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AGENCIES



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DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Competitive Tournament Fishing on State Owned and/or Leased Water Areas
- 2) Code Citation: 17 Ill. Adm. Code 115
- 3) Section Number: 115.30 Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by Section 4 of the State Parks Act [20 ILCS 835/4] and Sections 1-125 and 5-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-125 and 5-5].
- 5) A Complete Description of the Subjects and Issues Involved: Due to increased fishing tournament pressure, which has resulted in overcrowding of boat launch and parking, Coffeen Lake is being added to the list of regulated sites where a permit is required for each competitive fishing tournament.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

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

217/782-1809

- 12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2006

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

TITLE 17: CONSERVATION
 CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
 SUBCHAPTER a: LANDS

PART 115
 COMPETITIVE TOURNAMENT FISHING ON STATE OWNED
 AND/OR LEASED WATER AREAS

Section	
115.10	Purpose of Rulemaking
115.20	Definitions
115.30	Regulated Sites
115.40	Application and Reporting Requirements
115.50	Contest or Event Requirements

AUTHORITY: Implementing and authorized by Section 4 of the State Parks Act [20 ILCS 835/4] and Sections 1-125 and 5-5 of the Fish and Aquatic Life Code of 1971 [515 ILCS 5/1-125 and 5-5].

SOURCE: Adopted at 11 Ill. Reg. 7260, effective April 3, 1987; amended at 15 Ill. Reg. 9948, effective June 24, 1991; amended at 16 Ill. Reg. 4835, effective March 17, 1992; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 30 Ill. Reg. _____, effective _____.

Section 115.30 Regulated Sites

A permit is required for each competitive fishing tournament event at the following waters:

Coffeen Lake, Coffeen Lake State Fish and Wildlife Area, Montgomery County

Millers Hollow Access Area, Mississippi Pallasades State Park, Carroll County

Newton Lake, Newton Lake Fish and Wildlife Area, Jasper County

Sangchris Lake, Sangchris Lake State Park, Sangamon and Christian Counties

Spring Lake, Spring Lake North and Spring Lake South, Spring Lake State Fish and Wildlife Area, Tazewell County

(Source: Amended at 30 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Off-Highway Vehicle Recreational Trails Grant Program
- 2) Code Citation: 17 Ill. Adm. Code 3045
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
3045.80	Amendment
3045.95	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 15 of the Recreational Trails of Illinois Act [20 ILCS 862/15]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to update language regarding retention of records and to add a provision for modifying the repayment provisions in the case of catastrophic illness or injury to the principals of the grantee.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

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

217/782-1809

- 12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- A) Types of small businesses, small municipalities and not for profit corporations affected: This grant program provides financial aid to government agencies, not-for-profit organizations, and other eligible groups or individuals to develop, operate, maintain, and acquire land for off-highway vehicle parks, trailside facilities and trails that are open and accessible to the public in Illinois, as well as maintenance and repair of the parks, trails and trailside facilities.
- B) Reporting, bookkeeping or other procedures required for compliance: Upon project completion, in order to receive funding reimbursement for development projects, the grantee must submit a certified project billing request (expenditure statement) listing/verifying all funds expended on the project, copies of all receipts/invoices for project costs, and copies of canceled checks showing proof of payment. Additionally, the site must have an OHV grant acknowledgment sign posted. For acquisition projects, the grantee must submit a certified project billing request (expenditure statement) listing/verifying all funds expended on the project, proof of good faith negotiations or fair market value offer to the land seller, copy of the property deed (showing ownership transferred to the project sponsor/grantee), and copies of canceled checks showing proof of payment to the seller. Additionally, the site must have an OHV grant acknowledgment sign posted.
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2005

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER g: GRANTSPART 3045
OFF-HIGHWAY VEHICLE RECREATIONAL TRAILS GRANT PROGRAM

Section

3045.10	Program Objective
3045.20	Program Eligibility Requirements
3045.30	Funding Assistance Formula
3045.40	General Procedures for Grant Applications and Awards
3045.50	Eligible Project Expenditures
3045.60	Project Evaluation Criteria/Priorities
3045.70	Review by Advisory Board
3045.80	Program Compliance Requirements
3045.90	Program Information
3045.95	Sale or Transfer of Grant-Funded Property
3045.100	Issuing Public Access Stickers

AUTHORITY: Implementing and authorized by Section 15 of the Recreational Trails of Illinois Act [20 ILCS 862/15].

SOURCE: Adopted at 23 Ill. Reg. 314, effective December 21, 1998; amended at 26 Ill. Reg. 3470, effective February 25, 2002; amended at 28 Ill. Reg. 10652, effective July 13, 2004; amended at 30 Ill. Reg. 467, effective January 3, 2006; amended at 30 Ill. Reg. _____, effective _____.

Section 3045.80 Program Compliance Requirements

- a) Grant projects approved through the OHV program shall be completed within 24 months from the date of approval unless otherwise approved by the Department. All approved projects must be in accordance with the agreed upon project specifications and a final billing request for reimbursement submitted to the Department.
- b) All land and equipment/materials purchased through the OHV grant program, except those purchased by government agencies, shall be subject to repossession and disposition by the Department as deemed appropriate upon the dissolution of the project sponsor or as a result of unresolved project sponsor non-compliance

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with program regulations as stated herein. Land and equipment/materials purchased by government agencies where the project sponsor fails to comply with program regulations stated herein shall be responsible for repayment of funds to the Department equal to the original grant amount disbursed to the sponsor or the property's certified fair market value at the time of non-compliance, whichever is deemed most appropriate by the Department.

- c) Land acquired with funding assistance from the OHV grant program shall be operated and maintained in perpetuity for public motorized recreation unless otherwise approved by the Department. Land acquired pursuant to a contract paid over time, with acquisition partially funded by the OHV grant program, shall include in the contract to purchase that the Department shall have a lien against the property in the amount funded from the program, and shall have a reasonable time from time of notice to the Department by the seller that the buyer is in default to:
- 1) pay the remainder of the purchase price and take title to the land;
 - 2) substitute another party in place of the original buyer; or
 - 3) release the lien upon receiving payment of all grant funds plus 8% interest.
- d) Grant recipients receiving development assistance only shall be bound by the terms of this Part for the period of time specified below for the total amount of OHV funds expended on the project. The time period specified below shall commence after receipt of the final reimbursement payment. Recipients shall agree that the Department shall have a lien upon the property for the number of years the recipient is bound, and that the lien may be satisfied only by repayment of the entire grant amount or by operation, by the recipient or a Department designee, of a public motorized off-highway vehicle park for the number of years for which the recipient is bound.
- \$1-\$50,000 – 5 years
- for every \$10,000 increment over \$50,000 – add one year
- e) With the exception of designated OHV routes on or along local roads and streets, all OHV facilities developed with assistance from the OHV grant program shall be posted with a liability disclaimer sign at ingress/egress points to the facility warning users that they use the facility at their own risk.

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- f) With the exception of designated OHV routes on or along local roads and streets, it shall be the sole responsibility of the project sponsor to adequately patrol the OHV-assisted facility to ensure proper usage of the facility and user compliance with all State and local OHV regulations. Failure of the project sponsor to take corrective measures that bring the facility into compliance with this Part or to help remedy complaints lodged by local citizens concerning misuse of OHV-assisted facilities shall be grounds for a finding of program non-compliance as specified in this [Section](#) and be subject to corrective measures by the Department as deemed appropriate.
- g) During all times of operation of an OHV grant assisted facility, the project sponsor (excluding government entities) must possess insurance protection providing a minimum of \$1,000,000 per occurrence liability coverage.
- h) The project sponsor (applicant) shall indemnify, protect and hold harmless the Department from any and all liability, costs, damages, and claims arising as a direct or indirect result of the construction, operation or maintenance of facilities assisted with OHV grant funds.
- i) The project sponsor must possess the resource capabilities to:
- 1) initially finance 100% of the total cost prior to grant reimbursement, unless otherwise approved for invoices of \$5,000 or more for approved acquisitions by not-for-profit organizations such as ATV clubs; and
 - 2) properly maintain and operate the OHV fund-assisted facility after project completion.
- j) Upon project completion, the project sponsor must submit a certified project billing request (expenditure statement) listing/verifying all funds expended on the project for which grant reimbursement is sought, as well as required billing documentation, as follows:
- 1) Acquisition Project: Proof of good faith negotiations or fair market value offer to land seller, copy of property deed (showing ownership transferred to the project sponsor/applicant), and copies of canceled check(s) showing proof of payment to seller.
 - 2) Development Projects: Copy of construction As-Built drawings (no larger

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than 11" x 17"), copy of receipts/invoices for project costs, and copy of canceled checks showing proof of payment.

- k) All financial records on approved projects must be maintained and retained in accordance with State laws, by the project sponsor for possible State audit ~~for a period of 5 years~~ after final reimbursement payment is made by the Department.
- l) The project sponsor must permanently post an OHV grant program acknowledgment sign at the project site. The required sign will be furnished by the Department.
- m) Upon request, all work specifications must be submitted by the project sponsor to the Department for review prior to commencing work. Project sponsor will be notified by the Department if the proposed project requires the approval of a registered professional engineer.
- n) Department representatives shall have access to OHV-assisted project sites at any time during construction to assess project progress and during facility operation to ensure continuing compliance with program regulations. As time allows, Department representatives shall be available, upon request, for consultation/technical assistance concerning project development. It shall be further understood that a final inspection and acceptance of the completed project work must be made by a Department representative prior to approval of final reimbursement payment to the project sponsor.
- o) In connection with, and prior to, the construction, and thereafter the subsequent operation and maintenance, of OHV grant assisted facilities, the project sponsor (applicant) agrees that it shall be responsible for and obtain all necessary permits, licenses or forms of consent, as the case may be, from, but not limited to, the following agencies:
 - 1) Illinois Department of Natural Resources, Office of Water Resources;
 - 2) Illinois Environmental Protection Agency;
 - 3) U.S. Army Corps of Engineers;
 - 4) Illinois Department of Public Health (Campground Licensing and Recreational Area Act);

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- 5) Illinois Department of Transportation, Division of Highways; and
 - 6) Local building, zoning or road commissions, etc.
- p) Prior to any construction or trail development on sites that have received or have been approved for OHV grant assistance, the grantee must comply with the consultation requirements of the Endangered Species Act [520 ILCS 10/11(b)] and the Illinois State Agency Historic Resources Preservation Act [20 ILCS 3420/4].
- q) The project sponsor must comply with and abide by the following operation and maintenance provisions:
- 1) All off-highway vehicles operated on sites or trails that have received OHV grant assistance must display an Illinois OHV public use sticker on the front center of the OHV, or have a receipt for a one-day competitive event for that day on that site. The sticker is available from the Department and approved vendors. Off-highway vehicles that display a similar decal from states that have reciprocity agreements with Illinois do not need the Illinois sticker. Government-owned or -leased OHVs are exempt from this requirement.
 - 2) The charging of user fees for general public use must be approved by the Department.
 - 3) Except as noted below, all OHV grant-assisted facilities must be open and available for general public use and enjoyment without regard to sex, race, color, creed, national origin or residence.
 - A) Use of the project facility can be restricted to only those users that can show proof of adequate personal liability insurance coverage or are willing to sign liability waivers concerning use of the facility.
 - B) Use of the project facility may be restricted by type of OHV use if specified in the approved project agreement or if justified and approved by the Department.
 - 4) All OHV grant assisted facilities shall be operated, maintained and utilized for general public use in a safe and attractive manner so as to maximize

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the facility's intended public benefit.

- 5) Department personnel shall have access to OHV grant assisted facilities at all times during hours of normal operation for inspection purposes to ensure continued compliance with program regulations.
- r) All funds administered by the Department under the OHV grant program and expended by the project sponsor shall be in accordance with all applicable State statutes.
- s) The Department may unilaterally rescind OHV grant funds and terminate project agreements any time the General Assembly fails to appropriate or release sufficient OHV grant funds to fulfill the obligation or the applicant demonstrates non-compliance with this Part. Otherwise, after project commencement, OHV grant funds and project agreements may be rescinded, modified, or amended only by mutual agreement with the project sponsor. A project shall be deemed commenced when the project sponsor has made an expenditure or has incurred an obligation with respect to the project.
- t) Failure by the project sponsor to comply with this Part shall be cause for the suspension of all OHV grant fund obligations and/or repossession of project lands and equipment/materials purchased with grant funds, unless, in the judgment of the Department, such noncompliance was due to no fault of the project sponsor (applicant).

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 3045.95 Sale or Transfer of Grant-Funded Property

- a) Real Property
 - 1) If land purchased wholly by grant funds is sold or transferred by operation of law other than transfer due to the death of the grantee:
 - A) within 5 years after receipt of grant funds, 100% of the grant funding or of the sale price, whichever is greater, must be paid back to the OHV grant fund;

DEPARTMENT OF NATURAL RESOURCES

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- B) in the 6th year after receipt of grant funds, 90% of the grant funding or 90% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
- C) in the 7th year after receipt of grant funds, 80% of the grant funding or 80% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
- D) in the 8th year after receipt of grant funds, 70% of the grant funding or 70% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
- E) in the 9th year after receipt of grant funds, 60% of the grant funding or 60% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
- F) in the 10th year after receipt of grant funds, 50% of the grant funding or 50% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
- G) in the 11th year after receipt of grant funds, 40% of the grant funding or 40% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
- H) in the 12th year after receipt of grant funds, 30% of the grant funding or 30% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
- I) in the 13th year after receipt of grant funds, 20% of the grant funding or 20% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
- J) in the 14th year after receipt of grant funds, 10% of the grant funding or 10% of the sale price, whichever is greater, must be paid back to the OHV grant fund; and
- K) in the 15th year or thereafter, no reimbursement to the OHV grant fund is required.

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- 2) If land purchased partially by grant funds is sold or transferred by operation of law other than transfer due to the death of the grantee:
 - A) within 5 years after receipt of grant funds, 100% of the grant funding or 100% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
 - B) in the 6th, 7th or 8th year after receipt of grant funds, 80% of the grant funding or 80% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
 - C) in the 9th, 10th or 11th year after receipt of grant funds, 60% of the grant funding or 60% of the sale price, whichever is greater, must be paid back to the OHV grant fund;
 - D) in the 12th, 13th or 14th year after receipt of grant funds, 30% of the grant funding or 30% of the sale price, whichever is greater, must be paid back to the OHV grant fund; and
 - E) in the 15th year or thereafter, no reimbursement to the grant fund is required.

