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AGENCIES



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CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Hearing Procedures
- 2) Code Citation: 71 Ill. Adm. Code 100
- 3)

| <u>Section Numbers:</u> | <u>Proposed Action:</u> |
|-------------------------|-------------------------|
| 100.110 | Amendment |
| 100.111 | Amendment |
| 100.113 | Amendment |
| 100.120 | Amendment |
| 100.130 | Amendment |
| 100.150 | Amendment |
| 100.160 | Amendment |
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| 100.260 | Amendment |
| 100.261 | Amendment |
| 100.262 | Amendment |
| 100.270 | Amendment |
| 100.272 | Amendment |
| 100.280 | Amendment |
| 100.290 | Amendment |
- 4) Statutory Authority: Implementing the Capital Development Board Act [20 ILCS 3105] and Article 10 of the Illinois Administrative Procedure Act [5 ILCS 110/Art. 10] and authorized by Section 1A-11 of the Capital Development Board Act [20 ILCS 3105/1A-11].
- 5) A Complete Description of the Subjects and Issues Involved:
- 6) Will these proposed amendments replace any emergency amendments currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

- 8) Does these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This proposed rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: From the date that this notice first appears in the *Illinois Register*, for a period of 45 days thereafter, interested persons may submit comments, in writing, to:
- Claire Gibson, Deputy Chief Counsel
Capital Development Board
3rd Floor William G. Stratton Bldg.
Springfield IL 62706
Telephone: 217/782-1392
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: May affect any small business that requests a hearing with CDB.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of Professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2003
- 14) Does this amendment require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? [30 ILCS 500/5-25]

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

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 71: PUBLIC BUILDINGS, FACILITIES AND REAL PROPERTY
CHAPTER I: CAPITAL DEVELOPMENT BOARD
SUBCHAPTER a: RULESPART 100
HEARING PROCEDURES

Section

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| <u>100.111</u> | <u>Definitions</u> |
| <u>100.113</u> | <u>Filing</u> |
| 100.120 | <u>Petition Request for Hearing and Response</u> |
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| 100.210 | Disqualification of <u>Administrative Law Judge Officer</u> |
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| 100.260 | Duties of the <u>Administrative Law Judge Hearing Officer</u> |
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| <u>100.272</u> | <u>Record</u> |
| 100.280 | Petition for Reconsideration <u>(Repealed)</u> |
| 100.290 | Final Consideration <u>(Repealed)</u> |

AUTHORITY: Implementing the Capital Development Board Act [20 ILCS 3105] and Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] and authorized by Section 1A-11 of the Capital Development Board Act [20 ILCS 3105/1A-11].

SOURCE: Adopted at 8 Ill. Reg. 20269, effective October 1, 1984; amended at 9 Ill. Reg. 17306, effective October 29, 1985; Part repealed, new Part adopted at 20 Ill. Reg. 15236,

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

effective November 15, 1996; amended at 22 Ill. Reg. 20022, effective November 9, 1998; amended at 28 Ill. Reg. _____, effective _____.

Section 100.110 Applicability

These rules, in addition to Article 10 of the Illinois Administrative ~~Procedure~~Procedures Act [5 ILCS 100/Art. 10], shall apply to contested cases of final Board actions, including but not limited to suspensions of prequalification, when the Board determines that a hearing is required by law. ~~At its sole discretion, the Board may grant a hearing when not required by law, but such grant shall not set any precedent, nor shall it act as a waiver of any portion of this Part.~~

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

Section 100.111 Definitions

As used in this Part, the following terms shall be defined as follows:

"Act" means the Capital Development Board Act [20 ILCS 3105], unless otherwise specified.

"Administrative Law Judge" or "ALJ" means a person appointed to conduct procedures pursuant to Article 10 of the Illinois Administrative Procedure Act and this Part.

"Board" means the Capital Development Board and may include its office and staff.

"Board Member" means an individual member of the Capital Development Board, appointed by the Governor by and with the consent of the Senate.

"Complainant" means a person or business organization that petitions for an administrative hearing.

"Executive Director" means the Executive Director of the Capital Development Board.

"Suspension" means any action taken by the Board with respect to prequalification pursuant to 44 Ill. Adm. Code 950.200 and 980.300, and as authorized by Section 16 of the Capital Development Board Act [20 ILCS 3105/16] and Section 30-20 of the Illinois Procurement Code [30 ILCS 500/30-

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

20].

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

Section 100.113 Filing

Any documents that are required to be filed with the Board shall be addressed and mailed to, or hand delivered to, the Executive Director, Stratton Building, 3rd Floor, 401 S. Spring St., Springfield, Illinois 62706. Once an administrative law judge has been appointed, all such documents shall also be copied to the ALJ and sent by mail or hand delivery.

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

Section 100.120 ~~Petition~~Request for Hearing and Response

~~Petitions~~Requests for hearing shall include a petition for specific relief sought and shall be submitted to the Executive Director in writing within 30 days after the final ~~Board~~agency action at issue, and shall clearly state the ~~Board~~agency action being complained of and the reasons for the complaint, and ~~may~~shall include supporting documentation. ~~The Board will respond~~A request shall be granted or denied within 30 days after receipt and either grant or deny a hearing. ~~A hearing will be denied if the petition is not in compliance with this Section.~~

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

Section 100.130 Waiver

Compliance with any provisions of this Part may be waived or altered by agreement of all parties by written stipulation or a stipulation on the record taken by a court reporterof all parties. The parties shall, to the greatest extent possible, exercise good faith efforts to agree to utilize informal procedures to promote speedy, economical resolution.

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

Section 100.150 Representation

Natural persons (including a natural person doing business as a sole proprietorship) may represent themselves or be represented by an attorney. Other business~~Businesses or other~~ organizations, including corporations and others required to be licensed or registered by the Illinois Secretary of State, shall ~~may~~be represented by a duly appointed officer, owner or employee, or by an attorney. Attorneys shall be licensed in Illinois and shall file a notice of

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NOTICE OF PROPOSED AMENDMENTS

appearance with the Executive Director or, if one has been appointed, with the ~~ALJ hearing officer.~~

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

Section 100.160 ~~Administrative Law Judge~~Hearing Officer

The Board shall appoint ~~an administrative law judge as soon as possible~~~~a hearing officer within 10 days~~ after granting a ~~petition for~~ hearing. The ~~ALJ officer~~ shall be an attorney licensed in Illinois who is not an employee of ~~the Board~~CDB, nor currently under contract with ~~the Board, CDB~~ except as ~~an~~ ~~ALJ hearing officer~~ in another case.

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

Section 100.170 ~~Answer~~Submittal of Documents

~~Within 15 days~~ after the appointment of the ALJ, the Board shall file an answer responsive to the ~~Petition for Hearing.~~ ~~Once a hearing officer is appointed, all documents submitted by the parties in the matter shall be submitted to him/her until the Executive Director renders a decision.~~

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

Section 100.180 Conference

Within 10 days after ~~receipt of the Board's answer to the petition for hearing~~~~his/her appointment as the hearing officer~~, the ~~ALJ officer~~ shall send notice of a conference among all parties for the purpose of discussing the proceedings and promoting settlement ~~by other methods, which may include mediation.~~ Such conference shall be scheduled ~~as soon as reasonably practical, and~~ not less than 10 days after notice, ~~nor more than 30 days after notice.~~

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

Section 100.190 Notice of Hearing

When the ~~ALJ officer~~ determines that further settlement efforts are not reasonably expected to be ~~productive~~fruitful, he/she shall send the parties a notice of hearing by United States registered or certified mail, ~~stating the date, time, and place the hearing will commence.~~ The hearing shall be set no sooner than 30 days after notice, nor more than 60 days after notice. Hearings shall be held in ~~the Board's~~CDB's Springfield office.

CAPITAL DEVELOPMENT BOARD

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

Section 100.200 Costs of Hearing

Fees and expenses of the ~~ALJhearing officer~~ and court reporter (or other method of recording) shall be shared equally among ~~the Board~~CDB and the complainants. All shall pay the same amounts as they become due, regardless of the number of complainants involved. If transcripts (or other types of copies) are desired, each party shall pay for its own.

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

Section 100.210 Disqualification of ~~Administrative Law Judge~~Officer

Any party may file a petition, with an affidavit alleging personal bias or ~~conflict of interest prejudice~~ of the ~~ALJhearing officer~~, with the Executive Director. The Executive Director may request additional evidence from any party or the ~~ALJofficer~~. The Executive Director shall disqualify the ~~ALJofficer~~ only upon presentation of sufficient credible evidence that it is more likely than not the allegations are true. Rulings by the ~~ALJofficer~~ against the complainant shall not in themselves constitute sufficient evidence. Within 10 days after disqualification, a new ~~ALJofficer~~ shall be appointed.

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

Section 100.220 Hearings

Hearings shall be conducted in a fair and orderly manner. ~~In general, the rules of evidence and privilege as applied in civil cases in the circuit courts of the State of Illinois shall apply. However, neither~~Neither the Board nor the ~~ALJhearing officer~~ shall be bound by the technical rules of evidence or civil procedure, and no informality in any proceeding or in the manner of taking testimony shall invalidate any order or decision rendered. ~~Official notice may be taken pursuant to Section 10-40(c) of the Illinois Administrative Procedure Act [5 ILCS 100/10-40(c)].~~

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

Section 100.230 Board Documents

Any relevant documents, including but not limited to books, correspondence, memoranda, and photographs, may be provided by the Board by a reproduced copy thereof ~~under the certificate of the Executive Director,~~ and shall, without further proof, be admitted into evidence.

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

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

Section 100.240 Powers of the ~~Administrative Law Judge~~Hearing Officer

The appointed ~~ALJ~~hearing officer shall have the power to:

- a) Preside over hearings and other procedures.
- b) Reset hearings upon good cause shown.
- c) Grant or deny requests for discovery.
- d) Issue, or authorize issuance of, subpoenas to compel attendance of a witness at a hearing pursuant to 20 ILCS 3105/9.08b.
- e) Take evidence, hear testimony, and question parties and witnesses.
- f) Administer oaths and affirmations.
- g) Hear and decide motions.
- h) Grant reasonable time extensions.
- j) Take judicial notice pursuant to Section 10-40(c) of the Illinois Administrative Procedure Act [5 ILCS 100/10-40(c)].

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

Section 100.260 Duties of the ~~Administrative Law Judge~~Hearing Officer

The ~~ALJ~~hearing officer shall:

- a) Regulate the course of the hearing.
- b)a) Record and keep all relevant documents as the official record, which shall be turned over to the Board~~CDB~~ at the conclusion of the proceedings.
- c)b) Exclude irrelevant, immaterial or unduly repetitious evidence. However, admission of such evidence shall not preclude a finding that the evidence was irrelevant, immaterial or unduly repetitious.

CAPITAL DEVELOPMENT BOARD

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- d)e) Deny or limit frivolous motions, discovery, or other methods reasonably interpreted to be for the purpose of causing delay or unnecessarily burdening other parties.
- e)d) Assess costs against any party for conduct addressed in subsections (b) and (c) of this Section.
- f)e) Utilize whatever methods are required to bring about the hearing at the earliest possible date.
- g)f) Deny requests to depose ~~the~~CDB's Executive Director or Board Members unless the complainant presents sufficient credible evidence to show a reasonable person would believe that such person has relevant, material, first-hand knowledge that is not merely repetitious of knowledge possessed by others.
- h)g) Enter a default upon failure to appear with advance reasonable notice.
- i)h) Render a written ~~proposal for decision~~~~recommendation~~ containing findings of fact and conclusions ~~of law~~, based on the evidence presented, to the ~~parties~~Executive Director within ~~30~~45 days after the hearing. This time shall be extended on motion and order of the ALJ as needed when necessitated by a large volume of evidence to be considered.

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

Section 100.261 Petition for Reconsideration

Within 15 days after receipt of the ALJ's proposal for decision, any party may file a written request for reconsideration explaining in detail the perceived errors and reasons for those errors, and may include a brief. The ALJ shall respond by filing a final recommendation with the parties and the Executive Director.

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

Section 100.262 Transcripts

Any and all hearing testimony and communications at the hearing shall be stenographically recorded by a certified court reporter. Upon request by any party or the ALJ, proceedings other than the hearing shall be similarly recorded.

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

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

Section 100.270 Executive Director's Decision

Within 15 days after receipt of the ALJ's final hearing officer's recommendation, or, if no petition for reconsideration was filed, within 30 days after receipt of the ALJ's proposal for decision, the Executive Director shall issue a decision by United States registered or certified mail. This decision shall be final and shall state that it is final and subject to the Administrative Review Law [735 ILCS 5/Art. III].

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

Section 100.272 Record

Following submittal of the written recommendation, the ALJ shall forward the entire record of the case to the Executive Director. The record shall include documents indicated in Section 10-35 of the Illinois Administrative Procedure Act [5 ILCS 100/10-35].

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

Section 100.280 Petition for Reconsideration (Repealed)

~~Within 15 days after receipt of the Executive Director's decision, a complainant may file with the Director a written request for reconsideration, explaining in detail the perceived errors and reasons for those errors. The Executive Director shall respond within 10 days after receipt.~~

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

Section 100.290 Final Consideration (Repealed)

~~Following completion of all other administrative procedures provided herein, a complainant may petition the Capital Development Board for final consideration by the Board of the Executive Director's decision. The petition shall be filed within 10 days after receipt of the Director's decision on the request for reconsideration. The petition shall state the perceived errors and reasons for those errors. The petition shall be heard at the Board's next regularly scheduled meeting, provided the meeting is at least 20 days after the date CDB received the petition. Petitions the Board deems frivolous or patently without merit may be rejected without further hearing. The complainant shall appear at the meeting and present its case in an informal manner to the Board. The individual Board Members may ask questions as appropriate. The Board shall~~

CAPITAL DEVELOPMENT BOARD

NOTICE OF PROPOSED AMENDMENTS

~~issue its final decision within 30 days.~~

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

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Riverboat Gambling
- 2) Code Citation: 86 Ill. Adm. Code 3000
- 3) Section Number: 3000.165 Proposed Action: Amendment
- 4) Statutory Authority: Riverboat Gambling Act [230 ILCS 10]
- 5) A Complete Description of the Subjects and Issues Involved: Pursuant to Section 3000.756(a) of the Illinois Gaming Board's Adopted Rules, a person enrolled in the Board's Self-Exclusion Program agrees to forfeit all non-complimentary Vouchers—paper tickets dispensed by electronic gaming devices that represent monetary value—in his or her possession as a sanction for entering the gaming area of a riverboat gaming operation. The monetary value of the Voucher is to then be turned over to a designated charity. The current Section 3000.165 does not permit an Owner Licensee to acquire or redeem Vouchers for, or acquire Vouchers from, any other person. The Proposed Amendment to Section 3000.165 permits an Owner Licensee to redeem Vouchers from a self-excluded patron for the limited purpose of donating the funds to the designated charity.
- 6) Will this proposed amendment replace any emergency amendment current in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

| <u>Section Numbers</u> | <u>Proposed Action</u> | <u>Illinois Register Citation</u> |
|------------------------|------------------------|-----------------------------------|
| 3000.244 | New | 28 Ill. Reg. 5949; April 16, 2004 |
| 3000.400 | Amendment | 28 Ill. Reg. 6288; April 23, 2004 |
| 3000.425 | Amendment | 28 Ill. Reg. 6288; April 23, 2004 |
| 3000.740 | Amendment | 28 Ill. Reg. 6288; April 23, 2004 |

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENT

- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit comments in writing concerning this proposed rulemaking by no later than 45 days after publication of this notice to:
- Michael Fries
Acting Deputy Chief Counsel
Illinois Gaming Board
160 North LaSalle Street
Suite 300S
Chicago, Illinois 60601
(312) 814-4700 FAX: (312) 814-8798
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities, and for profit corporations affected: None
- B) Reporting, bookkeeping, or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included in the most recent regulatory agendas because: as this rulemaking was not anticipated to be considered when that agenda was submitted for publication.

The full text of the Proposed Amendment is identical to the Emergency Amendment that begins on page 13238 of the *Illinois Register*:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Procedures
- 2) Code Citation: 92 Ill. Adm. Code 107
- 3)

| <u>Section Numbers:</u> | <u>Proposed Action:</u> |
|-------------------------|-------------------------|
| 107.101 | Repeal |
| 107.103 | Repeal |
| 107.105 | Repeal |
| 107.107 | Repeal |
| 107.109 | Repeal |
| 105.111 | Repeal |
| 107.117 | Repeal |
| 107.119 | Repeal |
| 107.121 | Repeal |
| 107.123 | Repeal |
| 107.601 | Amend |
- 4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)] and Section 3-704(b) of the Illinois Vehicle Code [625 ILCS 5/3-704(b)]
- 5) A complete description of the subjects and issues involved: By this Notice, the Department is proposing to repeal those Sections in “Subpart B: Exemptions” that address intrastate exemptions issued by the Department. Those Sections are no longer necessary in this Part, since the Department terminated all intrastate exemptions effective September 30, 1997. The exemptions were terminated due to changes in federal authority governing intrastate transportation of placarded hazardous materials. The Research and Special Programs Administration, US DOT, adopted a rule at 62 FR 1208, January 8, 1997, that became effective October 1, 1997, providing for the regulation at the federal level of interstate shippers and carriers of placarded hazardous materials. Since the January 8, 1997, federal rule would have caused the preemption of all existing Department exemptions as of October 1, 1997, the Department took action one day prior to terminate them. Since exemptions issued by the US DOT are now the only exemptions available to regulated parties, this rulemaking is necessary to update the Part so it reflects current practice.

Additionally, the Department is amending Section 107.601 to update the incorporation by reference of 49 CFR 107, subpart G, to the October, 1, 2004 edition, the most recent edition of 49 CFR.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

- 6) Will this rulemaking replace an 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 Objective: This rulemaking affects units of local government that transport, or offer for transport, hazardous materials in commerce by highway in Illinois.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning these proposed amendments. Written submissions shall be filed with:

By U.S. Mail:

Ms. Catherine Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building
3215 Executive Park Drive
Commercial Vehicle Safety; 3rd Floor
Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 311
Springfield, Illinois 62764

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

(217) 782-3215

Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: This rulemaking affects small businesses that transport placarded hazardous materials.
- B) Reporting, bookkeeping or other procedures required for compliance: No additional requirements are necessary for compliance.
- C) Types of professional skills necessary for compliance: No additional skills are necessary for compliance.

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: the Department only recently became aware of the need for this rulemaking.

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION

CHAPTER I: DEPARTMENT OF TRANSPORTATION

SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 107

PROCEDURES

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| 107.102 | Persons Holding Federal Exemptions |
| 107.103 | Applications for Exemptions for Persons Transporting Hazardous Materials Not Governed by the Federal Hazardous Materials Regulations (Repealed) |
| 107.105 | Application for Renewal (Repealed) |
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| 107.109 | Processing of Application (Repealed) |
| 107.111 | Party to an Exemption (Repealed) |
| 107.117 | Withdrawal (Repealed) |
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| 107.305 | Investigations |
| 107.307 | Inspection and Examination of Records and Properties |
| 107.308 | Notice of Apparent Violation |
| 107.309 | Stopping of Vehicles |

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| 107.310 | Department Review of Notice of Apparent Violation |
| 107.311 | Warning Letter |
| 107.313 | Civil Penalties Generally |
| 107.314 | Maximum Penalties |
| 107.315 | Commencement of Civil Penalty Proceeding |
| 107.316 | Reply |
| 107.317 | Payment of Penalty |
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| 107.319 | Hearing |
| 107.320 | Presiding Officer's Decision |
| 107.321 | Assessment Considerations |
| 107.323 | Appeal |
| 107.324 | Failure to Pay Civil Penalty |
| 107.331 | Compliance Orders Generally |
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| 107.338 | Compliance Order For Immediate Compliance |
| 107.339 | Appeal |
| 107.341 | Injunctions and Other Equitable Relief |
| 107.343 | Imminent Hazards |
| 107.371 | Criminal Penalties Generally |
| 107.373 | Referral for Prosecution |

SUBPART E: REGISTRATION OF PERSONS WHO OFFER
OR TRANSPORT HAZARDOUS MATERIALS

Section

107.601 Incorporation by Reference of 49 CFR 107, Subpart G

107.APPENDIX A Standard Conditions Applicable to Exemptions, Packages, Containers,
Shipments

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)] and Section 3-704(b) of the Illinois Vehicle Code [625 ILCS 5/3-704(b)].

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SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 3 Ill. Reg. 49, p. 273, effective December 10, 1979; amended at 6 Ill. Reg. 4287, effective April 16, 1982; codified at 8 Ill. Reg. 17979; amended at 10 Ill. Reg. 5876, effective April 1, 1986; amended at 14 Ill. Reg. 2633, effective February 1, 1990; amended at 14 Ill. Reg. 8189, effective May 15, 1990; amended at 18 Ill. Reg. 7881, effective May 6, 1994; amended at 20 Ill. Reg. 6554, effective April 30, 1996; amended at 22 Ill. Reg. 5708, effective March 4, 1998; amended at 22 Ill. Reg. 17023, effective September 30, 1998; amended at 25 Ill. Reg. 7298, effective May 19, 2001; amended at 26 Ill. Reg. 8919, effective June 5, 2002; amended at 28 Ill. Reg. 10066, effective July 1, 2004; amended at 28 Ill. Reg. _____, effective _____.

