennel Club, American Coon Hound Association, National Shoot to Retrieve Field Trial Association, etc.)~~

(Source: Amended at 29 Ill. Reg. 8307, effective May 26, 2005)

Section 930.40 Hunting License Requirements Licenses

~~a) In field trials where the taking of hand-reared game birds and hand-reared Mallard Ducks is a necessary function of the trial, the following shall apply:~~

- ~~a1)~~ All resident dog handlers, scouts and gunners are required to have a valid Illinois hunting license and habitat stamp, except as exempted by SectionsSection 3.1 and 3.1-2 of the Wildlife Code [520 ILCS 5/3.1 and 3.1-2](Ill. Rev. Stat. 1985, ch. 61, par. 3-1).
- ~~b2)~~ All non-resident dog handlers, scouts and gunners are required to have a valid Illinois non-resident hunting license and habitat stamp or written exemption from the Department waiving the license and stamp requirement, except as exempted by Section 3.1 of the Wildlife Code.
- ~~c)~~ Non-resident dog handlers, scouts and gunners with hunting privileges suspended or revoked in another state or Canada are ineligible to participate in Illinois field trials.
- ~~db)~~ A written exemption from the Department waiving the hunting license and habitat stamp requirements will be granted on request to all non-resident gunners, dog handlers and scouts. A request for a waiver of the hunting license and habitat stamp requirements requirement must be in writing.

(Source: Amended at 29 Ill. Reg. 8307, effective May 26, 2005)

Section 930.45 Furbearer Competitive Events

- a) During the ~~closed20-day~~ period preceding the opening date of the raccoon hunting season and the ~~closed20-day~~ period following the closing date of the raccoon hunting season, the Department may only issue field trial permits for United Kennel Club, American Kennel Club, American Coon Hunters Association,

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Professional Kennel Club, Mid-America Coon Hunters Association, or the National Kennel Club licensed competitive ~~live~~-raccoon hunts and ~~those~~ fox hound field trials conducted in fenced enclosures approved by the Department for the hours of sunset to sunrise ~~in accordance with Section 2.34 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, par. 2.34).~~

- b) Field trial permits for competitive coon hound field events and for fox hound field trials, except fox hound field trials conducted in fenced enclosures approved by the Department as fox-proof, will not be issued for the period of firearm deer hunting season as specified in 17 Ill. Adm. Code 650.10.
- c) All vehicles associated with competitive live raccoon hunts conducted during the ~~closed 20-day~~ periods preceding and following the raccoon hunting season must display ~~an identification card~~ ~~windshield sticker~~ provided with the Field Trial Permit.

(Source: Amended at 29 Ill. Reg. 8307, effective May 26, 2005)

Section 930.50 Shoot-to-Retrieve Field Trials

- a) Only participants and official gunners will be permitted to take hand-reared game birds during shoot-to-retrieve field trials, and then only on the designated field trial ~~course~~ ~~course(s)~~.
- b) Hand-reared game birds which have left the designated field trial ~~course~~ ~~course(s)~~ are considered to be lost and ~~shall~~ ~~are~~ not ~~to~~ be pursued by anyone.

(Source: Amended at 29 Ill. Reg. 8307, effective May 26, 2005)

Section 930.55 Game Birds

- a) All hand-reared game birds or mallard ducks released and shot at field trials shall be banded on the same day they are taken and prior to removal from the field trial area. Bands shall be purchased from the Department for \$.10 each in increments of 100 bands by calling or writing to: Illinois Department of Natural Resources, Commercial License Office, P.O. Box 19458, Springfield IL 62794-9458.
- b) Hand-reared game birds or mallard ducks released at field trials must either be purchased from an Illinois licensed game bird breeder or, if they are purchased from a non-resident game bird breeder, a health certificate signed by a licensed

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[veterinarian from the state of origin certifying the game birds are disease free must accompany the game birds or mallard ducks.](#)

(Source: Added at 29 Ill. Reg. 8307, effective May 26, 2005)

Section 930.60 Future Rights/Appeal Procedures

- a) For violation of Section 2.34 of the Wildlife Code [\[520 ILCS 5/2.34\]](#) (~~Ill. Rev. Stat. 1985, ch. 61, par. 2.34~~) or this Part, the Department will reject all future requests for Field Trial Permits for a period of time not to exceed five years following [a finding of guilt](#)~~the conviction of the violation.~~
- b) Organizations denied Field Trial Permits may contest the denial of a permit according to the process delineated in 17 Ill. Adm. Code 2530.

(Source: Amended at 29 Ill. Reg. 8307, effective May 26, 2005)

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Section 930.EXHIBIT A Application Form for Field Trials on Non-Department-Owned or -Managed Sites

Field Trial Organization Name: _____

Contact Person's Name: _____

Contact Person's Address: _____

City: _____ State: _____ Zip: _____ Email Address: _____

Work Phone: (____) _____ Home Phone: (____) _____

Fax Number: (____) _____ Cell Phone: (____) _____

Dates of Field Trials:

Location: _____

County: _____

Property Owner's Name: _____

Distance & Direction From Nearest Community: _____

Type of Field Trial:

- | | |
|--|--|
| <input type="checkbox"/> <u>Pointing Dog – Horseback</u> | <input type="checkbox"/> <u>Retriever</u> |
| <input type="checkbox"/> <u>Pointing Dog – Walking</u> | <input type="checkbox"/> <u>Flushing Dog – Shoot-To-Retrieve</u> |
| <input type="checkbox"/> <u>Pointing Dog – Shoot-To-Retrieve</u> | <input type="checkbox"/> <u>English Springer Spaniel</u> |
| <input type="checkbox"/> <u>Beagle Hound</u> | <input type="checkbox"/> <u>Fox Hound</u> |
| <input type="checkbox"/> <u>Coon Hound</u> | <input type="checkbox"/> <u>Other</u> _____ |

Licensing or Sanctioning Sporting Dog Registry or Association if Applicable:

- American Kennel Club (AKC)
- American Rabbit Hound Association (ARHA)
- National Shoot-To-Retrieve Field Trial Association (NSTRA)
- United Kennel Club (UKC)
- The American Field – Field Dog Stud Book (AFDSB)
- Amateur Field Trial Field Clubs of America (AFTCA)
- National Kennel Club (NKC)
- Professional Kennel Club (PKC)
- Club Sponsored Event

Request must be received at least four weeks prior to the date of the field trial.

Submit application to: IDNR, Attention: Field Trial Program, One Natural Resources Way, Springfield IL 62702-1271; Phone: (217)782-6752; Fax: (217)524-5612

(Source: Added at 29 Ill. Reg. 8307, effective May 26, 2005)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Section 930.EXHIBIT B Application Form for Competitive Coon Hound Events

Contact Person's Name: _____

Contact Person's Address: _____

City: _____ State: _____ Zip: _____ Email Address: _____

Work Phone: (____) _____ Home Phone: (____) _____

Fax Number: (____) _____ Cell Phone: (____) _____

Organization Name: _____

Organization Headquarters Location (distance & direction from nearest town): _____

Dates of Field Events, Type of Event (ex: Night Hunt, Field Trial, Water Race or Treeing Contest) and Licensing Organization (AKC, ACHA, NKC, PKC, UKC or Club Event):

County or counties in which these events will be conducted: _____

List property owners by name in which these events will be conducted:

Signature of the Applicant

Request must be received at least four weeks prior to the date of the field trial.

This permit is only valid on properties where permission has been secured from the landowner/tenant to pursue game by individuals associated with the competitive field event and/or their dogs. Failure to comply with this provision is a violation of 520 ILCS 5/2.33(t), which is a Class B misdemeanor punishable by 1-6 months in jail and/or fines of up to \$1,500.

Submit application to: IDNR, Attention: Field Trial Program, One Natural Resources Way, Springfield IL 62702-1271; Phone: (217)782-6752; Fax: (217)524-5612

(Source: Added at 29 Ill. Reg. 8307, effective May 26, 2005)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Construction in Floodways of Rivers, Lakes and Streams
- 2) Code Citation: 17 Ill. Adm. Code 3700
- 3) Section Number: 3700.40 Adopted Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 23, 29a and 30 of the Rivers, Lakes and Streams Act [615 ILCS 5/23, 29a and 30].
- 5) Effective Date of Amendment: May 26, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: February 18, 2005; 28 Ill. Reg. 2603
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to reflect the Department's change of address for the Chicago Office.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Jack Price, Legal Counsel
Department of Natural Resources

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER h: WATER RESOURCES

PART 3700

CONSTRUCTION IN FLOODWAYS OF RIVERS, LAKES AND STREAMS

Section

3700.10	Purpose
3700.20	Definitions
3700.30	Jurisdiction
3700.40	Permit Application
3700.50	Notice to Interested Parties
3700.60	Departmental Standards
3700.70	Special Provisions for Bridges and Culverts
3700.75	Special Provisions for Levees and Floodwalls
3700.80	Statewide Permits
3700.90	Denial of Applications
3700.100	Violations and Enforcement
3700.110	Final Administrative Decision

AUTHORITY: Implementing and authorized by Sections 23, 29a and 30 of the Rivers, Lakes and Streams Act [615 ILCS 5/23, 29a and 30].

SOURCE: Adopted at 17 Ill. Reg. 4484, effective March 23, 1993; emergency amendment at 18 Ill. Reg. 790, effective January 14, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 8167, effective May 16, 1994; recodified from 92 Ill. Adm. Code 700, Department of Transportation, to the Department of Natural Resources, at 22 Ill. Reg. 7362; amended at 27 Ill. Reg. 7774, effective April 21, 2003; amended at 29 Ill. Reg. 8316, effective May 26, 2005.

Section 3700.40 Permit Application

An applicant who desires a permit under this Part shall file with the Department an application consisting of a properly executed application form and all plans and information required to determine the effect of the construction on the carrying capacity of the stream. All portions of the application form, including the name and address of the applicant, a description of the proposed activity, the location of the proposed activity, and the names and addresses of all adjoining property owners, shall be completed and all required attachments must be submitted before a determination of permissibility will be made. Application forms may be obtained from the Illinois Department of Natural Resources, Office of Water Resources at the following addresses:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

One Natural Resources Way
Springfield IL 62702-1271

[36 S. Wabash, Suite 1415](#)
[Chicago IL 60603](#)

~~James R. Thompson Center~~
~~100 West Randolph Street, Suite 5-500A~~
~~Chicago IL 60601~~

Region 2 Office
2050 West Stearns Road
Bartlett IL 60103

Many activities permitted under this Part require review of the U.S. Army Corps of Engineers and the Illinois Environmental Protection Agency. To simplify application procedures, the Illinois Department of Natural Resources, Office of Water Resources utilizes a joint application form with these two agencies.

(Source: Amended at 29 Ill. Reg. 8316, effective May 26, 2005)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Regulation of Public Waters
- 2) Code Citation: 17 Ill. Adm. Code 3704
- 3) Section Number: 3704.50 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by the Rivers, Lakes and Streams Act [615 ILCS 5].
- 5) Effective Date of Amendment: May 26, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including all material incorporated by reference is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: February 18, 2005; 28 Ill. Reg. 2607
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to reflect the Department's change of address for the Chicago Office.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price, Legal Counsel
Department of Natural Resources

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER h: WATER RESOURCESPART 3704
REGULATION OF PUBLIC WATERS

Section	
3704.10	Purpose
3704.20	Definitions
3704.30	Jurisdiction
3704.40	List of Public Waters and Provision For Additions
3704.50	Permit Application
3704.60	Notice to Interested Parties
3704.70	Land Conversions and Fill Material Placement
3704.80	Department Evaluation
3704.90	Departmental Standards
3704.100	Emergency Permit
3704.110	Statewide and Regional Permits
3704.120	General Permits
3704.130	Denial of Applications
3704.140	Violations and Enforcement
3704.150	Final Administrative Decision
3704.APPENDIX A:	Public Bodies of Water

AUTHORITY: Implementing and authorized by the Rivers, Lakes and Streams Act [615 ILCS 5].

SOURCE: Adopted at 17 Ill. Reg. 4494, effective March 23, 1993; recodified from 92 Ill. Adm. Code 704, Department of Transportation, to the Department of Natural Resources, at 22 Ill. Reg. 7362; amended at 27 Ill. Reg. 7778, effective April 21, 2003; amended at 29 Ill. Reg. 8320, effective May 26, 2005.

Section 3704.50 Permit Application

An applicant who desires a permit under this Part shall file with the Department an application consisting of a properly executed application form and all plans and information required to determine the effect of the construction on the public body of water. All portions of the application form, including the name and address of the applicant, a description of the proposed activity, the location of the activity, and the names and addresses of all adjoining property owners, shall be completed and all required attachments must be submitted before a

DEPARTMENT OF NATURAL RESOURCES

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determination of permissibility will be made. Application forms may be obtained from the Illinois Department of Natural Resources, Office of Water Resources at any of the following addresses:

One Natural Resources Way
Springfield IL 62702-1271

[36 S. Wabash, Suite 1415](#)
[Chicago IL 60603](#)

~~James R. Thompson Center~~
~~100 W. Randolph Street, Suite 5-500A~~
~~Chicago IL 60601~~

Region 2 Office
2050 West Stearns Road
Bartlett IL 60103

Many activities permitted under this Part require review of the U.S. Army Corps of Engineers and the Illinois Environmental Protection Agency. To simplify application procedures, the Illinois Department of Natural Resources, Office of Water Resources utilizes a joint application form with these two agencies.

(Source: Amended at 29 Ill. Reg. 8320, effective May 26, 2005)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: General
- 2) Code Citation: 62 Ill. Adm. Code 1700
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1700.17	Amendment
1700.18	Repeal
- 4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].
- 5) Effective Date of Amendments: May 27, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: December 17, 2004; 28 Ill. Reg. 16079
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:
Section 1700.17(a) – changed "[20 ILCS 5]" to "[20 ILCS 810]"
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to update statutory language and references in Section 1700.17 and to repeal Section 1700.18.
- 16) Information and questions regarding these adopted amendments shall be directed to:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 62: MINING

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 1700

GENERAL

Section

1700.11	Applicability
1700.12	Petitions to Initiate Rulemaking
1700.13	Notice of Citizen Suits
1700.14	Availability of Records
1700.15	Computation of Time
1700.16	Fees and Forfeitures
1700.17	Administration
1700.18	Advisory Council on Reclamation (<u>Repealed</u>)

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 9347; amended at 11 Ill. Reg. 8051, effective July 1, 1987; amended at 14 Ill. Reg. 11795, effective January 1, 1991; amended at 15 Ill. Reg. 17136, effective January 1, 1992; amended at 20 Ill. Reg. 1956, effective January 19, 1996; recodified from the Department of Mines and Minerals to the Department of Natural Resources at 21 Ill. Reg. 16192; amended at 26 Ill. Reg. 4209, effective March 6, 2002; amended at 29 Ill. Reg. 8324, effective May 27, 2005.

Section 1700.17 Administration

- a) *General Duties and Powers.* In addition to the duties and powers of the Department prescribed by the Civil Administrative Code of Illinois [20 ILCS 801] (*Ill. Rev. Stat. 1985, ch. 127, pars. 1 et seq.*), the Department shall have full powers and authority to carry out and administer the provision of the State Act. The Department has the power and the duty to act as the regulatory authority for the State of Illinois under the Surface Mining Control and Reclamation Act of 1977 (~~the~~ Federal Act (30 USCA 1201 et seq.), to submit and implement a State program under the Federal Act, and to apply for, receive, receipt for and use for and in behalf of the State~~Illinois~~ such moneys and property as are given or granted under the Federal Act or any other federal law, or from any other lawful public and~~or~~ private source, for the purposes of the State Act. [225 ILCS

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

~~720/9.02](Ill. Rev. Stat. 1985, ch. 96½, par. 7909.02).~~

- b) *Cooperative Agreements.* The Department may enter into cooperative agreements with the United States Secretary of the Interior under which the State will regulate mining on Federal lands. ~~[225 ILCS 720/9.03](Ill. Rev. Stat. 1985, ch. 96½, par. 7909.03).~~
- c) *Delegation to Other Agencies.* The Department may delegate responsibilities, other than final action on permits, to other State agencies with the authority and technical expertise to carry out such responsibilities, with the consent of such agencies. The Department may contract with any State officer or agency to administer responsibilities under this Act as may be deemed necessary and appropriate to provide for effective administration hereof, without unreasonable or unnecessary cost or duplication of effort, and taking into account the need to deliver fair and effective governmental service to the interested public. ~~[225 ILCS 720/9.04](Ill. Rev. Stat. 1985, ch. 96½, par. 7909.04).~~
- d) *Coordination with Other Agencies.* The Department shall work with other agencies to coordinate, simplify, and expedite the procedures required to obtain permits and approvals from the State for mining operations. ~~[225 ILCS 720/9.05](Ill. Rev. Stat. 1985, ch. 96½, par. 7909.05).~~

(Source: Amended at 29 Ill. Reg. 8324, effective May 27, 2005)

Section 1700.18 Advisory Council on Reclamation (Repealed)

- a) ~~There is created the Surface Mining Advisory Council (Council) to consist of nine (9) members, plus the Director. Members of the Advisory Council shall be appointed by the Governor, with the advice and consent of the Senate. The members appointed to the Council shall represent the following interests: conservation, agriculture, surface coal mining industry, local government, environmental protection, the colleges and universities, underground coal mining industry, labor, and the general public. The members shall be knowledgeable concerning the nature of problems of mining operations and reclamation. The Council shall select from its members a chairperson and such other officers as it deems necessary. The term of membership on the Advisory Council shall be three (3) years, except that the Governor may make initial appointments or fill vacancies for lesser terms so that at least three (3) memberships expire annually. Members may be reappointed. Vacancies occurring on the Advisory Council shall be filled, as nearly as possible, with a person representing the interest of his~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

~~or her predecessor on the Advisory Council. Members of the Council shall be reimbursed for ordinary and necessary expenses incurred in the performance of the Council's duties. Members of the Council shall, in addition, receive one hundred dollars (\$100) a day for each day spent in the performance of their duties as Advisory Council members. [225 ILCS 720/1.04(a)]~~

- b) ~~The Advisory Council shall meet at least three (3) times in each calendar year on a date specified at least one (1) week in advance of the meeting. A meeting may be called by the Director or on the request of a majority of Advisory Council members. [225 ILCS 720/1.04(b)]~~
- e) ~~The Council shall act solely as an advisory body to the Director and to the Land Reclamation Division of the Department. The recommendations of the Council shall have no binding effect on the Director or on the Division of Land Reclamation. The advice, findings and recommendations of the Advisory Council shall be made public in a semi-annual report published by the Department. [225 ILCS 720/1.04(e)]~~
- d) ~~The Department shall present proposed rules related to this Act, and proposed changes in such rules, to the Advisory Council for its comments before putting such rules or changes into effect, except for circumstances of emergency or other circumstances enumerated in Article 5 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 5]. [225 ILCS 720/1.04(d)]~~
- e) ~~The Council shall review the Federal Act and the development and implementation of an approved permanent State program thereunder. The Council shall make its review and written recommendations to the Director. The Council may seek comment from affected persons and the public prior to making its recommendations. [225 ILCS 720/1.04(e)]~~
- f) ~~If as a result of any final action by the Congress of the United States, any agency of the United States, or any court, any provision of the Federal Act or the Regulations is amended, modified, construed, or rendered inapplicable to mining and reclamation operations in this State, the Director shall forthwith call a meeting of the Council. The Council shall review such final action and its effect in this State. The Council shall recommend changes in this Act and the rules adopted under this Act which would cause application of this Act to reflect such final action. Pending formal amendment of this Act for reason stated in this subsection, the Director may administer this Act by emergency regulations in accordance with the purposes of this Act and in a manner consistent with any~~

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| ~~*such final action of Congress, a federal agency or a court.* [225 ILCS 720/1.04(f)]~~

(Source: Repealed at 29 Ill. Reg. 8324, effective May 27, 2005)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Areas Designated by Act of Congress
- 2) Code Citation: 62 Ill. Adm. Code 1761
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1761.11	Amendment
1761.14	Amendment
1761.16	Amendment
- 4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].
- 5) Effective Date of Amendments: May 27, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: December 17, 2004; 28 Ill. Reg. 16085
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:
In Section 1761.14(b)(5)(i) – Changed "1773.14(a)" to "1773.15(a)"
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to add language to clarify regulations and to update references.

DEPARTMENT OF NATURAL RESOURCES

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

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

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 62: MINING

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 1761

AREAS DESIGNATED BY ACT OF CONGRESS

Section

1761.1	Scope
1761.5	Definition of Valid Existing Rights
1761.11	Areas Where Mining is Prohibited or Limited
1761.12	Exceptions to Existing Operations
1761.14	Procedures for Relocation or Closing of a Public Road or Waiving the Prohibition on Surface Coal Mining Operations within the Buffer Zone of a Public Road
1761.15	Procedures for Waiving the Prohibition on Surface Coal Mining Operations within the Buffer Zone of an Occupied Dwelling
1761.16	Submission and Processing of Requests for Valid Existing Rights Determinations
1761.17	Department Obligations at Time of Permit Application Review

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 4933; amended at 11 Ill. Reg. 7976, effective July 1, 1987; amended at 14 Ill. Reg. 11777, effective January 1, 1991; amended at 15 Ill. Reg. 17115, effective January 1, 1992; amended at 17 Ill. Reg. 10909, effective July 1, 1993; amended at 20 Ill. Reg. 1935, effective January 19, 1996; amended at 22 Ill. Reg. 20152, effective November 5, 1998; amended at 27 Ill. Reg. 4625, effective February 26, 2003; amended at 29 Ill. Reg. 8330, effective May 27, 2005.

Section 1761.11 Areas Where Mining is Prohibited or Limited

Subject to valid existing rights, no surface coal mining operations shall be conducted after August 3, 1977, unless those operations existed on the date of enactment:

- a) On any lands within the boundaries of the National Park System, the National Wildlife Refuge System, the National System of Trails, the National Wilderness Preservation System, the Wild and Scenic Rivers System, including study rivers designated under section 5(a) of the Wild and Scenic Rivers Act (16 USC 1276(a)) or study rivers or study river corridors as established in guidelines pursuant to that Act published at 47 FR 39454 (September 7, 1982), and National

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Recreation Areas designated by Act of Congress. The guidelines at 47 FR 39454 do not include any subsequent editions or amendments;

- b) On any Federal lands within the boundaries of any national forest; provided, however, that surface coal mining operations may be permitted on such lands, if the Secretary of the United States Department of the Interior (Secretary) finds that there are no significant recreational, timber, economic, or other values which may be incompatible with surface coal mining operations; and surface operations and impacts are incident to an underground coal mine;
- c) On any lands which will adversely affect any publicly owned park or any places included on the National Register of Historic Places, unless approved jointly by the Department and the Federal, State or local agency with jurisdiction over the park or places;
- d) Within 100 feet measured horizontally of the outside right-of-way line of any public road, except:
 - 1) Where mine access roads or haulage roads join such right of way lines; or
 - 2) Where the Illinois Department of Natural Resources, Office of Mines and Minerals (Department) and the public road authority with jurisdiction over the road under Illinois law allows the public road to be relocated, closed, or where the Department allows the area affected to be within 100 feet of such road, after:
 - A) Public notice and opportunity for a public hearing in accordance with Section 1761.14; and
 - B) Making a written finding that the interests of the affected public and landowners will be protected;
- e) Within 300 feet measured horizontally, from any occupied dwelling in existence, under construction, or contracted for at the time of public notice, except when:
 - 1) The owner thereof has provided a written waiver, pursuant to [Section 1761.15](#), consenting to surface coal mining operations closer than 300 feet; or
 - 2) The part of the mining operation which is within 300 feet of the dwelling

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

is a haul road or access road which connects with an existing public road on the side of the public road opposite the dwelling;

- f) Within 300 feet measured horizontally of any public building, school, church, community or institutional building, or public park; or
- g) Within 100 feet measured horizontally of a cemetery. Cemeteries may be relocated if authorized by applicable State law or regulations.