3) In cases of catastrophic illness or injury to the principals of the grantee, the Director, with advice from the Board, may modify the repayment provisions of this subsection (a).

b) Personal Property

- 1) No personal property purchased with grant funds shall be disposed of without the Department's written consent, which shall not be unreasonably withheld. Disposing of such property without written consent shall require repayment of the grant funding used to purchase the property or the fair market value of the property, whichever is deemed most appropriate by the Department.
- 2) Any insurance proceeds from personal property that was purchased with grant funds and is accidentally destroyed must be used to replace the destroyed personal property, unless the Department concurs in writing that the insurance proceeds may be used for another purpose.

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NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 30 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Business Corporation Act
- 2) Code Citation: 14 Ill. Adm. Code 150
- 3) Section Number: Proposed Action:
150.735 New Section
- 4) Statutory Authority: Implemented and authorized by Section 1.05 of the Illinois Business Corporation Act [805 ILCS 5/1.05]

Establishes rules for electronic signatures as authorized by Section 15(a) of the Secretary of State Act [15 ILCS 305/15(a)].

- 5) A Complete Description of the Subjects and Issues Involved: New Section 150.735 provides standards for the acceptance of a signature in a form other than the proper handwriting of the person filing a document that requires his or her signature.
- 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 amendments pending on this part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days to:

Robert Durchholz
Department of Business Services
Room 328, Howlett Building
Springfield, Illinois 62756

217/782-4909

- 12) Initial Regulatory Flexibility Analysis:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which these rulemakings were summarized: January, 2006

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATE

PART 150
BUSINESS CORPORATION ACT

SUBPART A: HEARING PROCEDURES

Section

- 150.10 Applicability
- 150.20 Definitions
- 150.30 Right to Counsel
- 150.40 Appearance of Attorney
- 150.50 Special Appearance
- 150.60 Substitution of Parties or Attorneys
- 150.70 Commencement of Action; Notice of Hearing
- 150.80 Motions
- 150.90 Form of Papers
- 150.100 Conduct of Hearings
- 150.110 Orders
- 150.120 Record of Hearings
- 150.130 Invalidity

SUBPART B: SALE AND RELEASE OF INFORMATION

Section

- 150.200 Annual List of Corporations
- 150.210 Monthly List of Corporations
- 150.220 Daily List of Corporations
- 150.230 Computer Access to Information
- 150.240 Abstracts of Corporate Record
- 150.250 Invalidity

SUBPART C: ERRORS, REFUNDS, CORRECTIONS, ADJUSTMENTS,
OBJECTIONS, AND OTHER RELIEF

Section

- 150.300 Errors or Defects
- 150.305 Financial Data as Support Documentation

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

150.310 Invalidity

SUBPART D: NAMES

Section

- 150.400 Preliminary Determination of Availability
- 150.405 Final Determination of Availability
- 150.410 Response as to Basis of Unavailability
- 150.415 Reconsideration Procedure
- 150.420 Effect of Final Determination
- 150.425 Applicability
- 150.430 Availability of Names: Statutory Requirements
- 150.435 Standards – Conflicting Names
- 150.440 Distinguishable – Defined
- 150.445 Matters not Considered
- 150.450 Significant Differences
- 150.455 Surnames
- 150.460 Alphabet Names
- 150.465 Government Affiliation
- 150.470 Restricted and Professional Words
- 150.475 Acceptable Characters of Print
- 150.480 Invalidity
- 150.485 Improper Names

SUBPART E: SERVICE OF PROCESS ON THE SECRETARY OF STATE

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- 150.500 Preamble
- 150.510 Manner of Service
- 150.520 Place of Service
- 150.530 Payment of Fees
- 150.540 Invalidity

SUBPART F: FEES, FRANCHISE TAX AND LICENSE FEES: ANNUAL REPORT

Section

- 150.600 Payment of Fees, Franchise Tax and License Fee
- 150.610 Definitions
- 150.620 Annual Report
- 150.621 Confidentiality of Annual Report Financial Data

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

150.630 Shares Having a Par Value
150.640 Invalidity

SUBPART G: INTERPRETIVE COMMENTS AND GENERAL PROVISIONS

Section
150.700 Interpretive Comments Applicable Generally
150.705 Paid-In Capital
150.710 Advice to the Public
150.720 Incorporating Licensed Professionals
150.725 Corporation Acting as an Incorporator
150.730 Business Hours
150.735 Electronic Filing

AUTHORITY: Implementing and authorized by the Business Corporation Act of 1983 [805 ILCS 5].

SOURCE: Adopted at 9 Ill. Reg. 1433, effective February 1, 1985; amended at 10 Ill. Reg. 5146, effective March 21, 1986; amended at 11 Ill. Reg. 10302, effective June 1, 1987; amended at 17 Ill. Reg. 11571, effective July 15, 1993; amended at 18 Ill. Reg. 7783, effective May 15, 1994; amended at 20 Ill. Reg. 7026, effective May 8, 1996; amended at 21 Ill. Reg. 16173, effective December 1, 1997; amended at 27 Ill. Reg. 550, effective December 27, 2002; amended at 28 Ill. Reg. 3504, effective February 3, 2004; amended at 29 Ill. Reg. 14047, effective September 1, 2005; amended at 30 Ill. Reg. _____, effective _____.

SUBPART G: INTERPRETIVE COMMENTS AND GENERAL PROVISIONS

Section 150.735 Electronic Filing

At the discretion of the Secretary of State, certain documents or reports required by the Business Corporation Act may be submitted for filing electronically. The name of the person making the submission must be included, and such inclusion shall constitute the affirmation or acknowledgement of the person, under penalties of perjury, that the instrument is his or her act and deed or the act and deed of the corporation, as the case may be, and that the facts stated in the submission are true. Compliance with this Section shall satisfy the signature provisions of Section 1.10 of the Business Corporation Act, which shall otherwise apply.

(Source: Added at 30 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: General Not for Profit Corporations
- 2) Code Citation: 14 Ill. Adm. Code 160
- 3) Section Number: 160.18 Proposed Action:
New Section
- 4) Statutory Authority: Implementing and authorized by Section 101.05 of the General Not For Profit Corporations Act of 1986 [805 ILCS 105/1.05]

Establishes rules for electronic signatures as authorized by Section 15(a) of the Secretary of State Act [15 ILCS 305/15(a)].
- 5) Complete Description of the Subjects and Issues Involved: New Section 160.18 provides standards for the acceptance of a signature in a form other than the proper handwriting of the person filing a document that requires his or her signature.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking. Written comments may be submitted within 45 days to:

Robert Durchholz
Department of Business Services
Room 328, Howlett Building
Springfield, Illinois 62756

217/782-4909

- 12) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which these rulemakings were summarized: January, 2006

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATEPART 160
GENERAL NOT FOR PROFIT CORPORATIONS

Section

160.10	Definitions
160.11	Office Location and Business Hours
160.12	Sale of Information
160.13	Fees
160.14	Abstracts and Records
160.15	Hearings
160.16	Names
160.17	Service of Process
<u>160.18</u>	<u>Electronic Filing</u>

AUTHORITY: Implementing and authorized by the General Not for Profit Corporation Act of 1986 [805 ILCS 105].

SOURCE: Adopted at 11 Ill. Reg. 10309, effective June 1, 1987; amended at 20 Ill. Reg. 7045, effective May 8, 1996; amended at 30 Ill. Reg. _____, effective _____.

Section 160.18 Electronic Filing

At the discretion of the Secretary of State, certain documents or reports required by the General Not For Profit Corporation Act of 1986 may be submitted for filing electronically. The name of the person making the submission must be included, and such inclusion shall constitute the affirmation or acknowledgement of the person, under penalties of perjury, that the instrument is his or her act and deed or the act and deed of the corporation, as the case may be, and that the facts stated in the submission are true. Compliance with this Section shall satisfy the signature provisions of Section 101.10 of the General Not For Profit Corporation Act of 1986, which shall otherwise apply.

(Source: Added at 30 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Limited Liability Company Act
- 2) Code Citation: 14 Ill. Adm. Code 178
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
178.10	Amendment
178.20	Amendment
178.40	Amendment
178.55	Amendment
178.65	New Section
- 4) Statutory Authority: Implementing and authorized by Section 15 Secretary of State Act [15 ILCS 305/15] and 50-20 of the Illinois Limited Liability Company Act [805 ILCS 180/50-20].
- 5) A Complete Description of the Subjects and Issues Involved:

Amendment to Section 178.10. Establishes a definition of the term "electronic filing".

Amendment to Section 178.20. Allows the Secretary of State, at his or her discretion, to file documents submitted electronically while satisfying the document execution provisions.

Amendment to Section 178.40. Allows the Secretary of State, at his or her discretion, to make information concerning limited liability companies available on line.

Amendment to Section 178.55. Adds electronic fund transfers and debit cards to the methods available for payment of fees in connection with filings effected with and services provided by the Secretary of State. Also removes requirement that payment received in connection with penalty-return to good standing forms be in guaranteed form. (Erroneously posted in agenda as New Section 178.27.)

New Section 178.65. Allows the Secretary of State to stay current with new practices and technologies as electronic capabilities continue to expand.
- 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

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NOTICE OF PROPOSED AMENDMENTS

- 9) Are there any other proposed amendments pending on this Part? No, though it should be mentioned that similar rules are being proposed in connection with corporations (Part 150) and filings made under Revised Article 9 of the Uniform Commercial Code (Part 180).
- 10) Statement of Statewide Policy Objective: These rulemakings do not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days to:

Chuck Moles
Department of Business Services
Room 351, Howlett Building
Springfield, Illinois 62756

217/782-4875

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Limited liability companies, most of which are small businesses, will have the convenience of being able to file certain documents, such as the Annual Report, and obtain some services or information on line. This ability will be an option for the companies to pursue, not a requirement, as the Secretary of State will continue to file paper versions of all forms as well as provide all other services over the phone or in person.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which these rulemakings were summarized: January 2006

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

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TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATEPART 178
LIMITED LIABILITY COMPANY ACT

SUBPART A: RIGHTS AND REQUIREMENTS

Section	
178.10	Definitions
178.15	Applicability
178.20	Filing Requirements
178.25	Additional Requirements for Forms
178.30	Filing Location
178.35	Business Hours
178.40	Sales of Information
178.45	Right to Counsel
178.50	Service of Process
178.55	Payment of Fees
178.60	Refunds
178.65	New Practices and Technologies

SUBPART B: NAMES

Section	
178.100	Availability of Names: Statutory Requirements
178.105	Preliminary Determination of Availability
178.110	Final Determination of Availability
178.115	Response as to Basis of Unavailability
178.120	Reconsideration Procedure
178.125	Effect of Final Determination
178.130	Standards – Conflicting Names
178.135	Distinguishable – Defined
178.140	Matters Not Considered
178.145	Significant Differences
178.150	Surnames
178.155	Alphabet Names
178.160	Government Affiliation
178.165	Restricted and Professional Words

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178.170	Acceptable Characters of Print
178.175	Invalidity
178.180	Assumed Names
178.185	Foreign LLC with Prohibited Name
178.190	Improper Names

AUTHORITY: Implementing and authorized by the Limited Liability Company Act [805 ILCS 180].

SOURCE: Adopted at 17 Ill. Reg. 22055, effective January 1, 1994; amended at 20 Ill. Reg. 7050, effective May 8, 1996; amended at 21 Ill. Reg. 16178, effective December 1, 1997; amended at 27 Ill. Reg. 8884, effective May 19, 2003; amended at 28 Ill. Reg. 3509, effective February 3, 2004; amended at 29 Ill. Reg. 19699, effective November 28, 2005; amended at 30 Ill. Reg. _____, effective _____.

SUBPART A: RIGHTS AND REQUIREMENTS

Section 178.10 Definitions

In addition to the definitions contained in Section 1-5 of the Limited Liability Company Act [805 ILCS 180] the following definitions shall apply:

"Abstracts of Limited Liability Companies" shall consist of a hard copy print-out of the information shown on the computer records of the Department of Business Services of the Office of the Secretary of State.

"Delinquent" or "Delinquency" shall mean a status of a limited liability company that is in non-compliance with this Act.

"Department" shall mean the Department of Business Services of the Office of the Secretary of State located in Springfield.

"Director" shall mean the Director of the Department of Business Services.

["Electronic Filing" shall mean the ability to utilize interactive computer applications for the submission, review and filing of documents required or authorized by LLCA.](#)

"Interrogatories" shall mean a written request for information to ascertain whether the limited liability company has complied with the provisions of the Act.

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"LLCA" shall mean the Limited Liability Company Act [805 ILCS 180].

"LLC Division" shall mean that unit of the Department which administers the provisions of LLCA.

"Organizer" shall mean a person who has executed the original articles of organization.

"Secretary" shall mean the Secretary of State of Illinois.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 178.20 Filing Requirements

- a) General partnerships serving as members or managers of limited liability companies must comply with the following requirements: provide to the Secretary of State the state of formation, the county of formation, date of formation, office of records address, and all partners' names and addresses by sworn dated statement of one of the general partners.
- b) A trust serving as a member or manager in a limited liability company must comply with the following requirements: provide to the Secretary of State information concerning the trust, including date of creation, the name of all trustees, location including state and county, and that the trust is currently in full force and effect, dated and executed by the trustee.
- c) An estate serving as a member or manager in a limited liability company must comply with the following requirements: provide to the Secretary of State a copy of the relevant court order currently dated and executed.
- d) All entities, other than natural persons, serving as members or managers in limited liability companies must provide evidence of its existence upon request of the Secretary of State.
- e) At the discretion of the Secretary of State, certain documents or reports required by this Act may be submitted for filing electronically. The name of the person making the submission must be included, and such inclusion shall constitute the affirmation or acknowledgement of the person, under penalties of perjury, that the instrument is his or her act and deed or the act and deed of the limited liability

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company, as the case may be, and that the facts stated in the submission are true. Compliance with this Section shall satisfy the signature provisions of Section 5-45 of LLCA, which shall otherwise apply.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 178.40 Sales of Information

- a) Information concerning any limited liability company shall be available to the public from the Department of Business Services upon written request, or by telephone or in person, or, at the Secretary's discretion, on line through interactive computer.
- b) Information concerning the limited liability companies on file with the Department shall be in the form of an abstract of record, shall be printed from the computer file of the Department, and shall consist of the limited liability company name, its date of formation, any assumed name, its registered agent, the address of the office at which the records are maintained, the latest date at which the limited liability company will dissolve, the foreign jurisdiction where formed (if applicable), the date of filing with the Department, the members' and/or managers' names and addresses and the file number with the Department. The fee for each abstract or record shall be \$25.
- c) Computer connections by non-department users
 - 1) Computer terminal connections to the Secretary's computer may be provided to other State agencies. This service may be made available at no charge so long as the requesting agency commits to pay all costs and so long as the service does not substantially increase costs or network traffic on the Secretary's computer.
 - 2) Computer terminal connection may be allowed to commercial users provided that all costs are borne by the commercial user. The allowance of computer terminal connections shall be contingent upon the best interests of the Office of the Secretary of State, which is based upon the volume of requests received, the computer terminal connections as opposed to other methods, and other factors that may impede the operations of the Office of the Secretary of State. This service will be suspended at anytime, should the connection interfere with the Secretary's internal work schedule and processing.