SUBPART B: EXEMPTIONS

Section 107.101 Purpose and Scope (Repealed)

~~This subpart prescribes procedures by which persons who are not subject to the federal Hazardous Materials Regulations, but who are subject to the requirements of these regulations may obtain administrative relief therefrom in the form of an exemption. Exemptions provided for in this subpart will be granted only where they insure equivalent levels of safety or levels of safety consistent with the public interest and the policy of the Illinois Hazardous Materials Transportation Act.~~

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

Section 107.103 Applications for Exemptions for Persons Transporting Hazardous Materials Not Governed by the Federal Hazardous Materials Regulations (Repealed)

- a) ~~Any person who is subject to the requirements of the IHMTR and who transports hazardous materials not governed by the federal Hazardous Materials Regulations may apply to the Director for an exemption from the IHMTR.~~
- b) ~~Each application filed under this Section for an exemption must:~~
 - 1) ~~Be submitted to: Division of Traffic Safety, Illinois Department of Transportation, 3215 Executive Park Drive, P. O. Box 19212, Springfield, Illinois 62794-9212;~~
 - 2) ~~Set forth the text or substance of the IHMTR from which the exemption is sought;~~
 - 3) ~~State the name, address, and telephone number of the applicant;~~

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- 4) ~~Include a detailed description of the proposal, including when appropriate, drawings, plans, calculations, procedures, test results, previous exemptions, approvals or permits, a list of specification containers, if any, to be used, a list of modified specification containers, if any, to be used, and a description of the modifications, and any other supporting information;~~
- 5) ~~State the chemical name, common name, hazard classification, form, quantity, properties, and characteristics of the material covered by the proposal, including composition and percentage (specified by volume or weight) of each chemical, if a solution or mixture;~~
- 6) ~~Describe all relevant shipping and accident experience;~~
- 7) ~~Specify the proposed mode of transportation, identify any increased risks that are likely to result if the exemption is granted, and specify the safety control measures which the applicant considers necessary or appropriate to compensate for those increased risks;~~
- 8) ~~State that the transportation described in the proposal is not governed by the federal Hazardous Materials Regulations;~~
- 9) ~~State why the applicant believes the proposal, including any safety control measures specified by the applicant, will achieve a level of safety which:
 - A) ~~Is at least equal to that specified in the IHMTR from which the exemption is sought; or~~
 - B) ~~If the IHMTR do not contain a specified level of safety, will be consistent with the public interest and will adequately protect against the risks of life and property which are inherent in the transportation of hazardous materials in commerce;~~~~
- 10) ~~If the applicant seeks to have the application processed on a priority basis, set forth the supporting facts and reasons; and~~
- 11) ~~To permit timely consideration, an application should be submitted at least 60 days before the requested effective date.~~

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- e) ~~If the applicant wishes to claim confidential treatment for any information contained in the application, the procedures set forth in Section 107.5 apply.~~

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

Section 107.105 Application for Renewal (Repealed)

- a) ~~Each application for the renewal of an exemption issued under this Subpart must:~~
- ~~1) Be submitted to: Division of Traffic Safety, Illinois Department of Transportation, 3215 Executive Park Drive, P.O. Box 19212, Springfield, Illinois 62794-9212;~~
 - ~~2) Identify the exemption for which a renewal is requested;~~
 - ~~3) State the name, address, and telephone number of the applicant;~~
 - ~~4) Include:~~
 - ~~A) A certification by the applicant that the descriptions, technical information, and safety assessment submitted in the original application, or as may have been updated by any subsequent application for renewal, remain accurate and correct, or~~
 - ~~B) Such amendments to the previously submitted descriptions, technical information and safety assessment as is necessary to update them and assure their accuracy and correctness;~~
 - ~~5) Include a statement describing all relevant shipping and all accident experience that has occurred in connection with the exemption since its issuance or most recent renewal, or if no accidents have been experienced, a certification to that effect. This statement must include the approximate number of shipments made or packages shipped, as the case may be, and the number of shipments or packages involved in any loss of contents, including loss by venting when transporting a compressed or cold temperature gas.~~
- b) ~~To permit timely consideration, an application for renewal should be submitted at least 60 days before the expiration date of the exemption.~~

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- e) ~~If, at least 60 days prior to the expiration of an existing exemption of a continuing nature, the holder files an application for renewal which is complete and conforms with the requirements of this Section, the exemption will not be considered to have expired until the application for renewal has been finally determined.~~

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

Section 107.107 Initial Application Review (Repealed)

~~In the case of a written application for an exemption submitted as provided in Section 107.103(b) or the renewal of an exemption submitted as provided in Section 107.105, the Director reviews the application to determine whether it is complete and conforms with the requirements of this subpart. If an application is returned, the applicant will be informed in what respects the application is incomplete.~~

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

Section 107.109 Processing of Application (Repealed)

- a) ~~After an application for an exemption or renewal of an exemption is determined to be complete, the Director docket the application.~~
- b) ~~No public hearing, argument, or other formal processing is held directly on an application filed under this section. However, during the processing of an application the Director may require the applicant to supply additional information.~~
- e) ~~If the Director determines that the application does not contain adequate justification, he denies it and notifies the applicant in writing, together with the reasons therefor.~~
- d) ~~If the Director determines that the application contains adequate justification, he grants it subject to the conditions set forth in Appendix A to this Subpart and such other terms as he considers necessary, and notifies the applicant in writing.~~
- e) ~~If the Director determines that an application concerns a matter of such general applicability and future effect as to warrant being made the subject of rulemaking, he may initiate rulemaking under 92 Ill. Adm. Code 102 of this Subchapter in addition to or in lieu of granting or denying the application.~~

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

Section 107.111 Party to an Exemption (Repealed)

- a) ~~Any person who desires to apply for the same or substantially the same exemption for which another person has made application may be made a party to that application by filing his own application with the Director, accompanied by a request to have his application considered with the application for exemption of the other person.~~
- b) ~~Each application filed under this Section must:~~
 - 1) ~~Be submitted to: Division of Traffic Safety, Illinois Department of Transportation, 3215 Executive Park Drive, P. O. Box 19212, Springfield, Illinois 62794-9212;~~
 - 2) ~~Identify the exemption application or exemption to which the applicant seeks to become a party; and~~
 - 3) ~~State the name, address and telephone number of the applicant.~~

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

Section 107.117 Withdrawal (Repealed)

- a) ~~An applicant may withdraw an application at any time prior to it being finally determined.~~
- b) ~~Except for documents for which confidential treatment was requested by the applicant, withdrawal of an application does not authorize the removal of any related records from the dockets or files of the Division.~~

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

Section 107.119 Termination (Repealed)

- a) ~~An exemption and any renewal thereof terminates according to its terms but not later than two years after the date of issuance unless terminated sooner pursuant to paragraph (b) or (c) of this section.~~

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- b) ~~The Director may suspend an exemption if he determines that;~~
- 1) ~~An activity under the exemption is not being performed in accordance with the terms of the exemption; or~~
 - 2) ~~On the basis of information not available at the time it was granted, an amendment to the terms of the exemption is necessary to adequately protect against risks to life and property.~~
- e) ~~The Director terminates an exemption if he determines that—~~
- 1) ~~The exemption is no longer consistent with the public interest;~~
 - 2) ~~The exemption is no longer necessary because of an amendment to the regulations; or~~
 - 3) ~~The exemption was granted on the basis of false, fraudulent, or misleading representations or information.~~
- d) ~~Unless the Director believes that immediate suspension or termination is necessary to abate the risk of an imminent hazard, he notifies the holder in writing of the reasons therefor and provides the holder an opportunity to show why the exemption should not be suspended or terminated, before he suspends or terminates an exemption under paragraph (b) or (c) of this section.~~

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

Section 107.121 Appeal (Repealed)

~~Any applicant for an exemption or the renewal of an exemption aggrieved by an action taken by the Director under this subpart and any holder of an exemption suspended or terminated by the Director under Section 107.119(b) or (c) may file an appeal with the Secretary. The appeal must be filed within 30 days of service of notification of that action, suspension or termination. There has not been an exhaustion of administrative remedies until an appeal has been filed and the appellate process is completed by the issuance of an order by the Secretary granting or denying the appeal.~~

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

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Section 107.123 Availability for Public Inspection (Repealed)

- a) ~~Information relevant to an application under this Part, including the application and supporting data, memoranda of any informal meetings with the applicant, and the grant or denial of the application is available for public inspection and copying, except as specified in subsection (b) of this Section, at the Division of Traffic Safety, Illinois Department of Transportation, 3215 Executive Park Drive, P. O. Box 19212, Springfield, Illinois 62794-9212.~~
- b) ~~Information made available for inspection does not include materials which the Director determines should be withheld from public disclosure under Section 107.5.~~

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

**SUBPART E: REGISTRATION OF PERSONS WHO OFFER
OR TRANSPORT HAZARDOUS MATERIALS****Section 107.601 Incorporation by Reference of 49 CFR 107, Subpart G**

- a) 49 CFR 107, subpart G is hereby incorporated by reference as that subpart of the Hazardous Materials Transportation Regulations was in effect on October 1, ~~2004~~2003. No later amendments to or editions of 49 CFR 107, subpart G are incorporated.
- b) The following interpretations of, additions to and deletions from 49 CFR 107, subpart G shall apply for the purposes of this Subpart.
- 1) Any reference to "this ~~part~~Part" in the incorporated material shall mean 92 Ill. Adm. Code 107.
 - 2) Any reference to "this ~~chapter~~Chapter" or "this ~~subchapter~~Subchapter" in the incorporated material shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.
 - 3) Any reference to a section in the incorporated material shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.

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

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- 1) Heading of the Part: Hazardous Materials Transportation: General Information, Regulations and Definitions
- 2) Code Citation: 92 Ill. Adm. Code 171
- 3)

| <u>Section Numbers:</u> | <u>Proposed Action:</u> |
|-------------------------|-------------------------|
| 171.1 | Repeal |
| 171.2 | Repeal |
| 171.3 | Amend |
| 171.13 | New Section |
| 171.1000 | Amend |
- 4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)]
- 5) A complete description of the subjects and issues involved: By this Notice, the Department is proposing to update the incorporation by reference of 49 CFR 171 to the October 1, 2004 edition, the most recent edition of 49 CFR.

The following summaries provide descriptions of federal rulemakings that are applicable to this Part, that became effective since October 1, 2003, and that are included in the October 1, 2004 edition of 49 CFR 171. Therefore, the Department will incorporate changes made by the following Dockets:

Docket HM-223 (68 FR 61906, October 30, 2003) Clarified the applicability of the Hazardous Materials Regulations (HMR) to specific functions and activities, including hazardous materials loading and unloading operations and storage of hazardous materials during transportation. Also, listed the HMR pre-transportation functions to which the HMR apply.

Docket HM-229 (68 FR 67746, December 3, 2003) Revised the applicability of the HMR and the hazardous materials incident report form. Major changes include collecting more specific information on the incident reporting form; expanding reporting exceptions; expanding reporting requirements to persons other than carriers; reporting undeclared shipments of hazardous materials; and reporting non-release incidents involving cargo tanks.

Docket HM-189U (68 FR 75734, December 31, 2003) Amended the HMR to standardize the format used to cross-reference consensus standards published by nationally and internationally recognized standard-setting organizations and

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industry that are incorporated by reference into the HMR. The amendments made minor editorial changes and imposed no new requirements.

Docket HM-230 (69 FR 3632, January 26, 2004) Amended requirements in the HMR pertaining to the transportation of radioactive materials based on changes contained in the International Atomic Energy Agency publication. Harmonized requirements of the HMR with international standards for radioactive materials.

Docket HM-229 (69 FR 30114, May 26, 2004) Amended certain requirements and made minor editorial corrections to the final rule of December 3, 2003.

Docket HM-223 (69 FR 30588, May 28, 2004) Delayed the effective date of the October 30, 2003 final rule from October 1, 2004 to January 1, 2005.

Docket HM-230 (69 FR 55113, September 13, 2004) Corrected errors in the final rule of January 26, 2004 regarding radioactive materials.

Additionally, the Department is proposing to repeal Sections 171.1 and 171.2 and incorporate the corresponding federal sections by reference at Section 171.1000(a). This action is being taken pursuant to the final rule of October 30, 2003 [68 FR 61906] that substantively amended the federal HMR governing the unloading, loading and storage of hazardous materials. Therefore, the Department is proposing to incorporate by reference 49 CFR 171.1 and 171.2 at Section 171.1000(a) with the following exceptions:

49 CFR 171.1(f)(3) – The Department is replacing language to clarify that preemption provisions are contained only in the federal HMR.

49 CFR 171.1(g) – The Department is not incorporating provisions that refer to federal penalties for noncompliance. Instead, the Department is adding language at Section 171.1000(b)(9) that refers to penalty guidelines established in 92 Ill. Adm. Code 107.

At Section 171.1000(b)(10) - The Department is adding language that states that all references to "approvals, exemptions or registration" in 49 CFR 171.2 should be read to refer to the federal HMR. The Department does not issue approvals or exemptions and does not require registration other than what is required by US DOT.

The Department is proposing to add a new Section 171.13 to address imminent danger and the Illinois State Police's authority to stop any vehicle that posed an imminent danger

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to the public. This provision previously existed in Section 171.1 that the Department is proposing to repeal.

The Department is updating language at Section 171.1000(b)(6) to clarify references to the HMR in any federal language incorporated by reference.

The Department is also correcting a reference to 49 CFR in Section 171.3 that was incorrectly referenced as 92 Ill. Adm. Code.

Finally, the Department is inserting "174, 175 or" at Section 171.1000 (b)(4) that was inadvertently omitted in a previous rulemaking.

- 6) Will this proposed rulemaking replace any emergency rulemaking currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? Yes
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking affects units of local government that transport, or offer for transport, hazardous materials in commerce by highway in Illinois.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any interested party may submit written comments or arguments concerning these proposed amendments. Written submissions shall be filed with:

By U.S. Mail:

Ms. Catherine Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

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By Messenger or Inter-Agency Mail:

DOT Annex Building
3215 Executive Park Drive
Commercial Vehicle Safety; 3rd Floor
Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 311
Springfield, Illinois 62764
(217) 782-3215

Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses affected: This rulemaking affects small businesses that transport, offer for transport, or manufacture specification packaging for hazardous materials in commerce by highway in Illinois.
 - B) Reporting, bookkeeping or other procedures required for compliance: No additional requirements are necessary for compliance.
 - C) Types of professional skills necessary for compliance: No additional skills are necessary for compliance.
- 13) Regulatory Agenda on which this rulemaking was summarized: These proposed amendments were not included on either of the two most recent agendas because the Department only recently became aware of the need for this rulemaking.

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

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TITLE 92: TRANSPORTATION

CHAPTER I: DEPARTMENT OF TRANSPORTATION

SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 171

HAZARDOUS MATERIALS TRANSPORTATION: GENERAL INFORMATION,
REGULATIONS AND DEFINITIONS

Section

| | |
|------------------------|---|
| 171.1 | Purpose and Scope (Repealed) |
| 171.2 | General Transportation Requirements (Repealed) |
| 171.3 | Hazardous Waste |
| 171.4 | Exemptions (Renumbered) |
| 171.5 | Agricultural Exception (Repealed) |
| 171.6 | Agricultural Exception (Renumbered) |
| 171.7 | Matter Incorporated by Reference (Repealed) |
| 171.8 | Definitions and Abbreviations (Repealed) |
| 171.9 | Rules of Construction (Repealed) |
| 171.12 | Import and Export Shipments (Repealed) |
| 171.13 | Imminent Danger |
| 171.14 | Specification Markings (Repealed) |
| 171.15 | Incident Reporting Requirements (Repealed) |
| 171.17 | Exemptions |
| 171.18 | Continuation of Effectiveness of Existing Bureau of Explosives Registrations (Repealed) |
| 171.19 | Approvals or Authorizations Issued by the Bureau of Explosives (Repealed) |
| 171.21 | Retailer Exception |
| 171.22 | Agricultural Exception |
| 171.1000 | Incorporation by Reference of 49 CFR 171 |

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, p. 41, effective February 1, 1979; amended at 6 Ill. Reg. 4287, effective April 16, 1982; amended at 7 Ill. Reg. 3486, effective April 2, 1983; codified at 8 Ill. Reg. 17984; amended at 10 Ill. Reg. 9636, effective May 15, 1986; amended at 10 Ill. Reg. 20753, effective December 1, 1986; emergency amendment at 11 Ill. Reg. 1684, effective January 16, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 4772, effective March 10, 1987; amended at 11 Ill. Reg. 7767, effective April 14, 1987; amended at 11 Ill. Reg. 17886, effective October 20, 1987; amended at 12 Ill. Reg. 8078, effective April 26, 1988; amended at

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13 Ill. Reg. 3984, effective March 14, 1989; amended at 14 Ill. Reg. 2621, effective February 1, 1990; amended at 15 Ill. Reg. 7752, effective May 7, 1991; amended at 16 Ill. Reg. 12208, effective July 20, 1992; amended at 18 Ill. Reg. 7861, effective May 6, 1994; amended at 20 Ill. Reg. 6539, effective April 30, 1996; emergency amendment at 21 Ill. Reg. 4043, effective March 17, 1997, for a maximum of 150 days; emergency expired August 13, 1997; amended at 22 Ill. Reg. 5694, effective March 4, 1998; amended at 22 Ill. Reg. 17011, effective September 30, 1998; amended at 25 Ill. Reg. 7292, effective May 19, 2001; amended at 26 Ill. Reg. 8927, effective June 5, 2002; amended at 28 Ill. Reg. 10076, effective July 1, 2004; peremptory amendment at 28 Ill. Reg. 11376, effective July 22, 2004; amended at 28 Ill. Reg. _____, effective _____.

Section 171.1 Purpose and Scope (Repealed)

~~This Subchapter prescribes the requirements of the Illinois Department of Transportation governing the transportation of hazardous materials in commerce by highway within the State of Illinois.~~

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

Section 171.2 General Transportation Requirements (Repealed)

- a) ~~No person may offer or accept a hazardous material for transportation in commerce by highway in Illinois unless that person complies with Subpart E of 92 Ill. Adm. Code 107 and the hazardous material is properly classed, described, packaged, marked, labeled, placarded and in the condition for shipment as required and authorized by these regulations or an exemption or approval issued by U.S. DOT.~~
- b) ~~Unless specifically excepted by these regulations, no person may accept for transportation or transport a hazardous material in commerce by highway in Illinois unless that person complies with Subpart E of 92 Ill. Adm. Code 107 and the hazardous material is handled and transported in accordance with this Subchapter or an exemption or approval issued by U.S. DOT.~~
- e) ~~No person may offer, accept, or transport a hazardous material in commerce by highway in Illinois, regardless of the quantity of hazardous material in the shipment or on the vehicle, if that material poses an imminent danger to the public. The State Police are authorized to stop any vehicle that constitutes an imminent danger. For the purpose of this Section, an imminent danger exists if, in the opinion of the State Police officer or the representative of the Department at~~

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~~the scene, the offer, acceptance, or transportation of that hazardous material is likely to cause death, serious illness, or severe personal injury.~~

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

Section 171.3 Hazardous Waste

- a) No person may offer for transportation or transport a hazardous waste in commerce (as defined in 49 CFR 171.8) by highway in Illinois except in accordance with the requirements of this Subchapter.
- b) No person may accept for transportation, transport, or deliver a hazardous waste for which a manifest is required unless that person:
 - 1) has marked each motor vehicle used to transport hazardous waste in accordance with ~~49 CFR 92 Ill. Adm. Code~~ 390.21 or 49 CFR 1058.2 even though placards may not be required;
 - 2) complies with the requirements for manifests set forth in 49 CFR 172.205; and
 - 3) delivers, as designated on the manifest by the generator, the entire quantity of the waste received from the generator or a transporter to:
 - A) the designated facility or, if not possible, to the designated alternate facility;
 - B) the designated subsequent carrier; or
 - C) a designated place outside the United States.
- c) If a discharge of hazardous waste or other hazardous material occurs during transportation, and an official of a State or local government or a Federal agency, acting within the scope of his official responsibilities, determines that immediate removal of the waste is necessary to prevent further consequence, that official may authorize the removal of the waste without the preparation of a manifest.

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

Section 171.13 Imminent Danger

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No person may offer, accept, or transport a hazardous material in commerce by highway in Illinois, regardless of the quantity of hazardous material in the shipment or on the vehicle, if that material poses an imminent danger to the public. The State Police are authorized to stop any vehicle that constitutes an imminent danger. For the purpose of this Section, an imminent danger exists if, in the opinion of the State Police officer or the representative of the Department at the scene, the offer, acceptance, or transportation of that hazardous material is likely to cause death, serious illness, or severe personal injury.

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

Section 171.1000 Incorporation by Reference of 49 CFR 171

- a) As Part 171 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates the following sections of 49 CFR 171 by reference, as those sections of the federal hazardous materials transportation regulations were in effect on October 1, ~~2004, 2003, as amended at 68 FR 57629, October 6, 2003, and as amended at 69 FR 34604, June 22, 2004~~ subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of those sections of 49 CFR 171 are incorporated.

171.1 Applicability of Hazardous Materials Regulations (HMR) to persons and functions

171.2 General Requirements

171.4 Marine Pollutants

171.7 Reference Material

171.8 Definitions and Abbreviations

171.9 Rules of Construction

171.10 Units of Measure

171.11 Use of ICAO Technical Instructions

171.12 Import and Export Shipments

171.12a Canadian Shipments and Packagings

171.14 Transitional Provisions for Implementing Certain Requirements

171.15 Immediate Notice of Certain Hazardous Materials Incidents

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- 171.16 Detailed Hazardous Materials Incident Reports
- 171.19 Approvals or Authorizations Issued by the Bureau of Explosives
- 171.20 Submission of Examination Reports

- b) The following interpretations of, additions to and deletions from the above incorporated sections of 49 CFR 171 shall apply for purposes of this Part.
- 1) All references to "this part" in the incorporated federal regulations shall mean Part 171 of the Illinois Hazardous Materials Transportation Regulations.
 - 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.
 - 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
 - 4) All references to part [174, 175 or 176](#)~~176~~ or to sections therein shall be read to refer to that part or sections in the federal regulations.
 - 5) All references to shipments of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.
 - 6) All references to "these regulations" [or the Hazardous Materials Regulations \(HMR\) in the incorporated federal regulations shall be read to refer to the Illinois Hazardous Materials Transportation Regulations.](#)~~refer to the Illinois Hazardous Materials Transportation Regulations, 92 Ill. Adm. Code 107 through 180.~~
 - 7) All references to a "settlement agreement", in these regulations, means a written understanding between the Department and the person being charged.
 - 8) [49 CFR 171.1\(f\)\(3\) is not incorporated by reference and is replaced by the following:](#)

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Preemption determination procedures are in subpart C of 49 CFR 107.

- 9) 49 CFR 171.1(g) is not incorporated by reference and is replaced by the following:

Each person who knowingly violates a requirement of the federal hazardous materials transportation law, an order issued under the federal hazardous materials transportation law, subchapter A of Chapter I of 49 CFR, an exemption or approval issued under subchapter A or C of Chapter I of 49 CFR, or the Illinois Hazardous Materials Transportation Regulations is liable for penalties established and set forth in 92 Ill. Adm. Code 107.314 and 107.371.

- 10) All references to approvals, exemptions or registration referred to in 49 CFR 171.2 shall be read to refer to the federal hazardous materials regulations.

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

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NOTICE OF PROPOSED AMENDMENT

Docket HM-189W (69 FR 54042, September 7, 2004) Corrected editorial errors, made minor regulatory changes and improved the clarity of certain provisions for the HMR.

Docket HM-230 (69 FR 55113, September 13, 2004) Corrected errors in the final rule of January 26, 2004 regarding radioactive materials.

- 6) Will this proposed rulemaking replace any emergency rulemaking currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking affects units of local government that transport, or offer for transport, hazardous materials in commerce by highway in Illinois.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed amendment. Written submissions shall be filed with:

By U.S. Mail:

Ms. Catherine Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building
3215 Executive Park Drive
Commercial Vehicle Safety; 3rd Floor
Springfield, Illinois

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 311
Springfield, Illinois 62764
(217) 782-3215

Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: This rulemaking affects small businesses that transport, or offer for transport, hazardous materials in commerce by highway in Illinois.
- B) Reporting, bookkeeping or other procedures required for compliance: No additional requirements are necessary for compliance.
- C) Types of professional skills necessary for compliance: No additional skills are necessary for compliance.

13) Regulatory Agenda on which this rulemaking was summarized: This proposed amendment was not included on either of the two most recent regulatory agendas because: The Department only recently became aware of the need for this rulemaking.