(Source: Amended at 29 Ill. Reg. 8330, effective May 27, 2005)

Section 1761.14 Procedures for Relocation or Closing of a Public Road or Waiving the Prohibition on Surface Coal Mining Operations within the Buffer Zone of a Public Road

- a) This Section does not apply to:
 - 1) Lands for which a person has valid existing rights, as determined under Section 1761.16.
 - 2) Lands within the scope of the exception for existing operations in Section 1761.12.
 - 3) Access or haul roads that join a public road, as described in Section 1761.11(d)(1).
- b) Subject to subsection (a), where the proposed mining operation is proposed to be conducted within 100 feet measured horizontally of the outside right-of-way line of any public road (except as provided in Section 1761.11(d)(2)) and the applicant does not have VER, or where the applicant proposes to relocate or close any public road, the Department shall:

1) Require the applicant to submit the request with an application for a new permit, a significant revision of a permit, an insignificant revision of a permit, or an incidental boundary revision, as applicable;

2)4) Require the applicant to obtain necessary approvals of the authority with jurisdiction over the public road for relocation or closure of a public road;

3)2) Provide public notice in a newspaper of general circulation of the affected locale of an opportunity for a public hearing in the locality of the proposed

DEPARTMENT OF NATURAL RESOURCES

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mining operation for the purpose of determining whether the interests of the public and affected landowners will be protected. Any person with an interest that is or may be adversely affected by the proposed mining operation may request in writing that the Department hold a public hearing. The request shall be submitted to the Department within 14 days after the newspaper notice required by this subsection (b)(3)(2);

- ~~4)3)~~ If a public hearing is requested, provide appropriate advance notice of the public hearing, to be published in a newspaper of general circulation in the affected locale at least two weeks prior to the hearing; and
- ~~5)4)~~ Make a written finding based upon information received at the public hearing, or submitted in writing within 30 days after completion of the hearing, or after any public comment period ends if no hearing is held, as to whether the interests of the affected public and landowners will be protected from the proposed mining operations. No mining shall be allowed within 100 feet of the outside right-of-way line of a road, nor may a road be relocated or closed, unless the Department determines that the interests of the affected public and landowners will be protected.
- i) If the proposal to conduct mining operations within 100 feet measured horizontally of the outside right-of-way line of any public road or to relocate or close any public road is contained in an application for a new permit pursuant to 62 Ill. Adm. Code 1773.13, or a significant revision pursuant to 62 Ill. Adm. Code 1774.13(b)(3), the written findings shall be issued concurrently with the permit decision pursuant to 62 Ill. Adm. Code 1773.15(a);
or
- ii) If the proposal to conduct mining operations within 100 feet measured horizontally of the outside right-of-way line of any public road or to relocate or close any public road is contained in an application for an insignificant revision pursuant to 62 Ill. Adm. Code 1774.13(b), or an incidental boundary revision pursuant to 62 Ill. Adm. Code 1774.13(d), the written findings shall be issued concurrently with the decision to issue or deny the revision.

(Source: Amended at 29 Ill. Reg. 8330, effective May 27, 2005)

Section 1761.16 Submission and Processing of Requests for Valid Existing Rights

DEPARTMENT OF NATURAL RESOURCES

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Determinations

- a) Basic framework for valid existing rights determinations. The following table identifies the agency responsible for making a valid existing rights determination and the definition that it must use, based upon which subsection of Section 1761.11 applies and whether the request includes Federal lands.

Subsection of 62 Ill. Adm. Code 1761.11 that provides protection	Protected feature	Type of land to which request pertains	Agency responsible for determination	Applicable definition of valid existing rights
(a)	National parks, wildlife refuges, etc.	Federal	OSM	Federal ¹
(a)	National parks, wildlife refuges, etc.	Non-Federal	Department	Federal ¹
(b)	Federal lands in national forest ³	Federal	OSM	Federal ¹
(c)	Public parks and historic places	Does not matter	Department	Regulatory program ²
(d)	Public roads	Does not matter	Department	Regulatory program ²
(e)	Occupied dwellings	Does not matter	Department	Regulatory program ²
(f)	Schools, churches, parks, etc.	Does not matter	Department	Regulatory program ²
(g)	Cemeteries	Does not matter	Department	Regulatory program ²

¹ Definition in 30 CFR 761.5.

² Definition in Section 1761.5.

³ Neither 30 USC 1272(e) nor 30 CFR 761.11 provides special protection for non-Federal lands within national forests. Therefore, this table does not include a category for those lands.

When the Department is the agency responsible for valid existing rights determinations, the procedures under subsections (b) through (g) of this Section

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apply.

- b) The applicant or permittee must submit a request for a valid existing rights determination to the Department if it intends to conduct surface coal mining operations on the basis of valid existing rights under Section 1761.11 or wishes to confirm the right to do so. Such request may be submitted before preparing and submitting an application for a permit or boundary revision for the land.
 - 1) Requirements for property rights demonstration. The applicant or permittee must provide a property rights demonstration under Section 1761.5(a) if the request relies upon the good faith/all permits standard or the needed for and adjacent standard in Section 1761.5(b). This demonstration must include the following items:
 - A) A legal description of the land to which the request pertains.
 - B) Complete documentation of the character and extent of the current interests in the surface and mineral estates of the land to which the request pertains.
 - C) A complete chain of title for the surface and mineral estates of the land to which the request pertains.
 - D) A description of the nature and effect of each title instrument that forms the basis for the request, including any provision pertaining to the type or method of mining or mining-related surface disturbances and facilities.
 - E) A description of the type and extent of surface coal mining operations that the applicant or permittee claims the right to conduct, including the method of mining, any mining-related surface activities and facilities, and an explanation of how those operations would be consistent with State property law.
 - F) Complete documentation of the nature and ownership, as of the date that the land came under the protection of Section 1761.11, of all property rights for the surface and mineral estates of the land to which the request pertains.
 - G) Names and addresses of the current owners of the surface and

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mineral estates of the land to which the request pertains.

- H) If the coal interests have been severed from other property interests, documentation that the owners of other property interests in the land to which the request pertains have been notified and provided reasonable opportunity to comment on the validity of the applicant's or permittee's property rights claims.
 - I) Any comments received in response to the notification provided under subsection (b)(1)(H) of this Section.
- 2) Requirements for good faith/all permits standard. If the request relies upon the good faith/all permits standard in Section 1761.5(b)(1) of the definition of valid existing rights, the information required under subsection (b)(1) of this Section must be submitted. The following information about permits, licenses and authorizations for surface coal mining operations on the land to which the request pertains must also be submitted:
- A) Approval and issuance dates and identification numbers for any permits, licenses, and authorizations that the applicant, permittee or predecessor in interest obtained before the land came under the protection of Section 1761.11.
 - B) Application dates and identification numbers for any permits, licenses, and authorizations for which the applicant, permittee or a predecessor in interest submitted an application before the land came under the protection of Section 1761.11.
 - C) An explanation of any other good faith effort that the applicant, permittee or a predecessor in interest made to obtain the necessary permits, licenses, and authorizations as of the date that the land came under the protection of Section 1761.11.
- 3) Requirements for needed for and adjacent standard. If the request relies upon the needed for and adjacent standard in subsection ~~(b)(2)(b)(1)~~ of the definition of valid existing rights in Section 1761.5, the applicant or permittee must submit the information required under subsection ~~(b)(1)(b)(2)~~ of this Section. In addition, the applicant or permittee must explain how and why the land is needed for and immediately adjacent to

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the operation upon which the request is based, including a demonstration that prohibiting expansion of the operation onto that land would unfairly impact the viability of the operation as originally planned before the land came under the protection of Section 1761.11.

- 4) Requirements for standards for mine roads. If the request relies upon one of the standards for roads in subsections (c)(1) through (c)(3) of the definition of valid existing rights in Section 1761.5, satisfactory documentation must be submitted that:
 - A) The road existed when the land upon which it is located came under the protection of Section 1761.11 and the applicant or permittee has a legal right to use the road for surface coal mining operations;
 - B) A properly recorded right of way or easement for a road in the location existed when the land came under the protection of Section 1761.11, and, under the document creating the right of way or easement, and under any subsequent conveyances, the applicant or permittee has a legal right to use or construct a road across that right of way or easement to conduct surface coal mining operations; or
 - C) A valid permit for use or construction of a road in that location for surface coal mining operations existed when the land came under the protection of Section 1761.11.
- c) Initial review of request.
 - 1) The Department must conduct an initial review to determine whether the request includes all applicable components of the submission requirements of subsection (b) of this Section. This review pertains only to the completeness of the request, not the legal or technical adequacy of the materials submitted.
 - 2) If the request does not include all applicable components of the submission requirements of subsection (b) of this Section, the Department must give notice of such and establish a reasonable time for submission of the missing information.

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- 3) When the request includes all applicable components of the submission requirements of subsection (b) of this Section, the Department must implement the notice and comment requirements of subsection (d) of this Section.
 - 4) If information that the Department requests under subsection (c)(2) of this Section is not provided within the time specified or as subsequently extended, the Department must issue a determination that the applicant or permittee has not demonstrated valid existing rights, as provided in subsection (e)(4) of this Section.
- d) Notice and comment requirements and procedures.
- 1) When the request satisfies the completeness requirements of subsection (c) of this Section, the applicant or permittee must publish a notice in a newspaper of general circulation in the county in which the land is located and provide the Department with a copy of the published notice. This notice must invite comment on the merits of the request. The Federal Office of Surface Mining will publish a similar notice in the Federal Register if the request involves Federal lands within an area listed in Section 1761.11(a) or (b). Each notice must include:
 - A) The location of the land to which the request pertains.
 - B) A description of the type of surface coal mining operations planned.
 - C) A reference to and brief description of the applicable standards under the definition of valid existing rights in Section 1761.5.
 - i) If the request relies upon the good faith/all permits standard or the needed for and adjacent standard in subsection (b) of the definition of valid existing rights in Section 1761.5, the notice also must include a description of the property rights that are claimed and the basis for such claim.
 - ii) If the request relies upon the standard in subsection (c)(1) of the definition of valid existing rights in Section 1761.5, the notice also must include a description of the basis for the applicant's or permittee's claim that the road existed

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when the land came under the protection of Section 1761.11. In addition, the notice must include a description of the basis for the applicant's or permittee's claim that it has a legal right to use that road for surface coal mining operations.

- iii) If the request relies upon the standard in subsection (c)(2) of the definition of valid existing rights in Section 1761.5, the notice also must include a description of the basis for the claim that a properly recorded right of way or easement for a road in that location existed when the land came under the protection of Section 1761.11. In addition, the notice must include a description of the basis for the claim that, under the document creating the right of way or easement, and under any subsequent conveyances, the applicant or permittee has a legal right to use or construct a road across the right of way or easement to conduct surface coal mining operations.
- D) If the request relies upon one or more of the standards in subsections (b), (c)(1) and (c)(2) of the definition of valid existing rights in Section 1761.5, a statement that the Department will not make a decision on the merits of the request if, by the close of the comment period under this notice or the notice required by subsection (d)(3) of this Section, a person with a legal interest in the land initiates appropriate legal action in the proper venue to resolve any differences concerning the validity or interpretation of the deed, lease, easement or other documents that form the basis of the applicant or permittee's claim.
- E) A description of the procedures that the Department will follow in processing the request.
- F) The closing date of the comment period, which must be a minimum of 30 days after the publication date of the notice.
- G) A statement that interested persons may obtain a 30 day extension of the comment period upon request.
- H) The name and address of the Department's office where a copy of

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the request is available for public inspection and to which comments and requests for extension of the comment period should be sent.

- 2) The Department must promptly provide a copy of the notice required under subsection (d)(1) of this Section to:
 - A) All reasonably locatable owners of surface and mineral estates in the land included in the request.
 - B) The owner of the feature causing the land to come under the protection of Section 1761.11, and, when applicable, the agency with primary jurisdiction over the feature with respect to the values causing the land to come under the protection of Section 1761.11. For example, both the landowner and the State Historic Preservation Officer must be notified if surface coal mining operations would adversely impact any site listed on the National Register of Historic Places. As another example, both the surface owner and the National Park Service must be notified if the request includes non-Federal lands within the authorized boundaries of a unit of the National Park System.
 - 3) The letter transmitting the notice required under subsection (d)(2) of this Section must provide a 30 day comment period, starting from the date of service of the letter, and specify that another 30 days is available upon request. At its discretion, the Department may grant additional time for good cause upon request. The Department need not consider comments received after the closing date of that comment period.
- e) How a decision will be made.
- 1) The Department must review the materials submitted under subsection (b) of this Section, comments received under subsection (d) of this Section and any other relevant, reasonably available information to determine whether the record is sufficiently complete and adequate to support a decision on the merits of the request. If not, the Department must notify the applicant or permittee in writing, explaining the inadequacy of the record and requesting submittal, within a specified reasonable time, of any additional information that the Department deems necessary to remedy the inadequacy.

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- 2) Once the record is complete and adequate, the Department must determine whether the applicant or permittee has demonstrated valid existing rights. The decision document must explain how all applicable elements of the definition of valid existing rights in Section 1761.5 have or have not been satisfied. It must contain findings of fact and conclusions, and it must specify the reasons for the conclusions.
- 3) Impact of property rights disagreements. This subsection (e)(3) applies only when the request relies upon one or more of the standards in subsections (b), (c)(1) and (c)(2) of the definition of valid existing rights in Section 1761.5.
 - A) The Department must issue a determination that the applicant or permittee has not demonstrated valid existing rights if the property rights claims are the subject of pending litigation in a court or administrative body with jurisdiction over the property rights in question. The Department will make this determination without prejudice, meaning that the applicant or permittee may refile the request once the property rights dispute is finally adjudicated. This subsection (e)(3)(A) applies only to situations in which legal action has been initiated as of the closing date of the comment period under subsection (d)(1) or (d)(3) of this Section.
 - B) If the record indicates disagreement as to the accuracy of the property rights claims, but such disagreement is not the subject of pending litigation in a court or administrative agency of competent jurisdiction, the Department must evaluate the merits of the information in the record and determine whether the applicant or permittee has demonstrated that the requisite property rights exist under subsection (a), (c)(1) or (c)(2) of the definition of valid existing rights in Section 1761.5, as appropriate. The Department must then proceed with the decision process under subsection (e)(2) of this Section.
- 4) The Department must issue a determination that valid existing rights has not been demonstrated if information that the Department requests under subsection (c)(2) or (e)(1) of this Section is not submitted within the time specified or as subsequently extended. The Department will make this determination without prejudice, meaning that a revised request may be

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refiled at any time.

- 5) After making a determination, the Department must:
 - A) Provide a copy of the determination, together with an explanation of appeal rights and procedures, to the applicant or permittee, to the owner or owners of the land to which the determination applies, to the owner of the feature causing the land to come under the protection of Section 1761.11, and, when applicable, to the agency with primary jurisdiction over the feature with respect to the values that caused the land to come under the protection of Section 1761.11.
 - B) Publish notice of the determination in a newspaper of general circulation in the county in which the land is located. The applicant or permittee must publish this notice and provide a copy of the published notice to the Department. The Federal Office of Surface Mining will publish the determination, together with an explanation of appeal rights and procedures, in the Federal Register if the request includes Federal lands within an area listed in Section 1761.11(a) or (b).
- f) Administrative and judicial review. A determination that an applicant or permittee has or does not have valid existing rights is subject to administrative and judicial review under 62 Ill. Adm. Code 1847.3.
- g) Availability of records. The Department must make a copy of a request subject to notice and comment under subsection (d) of this Section available to the public in the same manner as the Department must make permit applications available to the public under 62 Ill. Adm. Code 1773.13(d). In addition, the Department must make records associated with that request, and any subsequent determination under subsection (e) of this Section, available to the public in accordance with the requirements and procedures of 62 Ill. Adm. Code 1840.14.

(Source: Amended at 29 Ill. Reg. 8330, effective May 27, 2005)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Criteria for Designating Areas as Unsuitable for Surface Coal Mining Operations
- 2) Code Citation: 62 Ill. Adm. Code 1762
- 3) Section Number: 1762.15 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].
- 5) Effective Date of Amendment: May 27, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: December 17, 2004; 28 Ill. Reg. 16100
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version:

Section 1762.15 – changed "62 Ill. Adm. Code 1761 through 1850" to "62 Ill. Adm. Code 1700 through 1850"
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Amendments to citations to other administrative rules were made to comply with federal Office of Surface Mining requirements.

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

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

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

TITLE 62: MINING

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 1762

CRITERIA FOR DESIGNATING AREAS AS UNSUITABLE FOR
SURFACE COAL MINING OPERATIONS

Section

1762.1	Scope
1762.11	Criteria for Designating Lands as Unsuitable
1762.12	Procedures
1762.13	Land Exempt From Designation as Unsuitable for Surface Coal Mining Operations
1762.14	Applicability to Lands Designated as Unsuitable by Congress
1762.15	Exploration on Lands Designated as Unsuitable for Surface Coal Mining Operations

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; codified at 8 Ill. Reg. 16436; amended at 11 Ill. Reg. 8031, effective July 1, 1987; amended at 27 Ill. Reg. 4646, effective February 26, 2003; amended at 29 Ill. Reg. 8345, effective May 27, 2005.

Section 1762.15 Exploration on Lands Designated as Unsuitable for Surface Coal Mining Operations

Designation of any area as unsuitable for all or certain types of surface coal mining operations pursuant to Section 7.02(a), (b) and (c) of the State Act and [62 Ill. Adm. Code 1761 through 1764](#)~~this Part~~ does not prohibit coal exploration operations in the area, if conducted in accordance with the State Act and [62 Ill. Adm. Code 1700 through 1850](#)~~this Part~~, ~~any approved State or Federal program~~, and other applicable requirements. Exploration operations on any lands designated unsuitable for surface coal mining operations must be approved by the Department under 62 Ill. Adm. Code 1772 to insure that exploration does not interfere with any value for which the area has been designated unsuitable for surface coal mining.

(Source: Amended at 29 Ill. Reg. 8345, effective May 27, 2005)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Requirements for Coal Exploration
- 2) Code Citation: 62 Ill. Adm. Code 1772
- 3) Section Number: 1772.12 Adopted Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 5.01, 5.02, 5.03 and 9.01 of the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720/5.01, 5.02, 5.03 and 9.01].
- 5) Effective Date of Amendment: May 27, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including all material incorporated by reference is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: December 17, 2004; 28 Ill. Reg. 16103
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to correct a typographical error.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Jack Price, Legal Counsel

DEPARTMENT OF NATURAL RESOURCES

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Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

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TITLE 62: MINING

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 1772

REQUIREMENTS FOR COAL EXPLORATION

Section

1772.1	Scope and Purpose
1772.11	Notice Requirements for Exploration Removing 250 Tons of Coal or Less
1772.12	Permit Requirements for Exploration Removing More Than 250 Tons of Coal
1772.13	Coal Exploration Compliance Duties
1772.14	Requirements for Commercial Use or Sale
1772.15	Public Availability of Information

AUTHORITY: Implementing and authorized by Sections 5.01, 5.02, 5.03 and 9.01 of the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720/5.01, 5.02, 5.03 and 9.01].

SOURCE: Adopted at 11 Ill. Reg. 8385, effective July 1, 1987; amended at 14 Ill. Reg. 11880, effective January 1, 1991; amended at 15 Ill. Reg. 17269, effective January 1, 1992; amended at 17 Ill. Reg. 11058, effective July 1, 1993; amended at 20 Ill. Reg. 2084, effective January 19, 1996; amended at 27 Ill. Reg. 4650, effective March 26, 2003; amended at 29 Ill. Reg. 8348, effective May 27, 2005.

Section 1772.12 Permit Requirements for Exploration Removing More Than 250 Tons of Coal

- a) Any person who intends to conduct coal exploration outside a permit area during which more than 250 tons of coal will be removed or which will take place on lands designated as unsuitable for surface mining under 62 Ill. Adm. Code 1761 through 1764 shall before conducting the exploration submit an application and obtain written approval from the Department in an exploration permit.
- b) Each application for an exploration permit shall contain, at a minimum, the following information:
 - 1) The name, address, and telephone number of the applicant;
 - 2) The name, address, and telephone number of the applicant's representative who will be present at, and be responsible for, conducting the exploration;

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- 3) A narrative and map describing the proposed exploration area;
- 4) A narrative description of the methods and equipment to be used to conduct the exploration and reclamation;
- 5) An estimated time table for conducting and completing each phase of the exploration and reclamation;
- 6) The estimated amount of coal to be removed and a description of the methods to be used to determine the amounts;
- 7) A statement of why extraction of more than 250 tons of coal is necessary for exploration;
- 8) A description of:
 - A) Cultural or historical resources listed on the National Register of Historic Places,
 - B) Cultural or historical resources known to be eligible for listing on the National Register of Historic Places,
 - C) Known archeological resources located within the proposed exploration area, and
 - D) Any other information which the Department may require regarding known or unknown historic or archeological resources, based upon consultation with the Illinois State Historic Preservation Agency;
- 9) A description of any endangered or threatened species listed pursuant to the Endangered Species Act of 1973 (16 USC 1531 et seq.) identified within the proposed exploration area;
- 10) A description of the measures to be used to comply with the applicable requirements of 62 Ill. Adm. Code 1815;
- 11) The name and address of the owner of record of the surface land and of the subsurface mineral estate of the area to be explored;

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- 12) A map or maps at a scale of 1:24,000 or larger, showing the areas of the proposed exploration and reclamation. The map shall specifically show existing roads, occupied dwellings, topographic and drainage features, bodies of surface water, and pipelines; proposed location of trenches, roads, and other access routes and structures to be constructed; the location of proposed land excavations; the location of exploration holes or other drill holes or underground openings; location of excavated earth or waste-material disposal areas; and the location of critical habitats of any endangered or threatened species listed pursuant to the Endangered Species Act of 1973 (16 USC 1531 et seq.);
 - 13) If the surface is owned by a person other than the applicant, a description of the basis upon which the applicant claims the right to enter that land for the purpose of conducting exploration and reclamation; and
 - 14) For any lands listed in 62 Ill. Adm. Code ~~1761.11476-11~~, a demonstration that, to the extent technologically and economically feasible, the proposed exploration activities have been designed to minimize interference with the values for which those lands were designated as unsuitable for surface coal mining operations. The application must include documentation of consultation with the owner of the feature causing the land to come under the protection of 62 Ill. Adm. Code 1761.11, and, when applicable, with the agency with primary jurisdiction over the feature with respect to the values that caused the land to come under the protection of 62 Ill. Adm. Code 1761.11.
- c) Public notice of the application and opportunity to comment shall be provided as follows:
- 1) Within 5 days, the applicant shall provide public notice of the filing of an administratively complete application with the Department in a newspaper of general circulation which is on the Department's list of approved newspapers in the county of the proposed exploration area;
 - 2) The public notice shall state the name and address of the person seeking approval, the date of filing of the application, the address of the Department where written comments on the application may be submitted, the closing date of the comment period, and a description of the general area of exploration. In no case shall the public comment period be less

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than 30 days;

- 3) Any person with an interest which is or may be adversely affected shall have the right to file written comments on the application within the specified public comment period.
- d) Decision on an application for exploration removing more than 250 tons of coal.
 - 1) The Department shall act upon an administratively complete application for a coal exploration permit and any written comments within 60 days after the close of the public comment period. The approval of a coal exploration permit may be based only on a complete and accurate application.
 - 2) The Department shall approve a complete and accurate application for a coal exploration permit filed in accordance with this Part, if it finds, in writing, that the applicant has demonstrated that the exploration and reclamation described in the application will:
 - A) Be conducted in accordance with the Surface Mining Control and Reclamation Act of 1977 (30 USC 1201 et seq.) (Act), 62 Ill. Adm. Code 1815, this Part and the regulatory program;
 - B) Not jeopardize the continued existence of an endangered or threatened species listed pursuant to Section 4 of the Endangered Species Act of 1973 (16 USC 1533) or result in the destruction or adverse modification of critical habitat of those species as defined in Section 3 of the Endangered Species Act of 1973 (16 USC 1532);
 - C) Not adversely affect any cultural or historic resources listed on the National Register of Historic Places, pursuant to the National Historic Preservation Act, as amended (16 USC 470 et seq., 1976, Supp. V), unless the proposed exploration has been approved by the Department and the Illinois Historic Preservation Agency; and
 - D) With respect to exploration activities on any lands protected under 62 Ill. Adm. Code 1761.11, minimize interference, to the extent technologically and economically feasible, with the values for which those lands were designated as unsuitable for surface coal

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mining operations. Before making this finding, the Department must provide reasonable opportunity to the owner of the feature causing the land to come under the protection of 62 Ill. Adm. Code 1761.11, and, when applicable, to the agency with primary jurisdiction over the feature with respect to the values that caused the land to come under the protection of 62 Ill. Adm. Code 1761.11, to comment on whether the finding is appropriate.

- 3) Terms of approval. Each approval issued by the Department shall contain conditions necessary to ensure that the exploration and reclamation will be conducted in compliance with the Act, this Part, 62 Ill. Adm. Code 1815, and the regulatory program.
- e) Notice and review.
- 1) The Department shall notify the applicant, the appropriate local government officials, and other commentors on the application in writing, of its decision on the application. If the application is disapproved, the notice to the applicant shall include a statement of the reason for disapproval. Public notice of the decision on each application shall be posted by the Department at a public office in the vicinity of the exploration operations.
 - 2) Any person with an interest which is or may be adversely affected by a decision of the Department pursuant to subsection (e)(1), shall have the opportunity for administrative and judicial review as set forth in 62 Ill. Adm. Code 1847.3.