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- 3) Fees for information supplied by means of computer connections between the Secretary of State's computers and those of any other agency, corporation, or person may be paid on a monthly basis for all information delivered during that month, as determined by the Secretary and the agency or person to be the most economic way of billing. The proper fee shall be determined by negotiation between the agency or commercial user and the Director based upon telephone line charges, rental or purchase fees for terminals, and other appropriate factors, such as statutory fees for certain types of information and the requirements of this Subpart.
 - 4) No user may reproduce any list or abstract from the computer connection. Lists of LLCA information including the names and information concerning all limited liability companies may only be purchased pursuant to the provisions of this Part. Computer connections are to be used only to look up information. No changes on the Department's LLCA files may be made by any computer connection user.
- d) Terms and conditions for computer maintained LLCA information
- 1) The information supplied by the Department to other agencies, commercial users, or other persons shall be in the abstract format only, as specified in subsection (b) of this Section.
 - 2) The fee for the entire file of current and dissolved limited liability companies, and assumed names, shall be \$1,500. The monthly update shall cost \$400 per update. The update is available through modem access only. If the file is purchased on computer tape, the purchaser shall supply the Department with a computer tape or tapes, compatible with the Secretary's computer equipment, on to which tapes the information shall be transferred.
 - 3) All purchase requests shall be submitted in writing to the Director. Payment shall be made to the Department before delivery of the information to the purchaser. No refunds will be made after the request is approved by the Director. Payment shall be made by check, money order made payable to the "Secretary of State" or credit card.
 - 4) All commercial or other type purchasers shall sign a written agreement setting forth the terms and conditions required by Illinois law, and as may

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be deemed appropriate after negotiation between the Department and the purchaser.

- 5) The commercial purchaser shall not resell to any other purchaser the information obtained from the Department in the same form or format in which it is obtained from the Department. Resale of information in the same form or format shall result in cancellation of access to information by the Department. The commercial purchaser may sell the information to the subscribers of its computer or business information services only to the extent that its subscribers request on an individual entity by entity basis.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 178.55 Payment of Fees

All payments of fees and penalties with respect to original articles of organization, applications for original admission to transact business, applications for reinstatement of ~~domestic~~-limited liability companies, and report of penalty-return to good standing shall be by money order, certified check, cashier's check or a check drawn on the account of an Illinois licensed attorney or certified public accountant, payable to the "Secretary of State" or by credit card approved by the Secretary of State's Department of Accounting Revenue through contracts let pursuant to bid or, at the Secretary's discretion, by electronic fund transfer or debit card. All other payments may be made by an entity check, payable to the "Secretary of State." Any check that is returned by the bank to the Secretary of State's Office for any reason will immediately void the transaction for which it was intended and the Secretary of State will treat the filing event as never occurring.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 178.65 New Practices and Technologies

The Secretary of State is authorized to adopt practices and procedures to accomplish receipt, processing, maintenance, retrieval and transmission of, and remote access to, LLCA filing data by means of electronic, voice, optical and/or other technologies, and without limiting the foregoing, to maintain and operate, in addition to or in lieu of a paper-based system, a non-paper-based filing system utilizing any such technologies.

(Source: Added at 30 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Uniform Commercial Code
- 2) Code Citation: 14 Ill. Adm. Code 180
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
180.10	Amendment
180.11	Amendment
180.12	Amendment
180.13	Amendment
180.14	Amendment
180.16	Amendment
180.18	Amendment
- 4) Statutory Authority: Implementing by Sections 9-512, 9-519, 9-523 and 9-526 of the Illinois Uniform Commercial Code Act [810 ILCS 5/9-512, 9-519, 9-523 and 9-526]
- 5) A Complete Description of the Subjects and Issues Involved:

Amendment to Section 180.10. Adds a definition for online services.

Amendment to Section 180.11(a)(1). Specifies that date and time of receipt are stamped on the UCC document.

Amendment to Section 180.11(a)(2). Specifies that date and time of receipt are stamped on the UCC document.

Amendment to Section 180.11(a)(3). Specifies that date and time of receipt are stamped on the UCC document.

Amendment to Section 180.11(a)(4). Specifies availability of UCC online services.

Amendment to Section 180.11(a)(6). Specifies file time for UCC records tendered online.

Amendment to Section 180.12(e). Provides guidelines when multiple types of amendments are being filed.

Amendment to Section 180.13(b)(5). Provides guidelines for payment of UCC filing by debit card.

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Amendment to Section 180.14(f). Adds information about use of new practices and technologies.

Amendment to Section 180.16(c)(2). Changing maximum length of organization name field.

Amendment to Section 180.18(a)(4). Provides clarification for doing a UCC filing and search to reflect the filing.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking will not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this rulemaking:
Written comments may be submitted within 45 days to:

Dennis L. Hankins, Administrator
Illinois Secretary of State
Department of Business Services/UCC Division
Howlett Building Room 350 West
501 South Second Street
Springfield, Illinois 62756

(217)524-3356
Fax: (217)558-4430
e-mail: dhankins@ilsos.net

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

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- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which these rulemakings were summarized: January 2006

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

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TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATEPART 180
UNIFORM COMMERCIAL CODE

Section

180.10	Definitions
180.11	Tender of UCC Records for Filing/Search Request Delivery
180.12	Forms
180.13	Filing Fees/Methods of Payment/Overpayment and Underpayment Policies
180.14	Public Record Services
180.15	Acceptance and Refusal of Records
180.16	UCC Information Management System
180.17	Filing and Data Entry Procedures
180.18	Search Requests and Reports

AUTHORITY: Implementing and authorized by Article 9 of the Uniform Commercial Code [810 ILCS 5/Art. 9].

SOURCE: Adopted at 12 Ill. Reg. 17431, effective November 1, 1988; amended at 18 Ill. Reg. 2101, effective February 1, 1994; amended at 20 Ill. Reg. 7064, effective May 8, 1996; emergency amendment at 25 Ill. Reg. 9984, effective July 23, 2001, for a maximum of 150 days; emergency expired December 19, 2001; amended at 26 Ill. Reg. 7448, effective May 2, 2002; amended at 29 Ill. Reg. 19704, effective November 28, 2005; amended at 30 Ill. Reg. _____, effective _____.

Section 180.10 Definitions

"Amendment" means a UCC record that amends the information contained in a financing statement. Amendments include assignments, continuations and terminations.

"Assignment" means an amendment that assigns all or a part of a secured party's power to authorize an amendment to a financing statement.

"Continuation statement" shall have the meaning prescribed by Section 9-102(27) of the UCC.

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"Correction statement" means a UCC record that indicates that a financing statement is inaccurate or wrongfully filed.

"Department" means the Department of Business Services of the Office of the Secretary of State.

"Director" means the Director of the Department.

"File number" shall have the meaning prescribed by Section 9-519(b) of the UCC [810 ILCS 5/9-519(b)].

"Filing office" and "filing officer" ~~means~~^{mean} Secretary of State (see Section 9-501 of the UCC) [810 ILCS 5/9-501].

"Filing officer statement" means a statement entered into the filing office's information system to correct an error by the filing office.

"Financing statement" shall have the meaning prescribed by Section 9-102(39) of the UCC [810 ILCS 5/9-102(39)].

"Individual" means a human being or a decedent, in the case of a debtor that is the decedent's estate.

"Initial financing statement" means a UCC record that does not identify itself as an amendment or identify an initial financing statement to which it relates, as required by Section 9-512, 9-514 or 9-518 of the UCC [810 ILCS 5/9-512, 9-514 or 9-518].

"Online services" means the interactive computer applications for UCC document filing and search functions, including direct computer access, available on the Illinois Secretary of State web site.

"Organization" means a legal person who is not an individual.

"Remitter" means a person who tenders a UCC record to the filing officer for filing, whether the person is a filer or an agent of a filer responsible for tendering the record for filing. "Remitter" does not include a person responsible merely for the delivery of the record to the filing office, such as the postal service or a courier service, but does include a service provider who acts as a filer's representative in the filing process.

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"Secretary" means the Secretary of State of Illinois.

"Secured party of record" shall have the meaning prescribed in Section 9-511 of the UCC [810 ILCS 5/9-511].

"Termination statement" shall have the meaning prescribed by Section 9-102(79) of the UCC [810 ILCS 5/9-102(79)].

"UCC" means the Uniform Commercial Code-Secured Transactions as adopted in this State at 810 ILCS 5/Art. 9.

"UCC Division" means that unit of the Department that records, maintains, supplies copies, and otherwise administers the UCC.

"UCC record" means an initial financing statement, an amendment, an assignment, a continuation, a termination, or a correction statement, and shall not be deemed to refer exclusively to paper or paper-based writings.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 180.11 Tender of UCC Records for Filing/Search Request Delivery~~Deliver~~

- a) UCC records may be tendered for filing at the UCC Division as follows:
- 1) Personal delivery, at the UCC Division's street address. The file time for a UCC record delivered by this method is when delivery of the UCC record is accepted by the filing office (even though the UCC record may not yet have been accepted for filing and subsequently may be rejected). The date and time of receipt are stamped on the document or otherwise permanently associated with the record maintained for a UCC document in the UCC information management system.
 - 2) Courier delivery, at the UCC Division's street address. The file time for a UCC record delivered by this method is, notwithstanding the time of delivery, the next close of business following the time of delivery (even though the UCC record may not yet have been accepted for filing and may be subsequently rejected). The date and time of receipt are stamped on the document or otherwise permanently associated with the record maintained for a UCC document in the UCC information management system. A

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UCC record delivered after regular business hours or on a day the filing office is not open for business, if not examined for processing sooner, will have a filing time of the close of business on the next day the filing office is open for business.

- 3) Postal service delivery, to the filing office's mailing address. The file time for a UCC record delivered by this method is the next close of business following the time of delivery (even though the UCC record may not yet have been accepted for filing and may be subsequently rejected). The date and time of receipt are stamped on the document or otherwise permanently associated with the record maintained for a UCC document in the UCC information management system. A UCC record delivered after regular business hours or on a day the filing office is not open for business will have a filing time of the close of business on the next day the filing office is open for business.
- 4) The Secretary of State offers online information and electronic filing and search services through the website of the Secretary of State at www.cyberdriveillinois.com. The file time for a UCC document delivered by this method is the time that the Secretary of State's system analyzes the relevant transmission and determines that all the required elements of the transmission have been received in a required format and are machine-readable. The UCC Division business hours are 8:00 a.m. to 4:30 p.m., Monday through Friday, except holidays, in Springfield only.
- 5) The UCC Division filing office hours. The office address is Room 350 West, Howlett Building, Springfield IL 62756. All incorporated materials and forms referenced in this Part are available to the public for inspection and copying at this address.
 - A) The UCC Division business hours for personal delivery, courier delivery and postal service delivery are 8:00 a.m. to 4:30 p.m., Monday through Friday, except holidays, in Springfield only.
 - B) Electronic filing and search services are available 24 hours per day, 365 days per year, except for scheduled maintenance and unscheduled interruptions of service.
- 6) The office address is Howlett Building, Room 350 West, 501 South

SECRETARY OF STATE

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[Second Street, Springfield IL 62756. All incorporated materials and forms referenced in this Part are available to the public for inspection and copying at this address.](#)

- b) UCC search requests may be delivered to the filing office by any of the means by which UCC records may be delivered to the filing office. A search request for a debtor named on an initial financing statement may not be made on the initial financing statement form, even if the form has a space for that request. Search requests must be made on the UCC-11 form approved by the International Association of Corporation Administrators, as incorporated by reference in Section 180.12 of this Part.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 180.12 Forms

The forms prescribed by Section 9-521 of the UCC [810 ILCS 5/9-521] shall be accepted by the filing office. Forms approved by the International Association of Corporate Administrators on or prior to July 1, 2001 and forms approved by the UCC Division shall be accepted. Forms approved for filing prior to July 1, 2001 will be accepted until December 31, 2001. Copies of the forms approved by the International Association of Corporation Administrators (IACA) as of July 1, 2001 are available on the Secretary of State's website at www.cyberdriveillinois.com, on IACA's website at www.iaca.org and at IACA, 3851 Essen Lane, Baton Rouge LA 70816. These forms do not include any later amendments or editions.

- a) In order to insure the legibility after records are scanned into the imaging system of the UCC Division, the information on each record submitted shall be typewritten or computer generated typeface. The names and addresses of the debtor and the secured party shall be in capital letters with a font size of at least 12 in Times New Roman style.
- b) The remitter shall submit two copies of each record, along with a self-addressed stamped envelope. The UCC Division shall retain one copy for its records and return one copy to the remitter as an acknowledgement. If only one copy is submitted, it will be stamped "No Acknowledgement Received" and the UCC Division will retain that copy for its records. There will be no acknowledgement copy returned to the remitter.
- c) All UCC records must contain the full legal name of the debtor and indicate

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whether the debtor is an individual or an organization. If the debtor is an organization, the record must include the type of organization, the jurisdiction of the organization, and the organizational identification number of the debtor. Records that do not contain this information will not be accepted for filing. The disclosure on the records of the social security number or tax identification number of the debtor is voluntary only, and records will be accepted for filing without the number. The disclosure on the records of the social security number or tax identification number of the debtor is non-required information and, due to the sensitive nature of the information, it will be redacted from the record.

- d) When submitting a UCC-3 Amendment pursuant to Section 9-512 of the UCC to delete more than a single debtor name, a separate UCC-3 Amendment form must be completed for each debtor name to be deleted. A separate fee must also be tendered for each UCC-3 Amendment form submitted.