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION

CHAPTER I: DEPARTMENT OF TRANSPORTATION

SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 172

HAZARDOUS MATERIALS TABLE AND
HAZARDOUS MATERIALS COMMUNICATIONS

Section

| | |
|----------|--|
| 172.1000 | General |
| 172.2000 | Incorporation by Reference of 49 CFR 172 |
| 172.2215 | Permanent Shipping Papers (Repealed) |

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 6 Ill. Reg. 4287, 4487, and 4573, effective April 16, 1982; amended at 7 Ill. Reg. 3486, effective April 2, 1983; amended at 8 Ill. Reg. 19640, effective October 1, 1984; codified at 8 Ill. Reg. 19601; amended at 8 Ill. Reg. 19622, effective October 1, 1984; emergency amendment at 8 Ill. Reg. 22889, effective November 9, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 3810, effective March 11, 1985; Part repealed, new Part adopted at 10 Ill. Reg. 5864, effective April 1, 1986; amended at 10 Ill. Reg. 20759, effective December 1, 1986; emergency amendment at 11 Ill. Reg. 1690, effective January 16, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 4777, effective March 10, 1987; amended at 11 Ill. Reg. 7773, effective April 14, 1987; amended at 11 Ill. Reg. 17893, effective October 20, 1987; amended at 12 Ill. Reg. 8084, effective April 26, 1988; amended at 13 Ill. Reg. 3993, effective March 14, 1989; amended at 14 Ill. Reg. 2628, effective February 1, 1990; amended at 15 Ill. Reg. 7760, effective May 7, 1991; amended at 16 Ill. Reg. 11851, effective July 13, 1992; amended at 18 Ill. Reg. 7874, effective May 6, 1994; amended at 20 Ill. Reg. 6549, effective April 30, 1996; amended at 22 Ill. Reg. 5703, effective March 4, 1998; amended at 22 Ill. Reg. 17019, effective September 30, 1998; amended at 25 Ill. Reg. 7287, effective May 19, 2001; amended at 26 Ill. Reg. 8935, effective June 5, 2002; amended at 28 Ill. Reg. 10083, effective July 1, 2004; peremptory amendment at 28 Ill. Reg. 11381, effective July 22, 2004; amended at 28 Ill. Reg. _____, effective _____.

Section 172.2000 Incorporation by Reference of 49 CFR 172

- a) As Part 172 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates 49 CFR 172 by reference, as that part of the federal hazardous materials transportation regulations was in effect on October 1,

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~~2004, 2003, as amended at 68 FR 57629, October 6, 2003, and as amended at 69 FR 34604, June 22, 2004~~ subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of 49 CFR 172 are incorporated.

- b) The following interpretations of, additions to and deletions from 49 CFR 172 shall apply for purposes of this Part.
- 1) All references to "this part" in the incorporated federal regulations shall mean Part 172 of the Illinois Hazardous Materials Transportation Regulations.
 - 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.
 - 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
 - 4) All references to part 174, 175 or 176; or to sections therein shall be read to refer to those parts or sections in the federal hazardous materials transportation regulations.
 - 5) All references to shipment of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.
 - 6) Any changes to 49 CFR 172 made effective by U.S. DOT Rulemaking Docket HM-187 (49 FR 21933 (May 24, 1984)) covering small arms ammunition are not incorporated.

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Shippers General Requirements for Shipments and Packagings
- 2) Code Citation: 92 Ill. Adm. Code 173
- 3) Section Number: 173.3000 Proposed Action: Amend
- 4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)]
- 5) A complete description of the subjects and issues involved: By this Notice, the Department is proposing to update the incorporation by reference of 49 CFR 173 to the October 1, 2004 edition, the most recent edition of 49 CFR.

The following summaries provide descriptions of federal rulemakings that are applicable to this Part, that became effective since October 1, 2003, and that are included in the October 1, 2004 edition of 49 CFR 173. Therefore, the Department will incorporate changes made by the following Dockets:

Docket HM-223 (68 FR 61906, October 30, 2003) Clarified the applicability of the Hazardous Materials Regulations (HMR) to specific functions and activities, including hazardous materials loading and unloading operations and storage of hazardous materials during transportation. Also, listed the HMR pre-transportation functions to which the HMR apply.

Docket HM-189U (68 FR 75734, December 31, 2003) Amended the HMR to standardize the format used to cross-reference consensus standards published by nationally and internationally recognized standard-setting organizations and industry that are incorporated by reference into the HMR. The amendments made minor editorial changes and imposed no new requirements.

Docket HM-230 (69 FR 3632, January 26, 2004) Amended requirements in the HMR pertaining to the transportation of radioactive materials based on changes contained in the International Atomic Energy Agency publication. Harmonized requirements of the HMR with international standards for radioactive materials.

Docket HM-223 (69 FR 30588, May 28, 2004) Delayed the effective date of the October 30, 2003 final rule from October 1, 2004 to January 1, 2005.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

Docket HM-189W (69 FR 54042, September 7, 2004) Corrected editorial errors, made minor regulatory changes and improved the clarity of certain provisions for the HMR.

Docket HM-230 (69 FR 55113, September 13, 2004) Corrected errors in the final rule of January 26, 2004 regarding radioactive materials.

- 6) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? Yes
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking affects units of local government that transport, or offer for transport, hazardous materials in commerce by highway in Illinois.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any interested party may submit written comments or arguments concerning this proposed amendment. Written submissions shall be filed with:

By U.S. Mail:

Ms. Catherine Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building
3215 Executive Park Drive
Commercial Vehicle Safety; 3rd Floor
Springfield, Illinois

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 311
Springfield, Illinois 62764
(217) 782-3215

Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: This rulemaking affects small businesses that transport, offer for transport, or manufacture specification packaging for hazardous materials in commerce by highway in Illinois.
- B) Reporting, bookkeeping or other procedures required for compliance: No additional requirements are necessary for compliance.
- C) Types of professional skills necessary for compliance: No additional skills are necessary for compliance.

13) Regulatory Agenda on which this rulemaking was summarized: This proposed amendment was not included on either of the two most recent regulatory agendas because: the Department only recently became aware of the need for this rulemaking.

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONSPART 173
SHIPPERS GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

Section

173.2000 General
173.3000 Incorporation by Reference of 49 CFR 173

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 4 Ill. Reg. 30, p. 1244, effective July 10, 1980; amended at 5 Ill. Reg. 1715, effective February 9, 1981; amended at 6 Ill. Reg. 4287, effective April 16, 1982; amended at 6 Ill. Reg. 10036, effective August 2, 1982; amended at 7 Ill. Reg. 3486, effective April 12, 1983; codified at 8 Ill. Reg. 20015; Part repealed, new Part adopted at 10 Ill. Reg. 5886, effective April 1, 1986; amended at 10 Ill. Reg. 20764, effective December 1, 1986; amended at 11 Ill. Reg. 4781, effective March 10, 1987; amended at 11 Ill. Reg. 17898, effective October 20, 1987; amended at 12 Ill. Reg. 8089, effective April 26, 1988; amended at 13 Ill. Reg. 3998, effective March 14, 1989; amended at 14 Ill. Reg. 2651, effective February 1, 1990; amended at 15 Ill. Reg. 7765, effective May 7, 1991; amended at 16 Ill. Reg. 11856, effective July 13, 1992; amended at 18 Ill. Reg. 7895, effective May 6, 1994; amended at 20 Ill. Reg. 6560, effective April 30, 1996; amended at 22 Ill. Reg. 5720, effective March 4, 1998; amended at 22 Ill. Reg. 17028, effective September 30, 1998; amended at 25 Ill. Reg. 7304, effective May 19, 2001; amended at 26 Ill. Reg. 8939, effective June 5, 2002; amended at 28 Ill. Reg. 10088, effective July 1, 2004; peremptory amendment at 28 Ill. Reg. 11385, effective July 22, 2004; amended at 28 Ill. Reg. _____, effective _____.

Section 173.3000 Incorporation by Reference of 49 CFR 173

- a) As Part 173 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates 49 CFR 173 by reference, as that part of the federal hazardous materials transportation regulations was in effect on October 1, ~~2004, 2003, as amended at 68 FR 57629, October 6, 2003, and as amended at 69 FR 34604, June 22, 2004~~ subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of 49 CFR 173 are incorporated.

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NOTICE OF PROPOSED AMENDMENT

- b) The following interpretations of, additions to and deletions from 49 CFR 173 shall apply for purposes of this Part.
- 1) All references to "this part" in the incorporated federal regulations shall mean Part 173 of the Illinois Hazardous Materials Transportation Regulations.
 - 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.
 - 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
 - 4) All references to part 174, 175 or 176 or to sections therein shall be read to refer to those parts or sections in the federal hazardous materials transportation regulations.
 - 5) All references to shipment of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.
 - 6) Any changes to 49 CFR 173 made effective by U.S. DOT Rulemaking Docket HM-187 (49 FR 21933 (May 24, 1984)) covering small arms ammunition are not incorporated.
 - 7) 49 CFR 173.8(d)(3) is not incorporated by reference and is replaced by the following:

A non-specification metal tank having a capacity of less than 450 liters (119 gallons) is authorized in Illinois for the transportation of flammable liquid petroleum products by an intrastate motor carrier subject to the following conditions:

 - A) Containers shall be tanks constructed of 18 gauge or heavier steel or equivalent gauge aluminum.
 - B) Tanks shall be securely fastened to prevent separation from the vehicle.

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- C) Tanks shall be electrically bonded to the frame of the vehicle.
- D) Tanks shall be protected against leakage or damage in the event of a turnover.
- E) Tanks may not be drained by gravity. Top mounted pumps must be designed and labeled for use with flammable and combustible liquids. No top mounted pump shall be higher than the highest point of the vehicle or permanently attached appurtenances (i.e., roll bars).
- F) Flammable liquid petroleum products being transported on a single vehicle may not exceed 450 liters (119 gallons).
- G) Flammable liquid petroleum product is offered for transportation and transported in conformance with all other applicable requirements of this Subchapter.

AGENCY NOTE: To clarify the provisions of 49 CFR 173.315(a) Note 17 (7), the transportation of anhydrous ammonia was permitted within Illinois prior to January 1, 1981 as follows: Only specifications MC-330 and MC-331 cargo tanks with a design pressure of 250 p.s.i.g., that had been in anhydrous ammonia service in Illinois prior to February 1, 1979, could continue in such service subject to continued qualification as required by all design and testing requirements specified by 49 CFR 180. Non-specification cargo tanks, other than nurse tanks (49 CFR 173.314(m)), were not authorized in Illinois for anhydrous ammonia service. All specifications MC-330 and MC-331 cargo tanks placed in such service after February 1, 1979 had to meet all requirements for the specification, including a minimum design service of 265 p.s.i.g.

AGENCY NOTE: To clarify the provisions of 49 CFR 173.315(k)(6), the transportation of liquefied petroleum gas within Illinois prior to January 1, 1981 was as follows: Non-specification cargo tanks used to transport liquefied petroleum gas were not authorized for intrastate transportation within Illinois prior to January 1, 1981.

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

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- 6) Will this proposed rulemaking replace any emergency rulemaking currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking affects units of local government that transport, or offer for transport, hazardous materials in commerce by highway in Illinois.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed amendment. Written submissions shall be filed with:

By U.S. Mail:

Ms. Catherine Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building
3215 Executive Park Drive
Commercial Vehicle Safety; 3rd Floor
Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 311

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

Springfield, Illinois 62764
(217) 782-3215

Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: This rulemaking affects small businesses that transport, offer for transport, or manufacture specification packaging for hazardous materials in commerce by highway in Illinois.
- B) Reporting, bookkeeping or other procedures required for compliance: No additional requirements are necessary for compliance.
- C) Types of professional skills necessary for compliance: No additional skills are necessary for compliance.

13) Regulatory Agenda on which this rulemaking was summarized: This proposed amendment was not included on either of the two most recent agendas because: the Department only recently became aware of the need for this rulemaking.

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONSPART 177
CARRIAGE BY PUBLIC HIGHWAY

Section

| | |
|----------|--|
| 177.1000 | General |
| 177.2000 | Incorporation by Reference of 49 CFR 177 |

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 4 Ill. Reg. 30, p. 1244, effective July 10, 1980; amended at 6 Ill. Reg. 4287, effective April 16, 1982; amended at 7 Ill. Reg. 3486, effective April 2, 1983; codified at 8 Ill. Reg. 18930; Part repealed, new Part adopted at 10 Ill. Reg. 5853, effective April 1, 1986; amended at 10 Ill. Reg. 20749, effective December 1, 1986; amended at 11 Ill. Reg. 4768, effective March 10, 1987; amended at 11 Ill. Reg. 17881, effective October 20, 1987; amended at 12 Ill. Reg. 8074, effective April 26, 1988; amended at 13 Ill. Reg. 3957, effective March 14, 1989; amended at 14 Ill. Reg. 2613, effective February 1, 1990; amended at 15 Ill. Reg. 7743, effective May 7, 1991; amended at 16 Ill. Reg. 11843, effective July 13, 1992; amended at 18 Ill. Reg. 7852, effective May 6, 1994; amended at 20 Ill. Reg. 6531, effective April 30, 1996; amended at 22 Ill. Reg. 5686, effective March 4, 1998; amended at 22 Ill. Reg. 17003, effective September 30, 1998; amended at 25 Ill. Reg. 7497, effective May 19, 2001; amended at 26 Ill. Reg. 8944, effective June 5, 2002; amended at 28 Ill. Reg. 10094, effective July 1, 2004; amended at 28 Ill. Reg. _____, effective _____.

Section 177.2000 Incorporation by Reference of 49 CFR 177

- a) As Part 177 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates 49 CFR 177 by reference, as that part of the federal hazardous materials transportation regulations was in effect on October 1, ~~2004, 2003, as amended at 68 FR 57629, October 6, 2003~~ subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of 49 CFR 177 are incorporated.
- b) The following interpretations of, additions to and deletions from 49 CFR 177 shall apply for purposes of this Part.

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NOTICE OF PROPOSED AMENDMENT

- 1) All references to "this part" in the incorporated federal regulations shall mean Part 177 of the Illinois Hazardous Materials Transportation Regulations.
- 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.
- 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
- 4) All references to part 174, 175 or 176, or to sections therein shall be read to refer to those parts or sections in the federal hazardous materials transportation regulations.
- 5) All references to shipment of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.
- 6) All references to motor vehicles engaged in interstate commerce shall be deemed to include any motor vehicle engaged in commerce within the State of Illinois.

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Specifications for Packagings
- 2) Code Citation: 92 Ill. Adm. Code 178
- 3) Section Number: 178.2000 Proposed Action:
Amend
- 4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)]
- 5) A complete description of the subjects and issues involved: By this Notice, the Department is proposing to update the incorporation by reference of 49 CFR 178 to the October 1, 2004 edition, the most recent edition of 49 CFR.

The following summaries provide descriptions of federal rulemakings that are applicable to this Part, that became effective since October 1, 2003, and that are included in the October 1, 2004 edition of 49 CFR 178. Therefore, the Department will incorporate changes made by the following Dockets:

Docket HM-223 (68 FR 61906, October 30, 2003) Clarified the applicability of the Hazardous Materials Regulations (HMR) to specific functions and activities, including hazardous materials loading and unloading operations and storage of hazardous materials during transportation. Also, listed the HMR pre-transportation functions to which the HMR apply.

Docket HM-189U (68 FR 75734, December 31, 2003) Amended the hazardous materials regulations (HMR) to standardize the format used to cross-reference consensus standards published by nationally and internationally recognized standard-setting organizations and industry that are incorporated by reference into the HMR. The amendments made minor editorial changes and imposed no new requirements.

Docket HM-230 (69 FR 3632, January 26, 2004) Amended requirements in the Hazardous Materials Regulations (HMR) pertaining to the transportation of radioactive materials based on changes contained in the International Atomic Energy Agency publication. Harmonized requirements of the HMR with international standards for radioactive materials.

Docket HM-223 (69 FR 30588, May 28, 2004) Delayed the effective date of the October 30, 2003 final rule from October 1, 2004 to January 1, 2005.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

Docket HM-189W (69 FR 54042, September 7, 2004) Corrected editorial errors, made minor regulatory changes and improved the clarity of certain provisions for the HMR.

The Department is also proposing to correct the heading at Section 178.2000 so it corresponds with the Table of Contents page.

- 6) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? Yes
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: This rulemaking affects units of local government that transport, or offer for transport, hazardous materials in commerce by highway in Illinois.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any interested party may submit written comments or arguments concerning this proposed amendment. Written submissions shall be filed with:

By U.S. Mail:

Ms. Catherine Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building
3215 Executive Park Drive
Commercial Vehicle Safety; 3rd Floor

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 311
Springfield, Illinois 62764
(217) 782-3215

Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: This rulemaking affects small businesses that transport, offer for transport, or manufacture specification packaging for hazardous materials in commerce by highway in Illinois.
- B) Reporting, bookkeeping or other procedures required for compliance: No additional requirements are necessary for compliance.
- C) Types of professional skills necessary for compliance: No additional skills are necessary for compliance.

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: the Department only recently became aware of the need for this rulemaking.

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION

CHAPTER I: DEPARTMENT OF TRANSPORTATION

SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 178

SPECIFICATIONS FOR PACKAGINGS

Section

- 178.321 Specification MC 300; Cargo Tanks Constructed of Mild (Open Hearth or Blue Annealed) Steel, or Combination of Mild Steel with High Tensile Steel, or Stainless Steel, Primarily For the Transportation of Flammable Liquids or Poisonous Liquids, Class B
- 178.321.0.1 [178.321-1] General Requirements
- 178.321.0.2 [178.321-2] Material
- 178.321.0.3 [178.321-3] Thickness
- 178.321.0.4 [178.321-4] Joints
- 178.321.0.5 [178.321-5] Bulkheads, Baffles, and Ring Stiffeners
- 178.321.0.6 [178.321-6] Closures for Manholes
- 178.321.0.7 [178.321-7] Overturn Protection
- 178.321.0.8 [178.321-8] Outlets
- 178.321.0.9 [178.321-9] Vents, Valves, and Connections
- 178.321.1.0 [178.321-10] Protection of Fittings
- 178.321.1.1 [178.321-11] Emergency Discharge Control
- 178.321.1.2 [178.321-12] Shear Section
- 178.321.1.3 [178.321-13] Anchoring of Tank
- 178.321.1.4 [178.321-14] Gauging Devices
- 178.321.1.5 [178.321-15] Pumps
- 178.321.1.6 [178.321-16] Testing Requirements
- 178.321.1.7 [178.321-17] Marking of Cargo Tanks
- 178.321.1.8 [178.321-18] Certification
- 178.322 Specification MC 301; Cargo Tanks Constructed of Welded Aluminum Alloy (Grade 3S), To Be Mounted On and To Form Part Of Tank Motor Vehicles for Transportation of Flammable Liquids, and Poisonous Liquids, Class B
- 178.322.0.1 [178.322-1] General Requirements
- 178.322.0.3 [178.322-3] Certification
- 178.322.0.5 [178.322-5] Marking of Cargo Tanks
- 178.322.0.9 [178.322-9] Testing Requirements
- 178.322.1.1 [178.322-11] Material
- 178.322.1.2 [178.322-12] Thickness of Sheets and Ring Stiffeners
- 178.322.1.3 [178.322-13] Tolerance

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- 178.322.1.4 [178.322-14] Joints
- 178.322.1.7 [178.322-17] Tank Outlets
- 178.322.1.8 [178.322-18] Bulkheads, Baffles, and Ring Stiffeners
- 178.322.1.9 [178.322-19] Tank Vents
- 178.322.2.0 [178.322-20] Valve and Faucet Connections
- 178.322.2.1 [178.322-21] Emergency Discharge Control
- 178.322.2.2 [178.322-22] Shear Section
- 178.322.2.3 [178.322-23] Protection of Valves and Faucets
- 178.322.2.4 [178.322-24] Overturn Protection
- 178.323 Specification MC 302; Cargo Tanks Constructed of Welded Aluminum Alloy (ASTM B209-57T), Primarily For the Transportation of Flammable Liquids, or Poisonous Liquids, Class B
 - 178.323.0.1 [178.323-1] General Requirements
 - 178.323.0.2 [178.323-2] Material
 - 178.323.0.3 [178.323-3] Thickness of Metal
 - 178.323.0.4 [178.323-4] Joints
 - 178.323.0.5 [178.323-5] Bulkheads, Baffles, and Ring Stiffeners
 - 178.323.0.6 [178.323-6] Closures for Manholes
 - 178.323.0.7 [178.323-7] Overturn Protection
 - 178.323.0.8 [178.323-8] Tank Outlets
 - 178.323.0.9 [178.323-9] Vents, Valves, and Connections
 - 178.323.1.0 [178.323-10] Protection of Fittings
 - 178.323.1.1 [178.323-11] Emergency Discharge Control
 - 178.323.1.2 [178.323-12] Shear Section
 - 178.323.1.3 [178.323-13] Anchoring of Tank
 - 178.323.1.4 [178.323-14] Gauging Devices
 - 178.323.1.5 [178.323-15] Pumps
 - 178.323.1.6 [178.323-16] Testing Requirements
 - 178.323.1.7 [178.323-17] Marking of Cargo Tanks
 - 178.323.1.8 [178.323-18] Certification
- 178.324 Specification MC 303; Cargo Tanks Constructed of Welded Ferrous Alloy (High-Tensile Steel), or Stainless Steel, Primarily For the Transportation of Flammable Liquids, or Poisonous Liquids, Class B
 - 178.324.0.1 [178.324-1] General Requirements
 - 178.324.0.2 [178.324-2] Material
 - 178.324.0.3 [178.324-3] Thickness of Metal
 - 178.324.0.4 [178.324-4] Joints
 - 178.324.0.5 [178.324-5] Bulkheads, Baffles, and Ring Stiffeners
 - 178.324.0.6 [178.324-6] Closures for Manholes
 - 178.324.0.7 [178.324-7] Overturn Protection