(Source: Amended at 29 Ill. Reg. 8348, effective May 27, 2005)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Requirements for Permits and Permit Processing
- 2) Code Citation: 62 Ill. Adm. Code 1773
- 3) Section Number: 1773.15 Adopted Action: Amendment
- 4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].
- 5) Effective Date of Amendment: May 27, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: December 17, 2004; 28 Ill. Reg. 16110
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part is being amended to clarify that the requirements of this Part do not apply to the shadow area (underground extraction area) of planned subsidence operations.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Jack Price, Legal Counsel

DEPARTMENT OF NATURAL RESOURCES

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Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

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NOTICE OF ADOPTED AMENDMENT

TITLE 62: MINING

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 1773

REQUIREMENTS FOR PERMITS AND PERMIT PROCESSING

Section

1773.1	Scope and Purpose
1773.5	Definitions
1773.11	Requirements to Obtain Permits
1773.12	Regulatory Coordination with Requirements under Other Laws
1773.13	Public Participation in Permit Processing
1773.14	Opportunity for Public Hearing
1773.15	Review of Permit Applications
1773.17	Permit Conditions
1773.19	Permit Issuance and Right of Renewal
1773.20	Improvidently Issued Permits: General Procedures
1773.21	Improvidently Issued Permits: Rescission Procedures
1773.22	Verification of Ownership or Control Application Information
1773.23	Review of Ownership or Control and Violation Information
1773.24	Procedures for Challenging Ownership or Control Links Shown in the Applicant Violator System
1773.25	Standards for Challenging Ownership or Control Links and the Status of Violations

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

SOURCE: Adopted at 11 Ill. Reg. 8395, effective July 1, 1987; amended at 14 Ill. Reg. 11886, effective January 1, 1991; amended at 15 Ill. Reg. 17274, effective January 1, 1992; amended at 15 Ill. Reg. 17998, effective January 1, 1992; amended at 17 Ill. Reg. 11063, effective July 1, 1993; amended at 20 Ill. Reg. 2090, effective January 19, 1996; amended at 22 Ill. Reg. 20265, effective November 5, 1998; amended at 26 Ill. Reg. 4271, effective March 6, 2002; amended at 27 Ill. Reg. 4656, effective February 26, 2003; amended at 29 Ill. Reg. 8355, effective May 27, 2005.

Section 1773.15 Review of Permit Applications

- a) General.
 - 1) The Department shall review the application for a permit, revision, or

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renewal; written comments and objections submitted; and records of any informal conference or hearing held on the application, and either:

- A) Issue a written decision, in accordance with Section 1773.19, either granting or denying the application. If a public hearing is held under Section 1773.14, the decision shall be made within 60 days after the close of the public hearing, unless a later time is necessary to provide an opportunity for a hearing under subsection (b)(3); or
 - B) Issue a written decision requiring modification of the application. If a public hearing is held under Section 1773.14, the decision to require modifications shall be made within 60 days after the close of the public hearing.
 - i) If the applicant does not submit the required modifications to the Department within one year after the date of receipt of notification of the need for modifications, the Department shall issue a written finding in accordance with Section 1773.19 denying the application. The Department may issue an extension to this time limit if the applicant can demonstrate just cause (e.g., extended periods of illness, extreme inclement weather, acts of civil unrest, or other emergency situations) for doing so.
 - ii) Upon receipt of the applicant's responses to the required modifications, the Department shall review the responses and issue a written decision, in accordance with Section 1773.19, either granting or denying the application.
- 2) The applicant for a permit or revision of a permit shall have the burden of establishing that his application is in compliance with all the requirements of the regulatory program.
- b) Review of violations.
- 1) Based on a review of all reasonably available information concerning violation notices and ownership or control links involving the applicant, including information obtained pursuant to Sections 1773.22, 1773.23, 1778.13 and 1778.14, the Department shall not issue the permit if any surface coal mining and reclamation operation owned or controlled by

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either the applicant or by any person who owns or controls the applicant is currently in violation of the State Act, Federal Act, any State or federal regulation promulgated pursuant thereto, a State program, or any federal or State law or regulation pertaining to air or water environmental protection. In the absence of a failure-to-abate cessation order, the Department may presume that a notice of violation issued pursuant to 62 Ill. Adm. Code 1843.12 or under a Federal or State program is being corrected to the satisfaction of the agency with jurisdiction over the violation where the abatement period for such notice of violation has not yet expired and when, as part of the violation information provided pursuant to 62 Ill. Adm. Code 1778.14, the applicant has provided certification that such violation is in the process of being so corrected. Such presumption shall not apply where evidence to the contrary is set forth in the permit application, or where the notice of violation is issued for nonpayment of abandoned mine land reclamation fees or civil penalties. If a current violation exists, the Department shall require the applicant or person who owns or controls the applicant, before the issuance of the permit, to either:

- A) Submit to the Department proof that the current violation has been or is in the process of being corrected to the satisfaction of the agency that has jurisdiction over the violation; or
 - B) Establish for the Department that the applicant, or any person owned or controlled by either the applicant or any person who owns or controls the applicant, has filed and is presently pursuing, in good faith, a direct administrative or judicial appeal to contest the validity of the current violation. If the circuit or district court reviewing the violation, pursuant to 62 Ill. Adm. Code 1847.4(p), 30 CFR 775.13 or in accordance with the procedures established by other state regulatory authorities, either denies a stay applied for in the appeal or affirms the violation, then the applicant shall submit the proof required under subsection (b)(1)(A) within 30 days after the court's decision.
- 2) Any permit that is issued on the basis of a presumption supported by certification under 62 Ill. Adm. Code 1778.14 that a violation is in the process of being corrected, on the basis of proof submitted under subsection (b)(1)(A) of this Section that a violation is in the process of being corrected, or pending the outcome of an appeal described in

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subsection (b)(1)(B) of this Section, shall be conditionally issued.

- 3) If the Department makes a finding that the applicant, anyone who owns or controls the applicant, or the operator specified in the application, controls or has controlled surface coal mining and reclamation operations with a demonstrated pattern of willful violations of the Federal or State Act of such nature and duration and with such resulting irreparable damage to the environment as to indicate an intent not to comply with the Federal or State Act, the application shall be denied. Before such a finding becomes final, the applicant or operator shall be afforded an opportunity for an adjudicatory hearing on the determination as provided for in 62 Ill. Adm. Code 1847.3.

- c) Written findings for permit application approval.
No permit application or application for a significant revision of a permit shall be approved unless the application affirmatively demonstrates and the Department finds, in writing, on the basis of information set forth in the application or from information otherwise available that is documented in the approval, the following:

- 1) The application is complete and accurate and the applicant has complied with all requirements of the Federal Act, State Act and the regulatory program.
- 2) The applicant has demonstrated that reclamation as required by the Federal Act, State Act and the regulatory program can be accomplished under the reclamation plan contained in the permit application.
- 3) The proposed permit area ~~or the proposed shadow area for a planned subsidence operation~~ is:
 - A) Not within an area under study or administrative proceedings under a petition, filed pursuant to 62 Ill. Adm. Code 1764, to have an area designated as unsuitable for surface coal mining operations, unless the applicant demonstrates that before January 4, 1977, he has made substantial legal and financial commitments in relation to the operation covered by the permit application; or
 - B) Not within an area designated as unsuitable for mining pursuant to 62 Ill. Adm. Code 1762 and 1764 or within an area subject to the prohibitions of 62 Ill. Adm. Code 1761.11.

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- 4) For mining operations where the private mineral estate to be mined has been severed from the private surface estate, the applicant has submitted to the Department the documentation required under 62 Ill. Adm. Code 1778.15(b).
- 5) The Department has made an assessment of the probable cumulative impacts of all anticipated coal mining on the hydrologic balance in the cumulative impact area, in accordance with 62 Ill. Adm. Code 1780 and 1784 and has determined that the proposed operation has been designed to prevent material damage to the hydrologic balance outside the permit area.
- 6) The applicant has demonstrated that any existing structure will comply with 62 Ill. Adm. Code 1700.11(d).
- 7) The applicant has paid all reclamation fees from previous and existing operations as required by 30 CFR 870.
- 8) The applicant has satisfied the applicable requirements of 62 Ill. Adm. Code 1785.
- 9) The applicant has, if applicable, satisfied the requirements for approval of a long-term, intensive agricultural post-mining land use, in accordance with the requirements of 62 Ill. Adm. Code 1816.111(d) and 1817.111(d).
- 10) The operation would not affect the continued existence of endangered or threatened species or result in destruction or adverse modification of their critical habitats, as determined under the Endangered Species Act of 1973 (16 USC 1531 et seq.).
- 11) For a proposed remining operation where the applicant intends to reclaim in accordance with the requirements of 62 Ill. Adm. Code 1816.106 or 1817.106, the site of the operation is a previously mined area as defined in 62 Ill. Adm. Code 1701.Appendix A.
- 12) The Department has taken into account the effect of the proposed permitting action on properties listed on and eligible for listing on the National Register of Historic Places. This finding may be supported in part by inclusion of appropriate permit conditions or changes in the operation plan protecting historic resources, or a documented decision that

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the Department has determined that no additional measures are necessary.

- 13) For a proposed remining operation where the applicant intends to reclaim in accordance with the requirements of 62 Ill. Adm. Code 1816.116(a)(2)(B) or 1817.116(a)(2)(B), the site of the operation is land eligible for remining as defined in 62 Ill. Adm. Code 1701.Appendix A.
- d) Expiration of findings.
Written findings issued by the Department approving a permit application shall expire within one year from the date of issuance if the permit has not been issued based upon the applicant's failure to submit permit fees in accordance with 62 Ill. Adm. Code 1777.17 or a performance bond in accordance with 62 Ill. Adm. Code 1800.11. When written findings expire, the Department will take no further action on the permit application. Should the applicant choose to resume permitting activity for the area in question, a new permit application must be submitted in accordance with the requirements of this Part.
- e) Final compliance review.
After an application is approved, but before the permit is issued, the Department shall reconsider its decision to approve the application, based on the compliance review required by subsection (b)(1), in light of any new information submitted under 62 Ill. Adm. Code 1778.13(i) and 1778.14(e).

(Source: Amended at 29 Ill. Reg. 8355, effective May 27, 2005)

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- 1) Heading of the Part: Hospital Services
- 2) Code Citation: 89 Ill. Adm. Code 148
- 3) Section Numbers: Adopted Action:
 148.85 Amendment
 148.90 Amendment
 148.95 Amendment
 148.100 Amendment
 148.103 Amendment
 148.110 Amendment
 148.112 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 93-1066
- 5) Effective Date of Amendments: June 1, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: February 4, 2005; 29 Ill. Reg. 1782
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences Between Proposal and Final Version: Changes made reflected punctuation.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? Yes
- 14) Are there any other amendments pending on this Part? Yes

SectionsProposed ActionIllinois Register Citation

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148.105	Amendment	May 27, 2005 (29 Ill. Reg. 7693)
148.295	Amendment	February 18, 2005 (29 Ill. Reg. 2654)
148.295	Amendment	May 27, 2005 (29 Ill. Reg. 7693)

- 15) Summary and Purpose of Amendments: These amendments relate to seven new quarterly rate adjustment programs for hospitals that were established on June 1, 2004, pursuant to Public Act 93-0659. Payments under these adjustment programs are contingent upon federal approval of the corresponding State Plan Amendment (SPA) by the Centers for Medicare and Medicaid Services (CMS). On December 21, 2004, the Department was notified of CMS's approval of the SPA for FY'04 for only 53 days of the annual payments for the seven quarterly rate adjustments.

Because of the foregoing, and pursuant to Public Act 93-1066, these amendments are necessary to accommodate proration of the adjustment payments for FY'04. These changes are budget neutral to the Department and will bring \$19 million in federal matching funds to the State for FY'04.

- 16) Information and questions regarding these adopted amendments shall be directed 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 full text of the Adopted Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMSPART 148
HOSPITAL SERVICES

SUBPART A: GENERAL PROVISIONS

Section	
148.10	Hospital Services
148.20	Participation
148.25	Definitions and Applicability
148.30	General Requirements
148.40	Special Requirements
148.50	Covered Hospital Services
148.60	Services Not Covered as Hospital Services
148.70	Limitation On Hospital Services

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section	
148.80	Organ Transplants Services Covered Under Medicaid (Repealed)
148.82	Organ Transplant Services
148.85	Supplemental Tertiary Care Adjustment Payments
148.90	Medicaid Inpatient Utilization Rate (MIUR) Adjustment Payments
148.95	Medicaid Outpatient Utilization Rate (MOUR) Adjustment Payments
148.100	Outpatient Rural Hospital Adjustment Payments
148.103	Outpatient Service Adjustment Payments
148.105	Psychiatric Adjustment Payments
148.110	Psychiatric Base Rate Adjustment Payments
148.112	High Volume Adjustment Payments
148.115	Rural Adjustment Payments
148.120	Disproportionate Share Hospital (DSH) Adjustments
148.122	Medicaid Percentage Adjustments
148.126	Safety Net Adjustment Payments
148.130	Outlier Adjustments for Exceptionally Costly Stays
148.140	Hospital Outpatient and Clinic Services
148.150	Public Law 103-66 Requirements
148.160	Payment Methodology for County-Owned Hospitals in an Illinois County with a

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- 148.170 Population of Over Three Million
Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
- 148.175 Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
- 148.180 Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
- 148.190 Copayments
- 148.200 Alternate Reimbursement Systems
- 148.210 Filing Cost Reports
- 148.220 Pre September 1, 1991, Admissions
- 148.230 Admissions Occurring on or after September 1, 1991
- 148.240 Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
- 148.250 Determination of Alternate Payment Rates to Certain Exempt Hospitals
- 148.260 Calculation and Definitions of Inpatient Per Diem Rates
- 148.270 Determination of Alternate Cost Per Diem Rates For All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
- 148.280 Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
- 148.285 Excellence in Academic Medicine Payments
- 148.290 Adjustments and Reductions to Total Payments
- 148.295 Critical Hospital Adjustment Payments (CHAP)
- 148.296 Tertiary Care Adjustment Payments
- 148.297 Pediatric Outpatient Adjustment Payments
- 148.298 Pediatric Inpatient Adjustment Payments
- 148.300 Payment
- 148.310 Review Procedure
- 148.320 Alternatives
- 148.330 Exemptions
- 148.340 Subacute Alcoholism and Substance Abuse Treatment Services
- 148.350 Definitions (Repealed)
- 148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
- 148.368 Volume Adjustment (Repealed)
- 148.370 Payment for Subacute Alcoholism and Substance Abuse Treatment Services
- 148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
- 148.390 Hearings

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148.400 Special Hospital Reporting Requirements

SUBPART C: SEXUAL ASSAULT EMERGENCY TREATMENT PROGRAM

Section

148.500 Definitions

148.510 Reimbursement

SUBPART D: STATE CHRONIC RENAL DISEASE PROGRAM

Section

148.600 Definitions

148.610 Scope of the Program

148.620 Assistance Level and Reimbursement

148.630 Criteria and Information Required to Establish Eligibility

148.640 Covered Services

148.TABLE A Renal Participation Fee Worksheet

148.TABLE B Bureau of Labor Statistics Equivalence

148.TABLE C List of Metropolitan Counties by SMSA Definition

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

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg.

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131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1, 1995, for a maximum of 150 days; emergency expired July 29, 1995; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10060, effective June 29, 1995; emergency amendment at 19 Ill. Reg. 10752, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13009, effective September 5, 1995; amended at 19 Ill. Reg. 16630, effective November 28, 1995; amended at 20 Ill. Reg. 872, effective December 29, 1995; amended at 20 Ill. Reg. 7912, effective May 31, 1996; emergency amendment at 20 Ill. Reg. 9281, effective July 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 12510, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 15722, effective November 27, 1996; amended at 21 Ill. Reg. 607, effective January 2, 1997; amended at 21 Ill. Reg. 8386, effective June 23, 1997; emergency amendment at 21 Ill. Reg. 9552, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9822, effective July 2, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 10147, effective August 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13349, effective September 23, 1997; emergency amendment at 21 Ill. Reg. 13675, effective September 27, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 16161, effective November 26, 1997; amended at 22 Ill. Reg. 1408, effective December 29, 1997; amended at 22 Ill. Reg. 3083, effective January 26, 1998; amended at 22 Ill. Reg. 11514, effective June 22, 1998; emergency amendment at 22 Ill. Reg. 13070, effective July 1, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 15027, effective August 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16273, effective August 28, 1998; amended at 22 Ill. Reg. 21490, effective November 25, 1998; amended at 23 Ill. Reg. 5784, effective April 30, 1999; amended at 23 Ill. Reg. 7115, effective June 1, 1999; amended at 23 Ill. Reg. 7908, effective June 30, 1999; emergency amendment at 23 Ill. Reg. 8213, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12772, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13621, effective November 1, 1999; amended at 24 Ill. Reg. 2400, effective February 1, 2000; amended at 24 Ill. Reg. 3845, effective February 25, 2000; emergency amendment at 24 Ill. Reg. 10386, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 11846, effective August 1, 2000; amended at 24 Ill. Reg. 16067, effective October 16, 2000; amended at 24 Ill. Reg. 17146, effective November 1, 2000; amended at 24 Ill. Reg. 18293, effective December 1, 2000; amended at 25 Ill. Reg. 5359, effective April 1, 2001; emergency amendment at 25 Ill. Reg. 5432, effective April 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 6959, effective June 1, 2001; emergency

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amendment at 25 Ill. Reg. 9974, effective July 23, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 10513, effective August 2, 2001; emergency amendment at 25 Ill. Reg. 12870, effective October 1, 2001, for a maximum of 150 days; emergency expired February 27, 2002; amended at 25 Ill. Reg. 16087, effective December 1, 2001; emergency amendment at 26 Ill. Reg. 536, effective December 31, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 680, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 4825, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 4953, effective March 18, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 7786, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 7340, effective April 30, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 8395, effective May 28, 2002; emergency amendment at 26 Ill. Reg. 11040, effective July 1, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16612, effective October 22, 2002; amended at 26 Ill. Reg. 12322, effective July 26, 2002; amended at 26 Ill. Reg. 13661, effective September 3, 2002; amended at 26 Ill. Reg. 14808, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 14887, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17775, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 580, effective January 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 866, effective January 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 4386, effective February 24, 2003; emergency amendment at 27 Ill. Reg. 8320, effective April 28, 2003, for a maximum of 150 days; emergency amendment repealed at 27 Ill. Reg. 12121, effective July 10, 2003; amended at 27 Ill. Reg. 9178, effective May 28, 2003; emergency amendment at 27 Ill. Reg. 11041, effective July 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16185, effective October 1, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16268, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18843, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 1418, effective January 8, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 1766, effective January 10, 2004, for a maximum of 150 days; emergency expired June 7, 2004; amended at 28 Ill. Reg. 2770, effective February 1, 2004; emergency amendment at 28 Ill. Reg. 5902, effective April 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7101, effective May 3, 2004; amended at 28 Ill. Reg. 8072, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 8167, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9661, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10157, effective July 1, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 12036, effective August 3, 2004, for a maximum of 150 days; emergency expired December 30, 2004; emergency amendment at 28 Ill. Reg. 12227, effective August 6, 2004, for a maximum of 150 days; emergency expired January 2, 2005; amended at 28 Ill. Reg. 14557, effective October 27, 2004; amended at 28 Ill. Reg. 15536, effective November 24, 2004; amended at 29 Ill. Reg. 861, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2026, effective January 21, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5514, effective April 1, 2005;

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emergency amendment at 29 Ill. Reg. 5756, effective April 8, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 8363, effective June 1, 2005.

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section 148.85 Supplemental Tertiary Care Adjustment Payments

- a) Qualifying Criteria. Supplemental Tertiary Care Adjustment Payments, as described in subsection (b) of this Section, shall be made to all qualifying Illinois hospitals. An Illinois hospital shall qualify for payment if it was deemed eligible for payments under the Tertiary Care Adjustment Payments for State fiscal year 2003, as described in Section 148.296, excluding:
 - 1) County-owned hospitals as described in Section 148.25(b)(1)(A).
 - 2) Hospitals organized under the University of Illinois Hospital Act [110 ILCS 330], as described in Section 148.25(b)(1)(B).
 - 3) A hospital owned or operated by a State agency, as described in Section 148.25(b)(6).
- b) Supplemental Tertiary Care Adjustment Payments
 - 1) For the supplemental tertiary care adjustment period occurring in State fiscal year 2004, total payments will equal the State fiscal year 2003 tertiary care adjustment payment, as defined in Section 148.296, multiplied by the proration factor and shall be paid to the hospital within 75 days after the conditions described in subsection (d) of this Section have been met on or before June 15, 2004.
 - 2) For the supplemental tertiary care adjustment period occurring in State fiscal year 2005, total payments will equal the State fiscal year 2003 tertiary care adjustment payment, as defined in Section 148.296 and shall be paid to the hospital in four equal installments on or before July 15, 2004, October 15, 2004, January 14, 2005 and April 15, 2005. The sum of the amounts, required prior to the conditions described in subsection (d) being met, shall be paid within 75 days after the conditions described in subsection (d) have been met.

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3) If a hospital closes during the fiscal year, payments will be prorated based on the number of days the hospital was open during the fiscal year.

c) Definitions

1) "Proration factor" means a fraction, the numerator of which is 53 and the denominator of which is 365.

2)e) "Supplemental Tertiary Care Adjustment Period" means, beginning June 1, 2004, the one month period beginning on June 1, 2004 and ending June 30, 2004, and beginning July 1, 2004, the 12-month period beginning July 1 of the year and ending June 30 of the following year.

d) Payment Limitations: Payments under this Section are not due and payable until:

- 1) the methodologies described in this Section receive federal approval from the Centers for Medicare and Medicaid Services in an appropriate State Plan Amendment;
- 2) the assessment imposed under 89 Ill. Adm. Code 140.80 is determined to be a permissible tax under Title XIX of the Social Security Act; and
- 3) the assessment described in 89 Ill. Adm. Code 140.80 is in effect.

(Source: Amended at 29 Ill. Reg. 8363, effective June 1, 2005)

Section 148.90 Medicaid Inpatient Utilization Rate (MIUR) Adjustment Payments

a) Qualifying Criteria. Medicaid Inpatient Utilization Rate (MIUR) Adjustment Payments as described in subsection (b) of this Section shall be made to an Illinois hospital, excluding hospitals described in 89 Ill. Adm. Code 140.80(j).

b) MIUR Adjustment Payments

1) Each qualifying hospital will receive a payment equal to the product of:

A) The quotient of:

i) \$57.25

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- ii) divided by the greater of the hospital's MIUR or 1.6 percent, and
 - B) The hospital's Medicaid inpatient days in the MIUR base period.
 - 2) For a hospital that files a combined Medicaid cost report with another hospital after January 1, 2001, and then subsequently closes, the payment described in subsection (b)(1) of this Section shall be multiplied by a fraction, the numerator of which is the number of occupied bed days attributable to the open hospital and the denominator of which is the sum of the occupied bed days of each open hospital and each closed hospital.
 - 3) Payments will be the lesser of the calculation described in subsection (b)(1) or (b)(2) of this Section or \$10,500,000.
- c) Payment to a Qualifying Hospital
- 1) For the MIUR adjustment period occurring in State fiscal year 2004, total payments will equal the methodologies described in subsection (b) of this Section multiplied by the proration factor and shall be paid to the hospital within 75 days after the conditions described in subsection (e) of this Section have been met or before June 15, 2004.
 - 2) For the MIUR adjustment period occurring in State fiscal year 2005, total payments will equal the methodologies described in subsection (b) of this Section and shall be paid to the hospital in four equal installments on or before July 15, 2004, October 15, 2004, January 14, 2005 and April 15, 2005. The sum of the amounts, required prior to the conditions described in subsection (e) being met, shall be paid within 75 days after the conditions described in subsection (e) have been met.
 - 3) If a hospital closes during the fiscal year, payments will be prorated based on the number of days the hospital was open during the fiscal year.
- d) Definitions
- 1) "MIUR base period" means the 12-month period beginning on July 1, 2000 and ending on June 30, 2001.