- e) When submitting a UCC-3 Amendment pursuant to Section 9-512 of the UCC, only one UCC-3 Amendment type per form will be permitted. A separate fee must also be tendered for each UCC-3 Amendment form submitted.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 180.13 Filing Fees/Methods of Payment/Overpayment and Underpayment Policies

- a) Filing Fees.
- 1) The fee for filing and indexing a UCC record communicated ~~on paper or~~ in a paper-based format or electronically is \$20.
 - 2) A fee of \$20 shall be paid for an initial financing statement that indicates that it is filed in connection with a public-finance transaction and a fee of \$20 shall be paid for an initial financing statement that indicates that it is filed in connection with a manufactured-home transaction.
 - 3) UCC search fee. The fee for a UCC search request communicated on paper or in a paper-based format is \$10 per name searched.
 - 4) UCC search – copies. The fee for UCC search copies is \$1 per page.
- b) Methods of Payment. Filing fees and fees for public records services may be paid by the following methods:

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- 1) Cash. Payment in cash shall be accepted, if paid in person at the filing office.
 - 2) Checks. Personal checks, cashier's checks and money orders made payable to the filing office shall be accepted for payment if they are drawn on a bank acceptable to the filing office or if the drawer is acceptable to the filing office. Checks made payable to the filing office are acceptable to the filing office if drawn on a bank insured by the Federal Deposit Insurance Corporation (FDIC), the Federal Savings and Loan Insurance Corporation (FSLIC), or the National Credit Union Association (NCUA).
 - 3) Electronic funds transfer. The filing office may accept payment via electronic funds transfer under National Automated Clearing House Association (NACHA) rules from remitters who have entered into appropriate NACHA-approved arrangements for the EFT and who authorize the relevant transfer pursuant to the arrangements and rules. NACHA rules are available at ~~NACHA~~[NACHA](#), 13665 Dulles Technology Drive, Suite 300, Herndon VA 20171. The NACHA rules were effective as of January 1, 2001 and do not include any later amendments or editions.
 - 4) Credit cards. The UCC Division shall accept payment by credit cards issued by approved issuers. Remitters shall provide the filing officer with the card number, the expiration date of the card, the name of the card issuer, the name of the person or entity to whom the card was issued, the daytime telephone number of the remitter and the billing address for the card. Payment will not be deemed tendered until the issuer or its agent has confirmed payment. A current list of approved credit card issuers is available from the filing office.
 - 5) Debit cards. The UCC Division shall accept payment by debit cards issued by approved issuers. Remitters shall provide the filing officer with the card number, the expiration date of the card, the name of the card issuer, the name of the person or entity to whom the card was issued, the daytime telephone number of the remitter and the billing address for the card. Payment will not be deemed tendered until the issuer or its agent has confirmed payment. A current list of approved debit card issuers is available from the filing office.
- c) Overpayment and Underpayment Policies.

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- 1) Overpayment. The filing officer shall refund an overpayment only upon the written request of the remitter. Requests for refund shall contain the debtor's name and address, the file number and date of filing the record for which overpayment was made. If the record for which a refund is requested is a UCC-3, the request must also include the file number of the original filing.
- 2) Underpayment. Upon receipt of a record with an insufficient fee, the filing officer shall return the record to the remitter as provided in Section 180.15. The tendered payment shall be included with the record.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 180.14 Public Record Services

Public record services are provided on a non-discriminatory basis to any member of the public on the terms described in this Part. The following methods are available for obtaining copies of UCC records and copies of data from the UCC information management system.

- a) Individually identified records. Copies of individually identified UCC records are available in the paper form upon written request to the UCC Division.
- b) Bulk copies of records. Bulk copies of UCC records are available in CD-Rom.
- c) Data from the information management system. A list of available data elements from the UCC information management system and the file layout of the data elements are available from the UCC Division upon request. Any purchaser of transmitted computer data shall sign a contract setting forth the terms and conditions of the sale, including the fees. Data from the information management system is available as follows:
 - 1) Full extract. A bulk data extract of information from the UCC information management system is available on a weekly basis.
 - 2) Update extracts. Updates of information from the UCC information management system are available on a weekly basis.
 - 3) Format. Extracts from the UCC information management system are available in the FTP (File Transfer Protocol) [format](#).

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- d) Direct on-line services. On-line services make UCC data available on a subscription basis. A description of subscription services is available from the filing officer.
- e) Fees for public record services. Fees for public records are established as follows:
- 1) Paper copies of individual records. The fee for paper copies of UCC records is \$1 per page.
 - 2) Bulk copies of records. Bulk copies of UCC records are available for a fee of \$250 per month, payable 1 month in advance. Purchases shall only be made on a 12-month subscription basis. A subscription can be ordered by written request submitted to the Director, and shall include the first month's fee.
 - 3) Data from the information management system. Fees for data from the information management system shall be paid prior to the transfer of the information from the UCC Division to the purchaser, and shall not be refundable once the order is accepted by the Department. Acceptance shall be evidenced by the Department's signing of the contract.
 - A) Full extract. The fee for the master file, which may only be purchased as a whole, shall be \$2,500.
 - B) Update extracts. The fee for weekly updates shall be \$200.
 - 4) Third party on-line services. Information regarding fees for third party on-line services may be obtained from the Department.
- f) New practices and technologies. The filing officer is authorized to adopt practices and procedures to accomplish receipt, processing, maintenance, retrieval and transmission of, and remote access to, Article 9 Part 5 of the UCC filing data by means of electronic, voice, optical and/or other technologies, and without limiting the foregoing, to maintain and operate, in addition to or in lieu of a paper-based system, a non-paper-based filing system utilizing any such technologies. In developing and utilizing technologies and practices, the filing officer shall, to the greatest extent feasible, take into account compatibility and consistency with, and whenever possible be uniform with, technologies, practices, policies and regulations adopted in connection with filing systems in other states.

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(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 180.16 UCC Information Management System

Policy statement. The UCC Division uses an information management system to store, index, and retrieve information relating to financing statements. The information management system includes an index of the names of debtors named on financing statements that have not lapsed. This Section describes the UCC information management system.

- a) Primary data elements. The primary data elements used in the UCC information management system are the following:
 - 1) Identification numbers.
 - A) Each initial financing statement is identified by its file number as described in Section 180.10. Identification of the initial financing statement is stamped on written UCC records or otherwise permanently associated with the record maintained for UCC records in the UCC information management system. A record is created in the information management system for each initial financing statement and all information comprising ~~that~~ record is maintained in ~~the~~ system. The record is identified by the same information assigned to the initial financing statement.
 - B) A UCC record other than an initial financing statement is identified by a unique file number assigned by the filing officer. In the information management system, records of all UCC records other than initial financing statements are linked to the record of their related initial financing statement.
 - 2) Type of record. The type of UCC record from which data is transferred is identified in the information management system from information supplied by the remitter.
 - 3) Filing date and filing time. The filing date and filing time of UCC records are stored in the information management system. Calculation of the lapse date of an initial financing statement is based upon the filing date.
 - 4) Identification of parties. The names and addresses of debtors and secured

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parties are transferred from UCC records to the UCC information management system using one or more data entry or transmittal techniques.

- 5) Status of financing statement. In the information management system, each financing statement has a status of active or inactive.
 - 6) Page count. The total number of pages in a UCC record is maintained in the information management system.
 - 7) Lapse indicator. An indicator is maintained by which the information management system identifies whether a financing statement will lapse and, if it does, when it will lapse.
- b) Names of debtors who are individuals. For the purpose of this subsection, "individual" means a human being, or a decedent in the case of a debtor that is the decedent's estate. This subsection applies to the name of a debtor or a secured party on a UCC record who is an individual.
- 1) Individual name fields. The names of individuals are stored in files that include only the names of individuals, and not the names of organizations. The filing officer assumes no responsibility for the accurate designation of the components of a name, but will accurately enter the data in accordance with the filer's designations.
 - 2) Titles and prefixes before names. Titles and prefixes, such as "doctor", "reverend", "Mr.", and "Ms.", should not be entered in the UCC information management system. However, when a UCC record is submitted with designated name fields, the data will be entered in the UCC information management system exactly as it appears.
 - 3) Titles and suffixes after names. Title or indications of status such as "M.D." and "esquire" shall not be entered in the UCC information management system. Suffixes are not part of an individual's name and should not be provided by filers in UCC records. Suffixes that indicate which individual is being named, such as "senior", "junior", "I", "II", and "III", are entered into the information management system exactly as received.
 - 4) Truncation – individual names. Personal name fields in the UCC database

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are fixed in length. Although filers should continue to provide full names on their UCC records, a name that exceeds the fixed length is entered as presented to the filing officer, up to the maximum length of the data entry field. The maximum length of the data entry name field is 64 characters.

- c) Names of debtors that are organizations. This subsection applies to the name of an organization that is a debtor or a secured party on a UCC record.
 - 1) Single field. The names of organizations are stored in files that include only the names of organizations and not the names of individuals. A single field is used to store an organization name.
 - 2) Truncation – organization names. The organization name field in the UCC database is fixed in length. The maximum length is 20064 characters. Although filers should continue to provide full names on their UCC record, a name that exceeds the fixed length is entered as presented to the filing officer, up to the maximum length of the data entry field.
- d) Estates. Although they are not human beings, estates are treated as if the decedent were the debtor under Section 180.16(b).
- e) Trusts. If the trust is named in its organic records~~record~~(s), its full legal name, as set forth in those records~~such record~~(s) is used. Those trusts are treated as organizations. If the trust is not so named, the name of the settlor is used. If a settlor is indicated to be an organization, the name is treated as an organization name. If the settlor is an individual, the name is treated as an individual name. A UCC record that uses a settlor's name should include other information provided by the filer to distinguish the debtor trust from other trusts having the same settlor and all financing statements filed against trusts or trustees acting with respect to property held in trust should indicate the nature of the debtor. If this is done in, or as part of, the name of the debtor, it will be entered as if it were a part of the name.
- f) Initial financing statement. Upon the filing of an initial financing statement the status of the parties and the status of the financing statement shall be as follows:
 - 1) Status of secured party. Each secured party named on an initial financing statement shall be a secured party of record, except that if the UCC record names an assignee, the secured party/assignor shall not be a secured party of record and the secured party/assignee shall be a secured party of record.

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- 2) Status of debtor. The status of a debtor named on the record shall be active and shall continue as active until one year after the financing statement lapses.
- 3) Status of financing statement. The status of the financing statement shall be active. A lapse date shall be calculated, five years from the file date, unless the initial financing statement indicates that it is filed with respect to a public-financing transaction or a manufactured-home transaction, in which case the lapse date shall be 30 years from the file date, or, if the initial financing statement indicates that it is filed against a transmitting utility, there shall be no lapse date. A financing statement remains active until one year after it lapses, or, if it is indicated to be filed against a transmitting utility, until one year after it is terminated with respect to all secured parties of record.
- g) Amendment. Upon the filing of an amendment, the status of the parties and the status of the financing statement shall be as follows:
 - 1) Status of secured party and debtor. An amendment shall affect the status of its debtors and secured parties as follows:
 - A) Collateral amendment or address change. An amendment that amends only the collateral description or one or more addresses has no effect upon the status of any debtor or secured party. If a statement of amendment is authorized by less than all of the secured parties (or, in the case of an amendment that adds collateral, less than all of the debtors), the statement affects only the interests of each authorizing secured party (or debtor).
 - B) Debtor name change. An amendment that changes a debtor's name has no effect on the status of any debtor or secured party, except that the related initial financing statement and all UCC records that include an identification of the initial financing statement shall be cross-indexed in the UCC information management system, so that a search under either the debtor's old name or the debtor's new name will reveal the initial financing statement and the related UCC records. The statement of amendment affects only the rights of its authorizing secured parties.

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- C) Secured party name change. An amendment that changes the name of a secured party has no effect on the status of any debtor or any secured party, but the new name is added to the index as if it were a new secured party of record.
 - D) Addition of a debtor. An amendment that adds a new debtor name has no effect upon the status of any party to the financing statement, except the new debtor name shall be added as a new debtor on the financing statement. The addition shall affect only the rights of the secured parties authorizing the statement of amendment.
 - E) Addition of a secured party. An amendment that adds a new secured party shall not affect the status of any party to the financing statement, except that the new secured party name shall be added as a new secured party on the financing statement.
 - F) Deletion of a debtor. An amendment that deletes a debtor has no effect on the status of any party to the financing statement, even if the amendment purports to delete all debtors.
 - G) Deletion of a secured party. An amendment that deletes a secured party of record has no effect on the status of any party to the financing statement, even if the amendment purports to delete all secured parties of record.
- 2) Status of financing statement. An amendment shall have no effect upon the status of the financing statement, except that a continuation may extend the period of effectiveness of a financing statement.
- h) Assignment of powers of secured party of record.
 - 1) Status of the parties. An assignment shall have no effect on the status of the parties to the financing statement, except that each assignee named in the assignment shall become a secured party of record.
 - 2) Status of financing statement. An assignment shall have no effect upon the status of the financing statement.
- i) Continuation. Status of parties upon filing a continuation.

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- 1) Continuation of lapse date. Upon the timely filing of one or more continuations by any secured parties of record, the lapse date of the financing statement shall be postponed for five years.
 - 2) Status of parties. The filing of a continuation shall have no effect upon the status of any party to the financing statement.
 - 3) Status of financing statement. Upon the filing of a continuation statement, the status of the financing statement remains active.
- j) Termination. Status of parties upon filing a termination.
- 1) Status of parties. The filing of a termination shall have no effect upon the status of any party to the financing statement.
 - 2) Status of financing statement. A termination shall have no effect upon the status of the financing statement. The financing statement shall remain active in the information management system until one year after it lapses, unless the termination relates to a financing statement that indicates it is filed against a transmitting utility, in which case the financing statement will become inactive one year after it is terminated with respect to all secured parties of record.
- k) Correction statement.
- 1) Status of parties. The filing of a correction statement shall have no effect upon the status of any party to the financing statement.
 - 2) Status of financing statement. A correction statement shall have no effect upon the status of the financing statement.
- l) Procedure upon lapse. If there is no timely filing of a continuation with respect to a financing statement, the financing statement lapses on its lapse date, but no action is then taken by the filing office. On the first anniversary of the lapse date, the information management system renders, or is caused to render, the financing statement inactive and the financing statement will no longer be made available to searchers, unless inactive statements are requested by the searcher and the financing statement is still retrievable by the information management system.

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(Source: Amended at 30 Ill. Reg. _____, effective _____)

Section 180.18 Search Requests and Reports

General requirements. The filing officer maintains for public inspection a searchable index for all records of UCC documents. The index shall provide for the retrieval of a record by the name of the debtor and by the file number of the initial financing statement of each filed UCC record relating to the initial financing statement.