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- 178.324.0.8 [178.324-8] Outlets
- 178.324.0.9 [178.324-9] Vents, Valves, and Connections
- 178.324.1.0 [178.324-10] Protection of Fittings
- 178.324.1.1 [178.324-11] Emergency Discharge Control
- 178.324.1.2 [178.324-12] Shear Section
- 178.324.1.3 [178.324-13] Anchoring of Tank
- 178.324.1.4 [178.324-14] Gauging Devices
- 178.324.1.5 [178.324-15] Pumps
- 178.324.1.6 [178.324-16] Testing Requirements
- 178.324.1.7 [178.324-17] Marking of Cargo Tanks
- 178.324.1.8 [178.324-18] Certification
- 178.325 Specification MC 304; Cargo Tanks Constructed of Mild (Open Hearth or Blue Annealed) Steel, Welded Ferrous Alloy (High-Tensile) Steel, or Aluminum, Primarily For the Transportation of Flammable Liquids, or Poisonous Liquids, Class B, Having Reid (ASTM D-323) Vapor Pressures of 18 PSIA or More at 100 degrees F., But Less Than Those Stated in 92 Ill. Adm. Code 173.300, In Defining Compressed Gases
 - 178.325.0.1 [178.325-1] General Requirements
 - 178.325.0.2 [178.325-2] Material
 - 178.325.0.3 [178.325-3] Thickness of Metal
 - 178.325.0.4 [178.325-4] Joints
 - 178.325.0.5 [178.325-5] Bulkheads, Baffles, and Ring Stiffeners
 - 178.325.0.6 [178.325-6] Closures for Manholes
 - 178.325.0.7 [178.325-7] Overturn Protection
 - 178.325.0.8 [178.325-8] Tank Outlets
 - 178.325.0.9 [178.325-9] Safety Relief Devices, Valves, and Connections
 - 178.325.1.0 [178.325-10] Protection of Fittings
 - 178.325.1.1 [178.325-11] Emergency Discharge Control
 - 178.325.1.2 [178.325-12] Shear Section
 - 178.325.1.3 [178.325-13] Anchoring of Cargo Tank
 - 178.325.1.4 [178.325-14] Gauging Devices
 - 178.325.1.5 [178.325-15] Pumps
 - 178.325.1.6 [178.325-16] Testing Requirements
 - 178.325.1.7 [178.325-17] Marking of Cargo Tanks
 - 178.325.1.8 [178.325-18] Certification
- 178.326 Specification MC 305; Cargo Tanks Constructed of Aluminum Alloys for High-Strength Welded Construction, Primarily For the Transportation of Flammable Liquids, or Poisonous Liquids, Class B
 - 178.326.0.1 [178.326-1] General Requirements
 - 178.326.0.2 [178.326-2] Material

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- 178.326.0.3 [178.326-3] Thickness of Sheets
- 178.326.0.4 [178.326-4] Joints
- 178.326.0.5 [178.326-5] Bulkheads, Baffles, and Ring Stiffeners
- 178.326.0.6 [178.326-6] Closures for Manholes
- 178.326.0.7 [178.326-7] Overturn Protection
- 178.326.0.8 [178.326-8] Tank Outlets
- 178.326.0.9 [178.326-9] Vents, Valves, and Connections
- 178.326.1.0 [178.326-10] Protection of Fittings
- 178.326.1.1 [178.326-11] Emergency Discharge Control
- 178.326.1.2 [178.326-12] Shear Section
- 178.326.1.3 [178.326-13] Anchoring of Cargo Tank
- 178.326.1.4 [178.326-14] Gauging Devices
- 178.326.1.5 [178.326-15] Pumps
- 178.326.1.6 [178.326-16] Testing Requirements
- 178.326.1.7 [178.326-17] Marking of Cargo Tanks
- 178.326.1.8 [178.326-18] Certification
- 178.330 Specification MC 310; Cargo Tanks Constructed of Ferrous Materials, Primarily For the Transportation of Corrosive Liquids
 - 178.330.0.1 [178.330-1] General Requirements
 - 178.330.0.2 [178.330-2] Material
 - 178.330.0.3 [178.330-3] Thickness of Metal
 - 178.330.0.4 [178.330-4] Joints
 - 178.330.0.5 [178.330-5] Bulkheads, Baffles, and Ring Stiffeners, Tank Supports, and Compartmentation
 - 178.330.0.6 [178.330-6] Closures for Manholes
 - 178.330.0.7 [178.330-7] Overturn Protection
 - 178.330.0.8 [178.330-8] Outlets
 - 178.330.0.9 [178.330-9] Vents, Valves, and Connections
 - 178.330.1.0 [178.330-10] Protection of Fittings
 - 178.330.1.1 [178.330-11] Emergency Discharge Control
 - 178.330.1.2 [178.330-12] Shear Section
 - 178.330.1.3 [178.330-13] Anchoring of Tank
 - 178.330.1.4 [178.330-14] Gauging Devices
 - 178.330.1.5 [178.330-15] Pumps and Compressors
 - 178.330.1.6 [178.330-16] Testing Requirements
 - 178.330.1.7 [178.330-17] Marking of Cargo Tanks
 - 178.330.1.8 [178.330-18] Certification
- 178.331 Specification MC 311; Cargo Tanks Constructed of Ferrous Metals or Aluminum, Primarily For the Transportation of Corrosive Liquids
 - 178.331.0.1 [178.331-1] General Requirements

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- 178.331.0.2 [178.331-2] Material
- 178.331.0.3 [178.331-3] Thickness of Metal
- 178.331.0.4 [178.331-4] Joints
- 178.331.0.5 [178.331-5] Bulkheads, Baffles, and Ring Stiffeners, Tank Supports, and
Compartmentation
- 178.331.0.6 [178.331-6] Closures for Manholes
- 178.331.0.7 [178.331-7] Overturn Protection
- 178.331.0.8 [178.331-8] Outlets
- 178.331.0.9 [178.331-9] Vents, Valves, and Connections
- 178.331.1.0 [178.331-10] Protection of Fittings
- 178.331.1.1 [178.331-11] Emergency Discharge Control
- 178.331.1.2 [178.331-12] Shear Section
- 178.331.1.3 [178.331-13] Anchoring of Tank
- 178.331.1.4 [178.331-14] Gauging Devices
- 178.331.1.5 [178.331-15] Pumps and Compressors
- 178.331.1.6 [178.331-16] Testing Requirements
- 178.331.1.7 [178.331-17] Marking of Cargo Tanks
- 178.331.1.8 [178.331-18] Certification
- 178.336 Specification MC 330; Cargo Tanks Constructed of Steel, Primarily For
Transportation of Compressed Gases
 - 178.336.0.1 [178.336-1] General Requirements
 - 178.336.0.2 [178.336-2] Material
 - 178.336.0.3 [178.336-3] Thickness of Metal
 - 178.336.0.4 [178.336-4] Joints
 - 178.336.0.5 [178.336-5] Bulkheads, Baffles, and Ring Stiffeners
 - 178.336.0.6 [178.336-6] Closures for Manholes
 - 178.336.0.7 [178.336-7] Overturn Protection
 - 178.336.0.8 [178.336-8] Outlets
 - 178.336.0.9 [178.336-9] Safety Relief Devices, Valves, and Connections
 - 178.336.1.0 [178.336-10] Protection of Fittings
 - 178.336.1.1 [178.336-11] Emergency Discharge Control
 - 178.336.1.2 [178.336-12] Shear Section
 - 178.336.1.3 [178.336-13] Anchoring of Cargo Tank
 - 178.336.1.4 [178.336-14] Gauging Devices
 - 178.336.1.5 [178.336-15] Pumps and Compressors
 - 178.336.1.6 [178.336-16] Testing Requirements
 - 178.336.1.7 [178.336-17] Marking of Cargo Tanks
 - 178.336.1.8 [178.336-18] Certification
- 178.337 Specification MC 331; Cargo Tanks Constructed of Steel, Primarily For
Transportation of Compressed Gases, As Defined In the Compressed Gas Section

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- (Repealed)
- 178.337.0.1 [178.337-1] General Requirements (Repealed)
- 178.337.0.2 [178.337-2] Material (Repealed)
- 178.337.0.3 [178.337-3] Thickness of Tank Metal (Repealed)
- 178.337.0.4 [178.337-4] Joints (Repealed)
- 178.337.0.5 [178.337-5] Bulkheads, Baffles, and Ring Stiffeners (Repealed)
- 178.337.0.6 [178.337-6] Closure for Manhole (Repealed)
- 178.337.0.7 [178.337-7] Overturn Protection (Repealed)
- 178.337.0.8 [178.337-8] Outlets (Repealed)
- 178.337.0.9 [178.337-9] Safety Relief Devices, Valves, and Connections (Repealed)
- 178.337.1.0 [178.337-10] Protection of Fittings (Repealed)
- 178.337.1.1 [178.337-11] Emergency Discharge Control (Repealed)
- 178.337.1.2 [178.337-12] Shear Section (Repealed)
- 178.337.1.3 [178.337-13] Supporting and Anchoring (Repealed)
- 178.337.1.4 [178.337-14] Gauging Devices (Repealed)
- 178.337.1.5 [178.337-15] Pumps and Compressors (Repealed)
- 178.337.1.6 [178.337-16] Testing (Repealed)
- 178.337.1.7 [178.337-17] Marking (Repealed)
- 178.337.1.8 [178.337-18] Certification (Repealed)
- 178.340 General Design and Construction Requirements Applicable to Specifications MC 306 (Section 178.341), MC 307 (Section 178.342), and MC 312 (Section 178.343) Cargo Tanks (Repealed)
- 178.340.0.1 [178.340-1] Specification Requirements For MC 306, MC 307, and MC 312 Cargo Tanks (Repealed)
- 178.340.0.2 [178.340-2] General Requirements (Repealed)
- 178.340.0.3 [178.340-3] Material (Repealed)
- 178.340.0.4 [178.340-4] Structural Integrity (Repealed)
- 178.340.0.5 [178.340-5] Joints (Repealed)
- 178.340.0.6 [178.340-6] Supports and Anchoring (Repealed)
- 178.340.0.7 [178.340-7] Circumferential Reinforcements (Repealed)
- 178.340.0.8 [178.340-8] Accident Damage Protection (Repealed)
- 178.340.0.9 [178.340-9] Pumps (Repealed)
- 178.340.1.0 [178.340-10] Certification (Repealed)
- 178.341 Specification MC 306; Cargo Tanks (Repealed)
- 178.341.0.1 [178.341-1] General Requirements (Repealed)
- 178.341.0.2 [178.341-2] Thickness of Shells, Heads, Bulkheads, and Baffles (Repealed)
- 178.341.0.3 [178.341-3] Closures for Fill Openings and Manholes (Repealed)
- 178.341.0.4 [178.341-4] Vents (Repealed)
- 178.341.0.5 [178.341-5] Emergency Flow Control (Repealed)
- 178.341.0.6 [178.341-6] Gauging Devices (Repealed)

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- 178.341.0.7 [178.341-7] Method of Test (Repealed)
- 178.342 Specification MC 307; Cargo Tanks (Repealed)
- 178.342.0.1 [178.342-1] General Requirements (Repealed)
- 178.342.0.2 [178.342-2] Thickness of Shell, Heads, Bulkheads, and Baffles (Repealed)
- 178.342.0.3 [178.342-3] Closures for Manholes (Repealed)
- 178.342.0.4 [178.342-4] Vents (Repealed)
- 178.342.0.5 [178.342-5] Emergency Flow Control (Repealed)
- 178.342.0.6 [178.342-6] Gauging Devices (Repealed)
- 178.342.0.7 [178.342-7] Method of Test (Repealed)
- 178.343 Specification MC 312; Cargo Tanks (Repealed)
- 178.343.0.1 [178.343-1] General Requirements (Repealed)
- 178.343.0.2 [178.343-2] Thickness of Shell, Heads, Bulkheads, and Baffles of Non-Asme Code Tanks (Repealed)
- 178.343.0.3 [178.343-3] Closures for Manholes (Repealed)
- 178.343.0.4 [178.343-4] Vents (Repealed)
- 178.343.0.5 [178.343-5] Outlets (Repealed)
- 178.343.0.6 [178.343-6] Gauging Devices (Repealed)
- 178.343.0.7 [178.343-7] Method of Test (Repealed)
- 178.350 Specification 7A; General Packaging, Type A (Repealed)
- 178.350.0.1 [178.350-1] General Requirements (Repealed)
- 178.350.0.2 [178.350-2] Specific Requirements (Repealed)
- 178.350.0.3 [178.350-3] Marking (Repealed)
- 178.1000 General
- 178.2000 Incorporation By Reference of 49 CFR 178
- 178.APPENDIX C Tensile Specimen (Repealed)
- 178.APPENDIX D Material Thickness (Repealed)
- 178.TABLE A Minimum Thickness of Heads, Bulkheads, and Baffles (Repealed)
- 178.TABLE B Minimum Thickness of Shell Sheets (Repealed)

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 5 Ill. Reg. 1715, effective February 9, 1981; amended at 6 Ill. Reg. 10036, effective August 2, 1982; amended at 8 Ill. Reg. 19640, effective October 1, 1984; codified at 8 Ill. Reg. 20047; amended at 8 Ill. Reg. 20064, effective October 1, 1984; amended at 10 Ill. Reg. 5897, effective April 1, 1986; amended at 10 Ill. Reg. 20770, effective December 1, 1986; amended at 11 Ill. Reg. 4786, effective March 10, 1987; amended at 11 Ill. Reg. 17904, effective October 20, 1987; amended at 12 Ill. Reg. 8093, effective April 26, 1988; amended at 13 Ill. Reg. 4004, effective March 14, 1989; amended at 14 Ill. Reg. 2640, effective February 1, 1990; amended at 15 Ill. Reg. 7771,

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effective May 7, 1991; amended at 16 Ill. Reg. 11863, effective July 13, 1992; amended at 18 Ill. Reg. 7901, effective May 6, 1994; amended at 20 Ill. Reg. 6566, effective April 30, 1996; amended at 22 Ill. Reg. 5726, effective March 4, 1998; amended at 22 Ill. Reg. 17032, effective September 30, 1998; amended at 25 Ill. Reg. 7310, effective May 19, 2001; amended at 26 Ill. Reg. 8948, effective June 5, 2002; amended at 28 Ill. Reg. 10099, effective July 1, 2004; peremptory amendment at 28 Ill. Reg. 11390, effective July 22, 2004; amended at 28 Ill. Reg. _____, effective _____.

AGENCY NOTE: In reading this Part it is necessary to read Sections 178.1000 and 178.2000 prior to reading the remaining Sections in numerical order.

Section 178.2000 Incorporation By Reference of 49 CFR 178

- a) As Part 178 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates 49 CFR 178 by reference, as that part of the federal hazardous materials transportation regulations was in effect on October 1, ~~2004, 2003, as amended at 68 FR 57629, October 6, 2003, and as amended at 69 FR 34604, June 22, 2004~~ subject only to the exceptions in subsection (f) of this Section. No later amendments to or editions of 49 CFR 178 are incorporated.
- b) As Section 178.340 of the Illinois Hazardous Materials Transportation Regulations, the Department hereby incorporates 49 CFR 178.340 as that section of the federal hazardous materials transportation regulations was in effect on October 1, 1989.
- c) As Section 178.341 of the Illinois Hazardous Materials Transportation Regulations, the Department hereby incorporates 49 CFR 178.341 as that section of the federal hazardous materials transportation regulations was in effect on October 1, 1989.
- d) As Section 178.342 of the Illinois Hazardous Materials Transportation Regulations, the Department hereby incorporates 49 CFR 178.342 as that section of the federal hazardous materials transportation regulations was in effect on October 1, 1989.
- e) As Section 178.343 of the Illinois Hazardous Materials Transportation Regulations, the Department hereby incorporates 49 CFR 178.343 as that section of the federal hazardous materials transportation regulations was in effect on October 1, 1989.

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- f) The following interpretations of, additions to and deletions from the 49 CFR 178 shall apply for purposes of this Part.
- 1) All references to "this part" in the incorporated federal regulations shall mean Part 178 of the Illinois Hazardous Materials Transportation Regulations.
 - 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.
 - 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
 - 4) All references to part 174, 175 or 176, or to sections therein shall be read to refer to those parts ~~or~~ sections in the federal hazardous materials transportation regulations.

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

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Specifications for Tank Cars
- 2) Code Citation: 92 Ill. Adm. Code 179
- 3) Section Number: Proposed Action:
179.2000 Amend
- 4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)]
- 5) A complete description of the subjects and issues involved: By this Notice, the Department is proposing to update the incorporation by reference of 49 CFR 179 to the October 1, 2004 edition, the most recent edition of 49 CFR.

The following summaries provide descriptions of federal rulemakings that are applicable to this Part, that became effective since October 1, 2003, and that are included in the October 1, 2004 edition of 49 CFR 179. Therefore, the Department will incorporate changes made by the following Dockets:

Docket HM-189U (68 FR 75734, December 31, 2003) Amended the hazardous materials regulations (HMR) to standardize the format used to cross-reference consensus standards published by nationally and internationally recognized standard-setting organizations and industry that are incorporated by reference into the HMR. The amendments made minor editorial changes and imposed no new requirements.

Docket HM-189W (69 FR 54042, September 7, 2004) Corrected editorial errors, made minor regulatory changes and improved the clarity of certain provisions for the HMR.

Section 179.2000(b)(4) is being deleted. The reference to 49 CFR 179.2(a)(4) is no longer valid since that section is now a reserved section in the 49 CFR.

- 6) Will this proposed rulemaking replace any emergency rulemaking currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes

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- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking affects units of local government that transport, or offer for transport, hazardous materials in commerce by highway in Illinois.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed amendment. Written submissions shall be filed with:

By U.S. Mail:

Ms. Catherine Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building
3215 Executive Park Drive
Commercial Vehicle Safety; 3rd Floor
Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 311
Springfield, Illinois 62764
(217) 782-3215

Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

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12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: This rulemaking affects small businesses that transport, offer for transport, or manufacture specification packaging for hazardous materials in commerce by highway in Illinois.
- B) Reporting, bookkeeping or other procedures required for compliance: No additional requirements are necessary for compliance.
- C) Types of professional skills necessary for compliance: No additional skills are necessary for compliance.

- | 13) Regulatory Agenda on which this rulemaking was summarized: This proposed amendment was not included on either of the two most recent regulatory agendas because: the Department only recently became aware of the need for this rulemaking.

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONSPART 179
SPECIFICATIONS FOR TANK CARS

Section

179.1000 General
179.2000 Incorporation By Reference of 49 CFR 179

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 6 Ill. Reg. 4287, effective April 16, 1982; old rules repealed, new rules adopted and codified at 8 Ill. Reg. 19677, effective October 1, 1984; amended at 10 Ill. Reg. 5909, effective April 1, 1986; amended at 10 Ill. Reg. 20824, effective December 1, 1986; amended at 11 Ill. Reg. 4796, effective March 10, 1987; amended at 11 Ill. Reg. 17915, effective October 20, 1987; amended at 12 Ill. Reg. 8102, effective April 26, 1988; amended at 15 Ill. Reg. 7781, effective May 7, 1991; amended at 16 Ill. Reg. 11875, effective July 13, 1992; amended at 18 Ill. Reg. 7912, effective May 6, 1994; amended at 20 Ill. Reg. 6577, effective April 30, 1996; amended at 22 Ill. Reg. 5736, effective March 4, 1998; amended at 22 Ill. Reg. 17042, effective September 30, 1998; amended at 25 Ill. Reg. 7320, effective May 19, 2001; amended at 26 Ill. Reg. 8958, effective June 5, 2002; amended at 28 Ill. Reg. 10112, effective July 1, 2004; amended at 28 Ill. Reg. _____, effective _____.

Section 179.2000 Incorporation By Reference of 49 CFR 179

- a) As Part 179 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates the following sections of 49 CFR 179 by reference, as those sections of the federal hazardous materials transportation regulations were in effect on October 1, ~~2004, 2003, as amended at 68 FR 57629, October 6, 2003~~ subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of those sections of 49 CFR 179 of the federal regulations are incorporated.

179.1 General
179.2 Definitions and abbreviations

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|---------|--|
| 179.5 | Certificate of Construction |
| 179.6 | Repairs and alterations |
| 179.7 | Quality Assurance program |
| 179.10 | Tank mounting |
| 179.11 | Welding certification |
| 179.12 | Interior heater systems |
| 179.16 | Tank-head puncture-resistance systems |
| 179.18 | Thermal protection systems |
| 179.20 | Service equipment; protection systems |
| 179.22 | Marking |
| 179.300 | General specifications applicable to multi-unit tank car tanks designed to be removed from car structure for filling and emptying (classes DOT-106A and 110AW) |
| 179.301 | Individual specification requirements for multi-unit tank car tanks |

- b) The following interpretations of, additions to and deletions from the above incorporated sections of 49 CFR 179 shall apply for purposes of this Part.
- 1) All references to "this part" in the incorporated federal regulations shall mean Part 179 of the Illinois Hazardous Materials Transportation Regulations.
 - 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.
 - 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations except references to Section 179.3 shall mean 49 CFR 179.3.
 - 4) ~~49 CFR 179.2(a)(4) is deleted and replaced by the following: "'DOT' means the U.S. Department of Transportation and 'Department' means the Illinois Department of Transportation."~~

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

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Continuing Qualification and Maintenance of Packaging
- 2) Code Citation: 92 Ill. Adm. Code 180
- 3) Section Number: 180.2000 Proposed Action:
Amend
- 4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)]
- 5) A complete description of the subjects and issues involved: By this Notice, the Department is proposing to update the incorporation by reference of 49 CFR 180 to the October 1, 2004 edition, the most recent edition of 49 CFR.

The following summaries provide descriptions of federal rulemakings that are applicable to this Part, that became effective since October 1, 2003, and that are included in the October 1, 2004 edition of 49 CFR 180. Therefore, the Department will incorporate changes made by the following Dockets:

Docket HM-189U (68 FR 75734, December 31, 2003) Amended the hazardous materials regulations (HMR) to standardize the format used to cross-reference consensus standards published by nationally and internationally recognized standard-setting organizations and industry that are incorporated by reference into the HMR. The amendments made minor editorial changes and imposed no new requirements.

Docket HM-189W (69 FR 54042, September 7, 2004) Corrected editorial errors, made minor regulatory changes and improved the clarity of certain provisions for the HMR.

- 6) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? Yes
- 9) Are there any other amendments pending on this Part? No

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NOTICE OF PROPOSED AMENDMENT

- 10) Statement of Statewide Policy Objectives: This rulemaking affects units of local government that transport, or offer for transport, hazardous materials in commerce by highway in Illinois.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Any interested party may submit written comments or arguments concerning this proposed amendment. Written submissions shall be filed with:

By U.S. Mail:

Ms. Catherine Allen
Illinois Department of Transportation
Division of Traffic Safety
P.O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building
3215 Executive Park Drive
Commercial Vehicle Safety; 3rd Floor
Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 311
Springfield, Illinois 62764
(217) 782-3215

Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses affected: This rulemaking affects small businesses that transport, offer for transport, or manufacture specification packaging for hazardous materials in commerce by highway in Illinois.
 - B) Reporting, bookkeeping or other procedures required for compliance: No additional requirements are necessary for compliance.
 - C) Types of professional skills necessary for compliance: No additional skills are necessary for compliance.
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: the Department only recently became aware of the need for this rulemaking.

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION

CHAPTER I: DEPARTMENT OF TRANSPORTATION

SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 180

CONTINUING QUALIFICATION AND MAINTENANCE OF PACKAGING

Section

180.1000 General

180.2000 Incorporation by Reference of 49 CFR 180

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 14 Ill. Reg. 2617, effective February 1, 1990; amended at 15 Ill. Reg. 7748, effective May 7, 1991; amended at 16 Ill. Reg. 11847, effective July 13, 1992; amended at 18 Ill. Reg. 7857, effective May 6, 1994; amended at 20 Ill. Reg. 6535, effective April 30, 1996; amended at 22 Ill. Reg. 5690, effective March 4, 1998; amended at 22 Ill. Reg. 17007, effective September 30, 1998; amended at 25 Ill. Reg. 7283, effective May 19, 2001; amended at 26 Ill. Reg. 8962, effective June 5, 2002; amended at 28 Ill. Reg. 10116, effective July 1, 2004; amended at 28 Ill. Reg. _____, effective _____.