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- 2) "MIUR adjustment period" means, beginning June 1, 2004, the one month period beginning on June 1, 2004 and ending June 30, 2004, and beginning July 1, 2004, the 12 month period beginning July 1 of the year and ending June 30 of the following year.
 - 3) "Medicaid inpatient days" means, for a given hospital, the sum of days of inpatient hospital service provided to recipients of medical assistance under Title XIX of the federal Social Security Act, excluding days for individuals eligible for Medicare under Title XVIII of that Act (Medicaid/Medicare crossover days), as tabulated from the Department's paid claims data for admissions occurring in the MIUR base period that were adjudicated by the Department through June 30, 2002.
 - 4) "MIUR", for a given hospital, has the meaning as defined in Section 148.120(k)(4) and shall be determined in accordance with Section 148.120(c) and (f). For purposes of this Section, the MIUR determination that was used to determine a hospital's eligibility for Disproportionate Share Hospital Adjustment payments in rate year 2003 shall be the MIUR used in the MIUR adjustment.
 - 5) "Occupied bed days" means the sum of the number of days that each bed was occupied by a patient for all beds during calendar year 2001, as reported by each hospital on the Annual Survey of Hospitals conducted by the Department of Public Health. If the sum of a hospital's occupied bed days is not reported on the Annual Survey of Hospitals, then the Department may obtain the sum of occupied bed days from any source available, including, but not limited to, records maintained by the hospital provider, which may be inspected at all times during business hours of the day by the Department or its duly authorized agents and employees.
 - 6) "Proration factor" means a fraction, the numerator of which is 53 and the denominator of which is 365.
- e) Payment Limitations: Payments under this Section are not due and payable until:
- 1) the methodologies described in this Section receive federal approval from the Centers for Medicare and Medicaid Services in an appropriate State Plan Amendment;

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- 2) the assessment imposed under 89 Ill. Adm. Code 140.80 is determined to be a permissible tax under Title XIX of the Social Security Act; and
- 3) the assessment described in 89 Ill. Adm. Code 140.80 is in effect.

(Source: Amended at 29 Ill. Reg. 8363, effective June 1, 2005)

Section 148.95 Medicaid Outpatient Utilization Rate (MOUR) Adjustment Payments

- a) Qualifying Criteria. Medicaid Outpatient Utilization Rate (MOUR) Adjustment Payments, as described in subsection (b) of this Section, shall be made to an Illinois hospital, excluding hospitals described in 89 Ill. Adm. Code 140.80(j).
- b) MOUR Adjustment Payments
 - 1) Each qualifying hospital will receive a payment equal to the product of:
 - A) The quotient of:
 - i) the hospital's Medicaid outpatient charges in the MOUR base period
 - ii) divided by the greater of the hospital's MOUR or 1.6 percent, and
 - B) 2.45 percent.
 - 2) For a hospital that files a combined Medicaid cost report with another hospital after January 1, 2001, and then subsequently closes, the payment described in subsection (b)(1) of this Section shall be multiplied by a fraction, the numerator of which is the number of occupied bed days attributable to the open hospital and the denominator of which is the sum of the occupied bed days of each open hospital and each closed hospital.
 - 3) Payments will be the lesser of the calculation described in subsection (b)(1) or (b)(2) of this Section or \$6,750,000.
- c) Payment to a Qualifying Hospital

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- 1) For the MOUR adjustment period occurring in State fiscal year 2004, total payments will equal the methodologies described in subsection (b) of this Section multiplied by the proration factor and shall be paid to the hospital within 75 days after the conditions described in subsection (e) of this Section have been met or before June 15, 2004.
 - 2) For the MOUR adjustment period occurring in State fiscal year 2005, total payments will equal the methodologies described in subsection (b) of this Section and shall be paid to the hospital in four equal installments on or before July 15, 2004, October 15, 2004, January 14, 2005 and April 15, 2005. The sum of the amounts, required prior to the conditions described in subsection (e) being met, shall be paid within 75 days after the conditions in subsection (e) have been met.
 - 3) If a hospital closes during the fiscal year, payments will be prorated based on the number of days the hospital was open during the fiscal year.
- d) Definitions
- 1) "Total outpatient charges" means, for a given hospital, the gross outpatient revenue as reported on form CMS 2552-96, Worksheet G-2, Part I, row 25, column 2, for hospital fiscal years ending in calendar year 2001 as filed in the March 2003 release of the Healthcare Cost Reporting Information System (HCRIS). If information was not available for hospitals on the HCRIS, the Department may obtain the gross outpatient charges from any source available, including, but not limited to, records maintained by the hospital provider, which may be inspected at all times during business hours of the day by the Department or its duly authorized agents and employees.
 - 2) "MOUR base period" means the 12-month period beginning on July 1, 2000 and ending on June 30, 2001.
 - 3) "MOUR adjustment period" means, beginning June 1, 2004, the one month period beginning on June 1, 2004 and ending June 30, 2004, and beginning July 1, 2004, the 12 month period beginning July 1 of the year and ending June 30 of the following year.
 - 4) "MOUR", for a given hospital, means the ratio of Medicaid outpatient charges to total outpatient charges.

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- 5) "Medicaid outpatient charges" means, for a given hospital, the sum of charges for ambulatory procedure listing services as described in Section 148.140(b), excluding charges for individuals eligible for Medicare under Title XVIII of the Social Security Act (Medicaid/Medicare crossover charges), as tabulated from the Department's paid claims data for services occurring in the MOUR base year that were adjudicated by the Department through September 12, 2003.
 - 6) "Occupied bed days" means the sum of the number of days that each bed was occupied by a patient for all beds during calendar year 2001, as reported by each hospital on the Annual Survey of Hospitals conducted by the Department of Public Health. If the sum of a hospital's occupied bed days is not reported on the Annual Survey of Hospitals, then the Department of Public Aid may obtain the sum of occupied bed days from any source available, including, but not limited to, records maintained by the hospital provider, which may be inspected at all times during business hours of the day by the Department or its duly authorized agents and employees.
 - 7) "Proration factor" means a fraction, the numerator of which is 53 and the denominator of which is 365.
- e) Payment Limitations: Payments under this Section are not due and payable until:
- 1) the methodologies described in this Section receive federal approval from the Centers for Medicare and Medicaid Services in an appropriate State Plan Amendment;
 - 2) the assessment imposed under 89 Ill. Adm. Code 140.80 is determined to be a permissible tax under Title XIX of the Social Security Act; and
 - 3) the assessment described in 89 Ill. Adm. Code 140.80 is in effect.

(Source: Amended at 29 Ill. Reg. 8363, effective June 1, 2005)

Section 148.100 Outpatient Rural Hospital Adjustment Payments

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- a) Qualifying Criteria. Outpatient Rural Hospital Adjustment Payments, as described in subsection (b) of this Section, shall be made to qualifying Illinois rural hospitals, as described in Section 148.25(g)(3), excluding:
- 1) County-owned hospitals as described in Section 148.25(b)(1)(A).
 - 2) Hospitals organized under the University of Illinois Hospital Act [110 ILCS 330], as described in Section 148.25(b)(1)(B).
 - 3) A hospital owned or operated by a State agency, as described in Section 148.25(b)(6).
- b) Outpatient Rural Hospital Adjustment Payments
- 1) Each qualifying hospital's outpatient services for the outpatient rural base period will be divided by the sum of all qualifying hospitals' outpatient services for the outpatient rural base period.
 - 2) This ratio will be multiplied by \$14,500,000 to determine the hospital's Outpatient Rural Hospital Adjustment Payment.
 - 3) For a hospital that files a combined Medicaid cost report with another hospital after January 1, 2001, and then subsequently closes, the payment described in subsection (b)(2) of this Section shall be multiplied by a fraction, the numerator of which is the number of occupied bed days attributable to the open hospital and the denominator of which is the sum of the occupied bed days of each open hospital and each closed hospital.
- c) Payment to a Qualifying Hospital
- 1) For the outpatient rural hospital adjustment period occurring in State fiscal year 2004, total payments will equal the methodologies described in subsection (b) of this Section multiplied by the proration factor and shall be paid to the hospital within 75 days after the conditions described in subsection (e) of this Section have been met~~on or before June 15, 2004.~~
 - 2) For the outpatient rural hospital adjustment period occurring in State fiscal year 2005, total payments will equal the methodologies described in subsection (b) of this Section and shall be paid to the hospital in four equal installments on or before July 15, 2004, October 15, 2004, January 14,

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2005 and April 15, 2005. The sum of the amounts, required prior to the conditions described in subsection (e) being met, shall be paid within 75 days after the conditions described in subsection (e) have been met.

3) If a hospital closes during the fiscal year, payments will be prorated based on the number of days the hospital was open during the fiscal year.

d) Definitions

1) "Occupied bed days" means the sum of the number of days that each bed was occupied by a patient for all beds during calendar year 2001, as reported by each hospital on the Annual Survey of Hospitals conducted by the Department of Public Health. If the sum of a hospital's occupied bed days is not reported on the Annual Survey of Hospitals, then the Department may obtain the sum of occupied bed days from any source available, including, but not limited to, records maintained by the hospital provider, which may be inspected at all times during business hours of the day by the Department or its duly authorized agents and employees.

2) "Outpatient rural base period" means the 12-month period beginning on July 1, 2000, and ending on June 30, 2001.

3) "Outpatient rural adjustment period" means, beginning June 1, 2004, the one month period beginning on June 1, 2004 and ending June 30, 2004, and beginning July 1, 2004, the 12-month period beginning July 1 of the year and ending June 30 of the following year.

4) "Outpatient services" means, for a given hospital, the sum of ambulatory procedure listing services as described in Section 148.140(b), excluding services for individuals eligible for Medicare under Title XVIII of the Social Security Act (Medicaid/Medicare crossover services), as tabulated from the Department's paid claims data for services occurring in the outpatient rural base period that were adjudicated by the Department through September 12, 2003.

5) "Proration factor" means a fraction, the numerator of which is 53 and the denominator of which is 365.

e) Payment Limitations: Payments under this Section are not due and payable until:

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- 1) the methodologies described in this Section receive federal approval from the Centers for Medicare and Medicaid Services in an appropriate State Plan Amendment;
- 2) the assessment imposed under 89 Ill. Adm. Code 140.80 is determined to be a permissible tax under Title XIX of the Social Security Act; and
- 3) the assessment described in 89 Ill. Adm. Code 140.80 is in effect.

(Source: Amended at 29 Ill. Reg. 8363, effective June 1, 2005)

Section 148.103 Outpatient Service Adjustment Payments

- a) Qualifying Criteria. Outpatient Service Adjustment Payments, as described in subsection (b) of this Section, shall be made to all Illinois hospitals excluding:
 - 1) County-owned hospitals as described in Section 148.25(b)(1)(A).
 - 2) Hospitals organized under the University of Illinois Hospital Act [110 ILCS 330], as described in Section 148.25(b)(1)(B).
 - 3) A hospital owned or operated by a State agency, as described in Section 148.25(b)(6).
- b) Outpatient Service Adjustment Payments
 - 1) An average hospital specific outpatient service rate for the outpatient service base period will be calculated by taking the total payments for outpatient services divided by total outpatient services.
 - 2) The average hospital specific outpatient service rate will be multiplied by 75.5 percent and then multiplied by the outpatient services.
 - 3) For a hospital that files a combined Medicaid cost report with another hospital after January 1, 2001, and then subsequently closes, the payment described in subsection (b)(2) of this Section shall be multiplied by a fraction, the numerator of which is the number of occupied bed days attributable to the open hospital and the denominator of which is the sum of the occupied bed days of each open hospital and each closed hospital.

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- 4) Outpatient Service Adjustment Payments will be the lesser of the amount determined in subsection (b)(2) or (b)(3) of this Section or \$3,000,000.
- c) Payment to a Qualifying Hospital
- 1) For the outpatient service adjustment period occurring in State fiscal year 2004, total payments will equal the methodologies described in subsection (b) of this Section multiplied by the proration factor and shall be paid to the hospital within 75 days after the conditions in subsection (e) of this Section have been met or before June 15, 2004.
 - 2) For the outpatient service adjustment period occurring in State fiscal year 2005, total annual payments will equal the methodologies described in subsection (b) of this Section and shall be paid to the hospital in four equal installments on or before July 15, 2004, October 15, 2004, January 14, 2005 and April 15, 2005. The sum of the amounts, required prior to the conditions in subsection (e) being met, shall be paid within 75 days after the conditions in subsection (e) have been met.
 - 3) If a hospital closes during the fiscal year, payments will be prorated based on the number of days the hospital was open during the fiscal year.
- d) Definitions
- 1) "Occupied bed days" means the sum of the number of days that each bed was occupied by a patient for all beds during calendar year 2001, as reported by each hospital on the Annual Survey of Hospitals conducted by the Department of Public Health. If the sum of a hospital's occupied bed days is not reported on the Annual Survey of Hospitals, then the Department may obtain the sum of occupied bed days from any source available, including, but not limited to, records maintained by the hospital provider, which may be inspected at all times during business hours of the day by the Department or its duly authorized agents and employees.
 - 2) "Outpatient service base period" means the 12-month period beginning on July 1, 2000 and ending on June 30, 2001.
 - 3) "Outpatient service adjustment period" means, beginning June 1, 2004, the one month period beginning on June 1, 2004 and ending June 30, 2004,

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and beginning July 1, 2004, the 12-month period beginning July 1 of the year and ending June 30 of the following year.

- 4) "Outpatient services" means, for a given hospital, the sum of ambulatory procedure listing services as described in Section 148.140(b), excluding services for individuals eligible for Medicare under Title XVIII of the Social Security Act (Medicaid/Medicare crossover services), as tabulated from the Department's paid claims data for services occurring in the outpatient service base period that were adjudicated by the Department through September 12, 2003.

5) "Proration factor" means a fraction, the numerator of which is 53 and the denominator of which is 365.

- e) Payment Limitations: Payments under this Section are not due and payable until:
 - 1) the methodologies described in this Section receive federal approval from the Centers for Medicare and Medicaid Services in an appropriate State Plan Amendment;
 - 2) the assessment imposed under 89 Ill. Adm. Code 140.80 is determined to be a permissible tax under Title XIX of the Social Security Act; and
 - 3) the assessment described in 89 Ill. Adm. Code 140.80 is in effect.

(Source: Amended at 29 Ill. Reg. 8363, effective June 1, 2005)

Section 148.110 Psychiatric Base Rate Adjustment Payments

- a) Qualifying Criteria
 - 1) Psychiatric Base Rate Adjustment Payments, as described in subsection (b)(1) of this Section, shall be made to an Illinois general acute care hospital that has a distinct part psychiatric unit, excluding:
 - A) County-owned hospitals as described in Section 148.25(b)(1)(A).
 - B) Hospitals organized under the University of Illinois Hospital Act [110 ILCS 330], as described in Section 148.25(b)(1)(B).

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- C) A hospital owned or operated by a State agency, as described in Section 148.25(b)(6).
- 2) Psychiatric Base Rate Adjustment Payments described in subsection (b)(2) of this Section shall be made to an Illinois general acute care hospital that has a distinct part psychiatric unit, excluding hospitals described in 89 Ill. Adm. Code 140.80(j).
- b) Psychiatric Base Rate Adjustment Payments
- 1) For a hospital qualifying under subsection (a)(1) of this Section, the Department shall pay an amount equal to \$400.00 less the hospital's per diem rate for Medicaid inpatient psychiatric services in effect on October 1, 2003, multiplied by the number of Medicaid inpatient psychiatric days provided in the psychiatric base rate period. In no event, however, shall that amount be less than zero.
- 2) For a hospital qualifying under subsection (a)(2) of this Section, whose inpatient psychiatric per diem rate in effect on October 1, 2003 is greater than \$400.00, the Department shall pay an amount equal to \$25.00 multiplied by the number of Medicaid inpatient psychiatric days provided in the psychiatric base rate period.
- 3) For a hospital that files a combined Medicaid cost report with another hospital after January 1, 2001, and then subsequently closes, the payment described in subsection (b)(1) or (b)(2) shall be multiplied by a fraction, the numerator of which is the number of occupied bed days attributable to the open hospital and the denominator of which is the sum of the occupied bed days of each open hospital and each closed hospital.
- c) Payment to a Qualifying Hospital
- 1) For the ~~psychiatric~~ ~~psychiatric~~ base rate adjustment period occurring in State fiscal year 2004, total payments will equal the methodologies described in subsection (b) of this Section multiplied by the proration factor and shall be paid to the hospital within 75 days after the conditions described in subsection (f) of this Section have been met ~~on or before June 15, 2004.~~

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- 2) For the psychiatric base rate adjustment period occurring in State fiscal year 2005, total payments will equal the methodologies described in subsection (b) of this Section and shall be paid to the hospital in four equal installments on or before July 15, 2004, October 15, 2004, January 14, 2005 and April 15, 2005. The sum of the amounts, required prior to the conditions described in subsection (f) being met, shall be paid within 75 days after the conditions in subsection (f) have been met.
- 3) If a hospital closes during the fiscal year, payments will be prorated based on the number of days the hospital was open during the fiscal year.
- d) Limitations: Hospitals that qualify for Psychiatric Base Rate Adjustment Payments shall not be eligible for the total Psychiatric Base Rate Adjustment Payment if, during the psychiatric base rate adjustment period, the hospital no longer operates the psychiatric distinct part unit.
- e) Definitions
 - 1) "Psychiatric base rate period" means the 12-month period beginning on July 1, 2000 and ending on June 30, 2001.
 - 2) "Psychiatric base rate adjustment period" means, beginning June 1, 2004, the one month period beginning on June 1, 2004 and ending June 30, 2004, and beginning July 1, 2004, the 12-month period beginning July 1 of the year and ending June 30 of the following year.
 - 3) "Medicaid inpatient psychiatric days" means, for a given hospital, the sum of days of inpatient psychiatric hospital service provided to recipients of medical assistance under Title XIX of the federal Social Security Act, excluding days for individuals eligible for Medicare under Title XVIII of that Act (Medicaid/Medicare crossover days), as tabulated from the Department's paid claims data for admissions occurring in the psychiatric base period that were adjudicated by the Department through June 30, 2002.
 - 4) "Occupied bed days" means the sum of the number of days that each bed was occupied by a patient for all beds during calendar year 2001, as reported by each hospital on the Annual Survey of Hospitals conducted by the Department of Public Health. If the sum of a hospital's occupied bed days is not reported on the Annual Survey of Hospitals, then the

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Department may obtain the sum of occupied bed days from any source available, including, but not limited to, records maintained by the hospital provider, which may be inspected at all times during business hours of the day by the Department or its duly authorized agents and employees.

5) "Proration factor" means a fraction, the numerator of which is 53 and the denominator of which is 365.

- f) Payment Limitations: Payments under this Section are not due and payable until:
- 1) the methodologies described in this Section receive federal approval from the Centers for Medicare and Medicaid Services in an appropriate State Plan Amendment;
 - 2) the assessment imposed under 89 Ill. Adm. Code 140.80 is determined to be a permissible tax under Title XIX of the Social Security Act; and
 - 3) the assessment described in 89 Ill. Adm. Code 140.80 is in effect.

(Source: Amended at 29 Ill. Reg. 8363, effective June 1, 2005)

Section 148.112 High Volume Adjustment Payments

- a) Qualifying criteria. High Volume Adjustment Payments shall be made to a qualifying Illinois hospital as defined in this subsection (a). A hospital not otherwise excluded under subsection (b) of this Section shall qualify for payment if it did not qualify for disproportionate share adjustments as described in Section 148.120 for the rate year 2003 determination and provided more than 20,000 Medicaid inpatient days in the high volume base period.
- b) The following classes of hospitals are ineligible for High Volume Adjustment Payments associated with the qualifying criteria listed in subsection (a) of this Section:
 - 1) County-owned hospitals as described in Section 148.25(b)(1)(A).
 - 2) Hospitals organized under the University of Illinois Hospital Act [110 ILCS 330], as described in Section 148.25(b)(1)(B).

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- 3) A hospital owned or operated by a State agency, as described in Section 148.25(b)(6).
- c) High Volume Adjustment Payments
- 1) For a hospital qualifying under subsection (a) of this Section, the Department shall pay the product of \$190.00 multiplied by the qualifying hospital's Medicaid inpatient days.
 - 2) For a hospital that files a combined Medicaid cost report with another hospital after January 1, 2001, and then subsequently closes, the payment described in subsection (c)(1) of this Section shall be multiplied by a fraction, the numerator of which is the number of occupied bed days attributable to the open hospital and the denominator of which is the sum of the occupied bed days of each open hospital and each closed hospital.
 - 3) For hospitals qualifying under subsection (a) of this Section that provided fewer than 30,000 Medicaid inpatient days in the high volume base period, payments will be the lesser of the calculation described in subsection (c)(1) or (c)(2) of this Section or \$3,500,000.
- d) Payment to a Qualifying Hospital
- 1) For the high volume adjustment period occurring in State fiscal year 2004, total payments will equal the methodologies described in subsection (c) of this Section multiplied by the proration factor and shall be paid to the hospital within 75 days after the conditions described in subsection (f) of this Section have been met ~~on or before June 15, 2004~~.
 - 2) For the high volume adjustment period occurring in State fiscal year 2005, total payments will equal the methodologies described in subsection (c) of this Section and shall be paid to the hospital in four equal installments on or before July 15, 2004, October 15, 2004, January 14, 2005 and April 15, 2005. The sum of the amounts, required prior to the conditions in subsection (f) being met, shall be paid within 75 days after the conditions in subsection (f) have been met.
 - 3) If a hospital closes during fiscal year, payments will be prorated based on the number of days the hospital was open during the fiscal year.

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- e) Definitions
- 1) "High volume base period" means the 12-month period beginning on July 1, 2000 and ending on June 30, 2001.
 - 2) "High volume adjustment period" means, beginning June 1, 2004, the one month period beginning on June 1, 2004 and ending June 30, 2004, and beginning July 1, 2004, the 12-month period beginning July 1 of the year and ending June 30 of the following year.
 - 3) "Medicaid inpatient days" means, for a given hospital, the sum of days of inpatient hospital service provided to recipients of medical assistance under Title XIX of the federal Social Security Act, excluding days for individuals eligible for Medicare under Title XVIII of that Act (Medicaid/Medicare crossover days), as tabulated from the Department's paid claims data for admissions occurring in the high volume base period that were adjudicated by the Department through June 30, 2002.
 - 4) "Occupied bed days" means the sum of the number of days that each bed was occupied by a patient for all beds during calendar year 2001, as reported by each hospital on the Annual Survey of Hospitals conducted by the Department of Public Health. If the sum of a hospital's occupied bed days is not reported on the Annual Survey of Hospitals, then the Department may obtain the sum of occupied bed days from any source available, including, but not limited to, records maintained by the hospital provider, which may be inspected at all times during business hours of the day by the Department or its duly authorized agents and employees.
 - 5) "Proration factor" means a fraction, the numerator of which is 53 and the denominator of which is 365.
- f) Payment Limitations: Payments under this Section are not due and payable until:
- 1) the methodologies described in this Section receive federal approval from the Centers for Medicare and Medicaid Services in an appropriate State Plan Amendment;
 - 2) the assessment imposed under 89 Ill. Adm. Code 140.80 is determined to be a permissible tax under Title XIX of the Social Security Act; and

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- 3) the assessment described in 89 Ill. Adm. Code 140.80 is in effect.

(Source: Amended at 29 Ill. Reg. 8363, effective June 1, 2005)

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- 1) Heading of the Part: Definitions
- 2) Code Citation: 11 Ill. Adm. Code 210
- 3) Section Number: 210.10 Adopted Action:
Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: June 1, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: February 4, 2005; 29 Ill. Reg. 1843
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of Rulemaking: To be consistent with current legislative changes, this rulemaking amends the definition of "minor." The definitions of "Length of Race" and "Racing Day" were deleted and the definitions of "Age", "Entry" and "Paddock" were updated.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Illinois Racing Board
100 West Randolph

ILLINOIS RACING BOARD

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Suite 7-701
Chicago, Illinois 60601
Attn: Mickey Ezzo

(312) 814-5017

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

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TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULESPART 210
DEFINITIONSSection
210.10 Definitions

AUTHORITY: Implementing Section 15 and authority by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b) and 15].

SOURCE: Adopted at 18 Ill. Reg. 2072, effective January 21, 1994; amended at 18 Ill. Reg. 17732, effective November 28, 1994; amended at 19 Ill. Reg. 13891, effective October 1, 1995; amended at 25 Ill. Reg. 15590, effective December 1, 2001; amended at 29 Ill. Reg. 8388, effective June 1, 2005.

Section 210.10 Definitions

"Act" – The Illinois Horse Racing Act of 1975.

"Added Money" – The money added by a racing association to the various fees paid by the owners of the horses nominated to, entered in and/or starting in a race.