- a) Search requests. Search requests shall contain the following information:
 - 1) Name searched. A search request should set forth the name of the debtor to be searched and must specify whether the debtor is an individual or an organization. A search request will be processed using the name in the exact form it is submitted. Each search request shall be limited to one debtor name.
 - 2) Requesting party. The name and address of the person to whom the search report is to be sent.
 - 3) Fee. The appropriate fee shall be enclosed, payable by a method described in Section 180.13 of this Part.
 - 4) Search request with filing. If a filer requests a search at the time a UCC record is filed, a UCC-11 form designating the exact debtor name from the initial financing statement shall be submitted~~the name searched will be the debtor name as set forth on the form.~~ The requesting party shall be the name and address to whom the search report should be sent~~the remitter of the UCC record,~~ and the search request shall be deemed to request a search that would retrieve all financing statements filed on or prior to the date the UCC record is filed. The filer shall submit the search request on a UCC-11 form.
- b) Rules applied to search requests. Search results are produced by the application of standardized search logic to the name presented to the filing officer. Human judgment does not play a role in determining the results of the search. The following rules apply to searches:
 - 1) There is no limit to the number of matches that may be returned in response to the search criteria.

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- 2) No distinction is made between upper and lower case letters.
- 3) Punctuation marks and accents are disregarded.
- 4) Words and abbreviations at the end of a name that indicate the existence or nature of an organization as set forth in the "Ending Noise Words" list as promulgated and adopted by the International Association of Corporation Administrators are disregarded. Such words include, but are not limited to, the following:

Agency	Incorporated	PLCC
Trustee	LC	Prof Assn
Assc	Limited	Prof Corp
Assn	Limited Liability	Professional
Assoc	Company	Association
Associates	Limited Liability	Professional
Association	Partnership	Corporation
Attorneys at Law	Limited	Professional
Bank	Partnership	Limited
Business Trust	LLC	Liability
Charter	LLLP	Company
Chartered	LLP	Real Estate
Co	LP	Investment Trust
Company	Ltd.	Registered
Corp	Ltd. Partnership	Limited
Corporation	MDPA	Liability
Credit Union	MDPC	Partnership
CU	Medical Doctors	REIT
FCU	Professional	RLLP
Federal Credit	Association	SA
Union	Medical Doctors	Savings
Federal Savings	Professional	Association
Bank	Corporation	Sole
FSB	NA	Proprietorship
Gen Part	National	SP
General	Association	SPA
Partnership	National Bank	Trust
GP	PA	Trustee
Inc	Partners	

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- 5) The word "the" if used anywhere in the search criteria is disregarded.
 - 6) All spaces are disregarded.
 - 7) For first and middle names of individuals, initials are treated as the logical equivalent of all names that begin with such initials, and first name and no middle name or initial is equated with all middle names and initials. For example, a search request for "John A. Smith" would cause the search to retrieve all filings against all individual debtors with "Johnjohn" or the initial "J" as the first name, "Smith" as the last name, and with the initial "A" or any name beginning with "A" in the middle name field. If the search were for "John Smith" (first and last names with no designation in the middle name field), the search would retrieve all filings against individual debtors with "John" or the initial "J" as the first name, "Smith" as the last name and with any name or initial or no name or initial in the middle name field.
 - 8) After using the preceding rules to modify the name to be searched, the search will reveal only names of debtors that are contained in unexpired financing statements and exactly match the name requested, as modified.
- c) Optional information. A UCC search request may contain any of the following information:
- 1) The request may limit the records requested by limiting them by the address of the debtor, the city of the debtor, the date of filing (or a range of filing dates) on the financing statements. A report created by the filing officer in response to such a request shall contain the statement "A limited search may not reveal all filings against the debtor searched and the searcher bears the risk of relying on such a search".
 - 2) The request may ask for copies of UCC records identified on the primary search response.
 - 3) Instructions on the mode of delivery desired, if other than by ordinary mail, which will be honored if the requested mode is available to the filing office.
- d) Search responses. Reports created in response to a search request shall include

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the following:

- 1) Filing officer. Identification of the filing officer and the certification of the filing officer required by law.
- 2) Report date. The date the report was generated.
- 3) Name searched. Identification of the name searched.
- 4) Certification date. The certification date and time for which the search is effective.
- 5) Identification of initial financing statements. Identification of each unlapsed initial financing statement filed on or prior to the certification date and time corresponding to the search criteria, by name of debtor, by identification number, and by file date and file time.
- 6) History of financing statement. For each initial financing statement on the report, a listing of all related UCC records filed by the filing officer on or prior to the certification date.
- 7) Copies. Copies of all UCC records revealed by the search and requested by the searcher.

(Source: Amended at 30 Ill. Reg. _____, effective _____)

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NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Illinois Health Insurance Portability and Accountability Standards
- 2) Code Citation: 50 Ill. Adm. Code 2025
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
2025.10	New Section
2025.20	New Section
2025.30	New Section
2025.40	New Section
2025.50	New Section
2025.60	New Section
2025.70	New Section
2025.80	New Section
- 4) Statutory Authority: Implementing the Illinois Health Insurance Portability and Accountability Act, [215 ILCS 97], and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401]
- 5) Effective Date of Adopted Rules: February 15, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the principal office of the Division of Insurance and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: February 18, 2005; 29 Ill. Reg. 2586
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between proposal and final version:

In 2025.20, last line, changed "the effective date of this Part" to "May 1, 2006".

In 2025.30, in the definitions of "Group Health Plan" and "Health Insurance Issuer", changed "Section" to "section".

In 2025.40, 4th line, changed "60" to "90".

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In 2025.50, 4th line, added "uniform" after "Any".

In 2025.50, 5th line, added "as provided by Sections 30(D) and 50(D) of the Act that have not previously been approved by the Division as required by Section 143(1) of the Code and consistent with the requirements of 50 Ill. Adm. Code 916" after "coverage".

In 2025.50, last line, deleted "and must be consistent with the requirements of 50 Ill. Adm. Code 916" after the statutory citation.

In 2025.70, second line, after "individual market", added "(see Section 5 of the Act)".

In 2025.70(d), third line, deleted "and" and added a comma in its place after "beneficiaries".

- 12) Have all 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: The Illinois Health Insurance Portability and Accountability Act sets forth requirements for companies to renew individual and group policies. This rule will provide uniformity for health insurance issuers by defining notice requirements, as well as requirements for modification, termination, discontinuance and rescission provisions to which all health insurance issuers must adhere.
- 16) Information and questions regarding these adopted rules shall be directed to:

Yvonne Clearwater
Department of Financial and Professional Regulation
Division of Insurance
320 West Washington Street
Springfield, Illinois 62767-0001

(217) 524-0194

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER Z: ACCIDENT AND HEALTH INSURANCE

PART 2025

ILLINOIS HEALTH INSURANCE PORTABILITY AND
ACCOUNTABILITY STANDARDS

Section	
2025.10	Purpose
2025.20	Applicability and Scope
2025.30	Definitions
2025.40	Notice Requirement to the Division
2025.50	Uniform Modification of Coverage
2025.60	Uniform Termination of Coverage
2025.70	Discontinuance of a Market
2025.80	Rescission in the Small Group Market

AUTHORITY: Implementing the Illinois Health Insurance Portability and Accountability Act [215 ILCS 97], and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

SOURCE: Adopted at 30 Ill. Reg. 2633, effective February 15, 2006.

Section 2025.10 Purpose

The purpose of this Part is to set forth requirements the Director deems necessary to implement the Health Insurance Portability and Accountability Act. This Part will provide uniformity for the health insurance issuer by defining notice requirements, as well as requirements for modification, termination, discontinuance and rescission provisions to which all health insurance issuers must adhere.

Section 2025.20 Applicability and Scope

This Part is applicable to all accident and health insurance policies and health maintenance organization contracts subject to the Illinois Health Insurance Portability and Accountability Act (IHIPAA) [215 ILCS 97], except those excluded by Section 45 of the Act that are issued, amended, delivered or renewed in this State on or after May 1, 2006.

Section 2025.30 Definitions

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Act means the Illinois Health Insurance Portability and Accountability Act [215 ILCS 97].

Anniversary Date means the annually recurring date of the initial issuance of the policy.

Code means the Illinois Insurance Code [215 ILCS 5].

Director means the Director of the Department of Financial and Professional Regulation-Division of Insurance.

Division means the Department of Financial and Professional Regulation-Division of Insurance.

Employee means any individual employed by an employer. (29 USC 1002(6))

Employer means any person acting directly as an employer, or indirectly in the interest of an employer, in relation to an employee benefit plan; and includes a group or association of employers acting for an employer in such capacity. Employer shall include only employers of 2 or more employees. (29 USC 1002(5))

Group Health Plan means an employee welfare benefit plan (as defined in section 3(1) of the Employee Retirement Income Security Act of 1974 (29 USC 1002)) to the extent that the plan provides medical care (as defined in paragraph (2) of that section and including items and services paid for as medical care) to employees or their dependents (as defined under the terms of the plan) directly or through insurance, reimbursement, or otherwise. [215 ILCS 97/5]

Health Insurance Issuer means an insurance company, insurance service, or insurance organization (including a health maintenance organization) which is licensed to engage in the business of insurance in a state and which is subject to Illinois law that regulates insurance (within the meaning of section 514(b)(2) of the Employee Retirement Income Security Act of 1974 (29 USC 1144)). This term does not include a group health plan. [215 ILCS 97/5]

Renewal Date means each annual anniversary date unless otherwise specifically defined by the contract. A renewal date may not be defined to a period shorter than the underwriting and benefit time frames established by the contract.

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Section 2025.40 Notice Requirement to the Division

In any case where a health insurance issuer elects to uniformly modify coverage, uniformly terminate coverage, or discontinue coverage in a marketplace, the health insurance issuer shall provide notice to the Division prior to notifying the plan sponsors, participants, beneficiaries and covered individuals. The notice shall be sent by certified mail to the Division 90 days in advance of any notification of the company's actions. The notice shall include a complete description of the action to be taken, a specific description of the type of coverage affected, the total number of covered lives affected, a draft of the letter being sent to the plan sponsors and participants, beneficiaries or covered individuals, time frames for the actions being taken and any options the plan sponsors, participants, beneficiaries or covered individuals may have available to them under the Act.

Section 2025.50 Uniform Modification of Coverage

Uniform modification to group or individual health insurance coverage may occur only at the time of coverage renewal. The modification of the health insurance coverage may include any changes to the health insurance coverage, including deductibles and copayments. Changes to the premium are not considered modifications of health insurance coverage. Any uniform modifications made to the health insurance coverage as provided by Sections 30(D) and 50(D) of the Act that have not previously been approved by the Division as required by Section 143(1) of the Code and consistent with the requirements of 50 Ill. Adm. Code 916 must first be filed with the Division for approval as required by Section 143(1) of the Code [215 ILCS 5/143(1)].

Section 2025.60 Uniform Termination of Coverage

When a health insurance issuer decides to discontinue offering a particular type of health insurance coverage, the health insurance issuer must adhere to the following requirements:

- a) The health insurance issuer may only discontinue a particular type of health insurance coverage upon the renewal date of the coverage. The statutory 90 day notice given to plan sponsors, participants, beneficiaries and covered individuals must be 90 days prior to the renewal date of the health insurance coverage.
- b) The notice of discontinuance of coverage must be sent to all the following: the plan sponsor, participant and beneficiaries, or, if the coverage is an individual policy, the covered individual.

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- c) The health insurance issuer must offer to be purchased all products being marketed in that market. The health insurance issuer may not limit which products are to be offered for purchase.
- d) The health insurance issuer discontinuing the coverage must be the same company required to offer other health insurance coverage in the market to the plan sponsor or covered individual. It may not be an affiliated company unless approved by the Director.

Section 2025.70 Discontinuance of a Market

When a health insurance issuer elects to discontinue offering all health insurance coverage in the small group market, large group market or individual market (see Section 5 of the Act), the health insurance issuer must adhere to the following requirements:

- a) Provide notice to the Division of Insurance as outlined in Section 2025.40 of this Part.
- b) Provide notice to the Illinois Comprehensive Health Insurance Plan prior to notifying the plan sponsors, participants, beneficiaries and covered individuals. The notice shall include a specific description of the type of coverage being discontinued, the total of covered lives affected and the time frames for the discontinuation.
- c) The notice of discontinuation of coverage must be sent to all the following: the plan sponsor, participant and beneficiaries, or, if the coverage is an individual policy, the covered individual.
- d) The health insurance issuer may only discontinue the health insurance coverage upon the renewal date of the coverage. The 180 day notice given to plan sponsors, participants, beneficiaries and covered individuals must be 180 days prior to the renewal date of the health insurance coverage.

Section 2025.80 Rescission in the Small Group Market

- a) A health insurance issuer in the small group market may not rescind an individual's health insurance coverage based on health conditions. The health insurance issuer may adjust the premium if a lower than appropriate premium resulted from the misrepresentation of health conditions, by either the employer or

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

employee. The premium may be adjusted to reflect the current rating for the group.

- b) The health insurance issuer may rescind a small employer policy or employee certificate if fraud is proven in a court of law.

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Practice and Procedure for Appeals Before the Property Tax Appeal Board
- 2) Code Citation: 86 Ill. Adm. Code 1910
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1910.50	Amended
1910.55	New Section
1910.66	Amended
1910.90	Amended
- 4) Statutory Authority: 35 ILCS 200/Art.7 and 16-180 through 16-195
- 5) Effective Date of Amendments: February 15, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: November 4, 2005; 29 Ill. Reg. 18071
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: There were changes made between the proposal and the final version of the rules. Language was added in Section 1910.50 to insure that a party could object to a dismissal if it is in the process of preparing evidence but has not yet submitted it. The time to respond to a proposed stipulation was extended from 15 to 30 days in Section 1910.55. Also, in Section 1910.55, the Board will not issue a decision on a stipulation until the time for intervention has expired. In Section 1910.66, in all appeals where a change in assessed valuation of \$100,000 or more was sought, the Board will grant one 30-day extension of time to submit rebuttal evidence.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? No

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any other amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
1910.50	Amended	30 Ill. Reg. 1816; February 10, 2006
1910.67	Amended	30 Ill. Reg. 1816; February 10, 2006
1910.76	Amended	29 Ill. Reg. 13983; September 16, 2005
1910.91	New Section	30 Ill. Reg. 1816; February 10, 2006
1910.92	New Section	29 Ill. Reg. 13983; September 16, 2005
1910.98	New Section	30 Ill. Reg. 1816; February 10, 2006

- 15) Summary and Purpose of Amendments: This rulemaking involves four changes. In Section 1910.50, language pertaining to stipulations was removed and transferred to a new Section. It also clarifies language regarding dismissal of an appeal and the right to object to such an action. Section 1910.55 was added to group all existing provisions dealing with stipulations together and add new language codifying the manner in which staff has processed these documents in the past. Section 1910.66 was amended to further clarify the meaning of the term and to add one 30-day extension of time in which to submit rebuttal evidence provided certain conditions are met. Section 1910.90 was amended to remove language relating to stipulations and transfer it to a new Section.