Section 180.2000 Incorporation by Reference of 49 CFR 180

- a) As Part 180 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates 49 CFR 180 by reference, as that part of the federal hazardous materials transportation regulations was in effect on October 1, ~~2004~~2003, subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of 49 CFR 180 are incorporated.
- b) The following interpretations of, additions to and deletions from 49 CFR 180 shall apply for purposes of this Part.
 - 1) All references to "this part" in the incorporated federal regulations shall mean Part 180 of the Illinois Hazardous Materials Transportation Regulations.
 - 2) All references to "this chapter" or "this ~~subchapter~~Subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

- 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
- 4) All references to part 174, 175, or 176 or to sections therein shall be read to refer to those parts or sections in the federal hazardous materials transportation regulations.
- 5) All references to shipments of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Auction License Act
- 2) Code Citation: 68 Ill. Adm. Code 1440
- 3)

| <u>Section Numbers:</u> | <u>Adopted Action:</u> |
|-------------------------|------------------------|
| 1440.400 | New |
| 1440.410 | New |
| 1440.420 | New |
| 1440.430 | New |
| 1440.440 | New |
| 1440.450 | New |
| 1440.460 | New |
| 1440.470 | New |
| 1440.480 | New |
- 4) Statutory Authority: Implementing and authorized by the Auction License Act [225 ILCS 407]
- 5) Effective date of amendments: September 16, 2004
- 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 Division of Banks and Real Estate's principal office and is available for public inspection.
- 9) Notices of Proposal Published in Illinois Register: 28 Ill. Reg. 7213; 5/21/04
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: The only changes are the technical corrections suggested by JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of amendments: The purpose of this rulemaking is to implement the registration of Internet Auction Listing Services pursuant to PA 92-798.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Kraig Lounsberry
Legislative Liaison
Illinois Department of Financial and Professional Regulation
Division of Office of Banks and Real Estate
500 E. Monroe Street
Springfield IL 62701
217/782-6167

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VIII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
OFFICE OF BANKS AND REAL ESTATE

PART 1440
AUCTION LICENSE ACT

SUBPART A: DEFINITIONS

Section
1440.10 Definitions

SUBPART B: AUCTION LICENSE

Section
1440.100 Necessity of License; Exemptions
1440.110 Examination
1440.120 Application for Auctioneer, Associate Auctioneer License and Auction Firm
1440.130 Application for Licensure, Practice Prior to the Act
1440.140 45 Day Permit Sponsor Card
1440.150 Restoration of Lapsed or Expired License
1440.160 Nonresident Auctioneer, Associate Auctioneer Reciprocity
1440.170 Fees
1440.180 Earnings from the Investment of Moneys in the Auction Recovery Fund
1440.190 Address Change, Notification
1440.200 Pocket Card
1440.210 Assumed Name
1440.220 Supervisory Duties
1440.230 Advertising; Buyer Premium; Disclosure
1440.240 Unlicensed Assistants
1440.250 Felony convictions; Discipline of Other Professional License; Notification
1440.260 Advertising; Auction without Reserve; Absolute Auction
1440.270 Escrow or Trust Accounts
1440.280 Termination for Failure to Pay Taxes, Child Support or Student Loan

SUBPART C: CONTINUING EDUCATION

Section
1440.300 Continuing Education Schools Approval and License

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

| | |
|----------|---|
| 1440.310 | Continuing Education |
| 1440.320 | Expiration and Renewal for Continuing Education Schools and Courses |
| 1440.330 | Distant Learning Programs |
| 1440.340 | Class Attendance Requirements |
| 1440.350 | Withdrawal of Approval of School and Courses |
| 1440.360 | Discipline of Schools |

SUBPART D: INTERNET AUCTION LISTING SERVICE

Section

| | |
|-----------------|--|
| <u>1440.400</u> | <u>Definitions</u> |
| <u>1440.410</u> | <u>Registration</u> |
| <u>1440.420</u> | <u>Expiration of Registration</u> |
| <u>1440.430</u> | <u>Renewal of Registration</u> |
| <u>1440.440</u> | <u>Issuance of Certificate of Registration</u> |
| <u>1440.450</u> | <u>Notification of Name Change</u> |
| <u>1440.460</u> | <u>Assumed Name</u> |
| <u>1440.470</u> | <u>Address Change; Street Address</u> |
| <u>1440.480</u> | <u>Fees</u> |

AUTHORITY: Implementing and authorized by the Auction License Act [225 ILCS 407].

SOURCE: Adopted by emergency rulemaking at 23 Ill. Reg. 13414, effective October 25, 1999, for a maximum of 150 days; adopted at 24 Ill. Reg. 3518, effective February 22, 2000; amended at 25 Ill. Reg. 12586, effective September 28, 2001; amended at 28 Ill. Reg. 13212, effective September 16, 2004.

SUBPART: D INTERNET AUCTION LISTING SERVICE

Section 1440.400 Definitions

Unless otherwise clarified by this Subpart, definitions set forth in the Act and this Part shall also apply for the purposes of this Subpart.

"Close of a transaction" shall mean the conclusion of the bidding process of a transaction on an Internet auction listing service web site. It shall not be construed to mean when a seller receives payment for the property and/or when a

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

purchaser receives the property at the conclusion of a transaction on an Internet auction listing service web site.

"DBRE" means the Division of Banks and Real Estate of the Department of Financial and Professional Regulation.

"Designated agent" means the person listed in the registration of an Internet auction listing service who will respond to DBRE written requests for information, records and related documents maintained in connection with the activities subject to registration.

"Registrant" means any person registered as an Internet auction listing service under the Act and this Part.

"Registration" means the acceptance by DBRE of the completed forms along with the applicable fees submitted by a person providing or seeking to provide an Internet auction listing service.

(Source: Added at 28 Ill. Reg. 13212, effective September 16, 2004)

Section 1440.410 Registration

- a) An applicant who desires to register as an Internet auction listing service shall submit to DBRE on forms provided by DBRE:
- 1) The applicant's name, address, social security number or federal employer identification number, and telephone number;
 - 2) The applicant's designated agent;
 - 3) The fee as provided by Section 1440.480; and
 - 4) Certifications as provided in Section 10-27(c) of the Act.
- b) If an applicant is making application as an Internet auction listing service in the form of a corporation, limited liability company or legally formed partnership, the applicant, in addition to the information provided in subsection (a), shall submit to DBRE on forms provided by DBRE:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

- 1) The articles of incorporation or organization or evidence of other legal authority, and if the corporation, limited liability company, or other legally formed partnership is registered in a state other than Illinois, a certificate of authority to conduct business in the State of Illinois; and
- 2) A list of all officers, directors, and owners with a percentage of ownership that is in excess of 10%.

(Source: Added at 28 Ill. Reg. 13212, effective September 16, 2004)

Section 1440.420 Expiration of Registration

Pursuant to Section 10-27(e) of the Act, all certificates of registration issued under the Act and this Subpart shall expire on September 30 of odd numbered years.

(Source: Added at 28 Ill. Reg. 13212, effective September 16, 2004)

Section 1440.430 Renewal of Registration

- a) An applicant for renewal of a registration issued pursuant to Section 1440.410 shall submit to DBRE:
 - 1) An application, provided by DBRE, that is signed and fully completed by the applicant; and
 - 2) The fee as provided by Section 1440.480.
- b) Any person who fails to submit a renewal application by the expiration date of the registration may renew the registration for a period of 2 years following the expiration date of the registration by submitting to DBRE:
 - 1) An application, provided by DBRE, that is signed and fully completed by the applicant; and
 - 2) The fee and late penalty as provided by Section 1440.480.
- c) Any person who fails to submit a renewal application within 2 years of the expiration date of the registration shall not be eligible to renew the registration, and must meet the requirements of a new applicant as provided by Section

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

1440.410, plus pay all lapsed fees and penalties as provided by Section 1440.480 of this Subpart.

(Source: Added at 28 Ill. Reg. 13212, effective September 16, 2004)

Section 1440.440 Issuance of Certificate of Registration

DBRE shall issue a certificate of registration to all Internet auction listing services registered under the Act and this Subpart. The certificate shall include the name, address, date of expiration and registration number of the Internet auction listing service.

(Source: Added at 28 Ill. Reg. 13212, effective September 16, 2004)

Section 1440.450 Notification of Name Change

It is the responsibility of each registrant under the Act and this Subpart to notify DBRE in writing, within 15 days after any change of name. For example, if the registrant has had a name change either by court order or due to a change in marital status, the registrant shall notify DBRE of the name change together with a certified copy of the marriage certificate or portions of the court order relating to the name change, and indicate the name in which the registration shall be issued.

(Source: Added at 28 Ill. Reg. 13212, effective September 16, 2004)

Section 1440.460 Assumed Name

If a registrant operates under any name other than that appearing on the certificate of registration, the registrant shall submit to DBRE a certified copy of the registration under the Assumed Business Name Act [805 ILCS 405] at the time of the application or within 30 days after the registration.

(Source: Added at 28 Ill. Reg. 13212, effective September 16, 2004)

Section 1440.470 Assumed Name

It is the responsibility of the registrant to notify DBRE in writing within 15 days after a change of address. If a registrant uses a post office box number as a mailing address, the registrant shall also provide DBRE with the street address of the registrant's business location.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF BANKS AND REAL ESTATE

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 28 Ill. Reg. 13212, effective September 16, 2004)

Section 1440.480 Fees

- a) The initial application fee for an Internet auction listing service shall be \$200.
- b) The renewal application fee for an Internet auction listing service shall be calculated at \$225 per year for a total of \$450 per renewal.
- c) The fee to renew an expired registration shall be the sum of all lapsed renewal fees plus a \$50 late fee. For the purposes of determining if a registrant failed to renew prior to the expiration date, if the postmark on the renewal application is a date later than the expiration date, the registrant shall be required to pay the penalty fee.
- d) The fee for a certification of a registrant's record for any purpose shall be \$25.
- e) The fee for a roster of registrants shall be the cost of producing the roster.
- f) The fee for a copy of any transcript of any proceeding shall be the cost to produce the transcript.
- g) The fee for certifying any record, for example, a copy of disciplinary order or application, shall be \$1 per page.

(Source: Added at 28 Ill. Reg. 13212, effective September 16, 2004)

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Relocation Towing
- 2) Code Citation: 92 Ill. Adm. Code 1710
- 3) Section Numbers: Adopted Action:
 Section 1710.160 Amendment
 Section 1710.170 Amendment
- 4) Statutory Authority: Implementing Section 18a-100 and authorized by Section 18a-200 of the Illinois Commercial Relocation of Trespassing Vehicles Law [625 ILCS 5/18a-100 and 18a-200]
- 5) Effective date of amendments: October 1, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) Copies of these adopted amendments, including any material incorporated by reference, are on file and available for public inspection at the Illinois Commerce Commission, Transportation Division, 527 East Capitol Avenue, Springfield, Illinois 62701.
- 9) Notice of Proposal published in Illinois Register: May 30, 2003; 27 Ill. Reg. 8600
- 10) Has JCAR issued a Statement of Objection to these amendments? Yes. JCAR issued a Certification of Objection and Filing Prohibition for Proposed Rulemaking at its February 18, 2004 meeting. As a result of JCAR’s Filing Prohibition, the Illinois Commerce Commission was prohibited from adopting the amended rules for 180 days.
- 11) Differences between proposal and final version: The amount of the fee increases in the final adopted version differ from those increases originally proposed on First Notice. Those changes are as follows:

| <u>Type of Fee Increase</u> | <u>First Notice Increase Amount</u> | <u>Final Adopted Increase Amount</u> |
|--|---|--|
| Filing fee for application for relocator's license | \$1200 | \$900 |
| Filing fee for application for the biennial renewal of a relocator's license | \$1200 | \$900 |

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

| | | |
|--|--------|---------|
| Filing fee for application for operator's employment permit | \$ 100 | \$ 90 |
| Filing fee for application for dispatcher's employment permit | \$ 100 | \$ 90 |
| Filing fee for application to renew operator's employment permit | \$ 50 | \$ 60 |
| Filing fee for application to renew dispatcher's employment permit | \$ 50 | \$ 60 |
| Equipment lease filing fee | \$ 25 | \$300 |
| Contract filing fee | \$ 50 | \$ 50 |
| Relocation tow record form | \$ 10 | \$ 7.50 |

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreement letter was issued by JCAR.
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of amendments: The amendments increase fees charged to the relocation towing industry by 50% to comply with a directive from the Office of the Governor.
- 16) Information and questions regarding these adopted amendments shall be directed to:
 Steven L. Matrisch
 Office of Transportation Counsel
 Illinois Commerce Commission
 527 East Capitol Avenue
 Springfield IL 62701
 217/782-6447
 smatrisc@icc.state.il.us

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER III: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER d: RELOCATION TOWING

PART 1710
RELOCATION TOWING

SUBPART A: MISCELLANEOUS PROVISIONS

Section
1710.10 Definitions

SUBPART B: APPLICATIONS FOR RELOCATOR'S,
OPERATOR'S AND DISPATCHER'S LICENSES

Section
1710.20 Application Forms
1710.21 Notice of Applications
1710.22 Policy on Applications

SUBPART C: RELOCATOR'S, OPERATOR'S AND DISPATCHER'S LICENSES

Section
1710.30 Licenses Conditioned Upon Compliance
1710.31 Licenses To Be Carried by Holder
1710.32 Alteration of Licenses
1710.33 Relocator's Endorsement of Operator's License

SUBPART D: PROHIBITED ACTIVITIES

Section
1710.40 Relocating Vehicles From Authorized Spaces
1710.41 Relocating Vehicles From Private Property Without Authorization From Property
Owner
1710.42 Relocation of Vehicles Not in Accordance with Proper Posting
1710.43 Relocating Vehicles Where Owner or Driver is Present
1710.44 Operation of Unsafe Vehicles
1710.45 Transacting Business at Unauthorized Locations
1710.46 Posting Signs At Locations Where the Relocator Is Not Authorized To Operate
1710.47 Certain Types of Compensation to Relocators Prohibited

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

1710.48 Compensation to Property Owners and Others

SUBPART E: POSTING OF SIGNS

Section

1710.50 Posting Requirements
1710.51 Sign Specifications
1710.52 Removal of Signs

SUBPART F: VEHICLE IDENTIFICATION

Section

1710.60 Vehicle Identification Requirement

SUBPART G: INSURANCE REQUIREMENTS

Section

1710.70 Licenses Conditioned Upon Compliance With Insurance Requirements
1710.71 Proof of Insurance or Bond Coverage
1710.72 Relocator's Liability

SUBPART H: REQUIRED NOTIFICATIONS

Section

1710.80 Notification of Law Enforcement Agencies
1710.81 Notification of the Commission

SUBPART I: BOOKS AND RECORDS

Section

1710.90 Records of Individual Relocation Tows (Repealed)
1710.91 Written Authorizations to Relocate/Contracts
1710.92 Accounting and Maintenance of Books and Records
1710.93 Audit and Inspection of Books and Records

SUBPART J: ANNUAL REPORTS

Section

1710.100 Filing Requirements

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

SUBPART K: INFORMATION PROVIDED TO THE PUBLIC BY RELOCATORS

Section

- 1710.110 Public Information Pamphlets
- 1710.111 Informal Complaint Form

SUBPART L: RECLAIMING RELOCATED VEHICLES

Section

- 1710.120 Conditions Under Which Vehicles Are to Be Released
- 1710.121 Identification of Vehicle Owner or Driver
- 1710.122 Payment of Fees and Charges
- 1710.123 Hours During Which Vehicles May be Reclaimed

SUBPART M: STORAGE LOTS

Section

- 1710.130 Ownership and Identification of Storage Lots
- 1710.131 Security of Storage Lots
- 1710.132 Attendance at Storage Lots
- 1710.133 Maintenance of Records at Storage Lots
- 1710.134 Secondary Storage Lots

SUBPART N: ENFORCEMENT

Section

- 1710.140 Imposition of Sanctions
- 1710.141 Informal Settlement in Lieu of Formal Proceeding
- 1710.142 Initiation of Operating Practices Proceeding
- 1710.143 Failure to Appear at Hearing
- 1710.144 Service of Order
- 1710.145 Standards for the Assessment of Civil Penalties
- 1710.146 Payment of Civil Penalties

SUBPART O: LEASING

Section

- 1710.150 Leasing Requirements
- 1710.151 Supervision and Control of Leased Equipment with Drivers
- 1710.152 Leases to be Exclusive

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

SUBPART P: FEES

Section
1710.160 Fees

SUBPART Q: RECORDS OF INDIVIDUAL RELOCATION TOWS

Section
1710.170 Relocation Tow Record Form
1710.171 Use and Retention of Relocation Tow Record Forms
1710.172 Public Notice

SUBPART R: DISPOSITION OF UNCLAIMED VEHICLES

1710.180 Disposition of Unclaimed Vehicles

AUTHORITY: Implementing Section 18a-101 and authorized by Section 18a-200 of the Illinois Commercial Relocation of Trespassing Vehicles Law [625 ILCS 5/18a-101 and 18a-200].

SOURCE: Adopted at 3 Ill. Reg. 22, p. 49, effective may 28, 1979; amended at 7 Ill. Reg. 4142, effective April 1, 1983; codified at 8 Ill. Reg. 8912; Part recodified at 10 Ill. Reg. 18012; old Part repealed and new Part adopted at 11 Ill. Reg. 17718, effective October 15, 1987; preemptory amendment at 12 Ill. Reg. 1630, effective December 23, 1987; amended at 14 Ill. Reg. 10310, effective July 1, 1990; amended at 18 Ill. Reg. 8609, effective May 20, 1994; expedited correction at 18 Ill. Reg. 15646, effective May 20, 1994; amended at 22 Ill. Reg. 16200, effective August 31 1998; amended at 28 Ill. Reg. 13220, effective October 1, 2004.

SUBPART P: FEES

Section 1710.160 Fees

The following fees shall apply:

| | | | |
|--|----|---|------------------------------|
| | a) | Filing fee for application for relocators license | \$ 900 <u>600</u> |
| | b) | Filing fee for application for the biennial renewal of a relocators license | \$ 900 <u>600</u> |
| | c) | Filing fee for application for operator's employment permit | \$ 90 <u>60</u> |

ILLINOIS COMMERCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

| | | |
|----|--|------------------|
| d) | Filing fee for application for dispatcher's employment permit | \$ <u>9060</u> |
| e) | Filing fee for application to renew operator's employment permit | \$ <u>6040</u> |
| f) | Filing fee for application to renew dispatcher's employment permit | \$ <u>6040</u> |
| g) | Equipment lease filing fee | \$ <u>300200</u> |
| h) | <u>Fee for non-electronic filing of contracts</u> | \$ <u>50</u> |

(Source: Amended at 28 Ill. Reg. 13220, effective October 1, 2004)

SUBPART Q: RECORDS OF INDIVIDUAL RELOCATION TOWS

Section 1710.170 Relocation Tow Record Form

- a) Relocation Tow Record Forms or Relocation Tow Record Numbers must be purchased from the Commission.
- b) A Relocation Tow Record Form or a form identified with a Relocation Tow Record Number and conforming to a Relocation Tow Record Form purchased from the Commission must be completed at the time of relocation for each relocation a relocator performs, whether or not the relocated vehicle is subsequently reclaimed. The form will consist of an original and two copies. Each form will be identified by a serial number, which will also be printed on the copies.
- c) The Relocation Tow Record Forms and Relocation Tow Record Numbers will be available only at the Commission's office at 477 South River Road, Des Plaines, Illinois 60016, (847) 294-4326. The forms and numbers may be ordered from the Commission by sending a written request specifying the number of forms or numbers desired along with payment, or may be obtained in person during normal business hours.
- d) The price charged for the Relocation Tow Record Forms and the Relocation Tow Record Numbers shall be \$7.50 ~~\$5.00~~ per form or number.

(Source: Amended at 28 Ill. Reg. 13220, effective October 1, 2004)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: School Technology Program
- 2) Code Citation: 23 Ill. Adm. Code 575
- 3)

| <u>Section Numbers:</u> | <u>Adopted Action:</u> |
|-------------------------|------------------------|
| 575.100 | Amendment |
| 575.200 | Amendment |
| 575.300 | Amendment |
| 575.400 | Amendment |
| 575.500 | Amendment |
| 575.600 | Amendment |
| 575.700 | Amendment |
- 4) Statutory Authority: 105 ILCS 5/2-3.117a
- 5) Effective date of amendments: September 17, 2004
- 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 Illinois Register: May 7, 2004; 28 Ill. Reg. 6675
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: A change had been made in Section 575.300 to specify the reporting procedure to be used by the State Board of Education in determining the enrollment of eligible participants for use in calculating the maximum amount of the loan that can be requested. Instead of stating that a "uniform procedure" would be used, the rules now state that for school districts, approved laboratory schools and charter schools, the enrollment as reported on the Fall Enrollment and Housing Report for the immediately preceding school year will be used. For area vocational centers, the enrollment as reported to the State Board of Education in April of the immediately preceding school year will be used.

References to "general State aid" were also changed to "General State Aid".

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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

13) Will these amendments replace any emergency amendments currently in effect? No

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

15) Summary and purpose of amendments: P.A. 93-368, effective July 24, 2003, made the following changes in Section 2-3.117a of the School Code that necessitated amendments to the rules governing the School Technology Revolving Loan Program: allows charter schools, area vocational centers and university laboratory schools to apply for loans; allows participants to use up to 10 percent of loan proceeds to purchase computer furniture; and requires that rules for the program specify collateral for the loan.

The amendments recognize general state aid as the “collateral” that will be used in the case of a default on a loan payment (see Section 575.700(e)). School districts, state-chartered charter schools, and university laboratory schools approved by the State Board of Education receive general state aid directly from the State.

Two categories of participants – area vocational centers operated as cooperatives among two or more districts and district-chartered charter schools – do not receive general state aid directly from the State; therefore, the rules include procedures to allow the State Board of Education, in the case of a default, to access the general state aid of the districts involved in a cooperative or of the chartering district (see Section 575.400(b)(5)). The board of education of each district involved in either a cooperative or a charter school must agree, via an adopted board resolution, that general state aid can be used to repay a loan should a default occur.

In addition, the equalized assessed valuation per pupil mechanism has been eliminated from procedures employed when the amount of loan requests exceed the amount available in the Technology Revolving Loan Fund. Since only school districts have equalized assessed valuation per pupil, a first come, first served process will determine which applicant receives a loan should funds be insufficient to fund all eligible applicants (see Section 575.500(b)).

Other procedural changes will enable the program to operate more efficiently (i.e., loan application due dates, payment due dates).