"Added Money Early Closing Event" – A harness race closing in the same year in which it is to be contested in which all entrance and declaration fees received are added to the purse.

"Advanced Wagering" – Any wagering on a race or races to be conducted during a racing program before the next scheduled race.

"Age" – The age of a horse shall be reckoned from the first day of January of the year of foaling ~~except: for foals born in November and December of any year, age shall be reckoned from January 1 of the succeeding year.~~

"Allowance" – Weights and other conditions of a race.

"Allowance Race" – A race, other than a claiming race, for which certain

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conditions of eligibility are established.

"Also Eligible" – A horse ~~that~~~~which~~ has been entered in a race but is not permitted to start unless the number of entrants is reduced by scratches.

"Appeal" – A request for the Board to investigate, consider or review any decisions or rulings of the officials of a meeting or the decision of the Board itself.

"Applicant" – A person who applies for an organization or occupation license in a specified category or categories.

"Approximate odds" – The probable ratio of the pay-out price to a \$1 wager in the win pool in a pari-mutuel system.

"Arrears" – All monies owed by a licensee, including subscriptions, jockey fees, forfeitures, and any default incident to these rules.

"Association" – A person or business entity holding a license from the Board to conduct racing with pari-mutuel wagering.

"Association Grounds" – All areas used by a racing association in conducting a race meeting.

"Authorized Agent" – A person appointed by an owner or trainer in accordance with Board ~~rules~~~~Rules~~, the appointment to be designated in a document signed by the owner or trainer, approved by the stewards, executed annually and filed with the Illinois Racing Board.

"Battery" – Any battery, buzzer, electrical, or mechanical device or other appliance, except for the ordinary whip, ~~that~~~~which~~ can be used to stimulate or depress a horse or affect its speed in a race or workout.

"Beneficial Interest" – Profit, benefit or advantage resulting from a contract or an ownership interest in an estate as distinct from legal title or ownership, i.e., an interest as a devisee, legatee or donee solely for his own use or benefit and not as holder of title for use and benefit of another.

"Betting interest" – Horse, entry or field.

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"Bleeder" – A horse that is examined by an official veterinarian following a race or workout and sheds blood from one or both nostrils or upon endoscopic examination shows observable amounts of free blood in the respiratory tract.

"Board" – Illinois Racing Board.

"Bookmaker" – A person who accepts wagers on ~~racetracks~~ other than through a pari-mutuel machine.

"Breakage" – The odd cents by which the amount payable on each dollar wagered exceeds a multiple of 10¢.

"Breeder" – (Harness) The owner of a horse's dam at the time of breeding; (Thoroughbred) The owner of the horse's dam at the time of foaling.

"Canceled Ticket" – A ticket ~~that~~ represents a wager ~~that~~ has been canceled and withdrawn from the pari-mutuel pools.

"Carryover" – The total amount of non-distributed pool money in a pool ~~that~~ is retained and added to a corresponding pool in accordance with ~~this Part~~ these rules.

"Cashed Ticket" – Any pari-mutuel ticket ~~that~~ is refunded or ~~that~~ is presented for payment of a winning wager and is paid.

"Cashier Accounting" – The record of teller activity by transaction and time of transaction.

"Central Processing Unit" – The main computer ~~that~~ controls and stores both programs and data.

"Civil Penalty" – A penalty imposed on a licensee for a violation of Board rules or the Act.

"Claim" – The act of an eligible owner requesting the stewards to order the sale of a horse in a claiming race to him/her for a predetermined amount; ~~to~~ request a weight allowance; ~~to~~ file a claim in a claiming race; ~~to~~ acquire a horse by claiming.

"Claimant" – A person or racing interest meeting one of the three criteria for

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claiming eligibility.

"Claim Form" – The form upon which an eligible owner agrees to purchase a horse from a claiming race.

"Claiming Price" – The predetermined price at which a horse in a claiming race must be sold if it is claimed.

"Claiming Race" – A race in which any horse starting may be purchased for a predetermined amount in conformance with Board rules~~the Rules and Regulations~~.

"Colt" – ~~(Harness)~~ An uncastrated male horse under five~~four~~ years of age; ~~(Thoroughbred) An uncastrated horse under five years of age.~~

"Computer Log Library" – A record of all operator initiated actions of the transaction processor.

"Concessionaire" – An individual, firm, partnership, corporation, trustee or legal representative licensed to operate as a concessionaire to sell or provide food, beverages, programs, tip sheets or parking to the public at a race track in Illinois.

"Condition Book" – A booklet published by a thoroughbred racing association that~~which~~ sets out the conditions, purses and descriptions of future races.
(Synonym: Condition Sheet)

"Conditioned Race" – An overnight event into which entry eligibility is governed by previously specified qualifications.

"Condition Sheet" – A listing, written by the Racing Secretary, with the conditions a horse must meet in order to enter a particular race.

"Conditions" – Qualifications that determine a horse's eligibility to be entered in a particular race.

"Confirmed Test" – A second analytical procedure used to identify the presence of a specific drug or metabolite in a urine specimen.

"Console" – The totalizator status monitor that~~which~~ displays current race pool status information.

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"Contest" – A competitive racing event on which pari-mutuel wagering is conducted.

"Contestant" – An individual participant in a contest.

"Controlled Substance" – Any substance listed in 21 USC 812.

"Coupled Entry" – Two or more contestants in a contest that are treated as a single betting interest for pari-mutuel wagering purposes. (Also see "Entry")

"Dam" – The female parent.

"Day" – A 24 hour period beginning at 12:01 a.m. and ending at 12:00 midnight.

"Dead Heat" – A race in which two or more horses cross the finish line in a tie.

"Declaration" – (Harness) The process of entering a horse in a particular race. (Thoroughbred) The withdrawal of a horse entered for a race after the closing of entries. (Synonym: scratch)

"Decoder" – A device and/or means to convert encrypted audio-visual signals and/or data into a form recognizable as the original content of the signals.

"Disqualification" – The act of barring a person from acting as an official or from starting or driving a horse in a race. In the case of a horse, the act of barring it from starting or altering its finishing position for betting and purse purposes.

"Disqualify" – To place a horse in a lower position, in the official order of finish in a race, than it actually finished due to an infraction of the rules.

"Downlink" – A receiving antenna coupled with an audio-visual signal receiver compatible with and capable of receiving simultaneous audio-visual signals and/or data emanating from an organization licensee or track outside Illinois, and includes the electronic transfer of received signals from the receiving antenna to TV monitors within the inter-track wagering facility.

"Early Closing Race" – A harness race ~~into~~ which entries close at least six weeks preceding the race.

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"Eligible to Race" – Refers to a horse whose trainer has been granted stall space on association grounds; or has been approved to stable elsewhere and to ship in to race at a specific race meeting.

"Encryption" – The scrambling or other manipulations of the audio-visual signals to mask the original video content of the signal and so cause ~~those such~~ signals to be indecipherable and unrecognizable to any person receiving ~~that such~~ signal without a decoder.

"Entry" – A horse made eligible to participate in a race or two or more horses entered in the same race when owned or trained by the same person or trained in the same stable or by the same management. For thoroughbred racing, entries of separate ownership shall be uncoupled. ~~A horse that has been entered for a race; Two or more horses, owned by the same stable, or by husband and wife, or trained by the same trainer, that are coupled for the purpose of pari-mutuel betting as one betting interest.~~

"Equipment" – The items worn by or attached to a horse in a race.

"Exclusion" – The act of barring from all or part of association grounds or the grounds under the jurisdiction of the Illinois Racing Board. Unless specified in the ruling, an exclusion is unconditional and encompasses all of the association grounds.

"Exhibition Race" – A race on which no wagering is permitted.

"Expired Ticket" – An outstanding ticket that was not presented for redemption within the required time period for which it was issued.

"Extended Pari-Mutuel Meeting" – A meeting at which no agricultural fair is in progress, of more than 10 days annually, with pari-mutuel wagering.

"Field" – All the horses that compete in a race; ~~a~~ a number of horses grouped together as an entry for the purpose of pari-mutuel betting.

"Filly" – (Thoroughbred) A female horse under five years of age. (Harness) A female horse under four years of age.

"Financial Interest" – An interest that could result in directly or indirectly receiving a pecuniary gain or sustaining a pecuniary loss as a result of ownership

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or interest in a horse or business entity, or as a result of salary, gratuity or other compensation or remuneration from any person. The lessee and lessor of a horse have financial interests.

"Finish Line" – A real or imaginary line, perpendicular to the race course, that marks the end of a race. (Synonyms: finish wire, wire)

"Flat Race" – A race in which horses mounted by jockeys run over a course on which no obstacles are placed.

"Foreign Substance" – All substances except those ~~that which~~ exist naturally in the untreated horse of normal physiological concentrations or substances, or metabolites thereof ~~that which~~ are contained in equine feeds or feed supplements but do not contain any pharmacodynamic and/or chemotherapeutic agents, or pharmaceutical aids.

"Forfeit" – Money due from a licensee because of error, fault, neglect of duty, breach of contract or a penalty imposed by the stewards or the Board.

"Foul" – An improper act committed by a jockey or a horse in the running of a race.

"Foul Claim" or "Claim of Foul" – An objection, alleging a foul, made to the stewards or their designee by a driver, jockey, owner or trainer of a horse involved in a race.

"Furosemide List" – A tabulation maintained by the Board of all horses approved to race with furosemide.

"Futurity" – (Harness) A stakes race in which the dam of the competing animal is nominated either when in foal or during the year of foaling. (Thoroughbred) A stakes race, for horses not older than three years of age, in which nominations are made before the horse becomes a three-year old.

"Gelding" – A castrated horse.

"Gender and Number" – Pronouns of one gender include the other ~~and~~; singular words include the plural and vice versa, unless the context clearly indicates otherwise.

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"Gimmick Race" – A race on which a form of multiple wagering is conducted, such as Daily Double, Quinella, Exacta, Perfecta, Trifecta, etc.

"Guaranteed Stakes" – A stakes race with a guarantee by the party offering it that the sum paid shall not be less than the amount named (see Stakes Race).

"Guest Association" – An association that offers licensed pari-mutuel wagering on contests conducted by another association (the host) in either the same or another state.

"Handicap" – (Harness) A race in which starting positions are assigned on the basis of past performance so as to equalize the chance of all horses entered; (Thoroughbred) A race in which the weights carried by the entered horses are assigned by the Racing Secretary~~Handicapper~~ for the purpose of equalizing each horse's~~their~~ respective chance~~chances~~ of winning.

~~"Handicapper" – A person who assigns weights (thoroughbred) or post positions (harness) to horses nominated to a handicap race.~~

"Handle" – The aggregate dollar amount of all pari-mutuel pools, excluding refundable wagers.

"Heat" – One of two or more installments of a race.

"Horse" – An all encompassing term for any equine of any age, including colt, filly, gelding, ridgeling, mare or stallion;~~An uncastrated male horse five years of age or older.~~

"Host Association" – The association conducting a licensed pari-mutuel meeting from which authorized contests or entire programs are simulcast.

"Hypodermic Injection" – Any injection into or under the skin or mucosa, including but not limited to intradermal injection, subcutaneous injection, submucosal injection, intramuscular injection, intravenous injection, intra-arterial injection, intra-articular injection, intrabursal injection, intraocular (intraconjunctival) injection.

"Ineligible Horse" – A horse not qualified to participate in a specific race under the rules or conditions of that race.

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"Ineligible Person" – A person not qualified to participate in a specific racing activity under the rules of that activity.

"Illinois-Bred Colt" or "Illinois-Bred Filly" – A horse sired by a stallion owned by an Illinois resident and standing in the State of Illinois for the season in which the mare was bred.

"Illinois Foaled" – A horse dropped in Illinois.

"Illinois Owned" – A horse owned by a resident of Illinois at the time the horse is declared in to start and at the time of the race.

"Illinois Racing Board" – Whenever the word "Board" is used, it means the "Illinois Racing Board".

"Initial Screening" – A sensitive screening thatwhich determines the presence of drugs and their corresponding families.

"Interference" – Any act, which by design or otherwise, and regardless of actual contact, hampers or obstructs any competing horse or horses.

"Intertrack Wagering Facility" – The physical premises, structure and equipment utilized by an intertrack wagering location or intertrack wagering location licensee for the conduct of intertrack wagering or simulcast wagering.

"Inquiry" – An investigation or examination, conducted by the Board or Stewards, into a possible rule violation.

"Issued Ticket" – A wager for which the ticket issuing machine produces a hard copy.

"Jockey" – A rider of a thoroughbred race horse.

"Laboratory" – The Illinois Racing Board Laboratory or an independent testing laboratory contracted by the Board.

"Late Closing Race" – A race for a fixed amount to which entries close less than six weeks and more than three days before the race is to be contested.

~~"Length of Race" – Races shall be run at the stated distance in units not shorter~~

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~~than a sixteenth of a mile.~~

"Lessee" – A licensed owner whose interest in a horse is by lease agreement.

"Licensee" – A person or legal entity that has been issued an occupation license to participate in racing under the jurisdiction of the Board. (Synonym: Occupation ~~Licensee~~licensee)

"Maiden" – (Harness) A horse that has never won a heat or race, at the gait it is entered to start, for which a purse was offered.; (Thoroughbred) A horse that has never earned a winner's purse in a flat race at a recognized meeting in any country.

"Maiden Race" – A contest restricted to nonwinners.

"Mare" – (Harness) A female horse four years of age or older.; (Thoroughbred) A female horse five years of age or older.

"Match Race" – A race between two horses under conditions agreed to by their owners.

"Matinee Race" – A race with no entrance fee and where the prizes, if any, are other than money.

"Meeting" – The specified period and inclusive dates each year during which an association is authorized to conduct racing by approval of the Board.

"Minor" – Any person under the age of ~~18~~seventeen.

"Minus Pool" – A minus pool occurs when the amount of money to be distributed on winning wagers is in excess of the amount of money comprising the net pool.

"Month" – A calendar month.

"Mutuel Field" – Two or more horses in a contest that are treated as a single betting interest for pari-mutuel wagering purposes when the total number of betting interests exceeds the number that can be handled individually by the pari-mutuel system.

"Mutuel Manager" – The racing official designated by the organization licensee to

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supervise its pari-mutuel department.

"Net Pool" – The amount of gross ticket sales less refundable wagers and statutory commissions.

"Nominator" – The person or entity in whose name a horse is nominated for a race or series of races.

"Nominee" – A horse nominated to a stakes and/or handicap race.

"Nomination" – The naming of a horse to a stakes and/or handicap race. In a futurity, the naming of a foal in utero to a certain race or series of races, eligibility to which is conditioned on the payment of a fee at the time of naming and the payment of subsequent sustaining fees and/or starting fees.

"Objection" – A claim of foul lodged with the stewards or their designee by a jockey of a horse in a race immediately after a race and before the race is made official, or a claim of foul lodged with the patrol judge in a starting car, by a driver of a horse in a race, immediately after the race and before the driver dismounts.

"Odds Board" – A large sign-board structure, located in the infield of a race track, upon which the approximate odds are prominently displayed. (Synonym: Tote Board)

"Off Bell" – The bell, operated by the stewards, that signals the locking of ticket-issuing machines. The bell that rings as a race starts.

"Official Order of Finish" – The order of finish of the horses in a contest as declared official by the stewards.

"Official Starter" – The official responsible for dispatching horses to begin a race.

"Official Time" – The elapsed time from the moment the first horse crosses the starting point until the first horse crosses the finish line.

"Official Veterinarian" – A veterinarian employed by the Board or employed by an organization licensee and approved by the Board.

"Off Time" – The moment at which, on the signal of the official starter, the doors

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of the starting gate are opened, officially dispatching the horses in each contest.

"Off-Track Stabling" – Any farm, any Illinois race track not licensed by the Board in the current calendar year, or any other location designated and approved for the purpose of stabling horses to be raced at a race track under the jurisdiction of the Board.

"Organization Licensee" – Any person or entity receiving an organization license from the Board to conduct a race meeting or meetings.

"Outstanding Ticket" – An uncashed winning or refundable pari-mutuel ticket that was not redeemed during the performance for which it was issued and that must be cashed within the statutory time limit.

"Overnight Event" – A contest for which entries close at a time set by the racing secretary. (Synonym: Overnight Race, Overnight)

"Owner" – A person or stable that has property rights in a horse or horses, by ownership or lease of a horse or horses.

"Paddock" – An enclosed area in which harness horses scheduled to compete in a contest are confined and thoroughbred horses are saddled prior to racing. ~~The building or enclosure where horses are saddled for a race. A railed enclosure in which the horses are paraded for public view immediately before the post parade.~~

"Pari-Mutuel Auditor" – An employee of the Board's Pari-Mutuel Audit Unit.

"Pari-Mutuel Audit Unit" – The State Director of Mutuels and the Pari-Mutuel Auditors.

"Pari-Mutuel System" – The manual, electro-mechanical, or computerized system and all software (including the totalizator, account betting system and off-site betting equipment) that is used to record wagers and transmit wagering data.

"Patron" – A member of the public present on the grounds of a pari-mutuel association during a meeting for the purpose of wagering or to observe racing.

"Payoff" – The amount of money payable on winning wagers.

"Person" – Any individual, partnership, corporation or other association or entity.

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"Pharmaceutical Aids" – Polyethylene glycol, polyoxyethylene glycol, polyalkylene glycol, polyoxyalkylene glycol, polysorbates, sorbitans and their analogues and derivatives.

"Pool" – Total amount of money wagered ~~on~~upon all horses in a race to finish in a specific position or positions.

"Post" – The place on a race course from which the horses start in a race.

"Post Position" – The pre-assigned positions from which the horses leave the starting gate.

"Post Time" – The scheduled starting time of a contest.

"Prescription Drugs" – Any chemical substance ~~that~~which is prohibited from being dispensed by any ~~federal~~Federal or Illinois law without a valid prescription.

"Prima Facie Evidence" – Evidence that, until its effect is overcome by other evidence, will suffice as proof of fact in issue.

"Profit" – The net pool after deduction of the amount wagered on the winners.

"Profit Split" – A division of profit among separate winning betting interests or winning betting combinations resulting in two or more payoff prices.

"Program" – The published listing of all contests and contestants for a specific day's racing. The races of a particular day, considered together.

"Protest" – An objection lodged with the stewards of any infringement of the rules of racing.

"Purse" – The amount of money won by the owner of any competitor in a race.

"Purse Race" – A race for money to which the owners of the competing horses do not contribute.

"Qualifying Race" – A race for the purpose of viewing horses for speed, racing manners and competitiveness in which no purse money is offered and on which no pari-mutuel wagering is conducted.

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"Quarter Horse" – A horse registered with the American Quarter Horse Association of Amarillo, Texas.

"Race" – A contest between horses at a licensed meeting for purse, stakes, prize or reward.

"Race Course" – The actual racing surface.

"Race on the Flat" – (see Flat Race)

"Race Track Enclosure" – Association grounds, owned, leased or controlled by the racing association, whether or not enclosed by a fence and including, but not limited to, track parking lots.

"Race Track Operator" – Any person, association or corporation licensed by the Illinois Racing Board to conduct horse racing within Illinois for any stake, purse or reward.

"Race Meeting" – The period of time, whether for consecutive or nonconsecutive dates, for which an organization license has been issued.

"Racing Association" – Any person, partnership, corporation, or other entity licensed by the Board to conduct a race meeting. (Synonyms: Organization Licensee or Race Track Operator~~Synonym: organization licensee or race track operator~~)

~~"Racing Day" – Any period beginning at noon included in the period of a race meeting that ends at midnight, unless otherwise provided by statute.~~

"Racing Interest" – Any individual owner, partnership of owners, or corporation that participates as an owning entity or nominator of a race horse.

"Racing Jurisdiction" – A governmental regulatory body that, by statute or ordinance, regulates pari-mutuel racing.

"Racing Soundness Exam" – The physical examination for racing soundness and health of each horse by an official veterinarian.

"Recognized Meeting" – Any race meeting with regularly scheduled races

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licensed by and conducted under rules promulgated by a governmental regulatory body, including meetings in foreign countries.

"Record" – The fastest time made by a horse in a race that ~~horse~~ won or in a performance against time.

"Refunded Ticket" – A ticket ~~that~~ which has been refunded for the value of a wager that is no longer valid (e.g., when a horse has been scratched or the wagering canceled).

"Restricted Area" – An area on the grounds of a race track where admission can be obtained only upon presentation of valid credentials. Such areas shall include the stable areas, detention barn, jockey or driver room, paddock, race course and pari-mutuel department.

"Result" – That part of the official order of finish used to determine the pari-mutuel payoff pools for each individual contest.

"Ruled Off" – Synonymous with suspended or excluded.

"Rules" – Regulations promulgated by the Board pursuant to the Horse Racing Act.

"Ruling" – A written decision, determination, and/or order of the stewards.

"Satellite Transponder" – A leased space segment ~~of~~ time of an earth-orbit communication satellite.

"Scoring" – Preliminary warm-ups by horses.

"Scratch" – The withdrawal of a horse from a race after the closing of entries.

"Scratch Time" – The time designated by the racing association as a deadline for an owner or trainer to file a request for a scratch.

"Simulcast" – The live audio and visual transmission of a contest to another location for pari-mutuel wagering purposes.

"Single Price Pool" – An equal distribution of profit to winning betting interests or winning betting combinations through a single payoff price.

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"Stable Name" – The assumed name or nom de course under which a person or stable races horses.

"Stakes" – All the fees paid by subscribers to a stakes race, which may include the nomination, eligibility, supplemental, entry or starting fees or any fee that is required by the conditions of a race.

"Stakes Race" – A race that is closed to nominees more than 72 hours before it is run, with a purse that includes all stakes payments in addition to the money added by the racing association.

"Starter" – The racing official whose duty it is to get the horses away to a fair start in a race. Any horse that participates, i.e., starts, in a race.

"Starter Race" – An overnight event, under allowance or handicap conditions, restricted to horses who have previously started for the designated claiming price or less, as stated in the conditions of the race.

"State Director of Mutuels" – The individual representing the Board in the supervision and verification of the pari-mutuel wagering pool totals for each racing day.

"State Veterinarian" – A veterinarian employed by the Board.

"Steeplechase Race" – A contest in which horses mounted by jockeys run over a course on which jumps or other obstacles are placed.

"Steward" – Duly appointed top official at a race track with the power to fine, suspend, and rule off persons licensed in racing.

"Stewards' Stand" – The room, generally located on the roof of a race track grandstand or clubhouse, from which the State stewards and association stewards observe the running of races.

"Subscription" – The nomination or entry of a horse in a stakes race.

"Sulky" – A dual-shaft, dual wheel racing vehicle.

"Suspension" – A penalty in which the rights and privileges of a licensee are

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withdrawn for a specified period of time. An occupation licensee whose license is suspended is prohibited from engaging in any licensed occupation and is excluded from all grounds under the jurisdiction of the Board, unless otherwise specified in the ruling or order (example: suspended from riding or driving).

"Sweepstakes" – A race where the owners of horses entered or engaged for the race contribute to a purse to which money or any other prize may be added, and nominations to which close 72 hours or more before starting.

"Takeout" – The total amount of money, excluding breakage, withheld from each pari-mutuel pool, as authorized by statute or rule.

"Test Level" – The concentration of a foreign substance found in a test sample.

"Test Sample" – Any substance, including but not limited to, blood or urine taken from a horse or licensee for the purpose of testing for foreign or controlled substances.

"Threshold Level" – The concentration of a foreign substance found in a test sample.

"Ticket Issuing Machine" – A machine ~~that~~~~which~~ prints hard copies of wagers.

"Totalizator" – An electronic device that automatically registers the wagers made on each horse or pool and prints or issues a ticket representing each ~~such~~ wager or wagers.

"Totalizator System Licensee" – Any person, corporation, company, association or any other entity ~~that~~~~which~~ sells, leases, or operates totalizator equipment and is licensed by the Board.

"Tote Room" – The room at a race track in which the totalizator system's computer is housed.

"Tout" – Someone who furnishes information concerning selection of a horse for wagering purposes, or predicts the outcome of a race for wagering purposes, in exchange for a consideration.

"Trial Race" – Part of a series of contests in which horses participate for the purpose of determining eligibility for a subsequent contest.

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"Uplink" – An earth station broadcasting facility, whether mobile or fixed, ~~that~~^{which} is used to transmit audio-visual signals and/or data on FCC-controlled frequencies, and includes any electronic transfer of audio-visual signals from within a racing enclosure to the location of the transmitter at the uplink.

"Utilities" – Programs that are provided by computer vendors to perform tasks such as duplication of program tapes, modification of master files, and access to passwords.