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

James W. Chipman - Executive Director
 Property Tax Appeal Board
 Rm. 402, Stratton Office Building
 401 S. Spring St.
 Springfield, Illinois 62706

(217) 782-6076
james.chipman@illinois.gov

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

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE

CHAPTER II: PROPERTY TAX APPEAL BOARD

PART 1910

PRACTICE AND PROCEDURE FOR APPEALS
BEFORE THE PROPERTY TAX APPEAL BOARD

Section

1910.5	Construction and Definitions
1910.10	Statement of Policy
1910.11	Rules of Order
1910.20	Correspondence
1910.25	Computing Time Limits
1910.30	Petitions – Application
1910.40	Board of Review Response to Petition Application
1910.50	Determination of Appealed Assessment
1910.55	Stipulations
1910.60	Interested Parties – Intervention
1910.63	Burdens of Proof
1910.64	Motion Practice – Service of Papers
1910.65	Documentary Evidence
1910.66	Rebuttal Evidence
1910.67	Hearings
1910.68	Subpoenas
1910.69	Sanctions
1910.70	Representation at Hearings
1910.71	Ex Parte Communications
1910.72	Informal Settlement Conference
1910.73	Pre-hearing Conference – Formal Settlement Conference
1910.74	Administrative Review
1910.75	Access to Board Records – Freedom of Information Procedures
1910.76	Publication of Annual Synopsis
1910.77	Withdrawals and Substitutions of Attorneys
1910.78	Consolidation of Appeals
1910.80	Forms
1910.90	Practice Rules
1910.93	Request for Witnesses
1910.95	Separability (Renumbered)
1910.100	Severability

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENTS

AUTHORITY: Implementing and authorized by Article 7 and Sections 16-180 through 16-195 of the Property Tax Code [35 ILCS 200/Art. 7 and 16-180 through 16-195].

SOURCE: Adopted at 4 Ill. Reg. 23, p. 106, effective May 27, 1980; codified at 8 Ill. Reg. 19475; amended at 13 Ill. Reg. 16454, effective January 1, 1990; amended at 21 Ill. Reg. 3706, effective March 6, 1997; amended at 21 Ill. Reg. 11949, effective August 13, 1997; amended at 21 Ill. Reg. 14551, effective October 27, 1997; amended at 22 Ill. Reg. 957, effective December 19, 1997; amended at 22 Ill. Reg. 16533, effective September 2, 1998; amended at 24 Ill. Reg. 1233, effective January 5, 2000; amended at 29 Ill. Reg. 13574, effective August 19, 2005; amended at 29 Ill. Reg. 21046, effective December 16, 2005; amended at 30 Ill. Reg. 1419, effective January 20, 2006; amended at 30 Ill. Reg. 2640, effective February 15, 2006.

Section 1910.50 Determination of Appealed Assessment

- a) *All proceedings before the Property Tax Appeal Board shall be considered de novo meaning the Board will consider only the evidence, exhibits and briefs submitted to it, and will not give any weight or consideration to any prior actions by a local board of review or to any submissions not timely filed or not specifically made a part of the record. The Board shall not be limited to the evidence presented to the board of review of the county. A party participating in the hearing before the Property Tax Appeal Board is entitled to introduce evidence that is otherwise proper and admissible without regard to whether that evidence has previously been introduced at a hearing before the board of review of the county. Each appeal shall be limited to the grounds listed in the petition filed with the Board. (Section 16-180 of the Code)*
- b) *The Property Tax Appeal Board may accept into the record all evidence, exhibits and briefs submitted by all interested parties and render a decision without holding a hearing. On its own motion, the Board may order a hearing to be held at a time and place designated by the Board. A hearing shall be granted if any party to the appeal submits a request in writing. (Section 16-170 of the Code)*
- c) The decisions of the Property Tax Appeal Board will be based on equity and the weight of the evidence.
 - 1) In all counties other than Cook, a three-year county wide assessment level to be based on relevant sales during the previous three years as certified by the Department of Revenue will be considered where sufficient probative evidence is presented indicating the estimate of full market value of the subject property on the relevant real property assessment date of January

PROPERTY TAX APPEAL BOARD

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- 1.
- 2) In Cook County, for residential property of six units or less currently designated as Class 2 real estate according to the Cook County Real Property Assessment Classification Ordinance, as amended, where sufficient probative evidence indicating the estimate of full market value of the subject property on the relevant assessment date is presented, the Board may consider evidence of the appropriate level of assessment for property in that class. Such evidence may include:
 - A) the Department of Revenue's annual sales ratio studies for Class 2 property for the previous three years; and
 - B) competent assessment level evidence, if any, submitted by the parties pursuant to this Part.
- 3) In Cook County, for all other classes of property, where sufficient probative evidence indicating the estimate of full market value of the subject property on the relevant assessment date is presented, the Board may consider competent evidence admitted pursuant to this Part, if any, which is relevant to the level of assessment applicable to the subject property under the Illinois Constitution, the Illinois Property Tax Code, and the Cook County Real Property Assessment Classification Ordinance, as amended.
- d) Whether or not a hearing is held in the appeal proceeding, the proceeding before the Property Tax Appeal Board shall be terminated when the Board renders a decision. The Board may revise and/or correct a decision upon its own initiative at any time prior to the expiration of the administrative review filing period as provided in Section 16-195 of the Property Tax Code if a mistake in the calculation of an assessment or other clerical error is discovered. In such event, the Board shall issue an amended decision. The decision or order of the Property Tax Appeal Board in any such appeal shall, within 10 days after it is made and entered, be certified to every party to the proceeding and to the proper authorities, including the board of review whose decision was appealed, the County Clerk who extends taxes upon the assessment in question, and the County Collector (Treasurer) who collects property taxes upon such assessment.
- e) A majority of the Members of the Board is required to make a decision of the Board.

PROPERTY TAX APPEAL BOARD

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- f) *If a petition is filed by a taxpayer with the Property Tax Appeal Board, the taxpayer is precluded from filing objections based upon valuation in the Circuit Court as may otherwise be permitted by Sections 21-175 and 23-5 of the Property Tax Code. (Section 16-160 of the Code)*
- g) *If a taxpayer files objections based upon valuation in the Circuit Court as permitted by Sections 21-175 and 23-5 of the Property Tax Code, the taxpayer is precluded from filing a petition contesting the assessment of the subject property with the Property Tax Appeal Board. (Section 16-160 of the Code)*
- h) *If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the board of review or after adjournment of the session of the board of review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of the written notice of the Property Tax Appeal Board decision, appeal the assessment for such subsequent year directly to the Property Tax Appeal Board. (Section 16-185 of the Code)*
- i) *If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225 of the Code, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review. (Section 16-185 of the Code)*
- j) ~~If a stipulation is agreed to by all interested parties, it may be taken into consideration by the Property Tax Appeal Board but must be supported by evidence in the record. The Board reserves the right to write a decision based on the facts, evidence and exhibits in the record.~~
- jk) The contesting party may, at any time before the hearing begins, ~~upon notice to the parties to the appeal,~~ move to withdraw or voluntarily dismiss the appeal, by written request filed with the Board and all other parties to the appeal. However, where a party to the appeal has filed substantive evidence or is in the process of preparing substantive evidence in response to the contesting party's petition, a dismissal will only be granted if no written objection is ~~objections are~~ made by

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENTS

~~that any party to the appeal.~~ A party that has not filed substantive evidence in response to the contesting party's petition shall not be permitted to object to the dismissal of the appeal.

(Source: Amended at 30 Ill. Reg. 2640, effective February 15, 2006)

Section 1910.55 Stipulations

- a) It is the policy of the Property Tax Appeal Board that the parties to an appeal should, to the fullest extent possible, stipulate to all matters that are not, or fairly should not be, in dispute. Prior to the hearing, during a prehearing conference, or during the hearing of any appeal, the parties may file a stipulation setting forth all pertinent facts that are not in dispute, a list of all exhibits to which there are no objections, and any other matters that are not in dispute.
- b) If a stipulation is agreed to by all interested parties, it may be taken into consideration by the Property Tax Appeal Board, but must be supported by evidence in the record. The Board reserves the right to write a decision based on the facts, evidence and exhibits in the record.
- c) If the Board is able to ascertain the correct assessment of the subject property, it will issue a decision notwithstanding any typographical or clerical errors, including but not limited to an erroneous increase of valuation of particular permanent index numbers, on the stipulation form. When a party or parties propose to stipulate to a revised assessment of the property, the Board shall forward the proposed stipulation or assessment agreement to all other parties and those parties shall have 30 days to file a written objection to the proposal. Failure to object within the 30-day period to the proposed assessment shall be considered acceptance of the stipulation or assessment agreement and the Board shall issue a decision in accordance with the stipulation or agreement. The Board shall not issue a decision based on the proposed stipulation or assessment agreement prior to the expiration of the time period for intervention as provided in Section 1910.60 of this Part.
- d) A stipulation or assessment agreement shall be in writing and be clear and concise. Documents or papers or other exhibits annexed to or filed with a stipulation or agreement will be considered part of the stipulation or agreement. A stipulation or agreement shall be treated, to the extent of its terms, as a conclusive admission by the parties to the facts or issues stipulated or agreed to.

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 30 Ill. Reg. 2640, effective February 15, 2006)

Section 1910.66 Rebuttal Evidence

- a) Upon receipt of the argument and accompanying documentation filed by a party, any other party may, within 30 days after the postmark date of the Board's notice, file written or documentary rebuttal evidence. Rebuttal evidence shall consist of written or documentary evidence submitted to explain, repel, counteract or disprove facts given in evidence by an adverse party and must tend to explain or contradict or disprove evidence offered by an adverse party. Rebuttal evidence shall include a written factual critique based on applicable facts and law, a review appraisal, or an analysis of an adverse party's appraisal prepared by a person who is an expert in the appraisal of real estate. This written critique, review appraisal, or analysis must be submitted within the responding party's 30-day rebuttal period pursuant to this Section.
- b) In any appeal in which a change in assessed valuation of \$100,000 or more is sought, the Board shall grant one 30-day extension of time to submit rebuttal evidence upon good cause shown in writing. Good cause shall include the complexity of the appeal, the volume of the evidence submitted by an opposing party, and the inability of a rebuttal appraiser to complete the review and written critique within the 30-day filing period. A request for an extension of time to submit rebuttal evidence shall be in writing, supported by affidavit, and served on the Board and all other parties to the appeal. No further extensions to submit rebuttal evidence shall be granted. Rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties. A party to the appeal shall be precluded from submitting its own case in chief in the guise of rebuttal evidence.
- c) Rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties. A party to the appeal shall be precluded from submitting its own case in chief in the guise of rebuttal evidence.

(Source: Amended at 30 Ill. Reg. 2640, effective February 15, 2006)

Section 1910.90 Practice Rules

- a) The provisions of this Section are promulgated pursuant to Section 16-180 of the Code and shall apply to all appeals before the Property Tax Appeal Board. Nothing contained in this Section shall in any way negate, limit, modify or

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENTS

otherwise affect any of the powers, duties or authority of the Board under the Code.

- b) Appeals filed with the Property Tax Appeal Board shall be set for hearing pursuant to Section 1910.67 of this Part. All hearings once commenced shall continue on successive work days until completed unless any Member or designated Hearing Officer orders a continuance of the hearing pursuant to subsection (d) of this Section. All hearings shall be open to the public.
- c) The sequence to be followed for all hearings before the Property Tax Appeal Board shall be as follows:
 - 1) Preliminary matters – motions or objections, or attempts to narrow issues or limit evidence shall be heard first;
 - 2) Opening statements – the contesting party shall proceed first, followed by the board of review and intervenors, if any; opening statements may be waived or may be reserved and presented prior to the commencement of a party's case in chief;
 - 3) Case in chief – the evidence and witnesses presented to prove the position of the contesting party shall be heard first, followed by those of the board of review and intervenors, if any; as witnesses complete their testimony, they are subject to cross-examination by the Hearing Officer and the other parties to the appeal; witnesses may be questioned under redirect examination where necessary;
 - 4) Rebuttal – the evidence and witnesses presented to rebut the evidence offered in opposition to the contesting party's position shall be heard after the completion of the cases in chief of all parties, followed by the rebuttal evidence and witnesses of the board of review and intervenors, if any;
 - 5) Closing statements – the closing argument of the contesting party shall be heard first, followed by the closing arguments of the board of review and intervenors, if any; the contesting party shall be permitted a brief rebuttal at the end of the closing arguments of the other parties.
- d) Continuances of appeals set for hearing shall be granted pursuant to Section 1910.67(ij) of this Part; a hearing which has commenced may be continued by order of the Hearing Officer to permit further testimony or argument only if the

PROPERTY TAX APPEAL BOARD

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time allotted for the hearing has expired.

- e) All witnesses appearing before the Property Tax Appeal Board shall testify under oath or affirmation.
- f) Any party may object to the admissibility of evidence or testimony, and such objections must clearly state the specific ground or rule of law which is the basis for the objection.
 - 1) When an objection is made to the admissibility of evidence prior to the hearing of the appeal, the objection must be made in writing. A copy of the objection shall be transmitted to all other parties to the appeal, and the Property Tax Appeal Board shall solicit responses thereto from all other parties. The Board shall issue its ruling on such objection in writing prior to the hearing of the appeal.
 - 2) When an objection is made to the admissibility of evidence or testimony during the hearing, the Hearing Officer may either sustain or overrule the objection if it is based on the provisions of this Part, or may reserve the ruling and permit the testimony and/or evidence into the record subject to the ruling of the Property Tax Appeal Board on the objection in its decision for the appeal.
 - 3) Any party offering evidence which is ruled inadmissible shall be permitted to make an offer of proof upon motion made at the hearing.
- g) The Property Tax Appeal Board or its designated Hearing Officer may exclude inadmissible evidence upon its own motion.
- h) Writings, documents and all copies thereof submitted to the Property Tax Appeal Board shall be legible, and exhibits shall be plainly marked and identified. All exhibits and documentation discussed during the hearing shall be marked for identification by the Hearing Officer.
- i) The Property Tax Appeal Board may take official notice of decisions it has rendered, matters within its specialized knowledge and expertise, and all matters of which the Circuit Courts of this State may take judicial notice.
- j) Any party or his witness may be called by any other party as an adverse witness and examined as if under cross-examination in the same manner and under the

PROPERTY TAX APPEAL BOARD

NOTICE OF ADOPTED AMENDMENTS

same circumstances as provided in Section 2-1102 of the Code of Civil Procedure [735 ILCS 5/2-1102]. Upon a showing that a witness was called in good faith and that the party calling him is surprised by his testimony, examination of the witness may proceed as if under cross-examination, and the testimony of the witness may be impeached by prior statements or otherwise.