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Dana Kinley
Curriculum and Instruction Division
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001
217/557-7323

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER 0: MISCELLANEOUS

PART 575

SCHOOL TECHNOLOGY PROGRAM

SUBPART A: SCHOOL TECHNOLOGY GRANTS

Section

| | |
|--------|-----------------------------------|
| 575.10 | Purpose |
| 575.20 | Eligible Expenditures |
| 575.30 | Application Procedure and Content |
| 575.40 | Matching Requirements |
| 575.50 | Proposal Review and Approval |
| 575.60 | Terms of the Grant |

SUBPART B: SCHOOL TECHNOLOGY REVOLVING LOAN PROGRAM

Section

| | |
|---------|--|
| 575.100 | Purpose |
| 575.200 | Use of Funds |
| 575.300 | Maximum Amount of Loan |
| 575.400 | Application Procedures |
| 575.500 | Review of Application and Notification of Loan Award |
| 575.600 | Repayment Procedures |
| 575.700 | Terms and Conditions of Loan Agreement |

AUTHORITY: Implementing and authorized by Sections 2-3.117 and 2-3.117a of the School Code [105 ILCS 5/2-3.117 and 2-3.117a].

SOURCE: Adopted at 20 Ill. Reg. 3522, effective February 13, 1996; emergency amendment at 22 Ill. Reg. 9591, effective May 22, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19770, effective November 2, 1998; amended at 23 Ill. Reg. 8370, effective July 12, 1999; amended at 25 Ill. Reg. 8167, effective June 21, 2001; amended at 26 Ill. Reg. 915, effective January 15, 2002; amended at 28 Ill. Reg. 13227, effective September 17, 2004.

SUBPART B: SCHOOL TECHNOLOGY REVOLVING LOAN PROGRAM

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

Section 575.100 Purpose

This Subpart establishes the procedures and criteria for applications submitted by [eligible participants](#)~~school districts~~ pursuant to the School Technology Revolving Loan Program established by Section 2-3.117a of the School Code [105 ILCS 5/2-3.117a]. [For the purpose of the School Technology Revolving Loan Program, "laboratory schools" eligible to apply for a loan are only those schools as defined in Section 18-8.05\(K\) of the School Code \[105 ILCS 5/18-8.05\(K\)\].](#)

(Source: Amended at 28 Ill. Reg. 13227, effective September 17, 2004)

Section 575.200 Use of Funds

- [a\)](#) Funding is available under the School Technology Revolving Loan Fund for *technology hardware investments for students and staff* (Section 2-3.117a of the School Code). These items include, but are not limited to:
- [1a\)](#) Expenditures for the establishment of local and wide area networks (e.g., cabling from network server to other areas, termination supplies, cable testers, patch panels) and for network hardware (e.g., switches, servers, hubs, modems, network adapter cards, transceivers, surge protection, uninterruptible power systems, network administration software);
- [2b\)](#) Supplies and the cost of labor for electrical work directly related to technology (e.g., wiring, conduit, boxes, receptacles, switches, cover plates, distribution panels and breakers);
- [3e\)](#) Hardware necessary for staff development and for classroom instruction (e.g., computers, monitors, keyboards, mice, printers, network adapters, software and licenses for applications that are used in the classroom or for staff development purposes); ~~and~~
- [4d\)](#) Other technology hardware investments directly related to staff development or to classroom instruction (e.g., scanners, projectors, LCD panels, digital cameras, camcorders); ~~and-~~
- [5\)](#) [Staff development directly related to the integration of technology hardware into the learning environment.](#)

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- b) [Up to 10 percent of the proceeds may be used to purchase computer furniture \(see Section 2-3.117a of the School Code\).](#)

(Source: Amended at 28 Ill. Reg. 13227, effective September 17, 2004)

Section 575.300 Maximum Amount of Loan

The maximum loan amount shall be calculated on a per-pupil basis, based upon the total enrollment in the eligible grade levels ~~as reflected in the Fall Enrollment and Housing Report~~ for the immediately preceding year. A ~~participantschool district~~ may request a loan amount that does not exceed \$150 per pupil in the eligible grade levels plus a base amount of \$25,000; however, no single loan in a given fiscal year shall exceed \$6,000,000. The State Board of Education shall annually notify ~~participantschool districts~~ of the maximum loan amount to which they are entitled.

- a) [For school districts, approved university laboratory schools and charter schools, the maximum loan amount shall be calculated using the enrollment as reported on the Fall Enrollment and Housing Report for the immediately preceding school year.](#)
- b) [For area vocational centers, the maximum loan amount shall be calculated using the enrollment as reported to the State Board of Education in April of the immediately preceding school year.](#)

(Source: Amended at 28 Ill. Reg. 13227, effective September 17, 2004)

Section 575.400 Application Procedures

- a) The State Board of Education shall distribute application forms to all eligible ~~participantschool districts~~, as specified by Section 2-3.117a of the School Code, no later than June 1 for the following fiscal year. Applications will be due to the State Board of Education ~~no later than December~~~~any time between July 1 and March~~ 1 of the fiscal year in which loans will be made.
- b) Each application for a loan shall include the following information:
- 1) A list of all applicable expenditure categories, as described in Section 575.200 of this Part, for which loan proceeds shall be used;
 - 2) The amount of the loan requested, which shall not exceed the amount

STATE BOARD OF EDUCATION

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calculated pursuant to Section 575.300 of this Part;

- 3) A description of the proposed use(s) of the loan funds, as specified in the resolution adopted by the ~~participant's governing board~~district's board of education authorizing submission of the loan application; ~~and~~
- 4) Such assurances and certifications as the State Board of Education may require, to include at least the following:
 - A) that the loan proceeds shall be used in the grade levels specified on the application;
 - B) that the governing board ~~of education~~ approved a resolution authorizing submission of the loan application, specifying the date of that approval; and
 - C) that the ~~participant~~district shall comply with Section 2-3.117a of the School Code, this Subpart and the loan agreement (see Section 575.700 of this Part); ~~and~~.
- 5) In order to comply with Section 575.700(e) of this Part, a participant that does not receive General State Aid directly from the State Board of Education shall submit a resolution adopted by the board of education of each school district from which the participant receives students signifying that the district's General State Aid payment will be withheld in accordance with subsection (b)(5)(A) or (b)(5)(B) of this Section, as applicable, in the case of the participant's default on the loan.
 - A) For an area vocational center operated as a cooperative by two or more school districts, the amount withheld shall be proportionately deducted from the General State Aid of each district that is a party to the cooperative agreement establishing the area vocational center. A district's proportionate share shall be based upon the ratio of the number of students enrolled from that district to the total number of students that the center serves from all districts participating in the cooperative. The number of students used for this calculation shall be determined using the method identified in Section 575.300 of this Part.

STATE BOARD OF EDUCATION

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- B) For a charter school receiving its charter from a school district, the amount withheld from the chartering district's General State Aid payment shall be deducted by the district from the next quarterly payment due to the charter school from the district.
- c) Each loan application shall bear original signatures of the chief administrative officer~~district superintendent~~ and of the president of the governing board of education~~of education~~ and shall be sent to the State Board of Education as specified on the application form. Applications must be postmarked not later than 30 calendar days following ~~the the governing board's~~local board of education's approval. Applications postmarked later than 30 days following governing~~local~~ board of education~~of education~~ approval shall be returned to the applicant as ineligible for consideration. An applicant whose request has been returned as ineligible may reapply during the funding cycle, provided it has met all of the requirements of Section 575.400 of this Part.
- d) Applications received by the division specified on the form after December~~March 1~~ of the fiscal year in which a loan is requested shall not be processed.
- e) Participants~~School districts~~ are limited to one approved loan per fiscal year.

(Source: Amended at 28 Ill. Reg. 13227, effective September 17, 2004)

Section 575.500 Review of Application and Notification of Loan Award

- a) Applications shall be reviewed for completeness. If an application is incomplete, then State Board of Education staff shall request the needed information from the applicant no later than 20 calendar days following receipt of the application. Applications will not be processed until all requested information is received.
- b) All complete applications that demonstrate compliance with Section 2-3.117a of the School Code and this Subpart shall be approved for funding on a first come, first served basis ~~according to the specifications set forth in subsections (b)(1) and (b)(2) of this Section~~, as long as funds appropriated for a given fiscal year remain available. ~~1) Loan award determinations shall be made on December 15 or September 15, December 15 and March 15~~ of each fiscal year.
- ~~2) Should the total amount of pending loan requests exceed the amount available in the School Technology Revolving Loan Fund at any point during the fiscal year, then applications from school districts with the~~

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

~~lowest equalized assessed valuation per pupil by type of district shall be funded first.~~

- ~~A) Pending loan applications shall be grouped by district type (i.e., elementary, high school, unit) and then ranked by equalized assessed valuation per pupil.~~
- ~~B) The loan funds remaining shall be apportioned among district types by calculating the ratio of the total amount of loan requests for each district type to the total amount of all pending loan requests.~~
- ~~C) Equalized assessed valuation per pupil by district type shall be the determining factor for only those applications pending but not yet approved for funding.~~

- c) Notification of a loan award shall be made no later than 15 calendar days following the award determination ~~dated~~^{dates} established in subsection ~~(b)(b)(1)~~ of this Section. Applications not approved for funding on or before ~~December~~^{March} 15 of the fiscal year in which the application was made shall expire.
- d) Applications received after the ~~December~~^{March} 1 deadline in a given fiscal year shall not be considered for funding in that fiscal year and shall be returned to the applicant.
- e) Applicants otherwise eligible but not receiving loans due to insufficiency of the appropriation shall receive first consideration in the next fiscal year in which the grade levels specified on the application shall be eligible for funding.

(Source: Amended at 28 Ill. Reg. 13227, effective September 17, 2004)

Section 575.600 Repayment Procedures

Loans shall be repaid within three years ([see](#) Section 2-3.117a of the School Code).

- a) The rate of interest shall be stipulated on the loan application and *shall not be greater than 50% of the rate for the most recent date shown in the 20 G.O. Bonds Index of average municipal bond yields as published in the most recent edition of The Bond Buyer, published in New York, New York* (Section 2-3.117a(a) of the School Code). Interest shall be computed ~~semi-annually~~^{quarterly}.

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- b) Payments on the loan (principal and interest) shall be made by check twice annually~~on a quarterly basis~~ in six~~12~~ equal installments.
- 1) Loan payments shall be due ~~quarterly~~ on December 1 and June 1~~December 30, March 30, June 30 and September 30~~, with the first payment under each loan due on June 1 of the fiscal year in which the loan is made~~the second due date following receipt of the loan~~.
 - 2) Checks shall be made payable to the "ISBE-School Technology Revolving Loan Fund" and mailed to the Fiscal and Administrative Services Division, Illinois State Board of Education, 100 North First Street, W-380~~C-300~~, Springfield, Illinois 62777-0001.
 - 3) Payments not received within 15 calendar days after the due date shall be assessed a penalty of 5 percent of the payment due; however, the late payment penalty shall be waived when either:
 - A) the postmark date on the envelope used to submit the payment is dated five days or more before the end of the 15-day grace period; or
 - B) the payment is not received by the State Board of Education within 60 days following the due date, but the participant school district provides to the State Board of Education no later than 70 days beyond the due date the following:
 - i) a copy of the original check, dated at least five days before the end of the 15-day grace period;
 - ii) a copy of the stop payment order placed on the original check; and
 - iii) a new check issued in the amount due.
- c) A participant school district may prepay the balance due on the loan in its entirety on any scheduled payment date, provided that the participant district first contacts the State Board of Education to obtain the total amount of the principal and interest due at that time.

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(Source: Amended at 28 Ill. Reg. 13227, effective September 17, 2004)

Section 575.700 Terms and Conditions of Loan Agreement

- a) Loan proceeds under this program shall be used exclusively for the purposes listed in Section 575.200 of this Part and shall be expended in accordance with the approved application and the participant's applicant's policies and procedures related to such expenditures. In the event that the loan proceeds are not expended in the manner approved, then the participant district, upon written notification from the State Board of Education, shall be required to submit, by the next payment due date, payment of the outstanding principal of the loan and the amount of the interest accrued as of that payment due date.
- b) Loan proceeds shall be obligated no later than six months following receipt of the loan.
- c) Use of loan proceeds shall be accounted for in accordance with the Program Accounting Manual (23 Ill. Adm. Code 110) or, for participants not subject to the Program Accounting Manual, in accordance with generally accepted standards of governmental accounting principles.
- d) Loan ~~For all loans approved in fiscal year 2002 and in succeeding years, loan~~ recipients shall submit to the State Board of Education a report detailing how the loan proceeds were used. This expenditure report, to be submitted on a form supplied by the State Board of Education, shall be due not later than nine months following receipt of the loan.
- d) ~~Loan proceeds shall be included in the district's budget prepared under Section 17-1 of the School Code [105 ILCS 5/17-1].~~
- e) Subject to Section 575.400(b)(5) of this Part, in ~~In~~ the event of default that is not cured within 90 calendar days, the State Board of Education shall deduct the amount owed from the participant's district's next payment of General ~~general~~ State ~~state~~ Aid ~~aid~~; ~~and the~~ The participant district shall be ineligible for additional loans until good standing has been restored; however, the chartering school district of a charter school participant or the school districts participating in a vocational education cooperative shall be allowed to apply for loans on behalf of their respective school districts.

(Source: Amended at 28 Ill. Reg. 13227, effective September 17, 2004)

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Riverboat Gambling
- 2) Code Citation: 86 Ill. Adm. Code 3000
- 3) Section Number: Proposed Action:
3000.165 Amendment
- 4) Statutory Authority: Riverboat Gambling Act [230 ILCS 10]
- 5) Effective Date of Amendment: September 22, 2004
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: This emergency amendment will not expire before the end of the 150-day period.
- 7) Date Filed with the Index Department: September 15, 2004
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency rulemaking is needed to comply with Section 3000.756(a) of the Board's rules, which requires a person enrolled in the Board's Self-Exclusion Program to forfeit all Vouchers on his or her person as a sanction for entering a riverboat gaming operation. Without the emergency amendment, the Board has no mechanism that permits an Owner Licensee to convert the Voucher to cash or a negotiable instrument so that it may be donated to a designated charity in accordance with Section 3000.756(b) of the Board's rules. The current Section 3000.165 specifically prohibits an Owner Licensee from redeeming the Vouchers.
- 10) A Complete Description of the Subjects and Issues Involved: Pursuant to Section 3000.756(a) of the Illinois Gaming Board's Adopted Rules, a person enrolled in the Board's Self-Exclusion Program agrees to forfeit all non-complimentary Vouchers—paper tickets dispensed by electronic gaming devices that represent monetary value—in his or her possession as a sanction for entering the gaming area of a riverboat gaming operation. The monetary value of the Voucher is to then be turned over to a designated charity. The current Section 3000.165 does not permit an Owner Licensee to acquire or redeem Vouchers for, or acquire Vouchers from, any other person. The proposed amendment to Section 3000.165 permits an Owner Licensee to redeem Vouchers from a self-excluded patron for the limited purpose of donating the funds to the designated charity.

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENT

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

| <u>Section Numbers</u> | <u>Proposed Action</u> | <u>Illinois Register Citation</u> |
|------------------------|------------------------|-----------------------------------|
| 3000.244 | New | 28 Ill. Reg. 5949; April 16, 2004 |
| 3000.400 | Amendment | 28 Ill. Reg. 6288; April 23, 2004 |
| 3000.425 | Amendment | 28 Ill. Reg. 6288; April 23, 2004 |
| 3000.740 | Amendment | 28 Ill. Reg. 6288; April 23, 2004 |

- 12) Statement of Statewide Policy Objectives (if applicable): These proposed amendments do not affect units of local government.

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

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

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

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

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENT

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

SUBPART A: GENERAL PROVISIONS

Section

| | |
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| 3000.100 | Definitions |
| 3000.101 | Invalidity |
| 3000.102 | Public Inquiries |
| 3000.103 | Organization of the Illinois Gaming Board |
| 3000.104 | Rulemaking Procedures |
| 3000.105 | Board Meetings |
| 3000.110 | Disciplinary Actions |
| 3000.115 | Records Retention |
| 3000.120 | Place to Submit Materials |
| 3000.130 | No Opinion or Approval of the Board |
| 3000.140 | Duty to Disclose Changes in Information |
| 3000.141 | Applicant/Licensee Disclosure of Agents |
| 3000.150 | Owner's and Supplier's Duty to Investigate |
| 3000.155 | Investigatory Proceedings |
| 3000.160 | Duty to Report Misconduct |
| 3000.161 | Communication with Other Agencies |
| 3000.165 | Participation in Games by Owners, Directors, Officers, Key Persons or Gaming Employees |

EMERGENCY

| | |
|----------|--------------------------------|
| 3000.170 | Fair Market Value of Contracts |
| 3000.180 | Weapons on Riverboat |

SUBPART B: LICENSES

Section

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| 3000.200 | Classification of Licenses |
| 3000.210 | Fees and Bonds |
| 3000.220 | Applications |
| 3000.221 | Other Required Forms |
| 3000.222 | Identification and Requirements of Key Persons |
| 3000.223 | Disclosure of Ownership and Control |

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENT

| | |
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| 3000.224 | Economic Disassociation |
| 3000.225 | Business Entity and Personal Disclosure Filings |
| 3000.230 | Owner's Licenses |
| 3000.231 | Distributions |
| 3000.232 | Undue Economic Concentration |
| 3000.234 | Acquisition of Ownership Interest By Institutional Investors |
| 3000.235 | Transferability of Ownership Interest |
| 3000.236 | Owner's License Renewal |
| 3000.237 | Renewed Owner's Licenses, Term and Restrictions |
| 3000.238 | Appointment of Receiver for an Owner's License |
| 3000.240 | Supplier's Licenses |
| 3000.241 | Renewal of Supplier's License |
| 3000.242 | Amendment to Supplier's Product List |
| 3000.243 | Bankruptcy or Change in Ownership of Supplier |
| 3000.244 | Surrender of Supplier's License |
| 3000.245 | Occupational Licenses |
| 3000.250 | Transferability of Licenses |
| 3000.260 | Waiver of Requirements |
| 3000.270 | Certification and Registration of Electronic Gaming Devices |
| 3000.271 | Analysis of Questioned Electronic Gaming Devices |
| 3000.272 | Certification of Voucher Systems |
| 3000.280 | Registration of All Gaming Devices |
| 3000.281 | Transfer of Registration (Repealed) |
| 3000.282 | Seizure of Gaming Devices (Repealed) |
| 3000.283 | Analysis of Questioned Electronic Gaming Devices (Repealed) |
| 3000.284 | Disposal of Gaming Devices |
| 3000.285 | Certification and Registration of Voucher Validation Terminals |

SUBPART C: OWNER'S INTERNAL CONTROL SYSTEM

| | |
|----------|--|
| Section | |
| 3000.300 | General Requirements – Internal Control System |
| 3000.310 | Approval of Internal Control System |
| 3000.320 | Minimum Standards for Internal Control Systems |
| 3000.330 | Review of Procedures (Repealed) |
| 3000.340 | Operating Procedures (Repealed) |
| 3000.350 | Modifications (Repealed) |

SUBPART D: HEARINGS ON NOTICE OF DENIAL,
RESTRICTION OF LICENSE OR PLACEMENT ON EXCLUSION LIST

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENT

Section

| | |
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| 3000.400 | Coverage of Subpart |
| 3000.405 | Requests for Hearings |
| 3000.410 | Appearances |
| 3000.415 | Discovery |
| 3000.420 | Motions for Summary Judgment |
| 3000.424 | Subpoena of Witnesses |
| 3000.425 | Proceedings |
| 3000.430 | Evidence |
| 3000.431 | Prohibition on Ex Parte Communication |
| 3000.435 | Sanctions and Penalties |
| 3000.440 | Transmittal of Record and Recommendation to the Board |
| 3000.445 | Status of Applicant for Licensure or Transfer Upon Filing Request for Hearing |

SUBPART E: CRUISING

Section

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| 3000.500 | Riverboat Cruises |
| 3000.510 | Cancelled or Disrupted Cruises |

SUBPART F: CONDUCT OF GAMING

Section

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| 3000.600 | Wagering Only with Electronic Credits, Approved Chips, Tokens and Electronic Cards |
| 3000.602 | Disposition of Unauthorized Winnings |
| 3000.605 | Authorized Games |
| 3000.606 | Gaming Positions |
| 3000.610 | Publication of Rules and Payout Ratio for Live Gaming Devices |
| 3000.614 | Tournaments, Enhanced Payouts and Give-aways |
| 3000.615 | Payout Percentage for Electronic Gaming Devices |
| 3000.616 | Cashing-In |
| 3000.620 | Submission of Chips for Review and Approval |
| 3000.625 | Chip Specifications |
| 3000.630 | Primary, Secondary and Reserve Sets of Gaming Chips |
| 3000.631 | Tournament Chips |
| 3000.635 | Issuance and Use of Tokens for Gaming |
| 3000.636 | Distribution of Coupons for Complimentary Chips, Tokens and Cash |
| 3000.640 | Exchange of Chips and Tokens |

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENT

| | |
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| 3000.645 | Receipt of Gaming Chips or Tokens from Manufacturer or Distributor |
| 3000.650 | Inventory of Chips |
| 3000.655 | Destruction of Chips, Tokens, and Vouchers |
| 3000.660 | Minimum Standards for Electronic Gaming Devices |
| 3000.661 | Minimum Standards for Voucher Systems |
| 3000.665 | Integrity of Electronic Gaming Devices |
| 3000.666 | Bill Validator Requirements |
| 3000.667 | Integrity of Voucher Systems |
| 3000.670 | Computer Monitoring Requirements of Electronic Gaming Devices |
| 3000.671 | Computer Monitoring Requirements of Voucher Systems |

SUBPART G: EXCLUSION OF PERSONS

Section

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| 3000.700 | Duty to Exclude |
| 3000.705 | Voluntary Self-Exclusion Policy |
| 3000.710 | Distribution and Availability of Exclusion Lists |
| 3000.720 | Criteria for Exclusion or Ejection and Placement on an Exclusion List |
| 3000.725 | Duty of Licensees |
| 3000.730 | Procedure for Entry of Names |
| 3000.740 | Petition for Removal from Exclusion List |
| 3000.750 | Establishment of an Self-Exclusion List |
| 3000.751 | Locations to Execute Self-Exclusion Forms |
| 3000.755 | Information Required for Placement on the Self-Exclusion List |
| 3000.756 | Stipulated Sanctions for Failure to Adhere to Voluntary Self-Exclusion |
| 3000.760 | Distribution and Availability of Confidential Self-Exclusion List |
| 3000.770 | Duties of Owner Licensees |
| 3000.780 | Request for Removal from the IGB Self-Exclusion List |
| 3000.785 | Appeal of a Notice of Denial of Removal |
| 3000.790 | Duties of the Board |

SUBPART H: SURVEILLANCE AND SECURITY

Section

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

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENT

3000.860 Maintenance and Testing

SUBPART I: LIQUOR LICENSES

Section

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

SUBPART J: OWNERSHIP AND ACCOUNTING RECORDS AND PROCEDURES

Section

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

SUBPART K: SEIZURE AND DISCIPLINARY HEARINGS

Section

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

ILLINOIS GAMING BOARD

NOTICE OF EMERGENCY AMENDMENT

- 3000.1146 Prohibition of Ex Parte Communication
3000.1150 Sanctions and Penalties
3000.1155 Transmittal of Record and Recommendation to the Board

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

SOURCE: Emergency rule adopted at 15 Ill. Reg. 11252, effective August 5, 1991, for a maximum of 150 days; adopted at 15 Ill. Reg. 18263, effective December 10, 1991; amended at 16 Ill. Reg. 13310, effective August 17, 1992; amended at 17 Ill. Reg. 11510, effective July 9, 1993; amended at 20 Ill. Reg. 5814, effective April 9, 1996; amended at 20 Ill. Reg. 6280, effective April 22, 1996; emergency amendment at 20 Ill. Reg. 8051, effective June 3, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14765, effective October 31, 1996; amended at 21 Ill. Reg. 4642, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 14566, effective October 22, 1997, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 978, effective December 29, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4390, effective February 20, 1998; amended at 22 Ill. Reg. 10449, effective May 27, 1998; amended at 22 Ill. Reg. 17324, effective September 21, 1998; amended at 22 Ill. Reg. 19541, effective October 23, 1998; emergency amendment at 23 Ill. Reg. 8191, effective July 2, 1999, for a maximum of 150 days; emergency expired November 28, 1999; amended at 23 Ill. Reg. 8996, effective August 2, 1999; amended at 24 Ill. Reg. 1037, effective January 10, 2000; amended at 25 Ill. Reg. 94, effective January 8, 2001; amended at 25 Ill. Reg. 13292, effective October 5, 2001; amended at 26 Ill. Reg. 9307, effective June 14, 2002; emergency amendment at 26 Ill. Reg. 10984, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 15296, effective October 11, 2002; amended at 26 Ill. Reg. 17408, effective November 22, 2002; emergency amendment at 27 Ill. Reg. 10503, effective June 30, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 15793, effective September 29, 2003; amended at 27 Ill. Reg. 18595, effective November 25, 2003; amended at 28 Ill. Reg. 12824, effective August 31, 2004; emergency amendment at 28 Ill. Reg. 13238, effective September 22, 2004, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS

Section 3000.165 Participation in Games by Owners, Directors, Officers, Key Persons or Gaming Employees**EMERGENCY**

No holder of an Owner's license or officer, director, Key Person or Gaming employee thereof shall play or be permitted to play any Game at his facility. No such person shall be permitted to purchase or redeem Chips or Tokens for, acquire or redeem Vouchers for, or acquire Vouchers from, any other person, except that a Voucher forfeited by a self-excluded person pursuant to

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Section 3000.756(a) shall be inventoried pursuant to Section 3000.770(e) and redeemed by the Owner Licensee. The proceeds of the forfeited Voucher shall be accounted for and donated in accordance with Section 3000.756(b).