"Validation" – The act or process by which the Board's licensing office at a race meeting stamps or otherwise marks the licensee's identification card, thereby allowing the licensee access to restricted areas during a specific race meeting.

"Vendor" – A seller of feed, medication, stable supplies, or other merchandise in restricted areas.

"Veterinarian" – A veterinary practitioner licensed as such by the Illinois Department of Professional Regulation.

"Veterinarian's List" – A tabulation maintained by the State Veterinarian of horses that are not permitted to enter a race until their names are removed from the list.

"Walkover" – An event in which all horses but one in a race are withdrawn, leaving that horse to walk the prescribed course at the distance of the race. A walkover may be between two or more horses if they belong to a single interest.

"Week" – A calendar week.

"Weigh-In" – The presentation of a jockey to the Clerk of Scales for weighing after a race.

"Weigh-Out" – The presentation of a jockey to the Clerk of Scales for weighing prior to a race.

"Weight for Age" – A race in which a fixed scale is used to assign the weight to be carried by individual horses according to age, sex, distance of the race, and season of the year.

"Winner" – The horse whose nose reaches the finish line first. If there is a dead

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heat for first, those horses shall be considered winners.

"Wire" – See Finish line.

"Year" – A calendar year.

(Source: Amended at 29 Ill. Reg. 8388, effective June 1, 2005)

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- 1) Heading of the Part: Prohibited Conduct
- 2) Code Citation: 11 Ill. Adm. Code 423
- 3) Section Number: 423.30 Adopted Action: New Section
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: June 1, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: February 4, 2005; 29 Ill. Reg. 1864
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace any emergency amendment currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rulemaking: This rulemaking mirrors the language found in Section 24(f) of the Illinois Horse Racing Act of 1975. This rulemaking prohibits an officer, director or holder or controller of 5% or more interest in an organization licensee or concession from making a contribution to any person who is a public official, or a candidate or nominee for public office.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Illinois Racing Board

ILLINOIS RACING BOARD

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100 West Randolph
Suite 7-701
Chicago, Illinois 60601
Attn: Mickey Ezzo

(312) 814-5017

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

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

PART 423
PROHIBITED CONDUCT

Section

423.20

Sale of Products

[423.30](#)[Political Contributions](#)

AUTHORITY: Implementing Section 15 and authority by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b) and 15].

SOURCE: 5 Ill. Reg. 8833, effective August 25, 1981; codified at 5 Ill. Reg. 10636; emergency amendment at 5 Ill. Reg. 11593, effective October 20, 1981, for a maximum of 150 days; emergency expired March 17, 1982; amended at 6 Ill. Reg. 10714, effective August 20, 1982; amended at 7 Ill. Reg. 10782, effective August 24, 1983; amended at 7 Ill. Reg. 16098, effective November 22, 1983; amended at 8 Ill. Reg. 21593, effective October 23, 1984; amended at 9 Ill. Reg. 16204, effective October 9, 1985; emergency amendment at 9 Ill. Reg. 18151, effective November 12, 1985, for a maximum of 150 days; emergency expired April 11, 1986; amended at 10 Ill. Reg. 16649, effective September 22, 1986; amended at 11 Ill. Reg. 9540, effective May 5, 1987; amended at 12 Ill. Reg. 11730, effective June 30, 1988; amended at 13 Ill. Reg. 10598, effective June 19, 1989; amended at 14 Ill. Reg. 10798, effective June 20, 1990; amended at 15 Ill. Reg. 11598, effective August 2, 1991; amended at 16 Ill. Reg. 11078, effective June 30, 1992; amended at 17 Ill. Reg. 10795, effective July 1, 1993; amended at 18 Ill. Reg. 10090, effective June 21, 1994; amended at 19 Ill. Reg. 11787, effective August 3, 1995; amended at 20 Ill. Reg. 10874, effective August 5, 1996; amended at 21 Ill. Reg. 9077, effective June 26, 1997; amended at 22 Ill. Reg. 14836, effective August 3, 1998; amended at 23 Ill. Reg. 9066, effective July 28, 1999; amended at 24 Ill. Reg. 8938, effective June 19, 2000; amended at 25 Ill. Reg. 9895, effective July 17, 2001; amended at 26 Ill. Reg. 14680, effective September 20, 2002; amended at 28 Ill. Reg. 11873, effective July 27, 2004; amended at 29 Ill. Reg. 8409, effective June 1, 2005.

Section 423.30 Political Contributions

No organization licensee or concessionaire or officer, director or holder or controller of 5% or more legal or beneficial interest in any organization licensee or concession shall make any sort of gift or contribution of any kind or pay or give any money or other thing of value to any person

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who is a public official, or a candidate or nominee for public office. [230 ILCS 5/24] Violation of this Section shall be grounds for revocation or suspension of license, revocation or denial of racing dates, or any other appropriate remedy.

(Source: Added at 29 Ill. Reg. 8409, effective June 1, 2005)

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- 1) Heading of the Part: Race Track Operators and Their Duties
- 2) Code Citation: 11 Ill. Adm. Code 1305
- 3) Section Number: 1305.70 Adopted Action: Repeal
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: June 1, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: February 4, 2005; 29 Ill. Reg. 1867
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace any emergency amendments currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rulemaking: The Section being repealed in this rulemaking can be found slightly modified in Section 423.30 of Part 423.
- 16) Information and questions regarding this adopted amendment shall be directed to:
Illinois Racing Board
100 West Randolph, Suite 7-701 (312) 814-5017
Chicago, Illinois 60601
Attn: Mickey Ezzo

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

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

PART 1305
RACE TRACK OPERATORS AND THEIR DUTIES

Section

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

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

AUTHORITY: Implementing Section 15 and authority by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b) and 15].

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); amended October 9, 1973, filed October 19, 1973; amended October 25, 1973, filed December 17, 1973; amended February 15, 1974, filed February 28, 1974; amended October 25, 1974, filed November 7, 1974; added May 9, 1975, filed May 15, 1975; amended August 21, 1976, filed August 21, 1976, filed August 30, 1976; amended at 2 Ill. Reg. 27, p. 275, effective July 10, 1978; amended at 4 Ill. Reg. 21, p. 85, effective May 9, 1980; codified at 5 Ill. Reg. 10923; amended at 6 Ill. Reg. 11063, effective September 1, 1982; amended at 9 Ill. Reg. 9165, effective May 30, 1985; amended at 14 Ill. Reg. 17661, effective October 16, 1990; amended at 14 Ill. Reg. 20052, effective December 4, 1990; amended at 17 Ill. Reg. 3034, effective February 23, 1993; emergency amendment at 23 Ill. Reg. 7776, effective June 28, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13939, effective November 2, 1999; amended at 28 Ill. Reg. 6596, effective April 19, 2004; amended at 28 Ill. Reg. 11260, effective August 1, 2004; amended at 29 Ill. Reg. 8413, effective June 1, 2005.

Section 1305.70 Political Contributions (Repealed)

~~It is prohibited for any race track operator, or any officer, or director, or shareholder of over five per cent of corporate stock of said race track operator, or employee, agent or representative of such race track operator, to become liable for, pay, or make any contribution directly or indirectly toward the campaign funds or expenses of any political party, or candidate for public office or nomination for public office in this state, or to pay or give any money, stock or other thing of value to any elected or appointed official or state employee. Violation of this rule shall be grounds for revocation or suspension of license, revocation or denial of racing dates, or any other appropriate remedy.~~

(Source: Repealed at 29 Ill. Reg. 8413, effective June 1, 2005)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Disclosure Rules
- 2) Code Citation: 11 Ill. Adm. Code 1437
- 3) Section Number: 1437.70 Adopted Action: Repeal
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: June 1, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: February 4, 2005; 29 Ill. Reg. 1871
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace any emergency amendment currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rulemaking: The Section being repealed in this rulemaking can be found slightly modified in Section 423.30 of Part 423.
- 16) Information and questions regarding this adopted amendment shall be directed to:
Illinois Racing Board
100 West Randolph, Suite 7-701 (312) 814-5017
Chicago, Illinois 60601
Attn: Mickey Ezzo

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

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

PART 1437
DISCLOSURE RULES

Section

1437.10	Written Disclosure
1437.30	Written Disclosure for Corporations
1437.40	Notice of Changes
1437.50	Disclosure for Associates of Applicant
1437.60	Written Disclosure to Participate in Racing
1437.70	Political Contributions (Repealed)

AUTHORITY: Implementing Section 15 and authority by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b) and 15].

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); codified at 5 Ill. Reg. 11008; amended at 29 Ill. Reg. 8416, effective June 1, 2005.

Section 1437.70 Political Contributions ([Repealed](#))

~~It is prohibited for any race track operator, or any officer, or director, or shareholder of over five per cent of corporate stock of operator, or employee, agent or representative of such operator, to become liable for, pay, or make any contribution directly or indirectly toward the campaign funds or expenses of any political party, or candidate for public office in this state, or to pay or give any money, stock or other thing of value to any elected or appointed official or state employee. Violation of this rule shall be grounds for revocation or suspension of license, revocation or denial of racing dates, or any other appropriate remedy.~~

(Source: Repealed at 29 Ill. Reg. 8416, effective June 1, 2005)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: 310.Appendix A Table W Peremptory Action: Amendment
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Department of Central Management Services is amending the Pay Plan (80 Ill. Adm. Code 310.Appendix A, Table W) to reflect the newly established classification of Capital Development Board Art in Architecture Technician, which is represented by the American Federation of State, County and Municipal Employees (AFSCME). Effective June 1, 2005, the Civil Service Commission approved the establishment of the Capital Development Board Art in Architecture Technician title. Effective October 29, 2003, certain non-Personnel Code positions in the Capital Development Board are certified as being included under RC-062, reclassified into the Capital Development Board Art in Architecture Technician title, and assigned the salary grade of RC-062-12, as provided in the Memorandum of Understanding between the Department of Central Management Services and AFSCME signed November 1, 2004.
- 5) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a].
- 6) Effective Date: June 1, 2005
- 7) A Complete Description of the Subjects and Issues Involved: Section 310.Appendix A Table W is amended to reflect the AFSCME representation of the Capital Development Board Art in Architecture Technician title. The Capital Development Board Art in Architecture Technician title is listed with its title code of 06533 and salary grade of RC-062-12.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date filed with the Index Department: May 25, 2005
- 10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

- 11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act?
Yes.
- 12) Are there any other proposed amendments pending on this Part?

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.Appendix A, Table D	Amendment	28 Ill. Reg. 13949, 10/29/04
310.Appendix A, Table E	Amendment	28 Ill. Reg. 13949, 10/29/04
310.Appendix A, Table F	Amendment	28 Ill. Reg. 13949, 10/29/04
310.100	Amendment	29 Ill. Reg. 2884, 2/25/05
310.490	Amendment	29 Ill. Reg. 2884, 2/25/05
310.Appendix A, Table W	Amendment	29 Ill. Reg. 2884, 2/25/05
310.100	Amendment	29 Ill. Reg. 4186, 3/18/05
310.110	Amendment	29 Ill. Reg. 4186, 3/18/05
310.130	Amendment	29 Ill. Reg. 4186, 3/18/05
310.280	Amendment	29 Ill. Reg. 4186, 3/18/05
310.290	Amendment	29 Ill. Reg. 4186, 3/18/05
310.530	Amendment	29 Ill. Reg. 4186, 3/18/05
310.540	Amendment	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table G	Amendment	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table H	Amendment	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table I	Amendment	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table J	Amendment	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table K	Amendment	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table M	Amendment	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table N	Amendment	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table O	Amendment	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table P	Amendment	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table Q	Amendment	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table R	Amendment	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table V	Amendment	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table W	Amend	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table X	Amendment	29 Ill. Reg. 4186, 3/18/05
310.Appendix A Table Z	Amendment	29 Ill. Reg. 4186, 3/18/05
310.Appendix B	Amendment	29 Ill. Reg. 4186, 3/18/05
310.Appendix C	Amendment	29 Ill. Reg. 4186, 3/18/05
310.Appendix D	Amendment	29 Ill. Reg. 4186, 3/18/05
310.Appendix G	Amendment	29 Ill. Reg. 4186, 3/18/05
310.230	Amendment	29 Ill. Reg. 6148, 5/6/05
310.280	Amendment	29 Ill. Reg. 6148, 5/6/05

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
310.320	Repeal	29 Ill. Reg. 6148, 5/6/05
310.410	Amendment	29 Ill. Reg. 6148, 5/6/05
310.Appendix A Table W	Amendment	29 Ill. Reg. 6148, 5/6/05

13) Statement of Statewide Policy Objective: This amendment to the Pay Plan affects only the employees subject to the Personnel Code and does not set out any guidelines that affect local or other jurisdictions in the State.

14) Information and questions regarding this preemptory amendment shall be directed to:

Ms. Anne McElroy
Deputy Director
Department of Central Management Services
503 William G. Stratton Building
Springfield IL 62706

217/524-8773
Fax: 217/558-4497

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

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

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 2005
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

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

SUBPART C: MERIT COMPENSATION SYSTEM

Section

- 310.410 Jurisdiction
- 310.420 Objectives
- 310.430 Responsibilities
- 310.440 Merit Compensation Salary Schedule
- 310.450 Procedures for Determining Annual Merit Increases
- 310.455 Intermittent Merit Increase
- 310.456 Merit Zone (Repealed)
- 310.460 Other Pay Increases
- 310.470 Adjustment
- 310.480 Decreases in Pay
- 310.490 Other Pay Provisions
- 310.495 Broad-Band Pay Range Classes
- 310.500 Definitions
- 310.510 Conversion of Base Salary to Pay Period Units (Repealed)
- 310.520 Conversion of Base Salary to Daily or Hourly Equivalents
- 310.530 Implementation
- 310.540 Annual Merit Increase Guidechart for Fiscal Year 2005
- 310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

310.APPENDIX A Negotiated Rates of Pay

- 310.TABLE A HR-190 (Department of Central Management Services – State of Illinois Building – SEIU) (Repealed)
- 310.TABLE B HR-200 (Department of Labor – Chicago, Illinois – SEIU) (Repealed)
- 310.TABLE C RC-069 (Firefighters, AFSCME) (Repealed)
- 310.TABLE D HR-001 (Teamsters Local #726)
- 310.TABLE E RC-020 (Teamsters Local #330)
- 310.TABLE F RC-019 (Teamsters Local #25)
- 310.TABLE G RC-045 (Automotive Mechanics, IFPE)
- 310.TABLE H RC-006 (Corrections Employees, AFSCME)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	HR-012 (Fair Employment Practices Employees, SEIU) (Repealed)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
310.TABLE AB	VR-007 (Plant Maintenance Engineers, Operating Engineers) (Repealed)
310.APPENDIX B	Schedule of Salary Grades – Monthly Rates of Pay for Fiscal Year 2005
310.APPENDIX C	Medical Administrator Rates for Fiscal Year 2005
310.APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 2005
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2005

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

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

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NOTICE OF PEREMPTORY AMENDMENT

emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27,

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NOTICE OF PEREMPTORY AMENDMENT

1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective

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August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; preemptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; preemptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; preemptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; preemptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; preemptory amendment at 21 Ill. Reg. 16465, effective

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December 4, 1997; preemptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; preemptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; preemptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; preemptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; preemptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; preemptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; preemptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; preemptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; preemptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20,

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2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2680, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 14, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. _____, effective _____.

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Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE W RC-062 (Technical Employees, AFSCME)**

<u>Title</u>	<u>Salary Grade</u>	<u>Code</u>
Accountant	RC-062-14	00130
Accountant Advanced	RC-062-16	00133
Accounting and Fiscal Administration Career Trainee	RC-062-12	00140
Activity Therapist	RC-062-15	00157
Activity Therapist Coordinator	RC-062-17	00160
Actuarial Assistant	RC-062-16	00187
Actuarial Examiner	RC-062-16	00195
Actuarial Examiner Trainee	RC-062-13	00196
Actuarial Senior Examiner	RC-062-19	00197
Actuary I	RC-062-20	00201
Actuary II	RC-062-24	00202
Agricultural Market News Assistant	RC-062-12	00804
Agricultural Marketing Generalist	RC-062-14	00805
Agricultural Marketing Reporter	RC-062-18	00807
Agricultural Marketing Representative	RC-062-18	00810
Agriculture Land and Water Resource Specialist I	RC-062-14	00831
Agriculture Land and Water Resource Specialist II	RC-062-17	00832
Agriculture Land and Water Resource Specialist III	RC-062-20	00833
Aircraft Pilot I	RC-062-19	00955
Aircraft Pilot II	RC-062-22	00956
Appraisal Specialist I	RC-062-14	01251
Appraisal Specialist II	RC-062-16	01252
Appraisal Specialist III	RC-062-18	01253
Arts Council Associate	RC-062-12	01523
Arts Council Program Coordinator	RC-062-18	01526
Arts Council Program Representative	RC-062-15	01527
Assignment Coordinator	RC-062-20	01530
Bank Examiner I	RC-062-16	04131
Bank Examiner II	RC-062-19	04132
Bank Examiner III	RC-062-22	04133
Behavioral Analyst Associate	RC-062-15	04355
Behavioral Analyst I	RC-062-17	04351
Behavioral Analyst II	RC-062-19	04352
Business Administrative Specialist	RC-062-16	05810

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Buyer	RC-062-18	05900
<u>Capital Development Board Art in Architecture Technician</u>	<u>RC-062-12</u>	<u>06533</u>
Chemist I	RC-062-16	06941
Chemist II	RC-062-19	06942
Chemist III	RC-062-21	06943
Child Protection Advanced Specialist	RC-062-19	07161
Child Protection Associate Specialist	RC-062-16	07162
Child Protection Specialist	RC-062-18	07163
Child Welfare Associate Specialist	RC-062-16	07216
Child Welfare Staff Development Coordinator I	RC-062-17	07201
Child Welfare Staff Development Coordinator II	RC-062-19	07202
Child Welfare Staff Development Coordinator III	RC-062-20	07203
Child Welfare Staff Development Coordinator IV	RC-062-22	07204
Children and Family Service Intern – Option 1	RC-062-12	07241
Children and Family Service Intern – Option 2	RC-062-15	07242
Clinical Laboratory Technologist I	RC-062-18	08220
Clinical Laboratory Technologist II	RC-062-19	08221
Clinical Laboratory Technologist Trainee	RC-062-14	08229
Communications Systems Specialist	RC-062-23	08860
Community Management Specialist I	RC-062-15	08891
Community Management Specialist II	RC-062-17	08892
Community Management Specialist III	RC-062-19	08893
Community Planner I	RC-062-15	08901
Community Planner II	RC-062-17	08902
Community Planner III	RC-062-19	08903
Conservation Education Representative	RC-062-12	09300
Conservation Grant Administrator I	RC-062-18	09311
Conservation Grant Administrator II	RC-062-20	09312
Conservation Grant Administrator III	RC-062-22	09313
Construction Program Assistant	RC-062-12	09525
Correctional Counselor I	RC-062-15	09661
Correctional Counselor II	RC-062-17	09662
Correctional Counselor III	RC-062-19	09663
Corrections Academy Trainer	RC-062-17	09732
Corrections Apprehension Specialist	RC-062-19	09750
Corrections Industries Marketing Representative	RC-062-17	09803
Corrections Leisure Activities Specialist I	RC-062-15	09811
Corrections Leisure Activities Specialist II	RC-062-17	09812
Corrections Leisure Activities Specialist III	RC-062-19	09813
Corrections Parole Agent	RC-062-17	09842

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Corrections Senior Parole Agent	RC-062-19	09844
Criminal Intelligence Analyst I	RC-062-18	10161
Criminal Intelligence Analyst II	RC-062-20	10162
Criminal Intelligence Analyst Specialist	RC-062-22	10165
Criminal Justice Specialist I	RC-062-16	10231
Criminal Justice Specialist II	RC-062-20	10232
Criminal Justice Specialist Trainee	RC-062-13	10236
Curator of the Lincoln Collection	RC-062-16	10750
Day Care Licensing Representative I	RC-062-16	11471
Developmental Disabilities Council Program Planner I	RC-062-12	12361
Developmental Disabilities Council Program Planner II	RC-062-16	12362
Developmental Disabilities Council Program Planner III	RC-062-18	12363
Dietitian	RC-062-15	12510
Disability Appeals Officer	RC-062-22	12530
Disability Claims Adjudicator I	RC-062-16	12537
Disability Claims Adjudicator II	RC-062-18	12538
Disability Claims Adjudicator Trainee	RC-062-13	12539
Disability Claims Analyst	RC-062-20	12540
Disability Claims Specialist	RC-062-19	12558
Disaster Services Planner	RC-062-19	12585
Document Examiner	RC-062-22	12640
Educator – Provisional	RC-062-12	13105
Employment Security Manpower Representative I	RC-062-12	13621
Employment Security Manpower Representative II	RC-062-14	13622
Employment Security Program Representative	RC-062-14	13650
Employment Security Program Representative – Intermittent	RC-062-14H	13651
Employment Security Service Representative	RC-062-16	13667
Employment Security Specialist I	RC-062-14	13671
Employment Security Specialist II	RC-062-16	13672
Employment Security Specialist III	RC-062-19	13673
Employment Security Tax Auditor I	RC-062-17	13681
Employment Security Tax Auditor II	RC-062-19	13682
Energy and Natural Resources Specialist I	RC-062-15	13711
Energy and Natural Resources Specialist II	RC-062-17	13712
Energy and Natural Resources Specialist III	RC-062-19	13713
Energy and Natural Resources Specialist Trainee	RC-062-12	13715
Environmental Health Specialist I	RC-062-14	13768
Environmental Health Specialist II	RC-062-16	13769
Environmental Health Specialist III	RC-062-18	13770
Environmental Protection Associate	RC-062-12	13785

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Environmental Protection Specialist I	RC-062-14	13821
Environmental Protection Specialist II	RC-062-16	13822
Environmental Protection Specialist III	RC-062-18	13823
Environmental Protection Specialist IV	RC-062-22	13824
Financial Institutions Examiner I	RC-062-16	14971
Financial Institutions Examiner II	RC-062-19	14972
Financial Institutions Examiner III	RC-062-22	14973
Financial Institutions Examiner Trainee	RC-062-13	14978
Flight Safety Coordinator	RC-062-21	15640
Forensic Scientist I	RC-062-18	15891
Forensic Scientist II	RC-062-20	15892
Forensic Scientist III	RC-062-22	15893
Forensic Scientist Trainee	RC-062-15	15897
Guardianship Representative	RC-062-17	17710
Habilitation Program Coordinator	RC-062-17	17960
Handicapped Services Representative I	RC-062-11	17981
Health Facilities Surveyor I	RC-062-16	18011
Health Facilities Surveyor II	RC-062-19	18012
Health Facilities Surveyor III	RC-062-20	18013
Health Planning Specialist I	RC-062-19	18154
Health Planning Specialist II	RC-062-22	18155
Health Services Investigator I – Opt. A	RC-062-19	18181
Health Services Investigator I – Opt. B	RC-062-20	18182
Health Services Investigator II – Opt. A	RC-062-22	18185
Health Services Investigator II – Opt. B	RC-062-22	18186
Health Services Investigator II – Opt. C	RC-062-25	18187
Health Services Investigator II – Opt. D	RC-062-25	18188
Historical Documents Conservator I	RC-062-13	18981
Historical Exhibits Designer	RC-062-15	18985
Historical Research Editor II	RC-062-14	19002
Human Relations Representative	RC-062-16	19670
Human Rights Investigator I	RC-062-15	19774
Human Rights Investigator II	RC-062-17	19775
Human Rights Investigator III	RC-062-18	19776
Human Rights Specialist I	RC-062-14	19778
Human Rights Specialist II	RC-062-16	19779
Human Services Caseworker	RC-062-16	19785
Human Services Grants Coordinator I	RC-062-14	19791
Human Services Grants Coordinator II	RC-062-17	19792
Human Services Grants Coordinator III	RC-062-20	19793