- k) The Hearing Officer presiding over or scheduled to preside over a Property Tax Appeal Board hearing may be disqualified from the hearing as follows:
- 1) Any interested party may move for the disqualification of a Hearing Officer based on bias or a conflict of interest. The motion must be in writing and must state specific facts establishing that bias or a conflict of interest exists. Adverse rulings in pending or prior appeals shall not be sufficient to establish bias or a conflict of interest.
 - 2) A motion for disqualification shall be made promptly after the moving party learns the identity of the Hearing Officer or after learning facts that establish grounds for disqualification. The motion shall be presented to the Chairman of the Board or the Executive Director. If bias or a conflict of interest is found to exist, another Hearing Officer shall be appointed as soon as possible.
 - 3) The Hearing Officer may at any time voluntarily disqualify himself or herself.
- l) ~~It is the policy of the Property Tax Appeal Board that the parties to an appeal should to the fullest extent possible stipulate all matters which are not or fairly should not be in dispute. Prior to the hearing, during a prehearing conference or during the hearing of any appeal, the parties may file a stipulation setting forth all pertinent facts that are not in dispute, a list of all exhibits to which there are no objections, and any other matters that are not in dispute.~~
- m) Decisions of the Property Tax Appeal Board shall dispose of contested matters upon the merits and shall set forth the Board's findings of fact and conclusions of law, and shall be served by mail on the persons and parties affected thereby as provided in Section 16-185 of the Code. Decisions of the Board shall be based on the evidence contained in the administrative record.

(Source: Amended at 30 Ill. Reg. 2640, effective February 15, 2006)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Trifecta
- 2) Code Citation: 11 Ill. Adm. Code 306
- 3) Section Number: 306.30 Adopted Action:
Amended
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: February 21, 2006
- 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: 29 Ill. Reg. 11755; July 29, 2005.
- 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 letter issued by JCAR? Yes
- 13) Will this amendment replace any emergency amendment currently in effect? No
- 14) Are there any other proposed amendments pending on this Part? Yes

<u>Section Number:</u> 306.20	<u>Proposed Action:</u> Amend	<u>Illinois Register Citation:</u> 30 Ill. Reg. 2487; February 24, 2006
----------------------------------	----------------------------------	--
- 15) Summary and purpose of rulemaking: In the event of a scratch, this rulemaking will provide additional and competitive wagering opportunities for fans by eliminating the need to cancel trifecta wagering.
- 16) Information and questions regarding this adopted amendment shall be directed to:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

Illinois Racing Board
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:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULESPART 306
TRIFECTA

Section	
306.10	Definition
306.20	Entries
306.30	Minimum Fields
306.40	Pool Distribution
306.50	Dead Heats
306.60	Scratches

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

SOURCE: Adopted at 19 Ill. Reg. 15225, effective November 1, 1995; amended at 24 Ill. Reg. 7397, effective May 1, 2000; amended at 26 Ill. Reg. 4900, effective March 20, 2002; amended at 26 Ill. Reg. 12355, effective August 1, 2002; amended at 27 Ill. Reg. 5024, effective March 7, 2003; amended at 30 Ill. Reg. 2651, effective February 21, 2006.

Section 306.30 Minimum Fields

- a) Trifecta wagering shall not be scheduled on a race unless at least six betting interests are carded. In the event of a scratch, trifecta wagering on a race in which five betting interests remain is permissible, provided there are no uncoupled entries.be prohibited on races with fewer than 6 betting interests at the start of the race.
- b) This Section shall not be applicable to Stakes Races.

(Source: Amended at 30 Ill. Reg. 2651, effective February 21, 2006)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Superfecta
 - 2) Code Citation: 11 Ill. Adm. Code 311
 - 3) Section Number: Adopted Action:
311.35 Amended
 - 4) Statutory Authority: 230 ILCS 5/9(b)
 - 5) Effective Date of Rulemaking: February 21, 2006
 - 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: 29 Ill. Reg. 11763; July 29, 2005.
 - 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 letter issued by JCAR? Yes
 - 13) Will these amendments replace any emergency amendments currently in effect? No
 - 14) Are there any other proposed amendments pending on this Part? Yes
- | <u>Section Numbers:</u> | <u>Proposed Action:</u> | <u>Illinois Register Citation:</u> |
|-------------------------|-------------------------|--------------------------------------|
| 311.35 | Amend | 30 Ill. Reg. 2491; February 24, 2006 |
| 311.40 | Amend | 30 Ill. Reg. 2491; February 24, 2006 |
- 15) Summary and purpose of rulemaking: In the event of a scratch, this rulemaking will provide additional and competitive wagering opportunities for fans by eliminating the need to cancel superfecta wagering.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

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

Illinois Racing Board
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:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING
CHAPTER I: ILLINOIS RACING BOARD
SUBCHAPTER a: GENERAL RULESPART 311
SUPERFECTA

Section	
311.10	Superfecta
311.20	Pool Distribution
311.25	Scratches
311.30	Dead Heats
311.35	Minimum Fields
311.40	Entries

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

SOURCE: Adopted at 18 Ill. Reg. 7440, effective May 8, 1994; amended at 19 Ill. Reg. 6663, effective May 1, 1995; amended at 26 Ill. Reg. 4903, effective March 20, 2002; amended at 26 Ill. Reg. 12357, effective August 1, 2002; emergency amendment at 26 Ill. Reg. 14702, effective September 16, 2002, for a maximum of 150 days; emergency expired February 12, 2003; emergency amendment at 26 Ill. Reg. 16854, effective November 15, 2002, for a maximum of 150 days; emergency expired April 13, 2003; amended at 28 Ill. Reg. 7121, effective May 10, 2004; amended at 29 Ill. Reg. 14024, effective September 1, 2005; amended at 30 Ill. Reg. 2654, effective February 21, 2006.

Section 311.35 Minimum Fields

- a) Superfecta wagering shall not be scheduled on a race unless at least seven betting interests are carded. In the event of a scratch, superfecta wagering on a race in which six betting interests remain is permissible, provided there are no uncoupled entries.~~be prohibited on races with fewer than seven betting interests at the start of the race.~~
- b) This Section shall not be applicable to thoroughbred stakes races or standardbred stakes races with a minimum purse of \$50,000.

(Source: Amended at 30 Ill. Reg. 2654, effective February 21, 2006)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Procedures for Issuing Loans from the Water Pollution Loan Program
- 2) Code Citation: 35 Ill. Adm. Code 365
- 3) The Notice of Proposed Amendments being corrected appeared at 30 Ill. Reg. 2002, dated February 17, 2006.
- 4) The information to be corrected is as follows: The Part number "365." is added in #3 of the notice page before the 2 appendices that are listed. Thus, "Appendix A Exhibit C" is corrected to "365.Appendix A. Exhibit C" and the same correction is made for "365.Appendix A. Exhibit D".

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: HIV/AIDS Confidentiality and Testing Code
- 2) Code Citation: 77 Ill. Adm. Code 697
- 3) The Notice of Adopted Amendments being corrected appeared at 30 Ill. Reg. 2373, dated February 17, 2006.
- 4) The information being corrected is as follows:

<u>Section Numbers:</u>	<u>Adopted Action:</u>
697.20	Amendment
697.100	Amendment
697.140	Amendment
697.300	Amendment
697.Appendix A.Illustration A	Amendment
697.Appendix C	New Section

The Part number "697." is added before each Appendix in the list above.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO EMERGENCY RULEMAKING

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

Heading of the Part: Extensions of Jurisdiction

Code Citation: 80 Ill. Adm. Code 305

Section Number: 305.250

Date Originally Published in the Illinois Register: 1/27/06
30 Ill. Reg. 1378

At its meeting on February 14, 2006, the Joint Committee on Administrative Rules considered the above cited emergency rule and recommended that, in the future, the Department of Central Management Services institute rulemaking changes to conform to collective bargaining agreements in a more timely manner to avoid the need for emergency rulemaking when possible.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO
EMERGENCY RULEMAKING

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

Heading of the Part: Illinois Cares Rx Program

Code Citation: 89 Ill. Adm. Code 119

Section Number: 119.80

Date Originally Published in the Illinois Register: 1/13/06
30 Ill. Reg. 482

At its meeting on February 14, 2006, the Joint Committee on Administrative Rules objected to Section 119.180 of the emergency rules of the Department of Healthcare and Family Services titled Illinois Cares Rx Program (89 Ill. Adm. Code 119; 30 Ill. Reg. 482) because HFS omitted adrenocortical steroids and respiratory enzymes from the drugs covered under the Rx Basic plan. HFS has stated that this was a mistake and that it plans to continue to cover these medications as it did under Circuit Breaker. Statute requires HFS to cover any drugs used to treat the listed diseases. This emergency rule needs to be modified to include the 2 accidentally omitted classes of drugs and avoid HFS implementation of policy not in rule.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO
EMERGENCY RULEMAKING

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

Heading of the Part: Long Term Care Reimbursement Changes

Code Citation: 89 Ill. Adm. Code 153

Section Number: 153.125

Date Originally Published in the Illinois Register: 1/13/06
30 Ill. Reg. 616

At its meeting on February 14, 2006, the Joint Committee on Administrative Rules objected to the Department of Healthcare and Family Services' emergency rulemaking titled Long Term Care Reimbursement Changes (89 Ill. Adm. Code 153; 30 Ill. Reg. 616) because HFS has no authority to reduce the statutorily authorized rate increase of 3% to 2.69% in rules.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

DEPARTMENT OF HUMAN SERVICES

Heading of the Part: Child Care

Code Citation: 89 Ill. Adm. Code 50

Section Numbers: 50.230 50.320

Date Originally Published in the Illinois Register: 8/26/05
29 Ill. Reg. 13156

At its meeting on February 14, 2006, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommended that DHS pay closer attention to its future rulemaking activities so that gaps do not occur between the expiration of the emergency rule and adoption of the permanent rulemaking, to avoid a time period in which it is enforcing policy not in rule.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

DEPARTMENT OF PUBLIC HEALTH

Heading of the Part: Skilled Nursing and Intermediate Care Facilities Code

Code Citation: 77 Ill. Adm. Code 300

Section Numbers: 300.330 300.615 300.620
 300.625 300.626 300.627

Date Originally Published in the Illinois Register: 9/2/05
 29 Ill. Reg. 13346

At its meeting on February 14, 2006, the Joint Committee on Administrative Rules considered the agency response for the above cited rulemaking and recommended that DPH further amend the rulemaking to allow facilities to determine the order in which, and frequency at which, criminal history record information is requested for current residents, as long as the information is requested on all current residents by May 31, 2006.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

DEPARTMENT OF PUBLIC HEALTH

Heading of the Part: Sheltered Care Facilities Code

Code Citation: 77 Ill. Adm. Code 330

Section Numbers: 330.330 330.715 330.720
 330.725 330.726 330.727

Date Originally Published in the Illinois Register: 9/2/05
 29 Ill. Reg. 13389

At its meeting on February 14, 2006, the Joint Committee on Administrative Rules considered the agency response for the above cited rulemaking and recommended that DPH further modify the rulemaking to allow facilities to determine the order in which, and frequency at which, criminal history record information is requested for current residents, as long as the information is requested on all current residents by May 31, 2006.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

DEPARTMENT OF PUBLIC HEALTH

Heading of the Part: Emergency Medical Services and Trauma Center Code

Code Citation: 77 Ill. Adm. Code 515

Section Number: 515.380

Date Originally Published in the Illinois Register: 10/28/05
29 Ill. Reg. 16357

At its meeting on February 14, 2006, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommended that DPH pay closer attention to its future rulemaking activities so that gaps do not occur between the expiration of the emergency rule and adoption of the permanent rulemaking, to avoid a time period in which it is enforcing policy not in rule.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

NOTICE OF FAILURE TO REMEDY

POLLUTION CONTROL BOARD

- 1) Heading of Part: Effluent Standards
- 2) Code Citation: 35 Ill. Adm. Code 304
- 3) Section Number: 304.123
- 4) Notice of Proposal published in Illinois Register: 5/6/05
29 Ill. Reg. 6200
- 5) Date JCAR issued Statement of Objection: 12/13/05
- 6) Summary of Action taken by the Agency: PCB disagreed that the rulemaking would impose an undue economic burden on the regulated community.
- 7) JCAR Action: Because PCB's response does not remedy JCAR's Objection, at its February 14, 2006 meeting JCAR voted to publish a Notice of Failure to Remedy.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of February 14, 2006 through February 20, 2006 and have been scheduled for review by the Committee at its March 14, 2006 meeting in Springfield. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
3/31/06	<u>Department of Human Services</u> , Food Stamps (89 Ill. Adm. Code 121)	10/28/05 29 Ill. Reg. 16344	3/14/06
3/31/06	<u>Department of Human Services</u> , Temporary Assistance for Needy Families (89 Ill. Adm. Code 112)	10/28/05 29 Ill. Reg. 16330	3/14/06
3/31/06	<u>Illinois Emergency Management Agency</u> , Licensing of Radioactive Material (32 Ill. Adm. Code 330)	11/18/05 29 Ill. Reg. 18517	3/14/06
3/31/06	<u>Illinois Emergency Management Agency</u> , Medical Use of Radioactive Material (32 Ill. Adm. Code 335)	11/18/05 29 Ill. Reg. 18617	3/14/06
3/31/06	<u>Illinois Emergency Management Agency</u> , Radioactive Materials Transportation (32 Ill. Adm. Code 341)	11/18/05 29 Ill. Reg. 18748	3/14/06
3/31/06	<u>Illinois Emergency Management Agency</u> , Radiation Safety Requirements for Industrial Radiographic Operations (32 Ill. Adm. Code 350)	11/18/05 29 Ill. Reg. 18755	3/14/06