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 13238, effective September 22, 2004, for a maximum of 150 days)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- a) Heading of the Part: Pay Plan
- b) Code Citation: 80 Ill. Adm. Code 310
- c) Section Numbers: Peremptory Action:
310.Appendix A, Table E Amend
310.Appendix A, Table Q Amend
- d) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Department is amending the Pay Plan 310.Appendix A, Tables E and Q to reflect the parts of the recently signed contract agreements that affect fiscal year 2005. The Department will submit proposed amendments prior to the beginning of each subsequent fiscal year in the agreements to reflect the parts of the agreements that affect the particular fiscal year.

As of July 1, 2004, the State of Illinois began adhering to the Agreement between the Department of Central Management Services and the Teamsters' Local #330 (Fox Valley) for RC-020. The Teamsters' Local #330 (Fox Valley) Agreement was signed September 8, 2004. The Agreement includes a \$44.00/month increase for the journeyman level rates effective July 1, 2004, and a 2.00% increase for all rates subject to the regular retirement formula and a 2.75% increase for all rates subject to the alternative retirement formula effective January 1, 2005.

As of July 1, 2004, the State of Illinois began adhering to the Agreement between the Department of Central Management Services and the Illinois Federation of Public Employees (IFPE) Local #4408 for RC-33. The IFPE agreement was signed September 14, 2004. The agreement includes a 2.00% increase for all rates effective January 1, 2005.

- e) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a].
- f) Effective Date: September 20, 2004
- g) A Complete Description of the Subjects and Issues Involved: Section 310.Appendix A, Table E are amended to reflect the agreed to \$44.00/month increase for the journeyman level rates effective July 1, 2004, and a 2.00% increase for all rates subject to the regular retirement formula and a 2.75% increase for all rates subject to the alternative retirement formula effective January 1, 2005. A rate change on the employee's anniversary date reflects the movement of employees to the journeyman level.

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Section 310.Appendix A, Table Q is amended to reflect a 2.00% increase for all rates effective January 1, 2005.

For all of the above tables, rates no longer used have been removed.

- h) Does this rulemaking contain an automatic repeal date? No
- i) Date filed with the Index Department: September 20, 2004
- j) A copy of the preemptory amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection. This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.
- k) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act?
Yes
- l) Are there any other proposed amendments pending on this Part?

| <u>Section Numbers</u> | <u>Proposed Action</u> | <u>Ill. Reg. Citation</u> |
|------------------------|------------------------|---|
| 310.280 | Amend | 28 Ill. Reg. 6950, 5/14/04 |
| 310.110 | Amend | 28 Ill. Reg. 11532, 8/13/04 (Corrected at 28 Ill. Reg. 12728, 9/10/04) |
| 310.130 | Amend | 28 Ill. Reg. 11532, 8/13/04 (Corrected at 28 Ill. Reg. 12728, 9/10/04) |
| 310.530 | Amend | 28 Ill. Reg. 11532, 8/13/04 (Corrected at 28 Ill. Reg. 12728, 9/10/04) |
| 310.540 | Amend | 28 Ill. Reg. 11532, 8/13/04 (Corrected at 28 Ill. Reg. 12728, 9/10/04) |
| 310.Appendix B | Amend | 28 Ill. Reg. 11532, 8/13/04 (Corrected at 28 Ill. Reg. 12728, 9/10/04) |
| 310.Appendix C | Amend | 28 Ill. Reg. 11532, 8/13/04 (Corrected at 28 Ill. Reg. 12728, 9/10/04) |
| 310.Appendix D | Amend | 28 Ill. Reg. 11532, 8/13/04 (Corrected at 28 Ill. Reg. 12728, 9/10/04) |
| 310.Appendix G | Amend | 28 Ill. Reg. 11532, 8/13/04 (Corrected at 28 Ill. Reg. 12728, 9/10/04) |

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NOTICE OF PEREMPTORY AMENDMENTS

- m) Statement of Statewide Policy Objectives: These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.
- n) Information and questions regarding these peremptory amendments shall be directed to:

Ms. Dawn DeFrates
Deputy Director
Department of Central Management Services
503 William G. Stratton Building
Springfield IL 62706
217/524-8773
Fax: 217/558-4497

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

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

SUBPART B: SCHEDULE OF RATES

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

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

SUBPART C: MERIT COMPENSATION SYSTEM

Section

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

310.APPENDIX A Negotiated Rates of Pay

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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| | |
|----------------|---|
| 310.TABLE I | RC-009 (Institutional Employees, AFSCME) |
| 310.TABLE J | RC-014 (Clerical Employees, AFSCME) |
| 310.TABLE K | RC-023 (Registered Nurses, INA) |
| 310.TABLE L | RC-008 (Boilermakers) |
| 310.TABLE M | RC-110 (Conservation Police Lodge) |
| 310.TABLE N | RC-010 (Professional Legal Unit, AFSCME) |
| 310.TABLE O | RC-028 (Paraprofessional Human Services Employees, AFSCME) |
| 310.TABLE P | RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE) |
| 310.TABLE Q | RC-033 (Meat Inspectors, IFPE) |
| 310.TABLE R | RC-042 (Residual Maintenance Workers, AFSCME) |
| 310.TABLE S | HR-012 (Fair Employment Practices Employees, SEIU) (Repealed) |
| 310.TABLE T | HR-010 (Teachers of Deaf, IFT) |
| 310.TABLE U | HR-010 (Teachers of Deaf, Extracurricular Paid Activities) |
| 310.TABLE V | CU-500 (Corrections Meet and Confer Employees) |
| 310.TABLE W | RC-062 (Technical Employees, AFSCME) |
| 310.TABLE X | RC-063 (Professional Employees, AFSCME) |
| 310.TABLE Y | RC-063 (Educators, AFSCME) |
| 310.TABLE Z | RC-063 (Physicians, AFSCME) |
| 310.TABLE AA | NR-916 (Department of Natural Resources, Teamsters) |
| 310.TABLE AB | VR-007 (Plant Maintenance Engineers, Operating Engineers) (Repealed) |
| 310.APPENDIX B | Schedule of Salary Grades – Monthly Rates of Pay for Fiscal Year 2004 |
| 310.APPENDIX C | Medical Administrator Rates for Fiscal Year 2004 |
| 310.APPENDIX D | Merit Compensation System Salary Schedule for Fiscal Year 2004 |
| 310.APPENDIX E | Teaching Salary Schedule (Repealed) |
| 310.APPENDIX F | Physician and Physician Specialist Salary Schedule (Repealed) |
| 310.APPENDIX G | Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2004 |

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

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

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

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

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

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2680, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE E RC-020 (Teamsters Local #330)**

- A) Departments of Children and Family Services, Employment Security, and Human Services (Counties of DuPage, Kane, Kankakee, Kendall, Lake, McHenry and Will)

| | <u>July 1, 2004</u> | | <u>January 1, 2005</u> | |
|---------------------------------------|---------------------|--------------|------------------------|--------------|
| | <u>Mo.</u> | <u>Hr.</u> | <u>Mo.</u> | <u>Hr.</u> |
| <u>Maintenance Equipment Operator</u> | <u>4155.00</u> | <u>23.88</u> | <u>4238.00</u> | <u>24.36</u> |
| | <u>July 1, 2000</u> | | <u>July 1, 2001</u> | |
| | <u>Mo.</u> | <u>Hr.</u> | <u>Mo.</u> | <u>Hr.</u> |
| <u>Maintenance Equipment Operator</u> | <u>3645.00</u> | <u>20.95</u> | <u>3791.00</u> | <u>21.79</u> |
| | <u>July 1, 2002</u> | | <u>July 1, 2003</u> | |
| | <u>Mo.</u> | <u>Hr.</u> | <u>Mo.</u> | <u>Hr.</u> |
| <u>Maintenance Equipment Operator</u> | <u>3943.00</u> | <u>22.66</u> | <u>4111.00</u> | <u>23.63</u> |

- B) Department of Transportation – Division of Highways (Counties of DuPage, Kane, Kankakee, Kendall, Lake, McHenry and Will)

| | <u>July 1, 2000</u> | | <u>July 1, 2001</u> | |
|---|---------------------------|-------------------------|---------------------------|-------------------------|
| | <u>Mo.</u> | <u>Hr.</u> | <u>Mo.</u> | <u>Hr.</u> |
| <u>Bridge Mechanic</u> | <u>3678.00</u> | <u>21.14</u> | <u>3824.00</u> | <u>21.98</u> |
| <u>Bridge Tender</u> | <u>3477.00</u> | <u>19.98</u> | <u>3623.00</u> | <u>20.82</u> |
| <u>Highway Maintenance Lead Worker</u> | <u>3774.00</u> | <u>21.69</u> | <u>3920.00</u> | <u>22.53</u> |
| <u>Highway Maintenance Lead Worker (Bridge Crew)</u> | <u>3843.60</u> | <u>22.09</u> | <u>3989.60</u> | <u>22.93</u> |
| <u>Highway Maintenance Lead Worker (Lead Lead Worker)</u> | <u>3824.00</u> | <u>21.98</u> | <u>3970.00</u> | <u>22.82</u> |
| <u>Highway Maintainer</u> | <u>3645.00</u> | <u>20.95</u> | <u>3791.00</u> | <u>21.79</u> |
| <u>(New Hire 7/1/97-6/30/98)</u> | <u>3319.00</u> | <u>19.07</u> | <u>3630.00</u> | <u>20.86</u> |
| <u>(New Hire 7/1/98-6/30/99)</u> | <u>3138.00</u> | <u>18.03</u> | <u>3454.00</u> | <u>19.85</u> |
| <u>(New Hire 7/1/99-6/30/00)</u> | <u>2916.00</u> | <u>16.76</u> | <u>3245.00</u> | <u>18.65</u> |
| <u>(New Hire 7/1/00-6/30/01)</u> | <u>2916.00</u> | <u>16.76</u> | <u>3245.00</u> | <u>18.65</u> |
| <u>(New Hire 7/1/01-6/30/02)</u> | | | <u>3033.00</u> | <u>17.43</u> |
| <u>Highway Maintainer (Bridge Crew)</u> | <u>3714.60</u> | <u>21.35</u> | <u>3860.60</u> | <u>22.19</u> |
| <u>(New Hire 7/1/97-6/30/98)</u> | <u>3379.95</u> | <u>19.43</u> | <u>3693.95</u> | <u>21.23</u> |

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

| | | | | |
|--|---------|-------|---------|-------|
| (New Hire 7/1/98-6/30/99) | 3195.70 | 18.37 | 3514.70 | 20.20 |
| (New Hire 7/1/99-6/30/00) | 2971.68 | 17.08 | 3303.68 | 18.99 |
| (New Hire 7/1/00-6/30/01) | 2971.68 | 17.08 | 3303.68 | 18.99 |
| (New Hire 7/1/01-6/30/02) | | | 3088.48 | 17.75 |
| Highway Maintainer (Drill Rig) | 3744.00 | 21.52 | 3890.00 | 22.36 |
| (New Hire 7/1/97-6/30/98) | 3408.00 | 19.59 | 3724.00 | 21.40 |
| (New Hire 7/1/98-6/30/99) | 3222.00 | 18.52 | 3543.00 | 20.36 |
| (New Hire 7/1/99-6/30/00) | 2995.00 | 17.21 | 3329.00 | 19.13 |
| (New Hire 7/1/00-6/30/01) | 2995.00 | 17.21 | 3329.00 | 19.13 |
| (New Hire 7/1/01-6/30/02) | | | 3112.00 | 17.89 |
| Highway Maintainer (Seasonal) | | | | |
| (10/1/00—4/1/01) | 2734.00 | 15.71 | | |
| (10/1/01—4/1/02) | | | 2843.00 | 16.37 |
| Janitor I | 3352.00 | 19.26 | 3498.00 | 20.10 |
| Janitor II | 3383.00 | 19.44 | 3529.00 | 20.28 |
| Laborer Maintenance Lead Worker | 3609.00 | 20.74 | 3755.00 | 21.58 |
| Laborer (Maintenance) | 3553.00 | 20.42 | 3699.00 | 21.26 |
| Maintenance Worker | 3589.00 | 20.63 | 3735.00 | 21.47 |
| Power Shovel Operator (Maintenance) | 3744.00 | 21.52 | 3890.00 | 22.36 |
| Power Shovel Operator (Maintenance) (Bridge Crew) | 3813.60 | 21.92 | 3959.60 | 22.76 |
| Security Guard I | 3379.00 | 19.42 | 3525.00 | 20.26 |
| Security Guard II | 3427.00 | 19.70 | 3573.00 | 20.53 |
| Silk Screen Operator | 3749.00 | 21.55 | 3895.00 | 22.39 |

| | July 1, 2002 | | July 1, 2003 | |
|---|--------------|-------|--------------|-------|
| | Mo: | Hr: | Mo: | Hr: |
| Bridge Mechanic | 3976.00 | 22.85 | 4144.00 | 23.82 |
| Bridge Tender | 3775.00 | 21.70 | 3943.00 | 22.66 |
| Highway Maintenance Lead Worker | 4072.00 | 23.40 | 4240.00 | 24.37 |
| Highway Maintenance Lead Worker (Bridge Crew) | 4141.60 | 23.80 | 4309.60 | 24.77 |
| Highway Maintenance Lead Worker (Lead Lead Worker) | 4122.00 | 23.69 | 4290.00 | 24.66 |
| Highway Maintainer | 3943.00 | 22.66 | 4111.00 | 23.63 |
| (New Hire 7/1/97-6/30/98) | 3943.00 | 22.66 | 4111.00 | 23.63 |
| (New Hire 7/1/98-6/30/99) | 3776.00 | 21.70 | 4111.00 | 23.63 |
| (New Hire 7/1/99-6/30/00) | 3580.00 | 20.57 | 3931.00 | 22.59 |

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

| | | | | |
|--|---------|-------|---------|-------|
| (New Hire 7/1/00-6/30/01) | 3580.00 | 20.57 | 3931.00 | 22.59 |
| (New Hire 7/1/01-6/30/02) | 3375.00 | 19.40 | 3733.00 | 21.45 |
| (New Hire 7/1/02-6/30/03) | 3154.00 | 18.13 | 3520.00 | 20.23 |
| (New Hire 7/1/03-6/30/04) | | | 3289.00 | 18.90 |
| Highway Maintainer (Bridge Crew) | 4012.60 | 23.06 | 4180.60 | 24.03 |
| (New Hire 7/1/97-6/30/98) | 4012.60 | 23.06 | 4180.60 | 24.03 |
| (New Hire 7/1/98-6/30/99) | 3839.70 | 22.07 | 4180.60 | 24.03 |
| (New Hire 7/1/99-6/30/00) | 3641.68 | 20.93 | 3995.68 | 22.96 |
| (New Hire 7/1/00-6/30/01) | 3641.68 | 20.93 | 3995.68 | 22.96 |
| (New Hire 7/1/01-6/30/02) | 3434.48 | 19.74 | 3796.48 | 21.82 |
| (New Hire 7/1/02-6/30/03) | 3210.08 | 18.45 | 3579.08 | 20.57 |
| (New Hire 7/1/03-6/30/04) | | | 3344.48 | 19.22 |
| Highway Maintainer (Drill Rig) | 4042.00 | 23.23 | 4210.00 | 24.20 |
| (New Hire 7/1/97-6/30/98) | 4042.00 | 23.23 | 4210.00 | 24.20 |
| (New Hire 7/1/98-6/30/99) | 3870.00 | 22.24 | 4210.00 | 24.20 |
| (New Hire 7/1/99-6/30/00) | 3669.00 | 21.09 | 4025.00 | 23.13 |
| (New Hire 7/1/00-6/30/01) | 3669.00 | 21.09 | 4025.00 | 23.13 |
| (New Hire 7/1/01-6/30/02) | 3459.00 | 19.88 | 3822.00 | 21.97 |
| (New Hire 7/1/02-6/30/03) | 3234.00 | 18.59 | 3604.00 | 20.71 |
| (New Hire 7/1/03-6/30/04) | | | 3368.00 | 19.36 |
| Highway Maintainer (Seasonal) | | | | |
| (10/1/02—4/1/03) | 2957.00 | 16.99 | | |
| (10/1/03—4/1/04) | | | 3083.00 | 17.72 |
| Janitor I | 3650.00 | 20.98 | 3818.00 | 21.94 |
| Janitor II | 3681.00 | 21.16 | 3849.00 | 22.12 |
| Laborer Maintenance Lead Worker | 3907.00 | 22.45 | 4075.00 | 23.42 |
| Laborer (Maintenance) | 3851.00 | 22.13 | 4019.00 | 23.10 |
| Maintenance Worker | 3887.00 | 22.34 | 4055.00 | 23.30 |
| Power Shovel Operator (Maintenance) | 4042.00 | 23.23 | 4210.00 | 24.20 |
| Power Shovel Operator (Maintenance) (Bridge Crew) | 4111.60 | 23.63 | 4279.60 | 24.60 |
| Security Guard I | 3677.00 | 21.13 | 3845.00 | 22.10 |
| Security Guard II | 3725.00 | 21.41 | 3893.00 | 22.37 |
| Silk Screen Operator | 4047.00 | 23.26 | 4215.00 | 24.22 |