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Human Services Grants Coordinator Trainee	RC-062-12	19796
Human Services Sign Language Interpreter	RC-062-16	19810
Iconographer	RC-062-12	19880
Industrial Services Consultant I	RC-062-14	21121
Industrial Services Consultant II	RC-062-16	21122
Industrial Services Consultant Trainee	RC-062-11	21125
Industrial Services Hygienist	RC-062-19	21127
Industrial Services Hygienist Technician	RC-062-16	21130
Industrial Services Hygienist Trainee	RC-062-12	21133
Information Technology/Communications Systems Specialist I	RC-062-19	21216
Information Technology/Communications Systems Specialist II	RC-062-24	21217
Instrument Designer	RC-062-18	21500
Insurance Analyst III	RC-062-14	21563
Insurance Analyst IV	RC-062-16	21564
Insurance Company Claims Examiner II	RC-062-19	21602
Insurance Company Field Staff Examiner	RC-062-16	21608
Insurance Company Financial Examiner Trainee	RC-062-13	21610
Insurance Performance Examiner I	RC-062-14	21671
Insurance Performance Examiner II	RC-062-16	21672
Insurance Performance Examiner III	RC-062-20	21673
Intermittent Unemployment Insurance Representative	RC-062-12H	21689
Internal Auditor I	RC-062-17	21721
Labor Conciliator	RC-062-20	22750
Laboratory Equipment Specialist	RC-062-18	22990
Laboratory Quality Specialist I	RC-062-19	23021
Laboratory Quality Specialist II	RC-062-21	23022
Laboratory Research Specialist I	RC-062-19	23027
Laboratory Research Specialist II	RC-062-21	23028
Land Acquisition Agent I	RC-062-15	23091
Land Acquisition Agent II	RC-062-18	23092
Land Acquisition Agent III	RC-062-21	23093
Land Reclamation Specialist I	RC-062-14	23131
Land Reclamation Specialist II	RC-062-17	23132
Liability Claims Adjuster I	RC-062-14	23371
Library Associate	RC-062-12	23430
Life Sciences Career Trainee	RC-062-12	23600
Liquor Control Special Agent II	RC-062-15	23752
Local Historical Services Representative	RC-062-17	24000
Local Housing Advisor I	RC-062-14	24031
Local Housing Advisor II	RC-062-16	24032

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Local Housing Advisor III	RC-062-18	24033
Local Revenue and Fiscal Advisor I	RC-062-15	24101
Local Revenue and Fiscal Advisor II	RC-062-17	24102
Local Revenue and Fiscal Advisor III	RC-062-19	24103
Lottery Sales Representative	RC-062-16	24515
Management Operations Analyst I	RC-062-18	25541
Management Operations Analyst II	RC-062-20	25542
Manpower Planner I	RC-062-14	25591
Manpower Planner II	RC-062-17	25592
Manpower Planner III	RC-062-20	25593
Manpower Planner Trainee	RC-062-12	25597
Medical Assistance Consultant I	RC-062-13	26501
Medical Assistance Consultant II	RC-062-16	26502
Medical Assistance Consultant III	RC-062-19	26503
Mental Health Specialist I	RC-062-12	26924
Mental Health Specialist II	RC-062-14	26925
Mental Health Specialist III	RC-062-16	26926
Mental Health Specialist Trainee	RC-062-11	26928
Meteorologist	RC-062-18	27120
Methods and Procedures Advisor I	RC-062-14	27131
Methods and Procedures Advisor II	RC-062-16	27132
Methods and Procedures Career Associate I	RC-062-11	27135
Methods and Procedures Career Associate II	RC-062-12	27136
Methods and Procedures Career Associate Trainee	RC-062-09	27137
Metrologist Associate	RC-062-15	27146
Microbiologist I	RC-062-16	27151
Microbiologist II	RC-062-19	27152
Natural Resources Advanced Specialist	RC-062-20	28833
Natural Resources Coordinator	RC-062-15	28831
Natural Resources Specialist	RC-062-18	28832
Paralegal Assistant	RC-062-14	30860
Police Training Specialist	RC-062-17	32990
Program Integrity Auditor I	RC-062-16	34631
Program Integrity Auditor II	RC-062-19	34632
Program Integrity Auditor Trainee	RC-062-12	34635
Property Consultant	RC-062-15	34900
Property Tax Analyst I	RC-062-12	34921
Property Tax Analyst II	RC-062-14	34922
Public Aid Appeals Advisor	RC-062-18	35750
Public Aid Family Support Specialist I	RC-062-17	35841

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Public Aid Investigator	RC-062-19	35870
Public Aid Investigator Trainee	RC-062-14	35874
Public Aid Lead Casework Specialist	RC-062-17	35880
Public Aid Program Quality Analyst	RC-062-19	35890
Public Aid Quality Control Reviewer	RC-062-17	35892
Public Aid Staff Development Specialist I	RC-062-15	36071
Public Aid Staff Development Specialist II	RC-062-17	36072
Public Health Educator Associate	RC-062-14	36434
Public Health Program Specialist I	RC-062-14	36611
Public Health Program Specialist II	RC-062-16	36612
Public Health Program Specialist Trainee	RC-062-12	36615
Public Information Officer I	RC-062-12	37001
Public Information Officer II	RC-062-14	37002
Public Information Officer III	RC-062-19	37003
Public Information Officer IV	RC-062-21	37004
Public Safety Inspector	RC-062-16	37007
Public Safety Inspector Trainee	RC-062-10	37010
Railroad Safety Specialist I	RC-062-19	37601
Railroad Safety Specialist II	RC-062-21	37602
Railroad Safety Specialist III	RC-062-23	37603
Railroad Safety Specialist IV	RC-062-25	37604
Real Estate Investigator	RC-062-19	37730
Real Estate Professions Examiner	RC-062-22	37760
Recreation Worker I	RC-062-12	38001
Recreation Worker II	RC-062-14	38002
Rehabilitation Counselor	RC-062-17	38145
Rehabilitation Counselor Senior	RC-062-19	38158
Rehabilitation Counselor Trainee	RC-062-15	38159
Rehabilitation Services Advisor I	RC-062-20	38176
Rehabilitation Workshop Supervisor I	RC-062-12	38194
Rehabilitation Workshop Supervisor II	RC-062-14	38195
Reimbursement Officer I	RC-062-14	38199
Reimbursement Officer II	RC-062-16	38200
Research Economist I	RC-062-18	38207
Research Scientist I	RC-062-13	38231
Research Scientist II	RC-062-16	38232
Research Scientist III	RC-062-20	38233
Resource Planner I	RC-062-17	38281
Resource Planner II	RC-062-19	38282
Resource Planner III	RC-062-22	38283

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Revenue Auditor I (IL)	RC-062-16	38371
Revenue Auditor I (states other than IL, CA or NJ)	RC-062-19	38371
Revenue Auditor I (CA or NJ)	RC-062-21	38371
Revenue Auditor II (IL)	RC-062-19	38372
Revenue Auditor II (states other than IL, CA or NJ)	RC-062-22	38372
Revenue Auditor II (CA or NJ)	RC-062-24	38372
Revenue Auditor III (IL)	RC-062-22	38373
Revenue Auditor III (states other than IL, CA or NJ)	RC-062-24	38373
Revenue Auditor III (CA or NJ)	RC-062-26	38373
Revenue Auditor Trainee	RC-062-12	38375
Revenue Collection Officer I	RC-062-15	38401
Revenue Collection Officer II	RC-062-17	38402
Revenue Collection Officer III	RC-062-19	38403
Revenue Collection Officer Trainee	RC-062-12	38405
Revenue Computer Audit Specialist (IL)	RC-062-23	38425
Revenue Computer Audit Specialist (states other than IL, CA or NJ)	RC-062-25	38425
Revenue Computer Audit Specialist (CA or NJ)	RC-062-27	38425
Revenue Senior Special Agent	RC-062-23	38557
Revenue Special Agent	RC-062-19	38558
Revenue Special Agent Trainee	RC-062-14	38565
Revenue Tax Specialist I	RC-062-12	38571
Revenue Tax Specialist II	RC-062-14	38572
Revenue Tax Specialist III	RC-062-17	38573
Revenue Tax Specialist Trainee	RC-062-10	38575
Site Assistant Superintendent I	RC-062-15	41071
Site Assistant Superintendent II	RC-062-17	41072
Site Interpretive Coordinator	RC-062-13	41093
Site Services Specialist I	RC-062-15	41117
Site Services Specialist II	RC-062-17	41118
Social Service Consultant I	RC-062-18	41301
Social Service Consultant II	RC-062-19	41302
Social Service Program Planner I	RC-062-15	41311
Social Service Program Planner II	RC-062-17	41312
Social Service Program Planner III	RC-062-20	41313
Social Service Program Planner IV	RC-062-22	41314
Social Services Career Trainee	RC-062-12	41320
Social Worker I	RC-062-16	41411
Staff Development Technician I	RC-062-12	41781
State Police Field Specialist I	RC-062-18	42001
State Police Field Specialist II	RC-062-20	42002

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

Statistical Research Specialist I	RC-062-12	42741
Statistical Research Specialist II	RC-062-14	42742
Statistical Research Specialist III	RC-062-17	42743
Storage Tank Safety Specialist	RC-062-18	43005
Telecommunications Specialist	RC-062-15	45295
Telecommunications Systems Analyst	RC-062-17	45308
Telecommunications Systems Technician I	RC-062-10	45312
Telecommunications Systems Technician II	RC-062-13	45313
Unemployment Insurance Adjudicator I	RC-062-11	47001
Unemployment Insurance Adjudicator II	RC-062-13	47002
Unemployment Insurance Adjudicator III	RC-062-15	47003
Unemployment Insurance Revenue Analyst I	RC-062-15	47081
Unemployment Insurance Revenue Analyst II	RC-062-17	47082
Unemployment Insurance Revenue Specialist	RC-062-13	47087
Unemployment Insurance Special Agent	RC-062-18	47096
Veterans Educational Specialist I	RC-062-15	47681
Veterans Educational Specialist II	RC-062-17	47682
Veterans Educational Specialist III	RC-062-21	47683
Veterans Employment Representative I	RC-062-14	47701
Veterans Employment Representative II	RC-062-16	47702
Volunteer Services Coordinator I	RC-062-13	48481
Volunteer Services Coordinator II	RC-062-16	48482
Wage Claims Specialist	RC-062-09	48770
Weatherization Specialist I	RC-062-14	49101
Weatherization Specialist II	RC-062-17	49102
Weatherization Specialist III	RC-062-20	49103
Weatherization Specialist Trainee	RC-062-12	49105

Effective July 1, 2003

S T E P S

	1c	1b	1a	1	2	3	4	5	6	7	8	Eff. 1/1/04 8
RC-062-09	2161	2214	2268	2324	2396	2474	2549	2630	2709	2836	2893	2921
RC-062-09Q	2214	2268	2324	2382	2456	2536	2614	2700	2781	2913	2971	3000
RC-062-09S	2265	2320	2376	2433	2507	2588	2668	2753	2835	2968	3027	3057
RC-062-10	2229	2284	2341	2399	2486	2561	2645	2728	2814	2957	3016	3046
RC-062-10Q	2284	2341	2399	2459	2549	2627	2714	2801	2889	3041	3102	3132

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

RC-062-10S	2335	2392	2451	2510	2600	2680	2768	2854	2945	3099	3161	3192
RC-062-11	2310	2367	2426	2487	2573	2656	2751	2842	2930	3085	3147	3178
RC-062-11Q	2367	2426	2487	2550	2640	2727	2824	2919	3012	3174	3237	3269
RC-062-11S	2419	2478	2538	2601	2694	2780	2878	2974	3070	3231	3296	3328
RC-062-12	2400	2460	2522	2586	2681	2771	2874	2968	3077	3243	3308	3340
RC-062-12Q	2460	2522	2586	2654	2752	2844	2954	3053	3166	3337	3404	3437
RC-062-12S	2512	2573	2638	2707	2806	2898	3010	3111	3224	3397	3465	3499
RC-062-12H	14.77	15.14	15.52	15.91	16.50	17.05	17.69	18.26	18.94	19.96	20.36	20.55
RC-062-12HQ	15.14	15.52	15.91	16.33	16.94	17.50	18.18	18.79	19.48	20.54	20.95	21.15
RC-062-12HS	15.46	15.83	16.23	16.66	17.27	17.83	18.52	19.14	19.84	20.90	21.32	21.53
RC-062-13	2487	2550	2616	2684	2783	2889	2998	3108	3223	3403	3471	3505
RC-062-13Q	2550	2616	2684	2755	2857	2969	3085	3197	3316	3505	3575	3610
RC-062-13S	2601	2669	2738	2809	2912	3026	3143	3255	3376	3565	3636	3672
RC-062-14	2588	2656	2727	2800	2907	3020	3152	3267	3391	3588	3660	3696
RC-062-14Q	2656	2727	2800	2875	2988	3108	3243	3364	3493	3696	3770	3807
RC-062-14S	2709	2780	2853	2930	3045	3165	3301	3423	3552	3755	3830	3868
RC-062-14H	15.93	16.34	16.78	17.23	17.89	18.58	19.40	20.10	20.87	22.08	22.52	22.74
RC-062-14HQ	16.34	16.78	17.23	17.69	18.39	19.13	19.96	20.70	21.50	22.74	23.20	23.43
RC-062-14HS	16.67	17.11	17.56	18.03	18.74	19.48	20.31	21.06	21.86	23.11	23.57	23.80
RC-062-15	2688	2760	2834	2911	3038	3164	3288	3423	3550	3763	3838	3876
RC-062-15Q	2760	2834	2911	2992	3125	3255	3386	3527	3656	3875	3953	3991
RC-062-15S	2813	2887	2966	3049	3183	3312	3447	3585	3715	3935	4014	4053
RC-062-16	2808	2883	2963	3047	3184	3324	3463	3607	3751	3973	4052	4092
RC-062-16Q	2883	2963	3047	3136	3276	3424	3568	3714	3864	4092	4174	4215
RC-062-16S	2939	3020	3105	3193	3335	3484	3628	3774	3924	4151	4234	4276
RC-062-17	2932	3015	3102	3192	3340	3494	3642	3789	3943	4178	4262	4303
RC-062-17Q	3015	3102	3192	3284	3440	3599	3750	3903	4061	4304	4390	4433
RC-062-17S	3072	3160	3250	3343	3501	3660	3811	3963	4120	4364	4451	4495
RC-062-18	3082	3171	3262	3359	3522	3686	3853	4011	4172	4421	4509	4554
RC-062-18Q	3171	3262	3359	3460	3630	3797	3970	4133	4297	4553	4644	4690

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

RC-062-18S	3228	3320	3420	3518	3689	3857	4029	4192	4358	4612	4704	4750
RC-062-19	3244	3338	3437	3541	3722	3897	4079	4249	4427	4695	4789	4836
RC-062-19Q	3338	3437	3541	3647	3833	4012	4202	4377	4561	4836	4933	4981
RC-062-19S	3398	3499	3602	3707	3894	4073	4261	4438	4621	4895	4993	5042
RC-062-20	3425	3529	3634	3742	3931	4114	4309	4496	4681	4967	5066	5116
RC-062-20Q	3529	3634	3742	3854	4049	4238	4439	4630	4822	5117	5219	5271
RC-062-20S	3587	3694	3802	3914	4108	4297	4498	4690	4882	5175	5279	5330
RC-062-21	3616	3725	3837	3950	4153	4354	4558	4766	4964	5273	5378	5431
RC-062-21Q	3725	3837	3950	4068	4279	4484	4695	4908	5113	5432	5541	5595
RC-062-21S	3785	3897	4010	4130	4338	4544	4755	4968	5172	5491	5601	5656
RC-062-22	3822	3937	4056	4177	4394	4609	4827	5050	5261	5587	5699	5755
RC-062-22Q	3937	4056	4177	4302	4526	4748	4971	5201	5419	5755	5870	5928
RC-062-22S	3997	4114	4237	4363	4584	4808	5029	5260	5480	5815	5931	5989
RC-062-23	4056	4177	4302	4430	4665	4904	5137	5374	5608	5959	6078	6138
RC-062-23Q	4177	4302	4430	4565	4806	5052	5290	5534	5775	6137	6260	6321
RC-062-23S	4237	4363	4491	4624	4865	5111	5350	5594	5835	6197	6321	6383
RC-062-24	4315	4444	4577	4715	4966	5225	5476	5729	5988	6363	6490	6554
RC-062-24Q	4444	4577	4715	4858	5116	5381	5641	5901	6167	6555	6686	6752
RC-062-24S	4504	4637	4775	4918	5174	5440	5700	5961	6228	6614	6746	6812
RC-062-25	4599	4737	4879	5025	5301	5580	5858	6137	6416	6828	6965	7033
RC-062-25Q	4737	4879	5025	5175	5460	5746	6034	6322	6608	7032	7173	7243
RC-062-25S	4798	4938	5086	5235	5520	5805	6093	6381	6667	7092	7234	7305

Effective December 2, 2004

S T E P S

	1c	1b	1a	1	2	3	4	5	6	7	8
RC-062-26	4861	5007	5158	5365	5657	5956	6259	6550	6844	7287	7506

Effective January 1, 2005

RC-062

S T E P S

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

	1c	1b	1a	1	2	3	4	5	6	7	8
09	2204	2258	2313	2370	2444	2523	2600	2683	2763	2893	2979
09Q	2275	2330	2388	2448	2524	2606	2686	2774	2857	2993	3083
09S	2327	2384	2441	2500	2576	2659	2741	2829	2913	3050	3141
10	2274	2330	2388	2447	2536	2612	2698	2783	2870	3016	3107
10Q	2347	2405	2465	2527	2619	2699	2789	2878	2968	3125	3218
10S	2399	2458	2518	2579	2672	2754	2844	2932	3026	3184	3280
11	2356	2414	2475	2537	2624	2709	2806	2899	2989	3147	3242
11Q	2432	2493	2555	2620	2713	2802	2902	2999	3095	3261	3359
11S	2486	2546	2608	2673	2768	2856	2957	3056	3154	3320	3420
12	2448	2509	2572	2638	2735	2826	2931	3027	3139	3308	3407
12Q	2528	2591	2657	2727	2828	2922	3035	3137	3253	3429	3532
12S	2581	2644	2711	2781	2883	2978	3093	3197	3313	3490	3595
12H	15.06	15.44	15.83	16.23	16.83	17.39	18.04	18.63	19.32	20.36	20.97
12HQ	15.56	15.94	16.35	16.78	17.40	17.98	18.68	19.30	20.02	21.10	21.74
12HS	15.88	16.27	16.68	17.11	17.74	18.33	19.03	19.67	20.39	21.48	22.12
13	2537	2601	2668	2738	2839	2947	3058	3170	3287	3471	3575
13Q	2620	2688	2758	2831	2936	3051	3170	3285	3407	3601	3709
13S	2673	2742	2813	2886	2992	3109	3229	3345	3469	3663	3773
14	2640	2709	2782	2856	2965	3080	3215	3332	3459	3660	3770
14Q	2729	2802	2877	2954	3070	3193	3332	3457	3589	3798	3912
14S	2783	2856	2931	3011	3129	3252	3392	3517	3650	3858	3974
14H	16.25	16.67	17.12	17.58	18.25	18.95	19.78	20.50	21.29	22.52	23.20
14HQ	16.79	17.24	17.70	18.18	18.89	19.65	20.50	21.27	22.09	23.37	24.07
14HS	17.13	17.58	18.04	18.53	19.26	20.01	20.87	21.64	22.46	23.74	24.46
15	2742	2815	2891	2969	3099	3227	3354	3491	3621	3838	3954
15Q	2836	2912	2991	3074	3211	3345	3479	3624	3757	3982	4101
15S	2890	2966	3048	3133	3271	3403	3542	3684	3817	4043	4164
16	2864	2941	3022	3108	3248	3390	3532	3679	3826	4052	4174

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

16Q	2962	3044	3131	3222	3366	3518	3666	3816	3970	4205	4331
16S	3020	3103	3190	3281	3427	3580	3728	3878	4032	4265	4394
17	2991	3075	3164	3256	3407	3564	3715	3865	4022	4262	4389
17Q	3098	3187	3280	3374	3535	3698	3853	4010	4173	4422	4555
17S	3156	3247	3339	3435	3597	3761	3916	4072	4233	4484	4619
18	3144	3234	3327	3426	3592	3760	3930	4091	4255	4509	4645
18Q	3258	3352	3451	3555	3730	3901	4079	4247	4415	4678	4819
18S	3317	3411	3514	3615	3790	3963	4140	4307	4478	4739	4881
19	3309	3405	3506	3612	3796	3975	4161	4334	4516	4789	4933
19Q	3430	3532	3638	3747	3938	4122	4318	4497	4686	4969	5118
19S	3491	3595	3701	3809	4001	4185	4378	4560	4748	5030	5181
20	3494	3600	3707	3817	4010	4196	4395	4586	4775	5066	5218
20Q	3626	3734	3845	3960	4160	4355	4561	4757	4955	5258	5416
20S	3686	3796	3907	4022	4221	4415	4622	4819	5016	5317	5477
21	3688	3800	3914	4029	4236	4441	4649	4861	5063	5378	5540
21Q	3827	3943	4059	4180	4397	4607	4824	5043	5254	5581	5749
21S	3889	4004	4120	4244	4457	4669	4886	5105	5314	5642	5812
22	3898	4016	4137	4261	4482	4701	4924	5151	5366	5699	5870
22Q	4045	4168	4292	4420	4650	4879	5108	5344	5568	5913	6091
22S	4107	4227	4354	4483	4710	4940	5167	5405	5631	5975	6154
23	4137	4261	4388	4519	4758	5002	5240	5481	5720	6078	6261
23Q	4292	4420	4552	4691	4938	5191	5435	5686	5934	6306	6495
23S	4354	4483	4615	4751	4999	5252	5497	5748	5995	6367	6559
24	4401	4533	4669	4809	5065	5330	5586	5844	6108	6490	6685
24Q	4566	4703	4845	4992	5257	5529	5796	6063	6337	6735	6938
24S	4628	4765	4906	5053	5316	5590	5857	6125	6399	6796	6999
25	4691	4832	4977	5126	5407	5692	5975	6260	6544	6965	7174
25Q	4867	5013	5163	5317	5610	5904	6200	6496	6790	7225	7442
25S	4930	5074	5226	5379	5672	5965	6261	6556	6850	7287	7506

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

26	4958	5107	5262	5472	5770	6075	6384	6681	6981	7433	7656
27	5241	5398	5561	5839	6157	6482	6812	7129	7449	7931	8169

(Source: Peremptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
JUNE 14, 2005

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

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

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

RULEMAKINGS CURRENTLY BEFORE JCARAttorney General

1. Solicitation for Charity Act (14 Ill. Adm. Code 400)
 - First Notice Published: 29 Ill. Reg. 4530 – 4/1/05
 - Expiration of Second Notice: 7/6/05
2. Charitable Trust Act (14 Ill. Adm. Code 480)
 - First Notice Published: 29 Ill. Reg. 4543 – 4/1/05
 - Expiration of Second Notice: 7/6/05

Board of Examiners

3. Certificate of Certified Public Accountant (23 Ill. Adm. Code 1400)
 - First Notice Published: 28 Ill. Reg. 16435 – 12/27/04
 - Expiration of Second Notice: 6/26/05

Central Management Services

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
JUNE 14, 2005

4. Merit and Fitness (80 Ill. Adm. Code 302)
 - First Notice Published: 28 Ill. Reg. 9808 – 7/16/04
 - Expiration of Second Notice: 7/6/05
5. Pay Plan (80 Ill. Adm. Code 310)
 - First Notice Published: 29 Ill. Reg. 4186 – 3/18/05
 - Expiration of Second Notice: 6/18/05

Commerce and Economic Opportunity

6. State Administration of the Federal Community Development Block Grant Program for Small Cities (47 Ill. Adm. Code 110)
 - First Notice Published: 29 Ill. Reg. 3411 – 3/11/05
 - Expiration of Second Notice: 7/3/05
7. Industrial Training Program (56 Ill. Adm. Code 2650)
 - First Notice Published: 28 Ill. Reg. 14309 – 11/5/04
 - Expiration of Second Notice: 6/22/05

Commerce Commission

8. Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities (83 Ill. Adm. Code 590)
 - First Notice Published: 29 Ill. Reg. 2139 – 2/14/05
 - Expiration of Second Notice: 7/10/05

Education

9. Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)
 - First Notice Published: 29 Ill. Reg. 3414 – 3/11/05
 - Expiration of Second Notice: 7/6/05
10. Certification (23 Ill. Adm. Code 25)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
JUNE 14, 2005

-First Notice Published: 29 Ill. Reg. 3421 – 3/11/05
-Expiration of Second Notice: 7/6/05