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

3/31/06	<u>Board of Higher Education</u> , Health Services Education Grants Act (23 Ill. Adm. Code 1020)	12/23/05 29 Ill. Reg. 20595	3/14/06
4/1/06	<u>State Universities Retirement System</u> , Universities Retirement (80 Ill. Adm. Code 1600)	12/2/05 29 Ill. Reg. 19517	3/14/06
4/1/06	<u>State Board of Elections</u> , Practice and Procedure (26 Ill. Adm. Code 125)	12/9/05 29 Ill. Reg. 19766	3/14/06
4/1/06	<u>State Board of Elections</u> , Established Political Party and Independent Candidate Nominating Petitions (26 Ill. Adm. Code 201)	11/18/05 29 Ill. Reg. 18509	3/14/06
4/1/06	<u>State Board of Elections</u> , New Political Party Nominating Petitions (26 Ill. Adm. Code 202)	11/18/05 29 Ill. Reg. 18513	3/14/06
4/2/06	<u>Illinois Gaming Board</u> , Riverboat Gambling (86 Ill. Adm. Code 3000)	12/30/05 29 Ill. Reg. 20724	3/14/06

EXECUTIVE ORDER

2006-04**EXECUTIVE ORDER CREATING THE GOVERNOR'S
ILLINOIS ABRAHAM LINCOLN BICENTENNIAL COMMISSION**

WHEREAS, Abraham Lincoln lived in Illinois from 1830 to 1861, passing during that time from a young adult to maturity as President of the United States during a critical point in the nation's history;

WHEREAS, he settled in Macon County in 1830 with his father's family and in 1831 set out on his own at New Salem in Menard County on a personal journey that took him from an unskilled laborer, store clerk, postmaster, surveyor, and self-taught lawyer to a state legislator and the nation's sixteenth president;

WHEREAS, Lincoln was inspired to enter the national political scene when the 1854 repeal of the Missouri Compromise threatened to expand slavery;

WHEREAS, he rose to national prominence in 1858 during the Lincoln-Douglas Debates where he appealed to the common sense and humanity of the people in charting a course for the country's future that embraced freedom for all its citizens;

WHEREAS, Abraham Lincoln lived, practiced law, married, and raised a family in Springfield from 1837 to his departure as president-elect to Washington, D. C., on February 11, 1861;

WHEREAS, determining that union could not be maintained by peaceful means, Abraham Lincoln preserved the United States of America through the crucible of civil war and encouraged re-union "with malice toward none and charity for all;"

WHEREAS, the martyred president lies at rest at Oak Ridge Cemetery in Springfield, and his exemplary life is commemorated at numerous private and public historic sites in Illinois;

WHEREAS, there is a national effort underway to commemorate the bicentennial anniversary of the 1809 birth of Abraham Lincoln, as historians have consistently regarded him as one of the nation's most significant presidents;

WHEREAS, many Illinois historical, tourist, and civic groups are beginning preparations for events and activities to commemorate the bicentennial of Lincoln's birth;

WHEREAS, it is desirable for the State of Illinois to create a commission to plan and carry out its own bicentennial tributes to Abraham Lincoln, and to coordinate those activities with the federal government's Abraham Lincoln Bicentennial Commission and other interested parties.

EXECUTIVE ORDER

THEREFORE, I, Rod R. Blagojevich, hereby order the following:

I. ESTABLISHMENT

- A. There shall be established the Illinois Abraham Lincoln Bicentennial Commission (the "Commission").
- B. The commission shall be provided assistance and support services by the Office of the Governor, the Illinois Historic Preservation Agency, the Illinois Bureau of Tourism, and other planning agencies of state government in organizing the bicentennial celebration.

II. MEMBERSHIP

- A. The Commission shall include the following individuals or their respective designees: Governor, President of the Senate, Senate Minority Leader, Speaker of the House, House Minority Leader, Attorney General, Lieutenant Governor, Treasurer, Comptroller, Secretary of State, Illinois Congressional Delegation, Mayor of Chicago, and Mayor of Springfield.
- B. Membership shall also include representatives from the following organizations: Abraham Lincoln Presidential Library and Museum, Abraham Lincoln Presidential Library and Museum Foundation, Illinois Historic Preservation Agency, and the Illinois Bureau of Tourism.
- C. The Governor may also appoint up to 30 members from the areas of Academia, Business, the Arts, Community Development, Historic Preservation, the Civil Rights Community, as well as members of the general public.
- D. Members shall serve without compensation, but may be reimbursed for expenses.

III. PURPOSE AND RESPONSIBILITIES

The purpose responsibilities of the Commission shall include, but not be limited to, the following:

- A. Lead Illinois' planning efforts to commemorate the significance of Abraham Lincoln to our state and national history.
- B. Research and make prioritized recommendations outlining the most effective and beneficial means for the State of Illinois to commemorate the Abraham Lincoln Bicentennial Celebration.

EXECUTIVE ORDER

- C. Identify and pursue resources necessary to effectively communicate the bicentennial.
- D. Implement recommendations by working with the Governor's Office, appropriate state and local government agencies, members of the Illinois General Assembly, and organizations that are dedicated to commemorating the life of Abraham Lincoln.
- E. Coordinate communications with the Abraham Lincoln Bicentennial Congressional Caucus to ensure Illinois will be a significant state for events recognizing the contributions of Abraham Lincoln.
- F. Coordinate all scheduling of Illinois Abraham Lincoln bicentennial activities.
- G. The commission shall submit an annual report to the Governor and the General Assembly, including a list of recommended improvements to Abraham Lincoln commemorative locations.

IV. EFFECTIVE DATE

This Executive Order Number 7, (2006) shall be effective upon filing with the Secretary of State.

Issued by Governor: February 14, 2006

Filed with Secretary of State: February 14, 2006

PROCLAMATIONS

2006-35**RONALD MCDONALD HOUSE DAY (Revised)**

WHEREAS, in 1986, the Ronald McDonald House in Springfield, Illinois was established as a temporary "home away from home" that gives parents a place to stay overnight while their seriously ill children are receiving medical treatment at Springfield's hospitals; and

WHEREAS, since 1993, the Springfield Ronald McDonald House has awarded \$1 million in grants and program services to have a direct and positive impact on countless families with ill children; and

WHEREAS, the program is supported by thousands of volunteers, who prepare meals, work with the families, help with clerical duties, raise needed funding and do all that can be done to simplify the parents' lives during this time of crisis; and

WHEREAS, February 15, 2006 will mark twenty years of service for the Ronald McDonald House Charities of Central Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 15, 2006 as **RONALD MCDONALD HOUSE DAY** in Illinois in recognition of Ronald McDonald House programs, and valuable support they provide to families in their time of need.

Issued by the Governor on February 14, 2006.

Filed by the Secretary of State February 14, 2006.

2006-42**ESTONIAN INDEPENDENCE DAY**

WHEREAS, the Republic of Estonia gained independence in 1918 after withstanding centuries of Danish, Swedish, German and Russian rule, approving the country's first constitution in 1920; and

WHEREAS, joining the League of Nations in 1921, Estonia strived to maintain good relations with all nations, while dealing with numerous domestic issues, including an attempted coup d'etat by the Russian Bolsheviks and the gradual introduction of authoritarian rule; and

WHEREAS, despite declaring themselves neutral at the outbreak of World War II, Estonia was forced to sign a mutual assistance pact with Moscow in 1939. At the end of the

PROCLAMATIONS

war, 282,000 Estonians had either died in combat, fled the country or been deported, reducing their population by a full quarter; and

WHEREAS, in 1940, Estonia was forcibly integrated into the Soviet Union, only to be occupied briefly by Germany during World War II, before the Soviets resumed control in 1944; and

WHEREAS, this forced occupation led to decades of repression, in which Estonians struggled to maintain their national identity, before finally coming to an end in 1991 with the collapse of the Soviet Union; and

WHEREAS, on September 2, 1991, the United States of America officially recognized Estonia's independence, and, by the end of 1991, approximately one hundred nations had also done so. However, it was not until 1994 that the last of the Russian troops evacuated the country, leaving Estonia free to re-establish their diplomatic relations with the world; and

WHEREAS, Americans of Estonian descent are exemplary citizens, who continue to uphold their rich cultural traditions, take pride in their history, promote human rights and seek self-determination for their homeland:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 24, 2006 as **ESTONIAN INDEPENDENCE DAY** in Illinois in recognition of the country's 88th Anniversary of Independence.

Issued by the Governor on February 16, 2006.

Filed by the Secretary of State February 16, 2006.

2006-43**LEGENDARY LANDMARK LOIS WEISBERG DAY**

WHEREAS, the Landmarks Preservation Council of Illinois is launching the "Legendary Landmarks Award" program to recognize prominent Illinois citizens who have made significant contributions to the civic, cultural, political and business life of the state; and

WHEREAS, in celebration of its 35th anniversary, the Landmarks Preservation Council will honor Lois Weisberg, commissioner of the Chicago Department of Cultural Affairs since 1989, with its very first "Legendary Landmarks Award"; and

PROCLAMATIONS

WHEREAS, a prominent Illinois citizen, Ms. Weisberg is responsible for the creation of many cultural organizations, institutions and events that have had a lasting impact on Chicago; and

WHEREAS, from starting Friends of the Parks to promoting Millennium Park and its art and architecture, Ms. Weisberg's imagination and energy have created landmarks that will be enjoyed by generations of Illinoisans; and

WHEREAS, Ms. Weisberg was also instrumental in saving and enhancing such architectural treasures as the Cultural Center, Clarke House, Glessner House, Maxim's, Lookingglass Theatre in the Chicago Water Works and the gallery in the Water Tower; and

WHEREAS, coincidentally, the award will be presented on March 4th, the same day as Chicago's 169th birthday:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 4, 2006 as **LEGENDARY LANDMARK LOIS WEISBERG DAY** in Illinois in recognition of her outstanding contributions to our great State.

Issued by the Governor on February 16, 2006.

Filed by the Secretary of State February 16, 2006.

2006-44**BLACK HISTORY AWARDS DAY**

WHEREAS, throughout the history of the United States, African Americans have made many significant sacrifices, achievements, and contributions to society; and

WHEREAS, in 1976, February was designated as African American History Month in order to honor and promote the history of African Americans. Illinois is proud to celebrate the heritage and achievements of African Americans during this month, as well as throughout the calendar year; and

WHEREAS, on February 28, 1999, Black History Awards Day was established in Memphis, Tennessee as a way to conclude African American History Month and honor the achievements of African Americans from each state, both past and present:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 28, 2006 as **BLACK HISTORY AWARDS DAY** in Illinois and encourage all citizens to learn about the important contributions that African Americans have made throughout the history of our society.

PROCLAMATIONS

Issued by the Governor on February 16, 2006.
Filed by the Secretary of State February 16, 2006.

2006-45
QUILL RECOGNITION DAY

WHEREAS, with an inventory of 50,000 items, the Quill Corporation is a mail-order distributor of office products to more than one million small and medium-sized United States' businesses; and

WHEREAS, in 1956, Quill began as a small family business in the back of a chicken store. Now, with over 1,200 employees, Quill has grown into a major player in the business-to-business office products arena; and

WHEREAS, the Quill Corporation strives to provide their customers with complete satisfaction and to make ordering office supplies simple and easy; and

WHEREAS, the primary distribution center for the Quill Corporation is located in Lincolnshire, Illinois; eleven other Quill Corporation centers are located throughout the United States; and

WHEREAS, this year, the Quill Corporation is celebrating fifty years of outstanding service:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 23, 2006 as **QUILL RECOGNITION DAY** in Illinois, in recognition of this remarkable milestone in providing quality business products to offices throughout the state and country.

Issued by the Governor on February 16, 2006.
Filed by the Secretary of State February 16, 2006.

2006-46
HARRIET TUBMAN DAY

WHEREAS, in or around the year 1820, Harriet Ross Tubman was born into slavery in Bucktown, Maryland; and

WHEREAS, in 1849, she escaped slavery and became a "conductor" on the Underground Railroad; and

WHEREAS, despite the great danger and challenge it would take to lead hundreds of slaves to freedom, Harriet Tubman undertook a reported nineteen trips as a conductor; and

PROCLAMATIONS

- WHEREAS, Harriet Tubman became an eloquent and effective speaker on behalf of the movement to abolish slavery; and
- WHEREAS, she served in the Civil War as a soldier, spy, nurse, scout, and cook, and as a leader in working with newly freed slaves; and
- WHEREAS, after the War, she continued to fight for human dignity, human rights, opportunity and justice; and
- WHEREAS, the State of Illinois contained numerous Underground Railroad sites to aid fugitive slaves in their quest for freedom; and
- WHEREAS, Harriet Tubman died at her home in Auburn, New York, on March 10, 1913. Her great spirit is forever etched in the fabric of American history and continues to inspire all people who cherish freedom:
- THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim March 10, 2006 as **HARRIET TUBMAN DAY** in Illinois, and encourage all citizens to recognize her incredible contributions to human rights and freedom.

Issued by the Governor on February 16, 2006.

Filed by the Secretary of State February 16, 2006.

2006-47**Children's Memorial Hospital**

- WHEREAS, Children's Memorial Hospital was the first freestanding pediatric hospital in the nation and the first hospital in Illinois to receive the Magnet Award for Nursing Excellence in 2001 by the American Nurses Credentialing Center; and
- WHEREAS, last year, Children's Memorial became the first hospital in Illinois to be re-designated as a Magnet hospital for Nursing Excellence; and
- WHEREAS, the Magnet Award is the highest accreditation awarded for nursing excellence, and is considered the equivalent of an Olympic gold medal in sports; and
- WHEREAS, less than 3 percent of US hospitals have achieved and/or maintained this distinction; and

PROCLAMATIONS

WHEREAS, the Magnet program recognizes hospitals that create an environment that focuses on attracting and retaining competent nurses through respect for the values, art, and science of nursing; and

WHEREAS, Magnet hospitals allow nurses to focus on patients, resulting in positive outcomes that can be directly attributed to nursing care; and

WHEREAS, The Children's Memorial Nursing Department and staff were recognized for seven exemplary characteristics: nursing autonomy, commitment and resources for professional development, high-quality interdisciplinary relationships, availability of supports for holistic patient care, establishment of an Endowed Chair for Nursing Practice Excellence, outstanding nursing research, a strong community service culture, and an exceptional image of nursing as competent, confident and committed professionals:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby congratulate the nursing staff and administration of Children's Memorial Hospital on receiving this award and extend best wishes for many more successes in the years to come.

Issued by the Governor on February 16, 2006.

Filed by the Secretary of State February 16, 2006.

ILLINOIS ADMINISTRATIVE CODE

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