11. Dismissal of Tenured Teachers (23 Ill. Adm. Code 51)
 - First Notice Published: 29 Ill. Reg. 3459 – 3/11/05
 - Expiration of Second Notice: 7/6/05
12. Dismissal of Tenured Teachers and Civil Service Employees Under Article 34 (Repealer) (23 Ill. Adm. Code 52)
 - First Notice Published: 29 Ill. Reg. 3474 – 3/11/05
 - Expiration of Second Notice: 7/6/05
13. Temporary Relocation Expenses (23 Ill. Adm. Code 145)
 - First Notice Published: 29 Ill. Reg. 3849 – 3/11/05
 - Expiration of Second Notice: 7/6/05
14. Electronic Transfer of Funds (23 Ill. Adm. Code 155)
 - First Notice Published: 29 Ill. Reg. 3494 – 3/11/05
 - Expiration of Second Notice: 7/6/05
15. Secular Textbook Loan (23 Ill. Adm. Code 350)
 - First Notice Published: 29 Ill. Reg. 3049 – 3/4/05
 - Expiration of Second Notice: 7/6/05
16. Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475)
 - First Notice Published: 29 Ill. Reg. 3504 – 3/11/05
 - Expiration of Second Notice: 7/6/05
17. Hearings Before the State Teacher Certification Board (Repealer) (23 Ill. Adm. Code 480)
 - First Notice Published: 29 Ill. Reg. 3527 – 3/11/05
 - Expiration of Second Notice: 7/6/05

Elevator Safety Review Board

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
JUNE 14, 2005

18. Illinois Elevator Safety Rules (41 Ill. Adm. Code 220)
-First Notice Published: 29 Ill. Reg. 1101 – 11/21/05
-Expiration of Second Notice: 6/15/05

Environmental Protection Agency

19. NO_x Training Program Procedures (35 Ill. Adm. Code 273)
-First Notice Published: 29 Ill. Reg. 2593 – 2/18/05
-Expiration of Second Notice: 7/3/05
20. Procedures and Requirements for Revising Water Quality Management Plans (35 Ill. Adm. Code 351)
-First Notice Published: 28 Ill. Reg. 10486 – 7/30/04
-Expiration of Second Notice: 6/23/05

Executive Ethics Commission

21. Rules Governing Commission Meetings and Hearings (Repealer) (2 Ill. Adm. Code 1610)
-First Notice Published: 29 Ill. Reg. 3189 – 3/4/05
-Expiration of Second Notice: 7/3/05
22. Organization, Information, Rulemaking and Hearings (2 Ill. Adm. Code 1620)
-First Notice Published: 29 Ill. Reg. 3054 – 3/4/05
-Expiration of Second Notice: 7/3/05

Financial and Professional Regulation

23. Illinois Credit Union Act (38 Ill. Adm. Code 190)
-First Notice Published: 29 Ill. Reg. 4431 – 3/25/05
-Expiration of Second Notice: 6/26/05
24. Construction and Filing of Accident and Health Insurance Policy Forms (50 Ill. Adm.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
JUNE 14, 2005

Code 2001)

- First Notice Published: 29 Ill. Reg. 2101 – 2/14/05
- Expiration of Second Notice: 7/7/05

25. Illinois Public Accounting Act (68 Ill. Adm. Code 1420)
-First Notice Published: 29 Ill. Reg. 1460 – 1/28/05
-Expiration of Second Notice: 7/9/05

Gaming Board

26. Riverboat Gambling (86 Ill. Adm. Code 3000)
-First Notice Published: 28 Ill. Reg. 13149 – 10/1/04
-Expiration of Second Notice: 6/24/05

Natural Resources

27. Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, Beaver and Woodchuck (Groundhog) Trapping (17 Ill. Adm. Code 570)
-First Notice Published: 29 Ill. Reg. 4570 – 4/1/05
-Expiration of Second Notice: 7/6/05
28. Duck, Goose and Coot Hunting (17 Ill. Adm. Code 590)
-First Notice Published: 29 Ill. Reg. 4581 – 4/1/05
-Expiration of Second Notice: 7/6/05
29. White-Tailed Deer Hunting by Use of Firearms (17 Ill. Adm. Code 650)
-First Notice Published: 29 Ill. Reg. 2919 – 2/25/05
-Expiration of Second Notice: 6/24/05
30. White-Tailed Deer Hunting by Use of Muzzleloading Rifles (17 Ill. Adm. Code 660)
-First Notice Published: 29 Ill. Reg. 2946 – 2/25/05
-Expiration of Second Notice: 6/24/05
31. White-Tailed Deer Hunting by Use of Bow and Arrow (17 Ill. Adm. Code 670)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
JUNE 14, 2005

-First Notice Published: 29 Ill. Reg. 2963 – 2/25/05
-Expiration of Second Notice: 6/16/05

32. Squirrel Hunting (17 Ill. Adm. Code 690)
 - First Notice Published: 29 Ill. Reg. 4651 – 4/1/05
 - Expiration of Second Notice: 7/6/05
33. Dove Hunting (17 Ill. Adm. Code 730)
 - First Notice Published: 29 Ill. Reg. 4662 – 4/1/05
 - Expiration of Second Notice: 7/6/05
34. Crow, Woodchuck, Snipe, Rail and Teal Hunting (17 Ill. Adm. Code 740)
 - First Notice Published: 29 Ill. Reg. 4897 – 4/8/05
 - Expiration of Second Notice: 7/8/05
35. Permanent Program Performance Standards – Surface Mining Activities (62 Ill. Adm. Code 1816)
 - First Notice Published: 29 Ill. Reg. 1710 – 2/4/05
 - Expiration of Second Notice: 7/3/05
36. Permanent Program Performance Standards – Underground Mining Operations (62 Ill. Adm. Code 1817)
 - First Notice Published: 29 Ill. Reg. 1755 – 2/4/05
 - Expiration of Second Notice: 7/3/05
37. Special Program Performance Standards – Operations on Prime Farmland (62 Ill. Adm. Code 1823)
 - First Notice Published: 29 Ill. Reg. 1775 – 2/4/05
 - Expiration of Second Notice: 7/3/05

Public Aid

38. Practice in Administrative Hearings (89 Ill. Adm. Code 104)
 - First Notice Published: 29 Ill. Reg. 2635 – 2/18/05

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
JUNE 14, 2005

-Expiration of Second Notice: 6/18/05

39. Child Support Enforcement (89 Ill. Adm. Code 160)
 - First Notice Published: 29 Ill. Reg. 2675 – 2/18/05
 - Expiration of Second Notice: 6/18/05
40. Medical Assistance Programs (89 Ill. Adm. Code 120)
 - First Notice Published: 29 Ill. Reg. 2638 – 2/18/05
 - Expiration of Second Notice: 7/3/05

Public Health

41. Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)
 - First Notice Published: 28 Ill. Reg. 10895 – 8/6/04
 - Expiration of Second Notice: 7/10/05
42. Sheltered Care Facilities Code (77 Ill. Adm. Code 330)
 - First Notice Published: 28 Ill. Reg. 10934 – 8/6/04
 - Expiration of Second Notice: 7/10/05
43. Illinois Veterans' Homes Code (77 Ill. Adm. Code 340)
 - First Notice Published: 28 Ill. Reg. 10969 – 8/6/04
 - Expiration of Second Notice: 7/10/05
44. Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)
 - First Notice Published: 28 Ill. Reg. 10998 – 8/6/04
 - Expiration of Second Notice: 7/10/05
45. Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)
 - First Notice Published: 28 Ill. Reg. 11035 – 8/6/04
 - Expiration of Second Notice: 7/10/05

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
JUNE 14, 2005

46. Physical Fitness Facility Medical Emergency Preparedness Code (77 Ill. Adm. Code 527)
-First Notice Published: 29 Ill. Reg. 3200 – 3/4/05
-Expiration of Second Notice: 7/8/05

Racing Board

47. Medication (11 Ill. Adm. Code 603)
-First Notice Published: 29 Ill. Reg. 3862 – 3/11/05
-Expiration of Second Notice: 6/16/05

Revenue

48. Income Tax (86 Ill. Adm. Code 100)
-First Notice Published: 29 Ill. Reg. 2988 – 2/25/05
-Expiration of Second Notice: 6/24/05
49. Watercraft Use Tax (86 Ill. Adm. Code 153)
-First Notice Published: 29 Ill. Reg. 1523 – 1/28/05
-Expiration of Second Notice: 6/18/05

Secretary of State

50. Issuance of Licenses (92 Ill. Adm. Code 1030)
-First Notice Published: 29 Ill. Reg. 3865 – 3/11/05
-Expiration of Second Notice: 6/15/05
51. Issuance of Licenses (92 Ill. Adm. Code 1030)
-First Notice Published: 29 Ill. Reg. 4912 – 4/8/05
-Expiration of Second Notice: 7/10/05

State Universities Retirement System

52. Universities Retirement (80 Ill. Adm. Code 1600)
-First Notice Published: 29 Ill. Reg. 2677 – 2/18/05

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
JUNE 14, 2005

-Expiration of Second Notice: 6/15/05

Teachers Retirement System

53. The Administration and Operation of the Teachers' Retirement System (80 Ill. Adm. Code 1650)
-First Notice Published: 29 Ill. Reg. 4344 – 3/18/05
-Expiration of Second Notice: 6/17/05

EMERGENCY RULEMAKINGS

Employment Security

54. Notices, Records, Reports (56 Ill. Adm. Code 2760)
-Notice Published: 29 Ill. Reg. 6783 – 5/6/05
55. Payment of Unemployment Contributions, Interest and Penalties (56 Ill. Adm. Code 2765)
-Notice Published: 29 Ill. Reg. 6788 – 5/6/05

Public Health

56. Visa Waiver Program for International Medical Graduates (77 Ill. Adm. Code 591)
-Notice Published: 29 Ill. Reg. 7825 – 5/27/05

Transportation

57. Contract Procurement (44 Ill. Adm. Code 660)
-Notice Published: 29 Ill. Reg. 7832 – 5/27/05

PEREMPTORY RULEMAKINGS

Central Management Services

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
JUNE 14, 2005

- 58. Pay Plan (80 Ill. Adm. Code 310)
-Notice Published: 29 Ill. Reg. 7217 – 5/20/05
- 59. Pay Plan (80 Ill. Adm. Code 310)
-Notice Published: 29 Ill. Reg. 7840 – 5/27/05

EXEMPT RULEMAKINGS

Pollution Control Board

- 60. Sewer Discharge Criteria (35 Ill. Adm. Code 307)
-Proposed Date: 2/18/05
-Adopted Date: 5/13/05
- 61. Definitions and General Provisions (35 Ill. Adm. Code 211)
-Proposed Date: 3/18/05
-Adopted Date: 6/3/05

AGENCY RESPONSE

Public Aid

- 62. Specialized Health Care Delivery Systems (89 Ill. Adm. Code 146; 28 Ill. Reg. 14087)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICE RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of May 23, 2005 through May 31, 2005 and have been scheduled for review by the Committee at its June 14, 2005 or July 12, 2005 meetings in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
7/6/05	<u>State Board of Education</u> , Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)	3/11/05 29 Ill. Reg. 3414	6/14/05
7/6/05	<u>State Board of Education</u> , Certification (23 Ill. Adm. Code 25)	3/11/05 29 Ill. Reg. 3421	6/14/05
7/6/05	<u>State Board of Education</u> , Dismissal of Tenured Teachers (23 Ill. Adm. Code 51)	3/11/05 29 Ill. Reg. 3459	6/14/05
7/6/05	<u>State Board of Education</u> , Dismissal of Tenured Teachers and Civil Service Employees Under Article 34 (Repeal) (23 Ill. Adm. Code 52)	3/11/05 29 Ill. Reg. 3474	6/14/05
7/6/05	<u>State Board of Education</u> , Temporary Relocation Expenses (23 Ill. Adm. Code 145)	3/11/05 29 Ill. Reg. 3489	6/14/05
7/6/05	<u>State Board of Education</u> , Electronic Transfer of Funds (23 Ill. Adm. Code 155)	3/11/05 29 Ill. Reg. 3494	6/14/05
7/6/05	<u>State Board of Education</u> , Secular Textbook Loan (23 Ill. Adm. Code 350)	3/4/05 29 Ill. Reg. 3049	6/14/05

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICE RECEIVED

7/6/05	<u>State Board of Education</u> , Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475)	3/11/05 29 Ill. Reg. 3504	6/14/05
7/6/05	<u>State Board of Education</u> , Hearings Before the State Teacher Certification Board (Repeal) (23 Ill. Adm. Code 480)	3/11/05 29 Ill. Reg. 3527	6/14/05
7/6/05	<u>Attorney General</u> , Solicitation for Charity Act (14 Ill. Adm. Code 400)	4/1/05 29 Ill. Reg. 4530	6/14/05
7/6/05	<u>Attorney General</u> , Charitable Trust Act (14 Ill. Adm. Code 480)	4/1/05 29 Ill. Reg. 4543	6/14/05
7/6/05	<u>Department of Central Management Services</u> , Merit and Fitness (80 Ill. Adm. Code 302)	7/16/04 28 Ill. Reg. 9808	6/14/05
7/6/05	<u>Department of Natural Resources</u> , Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, Beaver and Woodchuck (Groundhog) Trapping (17 Ill. Adm. Code 570)	4/1/05 29 Ill. Reg. 4570	6/14/05
7/6/05	<u>Department of Natural Resources</u> , Duck, Goose and Coot Hunting (17 Ill. Adm. Code 590)	4/1/05 29 Ill. Reg. 4581	6/14/05
7/6/05	<u>Department of Natural Resources</u> , Squirrel Hunting (17 Ill. Adm. Code 690)	4/1/05 29 Ill. Reg. 4651	6/14/05
7/6/05	<u>Department of Natural Resources</u> , Dove Hunting (17 Ill. Adm. Code 730)	4/1/05 29 Ill. Reg. 4662	6/14/05
7/7/05	<u>Department of Financial and Professional</u>	2/14/05	6/14/05

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICE RECEIVED

	<u>Regulation</u> , Construction and Filing of Accident and Health Insurance Policy Forms (50 Ill. Adm. Code 2001)	29 Ill. Reg. 2101	
7/8/05	<u>Department of Natural Resources</u> , Crow, Woodchuck, Snipe, Rail, and Teal Hunting (17 Ill. Adm. Code 740)	4/8/05 29 Ill. Reg. 4897	6/14/05
7/8/05	<u>Department of Public Health</u> , Physical Fitness Facility Medical Emergency Preparedness Code (77 Ill. Adm. Code 527)	3/4/05 29 Ill. Reg. 3200	6/14/05
7/9/05	<u>Department of Financial and Professional Regulation</u> , Illinois Public Accounting Act (68 Ill. Adm. Code 1420)	1/28/05 29 Ill. Reg. 1460	6/14/05
7/10/05	<u>Secretary of State</u> , Issuance of Licenses (92 Ill. Adm. Code 1030)	4/8/05 29 Ill. Reg. 4912	6/14/05
7/10/05	<u>Illinois Commerce Commission</u> , Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities (83 Ill. Adm. Code 590)	2/14/05 29 Ill. Reg. 2139	6/14/05
7/10/05	<u>Department of Public Health</u> , Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)	8/6/04 28 Ill. Reg. 10895	6/14/05
7/10/05	<u>Department of Public Health</u> , Sheltered Care Facilities Code (77 Ill. Adm. Code 330)	8/6/04 28 Ill. Reg. 10934	6/14/05
7/10/05	<u>Department of Public Health</u> , Illinois Veterans' Homes Code (77 Ill. Adm. Code 340)	8/6/04 28 Ill. Reg. 10969	6/14/05
7/10/05	<u>Department of Public Health</u> , Intermediate Care for the Developmentally Disabled Facilities	8/6/04 28 Ill. Reg.	6/14/05

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICE RECEIVED

	Code (77 Ill. Adm. Code 350)	10998	
7/10/05	<u>Department of Public Health</u> , Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)	8/6/04 28 Ill. Reg. 11035	6/14/05
7/14/05	<u>Housing Development Authority</u> , Notice Procedures Under the Federally Assisted Housing Preservation Act (47 Ill. Adm. Code 375)	3/4/05 29 Ill. Reg. 3191	7/12/05
7/14/05	<u>Department of Natural Resources</u> , Outfitter Regulations (17 Ill. Adm. Code 640)	4/1/05 29 Ill. Reg. 4645	7/12/05

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PUBLICATION ERROR

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Register citation of peremptory rulemaking: 29 Ill. Reg. 7217
- 4) Explanation: The Department of Central Management Services (CMS) adopted these peremptory amendments to the Pay Plan to reflect 2 memoranda of understanding between CMS and the Illinois Federation of Public Employees' Local 4408. One was signed on April 20, 2005 and became effective January 1, 2005, while the other was signed on April 7, 2005 and became effective April 1, 2005. When this Notice was published in the May 27, 2005 *Illinois Register*, JCAR mistakenly published that both of these memoranda of understanding became effective April 1, 2005, which, in one case, would have violated the 30 day timeline for use of peremptory rulemaking.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$2,500 against South Suburban Mortgage Corporation, License No. MB.0004619 of Flossmoor, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective May 20, 2005. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$10,000 against Greenwood Pratt & Sloan Financial Services, License No. MB.0005970 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective May 20, 2005. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF REVOCATION IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has revoked the license of 1st Capital Banc, License No. MB.0006126 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective May 20, 2005. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF SUSPENSION IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has suspended the license of Renaissance Mortgage Corporation, License No. MB.0006714 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective May 20, 2005. For further reference link to: <http://www.obre.state.il.us/>

PROCLAMATIONS

2005-199
SENIOR RESOURCE DAY

WHEREAS the bringing together of resources helps to restore the community and the visible connection between state services and the people served; and

WHEREAS the State of Illinois responds to its citizens, encouraging ordinary people and civic leaders to call upon state resources to form a united service resource; and

WHEREAS Senior Resource Day will grow and become a valuable, dependable community foundation of response to the needs of our seniors; and

WHEREAS, Senior Resource Day symbolizes the respect that this community and this state holds for each and every senior; and

WHEREAS, Senior Resource Day will continue to show seniors respect for yesterday, support for today and a plan for tomorrow; and

WHEREAS, the first Senior Resource Conference is the result of cooperation between citizens in need, civic activists, religious leaders and the responsiveness of state agencies:

THEREFORE, I Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 25, 2005 as SENIOR RESOURCE DAY in Illinois, in recognition of the cooperation and valuable role that state resources play in the lives of elderly citizens of this State.

Issued by the Governor May 24, 2005.

Filed by the Secretary of State May 24, 2005.

2005-200
DYSTONIA AWARENESS WEEK

WHEREAS, Dystonia is a neurological movement disorder characterized by involuntary muscle contractions which force certain parts of the body into abnormal, sometimes painful movements or postures; and

WHEREAS, Dystonia can affect any part of the body including the arms, legs, trunk, neck, eyelids, face and vocal cords; and

WHEREAS, although Dystonia affects approximately 300,000 people in North America, little is known about the disorder, and to date, there is still no cure, nor any known cause; and

WHEREAS, the Dystonia Medical Research Foundation exists to support Dystonia patients and their loved ones, as well as to serve as a powerful informational resource about the disorder; and

WHEREAS, providing better information about recognizing and understanding Dystonia to Illinois citizens and medical professionals will provide countless benefits to those who are affected by the disorder:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 4 - 11, 2005 as DYSTONIA AWARENESS WEEK in Illinois, and urge all

PROCLAMATIONS

citizens to be aware of the causes and effects of Dystonia and to support those who are currently suffering from the disorder.

Issued by the Governor May 24, 2005.

Filed by the Secretary of State May 24, 2005.

2005-201**SPECIALTY CROPS MONTH**

WHEREAS, direct marketing of farm products through farmers markets continues to be an important sales outlet for agricultural producers nationwide, with approximately 19,000 farmers selling their produce only at these venues; and

WHEREAS, farmers markets are a vital part of the urban/farm connection, providing fresh, affordable foods and promoting nutrition education; and

WHEREAS, there are more than 3,700 farmers markets in the United States and more than one hundred in Illinois, providing Illinois citizens with nutritious, fresh, locally produced fruits and vegetables; and

WHEREAS, there are more than 117,000 acres in Illinois devoted to the production of fresh and processed specialty crops, which result in \$136,664,000 in specialty crop sales for Illinois farmers; and

WHEREAS, farmers markets support economic development in villages, towns and cities throughout the State:

THEREFORE, I Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 2005 as SPECIALTY CROPS MONTH in Illinois, and encourage all citizens to visit their local farmers markets and support the State's specialty crop growers by "Buying Fresh & Buying Local."

Issued by the Governor May 24, 2005.

Filed by the Secretary of State May 24, 2005.

2005-202**MEMORIAL DAY 2005**

WHEREAS, throughout the history of this great country, millions of brave men and women have answered their call to duty and served in the United States Armed Forces in times of war and peace. Sadly, many of those soldiers have paid the ultimate sacrifice; and

WHEREAS, it is a great tragedy when a member of the Armed Forces is killed in the line of duty; and

WHEREAS, in May of each year, a commemoration of Memorial Day gives Americans the opportunity to remember the soldiers that have lost their lives in the name of freedom and democracy; and

WHEREAS, through every American conflict, Illinoisans have served in the Armed Forces with great honor and distinction. Those who have died will be forever remembered as

PROCLAMATIONS

true American Heroes, and Illinois is proud to recognize each and every one of those individuals on this Memorial Day 2005:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby recognize MEMORIAL DAY 2005 as a chance for all citizens to honor our fallen heroes, and to reflect on the great sacrifices they have made to protect our freedom and spread democracy across the globe.

Issued by the Governor May 27, 2005.

Filed by the Secretary of State May 27, 2005.

2005-203**SLOVENIAN DAY**

WHEREAS, the Slovenian culture has existed for over 1500 years, persisting through the rule of numerous European empires and conquerors; and

WHEREAS, Slovenians fought bravely for their independence against both the Axis powers during World War II and Slobodan Milosevic's Yugoslavia in 1991; and

WHEREAS, the Republic of Slovenia gained its independence from Yugoslavia on July 17, 1991; and

WHEREAS, thousands of Slovenian Americans live in Illinois and have contributed much to the progress and development of the state; and

WHEREAS, on June 11th of this year, Slovenians in Illinois and around the world will commemorate the 14th anniversary of independence by celebrating Slovenian Day, which highlights Slovenian literature, artists, folklore, singing, dancing, music, and crafts:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 11, 2005 as SLOVENIAN DAY in Illinois, and encourage all citizens to join in celebration of the rich Slovenian culture and heritage.

Issued by the Governor May 27, 2005.

Filed by the Secretary of State May 27, 2005.

2005-204**NATIONAL GARDEN WEEK**

WHEREAS, the Garden Clubs of Illinois, in cooperation with the National Garden Clubs, Inc., is promoting National Garden Week in Illinois; and

WHEREAS, Garden Week involves setting aside a special week to strengthen communities by encouraging citizens of all ages to work toward common goals; and

WHEREAS, among Garden Week activities are educational programs, environmental cleanup, community beautification, flower shows, garden walks, youth activities and workshops; and

WHEREAS, the Garden Clubs of Illinois is a non-profit organization with more than 9,500 members and 195 clubs throughout Illinois; and

PROCLAMATIONS

WHEREAS, the members are concerned citizens willing to devote their time and talents to the conservation, preservation, and beautification of our state's natural treasures and to expand and share our knowledge for the betterment of the environment:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 5 – 11, 2005 as NATIONAL GARDEN WEEK in Illinois, and encourage all citizens to recognize and celebrate the importance of our state's natural wonders.

Issued by the Governor May 27, 2005.

Filed by the Secretary of State May 27, 2005.

2005-205**PEORIA FALL FESTIVAL AND RIBFEST ILLINOIS STATE CHAMPIONSHIP DAYS**

WHEREAS, on September 9 and 10, 2005, the Peoria Area Community Events (PACE) will sponsor eight city-wide events, which includes the "Fall Festival and Ribfest"; and

WHEREAS, 25 years ago, this Ribfest started in the City Hall parking lot with six competitors. Last year, this event grew to more than 50 teams, comprised of local and Kansas City Barbecue Society (KCBS) teams, competing on the riverfront; and

WHEREAS, the Peoria Fall Festival and Ribfest, as an Illinois State Championship, allows teams to qualify for the KCBS Invitational BBQ Competition, which only invites teams that have won a state championship; and

WHEREAS, the festival will provide entertainment and music, including the United States Air Force Band, local bands, and the Blooze Brothers, who will perform "A Tribute to the Blues Brothers"; and

WHEREAS, the State of Illinois is proud to recognize the many talented individuals who are putting their barbecue grilling skills to the test during this two-day event:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 9 – 10, 2005 as the PEORIA FALL FESTIVAL AND RIBFEST ILLINOIS STATE CHAMPIONSHIP DAYS in Illinois, and encourage all citizens to recognize and participate in this entertaining event that will undoubtedly showcase a variety of tasty barbecue recipes.

Issued by the Governor May 27, 2005.

Filed by the Secretary of State May 27, 2005.

ILLINOIS ADMINISTRATIVE CODE

Issue Index - With Effective Dates

Rules acted upon in Volume 29, Issue 24 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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