Effective July 1, 2004

Effective on
employee's
anniversary date
between July 1 and

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

| | <u>December 31, 2004</u> | | | |
|---|--------------------------|--------------|----------------|--------------|
| | <u>Mo.</u> | <u>Hr.</u> | <u>Mo.</u> | <u>Hr.</u> |
| <u>Bridge Mechanic</u> | <u>4188.00</u> | <u>24.07</u> | <u>4188.00</u> | <u>24.07</u> |
| <u>Bridge Tender</u> | <u>3987.00</u> | <u>22.91</u> | <u>3987.00</u> | <u>22.91</u> |
| <u>Highway Maintenance Lead Worker</u> | <u>4284.00</u> | <u>24.62</u> | <u>4284.00</u> | <u>24.62</u> |
| <u>Highway Maintenance Lead Worker (Bridge Crew)</u> | <u>4353.60</u> | <u>25.02</u> | <u>4353.60</u> | <u>25.02</u> |
| <u>Highway Maintenance Lead Worker (Lead Lead Worker)</u> | <u>4334.00</u> | <u>24.91</u> | <u>4334.00</u> | <u>24.91</u> |
| <u>Highway Maintainer</u> | <u>4155.00</u> | <u>23.88</u> | <u>4155.00</u> | <u>23.88</u> |
| <u>(New Hire 7/1/99-6/30/00)</u> | <u>3931.00</u> | <u>22.59</u> | <u>4155.00</u> | <u>23.88</u> |
| <u>(New Hire 7/1/00-6/30/01)</u> | <u>3931.00</u> | <u>22.59</u> | <u>4155.00</u> | <u>23.88</u> |
| <u>(New Hire 7/1/01-6/30/02)</u> | <u>3733.00</u> | <u>21.45</u> | <u>3923.00</u> | <u>22.55</u> |
| <u>(New Hire 7/1/02-6/30/03)</u> | <u>3520.00</u> | <u>20.23</u> | <u>3718.00</u> | <u>21.37</u> |
| <u>(New Hire 7/1/03-6/30/04)</u> | <u>3289.00</u> | <u>18.90</u> | <u>3495.00</u> | <u>20.09</u> |
| <u>(New Hire 7/1/04-6/30/05)</u> | <u>3289.00</u> | <u>18.90</u> | <u>3289.00</u> | <u>18.90</u> |
| <u>Highway Maintainer (Bridge Crew)</u> | <u>4224.60</u> | <u>24.28</u> | <u>4224.60</u> | <u>24.28</u> |
| <u>(New Hire 7/1/99-6/30/00)</u> | <u>3995.68</u> | <u>22.96</u> | <u>4224.60</u> | <u>24.28</u> |
| <u>(New Hire 7/1/00-6/30/01)</u> | <u>3995.68</u> | <u>22.96</u> | <u>4224.60</u> | <u>24.28</u> |
| <u>(New Hire 7/1/01-6/30/02)</u> | <u>3796.48</u> | <u>21.82</u> | <u>3990.48</u> | <u>22.93</u> |
| <u>(New Hire 7/1/02-6/30/03)</u> | <u>3579.08</u> | <u>20.57</u> | <u>3780.08</u> | <u>21.72</u> |
| <u>(New Hire 7/1/03-6/30/04)</u> | <u>3344.48</u> | <u>19.22</u> | <u>3554.48</u> | <u>20.43</u> |
| <u>(New Hire 7/1/04-6/30/05)</u> | <u>3344.48</u> | <u>19.22</u> | <u>3344.48</u> | <u>19.22</u> |
| <u>Highway Maintainer (Drill Rig)</u> | <u>4254.00</u> | <u>24.45</u> | <u>4254.00</u> | <u>24.45</u> |
| <u>(New Hire 7/1/99-6/30/00)</u> | <u>4025.00</u> | <u>23.13</u> | <u>4254.00</u> | <u>24.45</u> |
| <u>(New Hire 7/1/00-6/30/01)</u> | <u>4025.00</u> | <u>23.13</u> | <u>4254.00</u> | <u>24.45</u> |
| <u>(New Hire 7/1/01-6/30/02)</u> | <u>3822.00</u> | <u>21.97</u> | <u>4016.00</u> | <u>23.08</u> |
| <u>(New Hire 7/1/02-6/30/03)</u> | <u>3604.00</u> | <u>20.71</u> | <u>3805.00</u> | <u>21.87</u> |
| <u>(New Hire 7/1/03-6/30/04)</u> | <u>3368.00</u> | <u>19.36</u> | <u>3578.00</u> | <u>20.56</u> |
| <u>(New Hire 7/1/04-6/30/05)</u> | <u>3368.00</u> | <u>19.36</u> | <u>3368.00</u> | <u>19.36</u> |
| <u>Highway Maintainer (Seasonal)</u> | <u>3154.00</u> | <u>18.13</u> | <u>3154.00</u> | <u>18.13</u> |
| <u>Janitor I</u> | <u>3862.00</u> | <u>22.20</u> | <u>3862.00</u> | <u>22.20</u> |
| <u>Janitor II</u> | <u>3893.00</u> | <u>22.37</u> | <u>3893.00</u> | <u>22.37</u> |
| <u>Laborer Maintenance Lead Worker</u> | <u>4119.00</u> | <u>23.67</u> | <u>4119.00</u> | <u>23.67</u> |
| <u>Laborer (Maintenance)</u> | <u>4063.00</u> | <u>23.35</u> | <u>4063.00</u> | <u>23.35</u> |
| <u>Maintenance Worker</u> | <u>4099.00</u> | <u>23.56</u> | <u>4099.00</u> | <u>23.56</u> |
| <u>Power Shovel Operator (Maintenance)</u> | <u>4254.00</u> | <u>24.45</u> | <u>4254.00</u> | <u>24.45</u> |
| <u>Power Shovel Operator (Maintenance) (Bridge Crew)</u> | <u>4323.60</u> | <u>24.85</u> | <u>4323.60</u> | <u>24.85</u> |
| <u>Security Guard I</u> | <u>3889.00</u> | <u>22.35</u> | <u>3889.00</u> | <u>22.35</u> |

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

| | | | | |
|---|--|--------------|---|--------------|
| <u>Security Guard II</u> | <u>3937.00</u> | <u>22.63</u> | <u>3937.00</u> | <u>22.63</u> |
| <u>Silk Screen Operator</u> | <u>4259.00</u> | <u>24.48</u> | <u>4259.00</u> | <u>24.48</u> |
| | <u>Effective January 1, 2005 for employees with an anniversary date between July 1 and December 31</u> | | <u>Effective January 1, 2005 for employees with an anniversary date between January 1 and June 30</u> | |
| | <u>Mo.</u> | <u>Hr.</u> | <u>Mo.</u> | <u>Hr.</u> |
| <u>Bridge Mechanic</u> | <u>4303.00</u> | <u>24.73</u> | <u>4303.00</u> | <u>24.73</u> |
| <u>Bridge Tender</u> | <u>4067.00</u> | <u>23.37</u> | <u>4067.00</u> | <u>23.37</u> |
| <u>Highway Maintenance Lead Worker</u> | <u>4402.00</u> | <u>25.30</u> | <u>4402.00</u> | <u>25.30</u> |
| <u>Highway Maintenance Lead Worker (Bridge Crew)</u> | <u>4473.00</u> | <u>25.71</u> | <u>4473.00</u> | <u>25.71</u> |
| <u>Highway Maintenance Lead Worker (Lead Lead Worker)</u> | <u>4453.00</u> | <u>25.59</u> | <u>4453.00</u> | <u>25.59</u> |
| <u>Highway Maintainer</u> | <u>4269.00</u> | <u>24.53</u> | <u>4269.00</u> | <u>24.53</u> |
| <u>(New Hire 7/1/99-6/30/00)</u> | <u>4269.00</u> | <u>24.53</u> | <u>4269.00</u> | <u>24.53</u> |
| <u>(New Hire 7/1/00-6/30/01)</u> | <u>4269.00</u> | <u>24.53</u> | <u>4269.00</u> | <u>24.53</u> |
| <u>(New Hire 7/1/01-6/30/02)</u> | <u>4031.00</u> | <u>23.17</u> | <u>3836.00</u> | <u>22.05</u> |
| <u>(New Hire 7/1/02-6/30/03)</u> | <u>3820.00</u> | <u>21.95</u> | <u>3617.00</u> | <u>20.79</u> |
| <u>(New Hire 7/1/03-6/30/04)</u> | <u>3591.00</u> | <u>20.64</u> | <u>3379.00</u> | <u>19.42</u> |
| <u>(New Hire 7/1/04-6/30/05)</u> | <u>3379.00</u> | <u>19.42</u> | <u>3379.00</u> | <u>19.42</u> |
| <u>Highway Maintainer (Bridge Crew)</u> | <u>4340.78</u> | <u>24.95</u> | <u>4340.78</u> | <u>24.95</u> |
| <u>(New Hire 7/1/99-6/30/00)</u> | <u>4340.78</u> | <u>24.95</u> | <u>4340.78</u> | <u>24.95</u> |
| <u>(New Hire 7/1/00-6/30/01)</u> | <u>4340.78</u> | <u>24.95</u> | <u>4340.78</u> | <u>24.95</u> |
| <u>(New Hire 7/1/01-6/30/02)</u> | <u>4100.22</u> | <u>23.56</u> | <u>3900.88</u> | <u>22.42</u> |
| <u>(New Hire 7/1/02-6/30/03)</u> | <u>3884.03</u> | <u>22.32</u> | <u>3677.50</u> | <u>21.14</u> |
| <u>(New Hire 7/1/03-6/30/04)</u> | <u>3652.23</u> | <u>20.99</u> | <u>3436.45</u> | <u>19.75</u> |
| <u>(New Hire 7/1/04-6/30/05)</u> | <u>3436.45</u> | <u>19.75</u> | <u>3436.45</u> | <u>19.75</u> |
| <u>Highway Maintainer (Drill Rig)</u> | <u>4371.00</u> | <u>25.12</u> | <u>4371.00</u> | <u>25.12</u> |
| <u>(New Hire 7/1/99-6/30/00)</u> | <u>4371.00</u> | <u>25.12</u> | <u>4371.00</u> | <u>25.12</u> |
| <u>(New Hire 7/1/00-6/30/01)</u> | <u>4371.00</u> | <u>25.12</u> | <u>4371.00</u> | <u>25.12</u> |
| <u>(New Hire 7/1/01-6/30/02)</u> | <u>4126.00</u> | <u>23.71</u> | <u>3927.00</u> | <u>22.57</u> |
| <u>(New Hire 7/1/02-6/30/03)</u> | <u>3910.00</u> | <u>22.47</u> | <u>3703.00</u> | <u>21.28</u> |
| <u>(New Hire 7/1/03-6/30/04)</u> | <u>3677.00</u> | <u>21.13</u> | <u>3461.00</u> | <u>19.89</u> |
| <u>(New Hire 7/1/04-6/30/05)</u> | <u>3461.00</u> | <u>19.89</u> | <u>3461.00</u> | <u>19.89</u> |
| <u>Highway Maintainer (Seasonal)</u> | <u>3154.00</u> | <u>18.13</u> | <u>3154.00</u> | <u>18.13</u> |
| <u>Janitor I</u> | <u>3939.00</u> | <u>22.64</u> | <u>3939.00</u> | <u>22.64</u> |
| <u>Janitor II</u> | <u>3971.00</u> | <u>22.82</u> | <u>3971.00</u> | <u>22.82</u> |

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

| | | | | |
|--|----------------|--------------|----------------|--------------|
| <u>Laborer Maintenance Lead Worker</u> | <u>4201.00</u> | <u>24.14</u> | <u>4201.00</u> | <u>24.14</u> |
| <u>Laborer (Maintenance)</u> | <u>4144.00</u> | <u>23.82</u> | <u>4144.00</u> | <u>23.82</u> |
| <u>Maintenance Worker</u> | <u>4181.00</u> | <u>24.03</u> | <u>4181.00</u> | <u>24.03</u> |
| <u>Power Shovel Operator</u> | <u>4371.00</u> | <u>25.12</u> | <u>4371.00</u> | <u>25.12</u> |
| <u>(Maintenance)</u> | | | | |
| <u>Power Shovel Operator</u> | <u>4442.00</u> | <u>25.53</u> | <u>4442.00</u> | <u>25.53</u> |
| <u>(Maintenance) (Bridge Crew)</u> | | | | |
| <u>Security Guard I</u> | <u>3967.00</u> | <u>22.80</u> | <u>3967.00</u> | <u>22.80</u> |
| <u>Security Guard II</u> | <u>4016.00</u> | <u>23.08</u> | <u>4016.00</u> | <u>23.08</u> |
| <u>Silk Screen Operator</u> | <u>4344.00</u> | <u>24.97</u> | <u>4344.00</u> | <u>24.97</u> |

Effective on employee's
anniversary date between
January 1 and June 30, 2005

| | <u>Mo.</u> | <u>Hr.</u> |
|---|----------------|--------------|
| <u>Bridge Mechanic</u> | <u>4303.00</u> | <u>24.73</u> |
| <u>Bridge Tender</u> | <u>4067.00</u> | <u>23.37</u> |
| <u>Highway Maintenance Lead Worker</u> | <u>4402.00</u> | <u>25.30</u> |
| <u>Highway Maintenance Lead Worker</u> | <u>4473.00</u> | <u>25.71</u> |
| <u>(Bridge Crew)</u> | | |
| <u>Highway Maintenance Lead Worker</u> | <u>4453.00</u> | <u>25.59</u> |
| <u>(Lead Lead Worker)</u> | | |
| <u>Highway Maintainer</u> | <u>4269.00</u> | <u>24.53</u> |
| <u>(New Hire 7/1/99-6/30/00)</u> | <u>4269.00</u> | <u>24.53</u> |
| <u>(New Hire 7/1/00-6/30/01)</u> | <u>4269.00</u> | <u>24.53</u> |
| <u>(New Hire 7/1/01-6/30/02)</u> | <u>4031.00</u> | <u>23.17</u> |
| <u>(New Hire 7/1/02-6/30/03)</u> | <u>3820.00</u> | <u>21.95</u> |
| <u>(New Hire 7/1/03-6/30/04)</u> | <u>3591.00</u> | <u>20.64</u> |
| <u>(New Hire 7/1/04-6/30/05)</u> | <u>3379.00</u> | <u>19.42</u> |
| <u>Highway Maintainer (Bridge Crew)</u> | <u>4340.78</u> | <u>24.95</u> |
| <u>(New Hire 7/1/99-6/30/00)</u> | <u>4340.78</u> | <u>24.95</u> |
| <u>(New Hire 7/1/00-6/30/01)</u> | <u>4340.78</u> | <u>24.95</u> |
| <u>(New Hire 7/1/01-6/30/02)</u> | <u>4100.22</u> | <u>23.56</u> |
| <u>(New Hire 7/1/02-6/30/03)</u> | <u>3884.03</u> | <u>22.32</u> |
| <u>(New Hire 7/1/03-6/30/04)</u> | <u>3652.23</u> | <u>20.99</u> |
| <u>(New Hire 7/1/04-6/30/05)</u> | <u>3436.45</u> | <u>19.75</u> |
| <u>Highway Maintainer (Drill Rig)</u> | <u>4371.00</u> | <u>25.12</u> |
| <u>(New Hire 7/1/99-6/30/00)</u> | <u>4371.00</u> | <u>25.12</u> |
| <u>(New Hire 7/1/00-6/30/01)</u> | <u>4371.00</u> | <u>25.12</u> |
| <u>(New Hire 7/1/01-6/30/02)</u> | <u>4126.00</u> | <u>23.71</u> |

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

| | | |
|--|----------------|--------------|
| <u>(New Hire 7/1/02-6/30/03)</u> | <u>3910.00</u> | <u>22.47</u> |
| <u>(New Hire 7/1/03-6/30/04)</u> | <u>3677.00</u> | <u>21.13</u> |
| <u>(New Hire 7/1/04-6/30/05)</u> | <u>3461.00</u> | <u>19.89</u> |
| <u>Highway Maintainer (Seasonal)</u> | <u>3154.00</u> | <u>18.13</u> |
| <u>Janitor I</u> | <u>3939.00</u> | <u>22.64</u> |
| <u>Janitor II</u> | <u>3971.00</u> | <u>22.82</u> |
| <u>Laborer Maintenance Lead Worker</u> | <u>4201.00</u> | <u>24.14</u> |
| <u>Laborer (Maintenance)</u> | <u>4144.00</u> | <u>23.82</u> |
| <u>Maintenance Worker</u> | <u>4181.00</u> | <u>24.03</u> |
| <u>Power Shovel Operator</u> | <u>4371.00</u> | <u>25.12</u> |
| <u>(Maintenance)</u> | | |
| <u>Power Shovel Operator</u> | <u>4442.00</u> | <u>25.53</u> |
| <u>(Maintenance) (Bridge Crew)</u> | | |
| <u>Security Guard I</u> | <u>3967.00</u> | <u>22.80</u> |
| <u>Security Guard II</u> | <u>4016.00</u> | <u>23.08</u> |
| <u>Silk Screen Operator</u> | <u>4344.00</u> | <u>24.97</u> |

C) Department of Central Management Services – Division of Vehicles (Counties of DuPage, Kane, Kankakee, Kendall, Lake, McHenry and Will)

| | <u>July 1, 2004</u> | | <u>January 1, 2005</u> | |
|---------------------------------------|---------------------|--------------|------------------------|--------------|
| | <u>Mo.</u> | <u>Hr.</u> | <u>Mo.</u> | <u>Hr.</u> |
| <u>Janitor I</u> | <u>3862.00</u> | <u>22.20</u> | <u>3939.00</u> | <u>22.64</u> |
| <u>Janitor II</u> | <u>3893.00</u> | <u>22.37</u> | <u>3971.00</u> | <u>22.82</u> |
| <u>Maintenance Equipment Operator</u> | | | | |
| <u>(all divisions)</u> | <u>4155.00</u> | <u>23.88</u> | <u>4238.00</u> | <u>24.36</u> |
| <u>Maintenance Worker</u> | <u>4099.00</u> | <u>23.56</u> | <u>4181.00</u> | <u>24.03</u> |
| <u>Security Guard I</u> | <u>3889.00</u> | <u>22.35</u> | <u>3967.00</u> | <u>22.80</u> |
| <u>Security Guard II</u> | <u>3937.00</u> | <u>22.63</u> | <u>4016.00</u> | <u>23.08</u> |

| | <u>July 1, 2000</u> | | <u>July 1, 2001</u> | |
|---------------------------------------|---------------------|--------------|---------------------|--------------|
| | <u>Mo.</u> | <u>Hr.</u> | <u>Mo.</u> | <u>Hr.</u> |
| <u>Janitor I</u> | <u>3352.00</u> | <u>19.26</u> | <u>3498.00</u> | <u>20.10</u> |
| <u>Janitor II</u> | <u>3383.00</u> | <u>19.44</u> | <u>3529.00</u> | <u>20.28</u> |
| <u>Maintenance Equipment Operator</u> | | | | |
| <u>(all divisions)</u> | <u>3645.00</u> | <u>20.95</u> | <u>3791.00</u> | <u>21.79</u> |
| <u>Maintenance Worker</u> | <u>3589.00</u> | <u>20.63</u> | <u>3735.00</u> | <u>21.47</u> |
| <u>Security Guard I</u> | <u>3379.00</u> | <u>19.42</u> | <u>3525.00</u> | <u>20.26</u> |
| <u>Security Guard II</u> | <u>3427.00</u> | <u>19.70</u> | <u>3573.00</u> | <u>20.53</u> |

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

| | <u>July 1, 2002</u> | | <u>July 1, 2003</u> | |
|---|---------------------|------------|---------------------|------------|
| | <u>Mo.</u> | <u>Hr.</u> | <u>Mo.</u> | <u>Hr.</u> |
| Janitor I | 3650.00 | 20.98 | 3818.00 | 21.94 |
| Janitor II | 3681.00 | 21.16 | 3849.00 | 22.12 |
| Maintenance Equipment Operator (all divisions) | 3943.00 | 22.66 | 4111.00 | 23.63 |
| Maintenance Worker | 3887.00 | 22.34 | 4055.00 | 23.30 |
| Security Guard I | 3677.00 | 21.13 | 3845.00 | 22.10 |
| Security Guard II | 3725.00 | 21.41 | 3893.00 | 22.37 |

- D) Department of Corrections (Counties of DuPage, Kane, Kankakee, Kendall, Lake, McHenry and Will) (Alternative Pension Formula)

| | <u>July 1, 2004</u> | | <u>January 1, 2005</u> | |
|---------------------------------------|---------------------|--------------|------------------------|--------------|
| | <u>Mo.</u> | <u>Hr.</u> | <u>Mo.</u> | <u>Hr.</u> |
| <u>Maintenance Equipment Operator</u> | <u>4254.00</u> | <u>24.45</u> | <u>4339.00</u> | <u>24.94</u> |

| | <u>July 1, 2000</u> | | <u>July 1, 2001</u> | |
|--------------------------------|---------------------|------------|---------------------|------------|
| | <u>Mo.</u> | <u>Hr.</u> | <u>Mo.</u> | <u>Hr.</u> |
| Maintenance Equipment Operator | 3744.00 | 21.52 | 3890.00 | 22.36 |

| | <u>July 1, 2002</u> | | <u>July 1, 2003</u> | |
|--------------------------------|---------------------|------------|---------------------|------------|
| | <u>Mo.</u> | <u>Hr.</u> | <u>Mo.</u> | <u>Hr.</u> |
| Maintenance Equipment Operator | 4042.00 | 23.23 | 4210.00 | 24.20 |

(Source: Amended by preemptory rulemaking at 28 Ill. Reg. 13247, effective September 20, 2004)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay**Section 310.TABLE Q RC-033 (Meat Inspectors, IFPE)**Effective July 1, 2004

| | <u>STEPS</u> | | | | | | |
|---|--------------|-------------|-------------|-------------|-------------|-------------|-------------|
| | <u>1</u> | <u>2</u> | <u>3</u> | <u>4</u> | <u>5</u> | <u>6</u> | <u>7</u> |
| <u>Meat and Poultry Inspector</u> | <u>2849</u> | <u>2972</u> | <u>3092</u> | <u>3210</u> | <u>3333</u> | <u>3521</u> | <u>3592</u> |
| <u>Meat and Poultry Inspector Trainee</u> | <u>2417</u> | <u>2504</u> | <u>2599</u> | <u>2692</u> | <u>2787</u> | <u>2943</u> | <u>3000</u> |

Effective January 1, 2005

| | <u>STEPS</u> | | | | | | |
|---|--------------|-------------|-------------|-------------|-------------|-------------|-------------|
| | <u>1</u> | <u>2</u> | <u>3</u> | <u>4</u> | <u>5</u> | <u>6</u> | <u>7</u> |
| <u>Meat and Poultry Inspector</u> | <u>2906</u> | <u>3031</u> | <u>3154</u> | <u>3274</u> | <u>3400</u> | <u>3591</u> | <u>3664</u> |
| <u>Meat and Poultry Inspector Trainee</u> | <u>2465</u> | <u>2554</u> | <u>2651</u> | <u>2746</u> | <u>2843</u> | <u>3002</u> | <u>3060</u> |

Effective July 1, 2000

| | <u>STEPS</u> | | | | | | |
|---|--------------|-------------|-------------|-------------|-------------|-------------|-------------|
| | <u>1</u> | <u>2</u> | <u>3</u> | <u>4</u> | <u>5</u> | <u>6</u> | <u>7</u> |
| <u>Meat and Poultry Inspector Trainee</u> | <u>2159</u> | <u>2237</u> | <u>2322</u> | <u>2404</u> | <u>2490</u> | <u>2629</u> | <u>2680</u> |
| <u>Meat and Poultry Inspector</u> | <u>2459</u> | <u>2565</u> | <u>2669</u> | <u>2770</u> | <u>2876</u> | <u>3040</u> | <u>3100</u> |

Effective July 1, 2001

| | <u>STEPS</u> | | | | | | |
|---|--------------|-------------|-------------|-------------|-------------|-------------|-------------|
| | <u>1</u> | <u>2</u> | <u>3</u> | <u>4</u> | <u>5</u> | <u>6</u> | <u>7</u> |
| <u>Meat and Poultry Inspector Trainee</u> | <u>2240</u> | <u>2321</u> | <u>2409</u> | <u>2494</u> | <u>2583</u> | <u>2728</u> | <u>2781</u> |
| <u>Meat and Poultry Inspector</u> | <u>2640</u> | <u>2755</u> | <u>2866</u> | <u>2975</u> | <u>3089</u> | <u>3264</u> | <u>3329</u> |

Effective July 1, 2002

| | <u>STEPS</u> | | | | | | |
|---|--------------|-------------|-------------|-------------|-------------|-------------|-------------|
| | <u>1</u> | <u>2</u> | <u>3</u> | <u>4</u> | <u>5</u> | <u>6</u> | <u>7</u> |
| <u>Meat and Poultry Inspector Trainee</u> | <u>2324</u> | <u>2408</u> | <u>2499</u> | <u>2588</u> | <u>2680</u> | <u>2830</u> | <u>2885</u> |
| <u>Meat and Poultry Inspector</u> | <u>2739</u> | <u>2858</u> | <u>2973</u> | <u>3087</u> | <u>3205</u> | <u>3386</u> | <u>3454</u> |

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

~~Inspector~~~~Effective July 1, 2003~~

| | STEPS | | | | | | |
|------------------------------|------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| Meat and Poultry | 2417 | 2504 | 2599 | 2692 | 2787 | 2943 | 3000 |
| Inspector Trainee | | | | | | | |
| Meat and Poultry | 2849 | 2972 | 3092 | 3210 | 3333 | 3521 | 3592 |
| Inspector | | | | | | | |

(Source: Amended by peremptory rulemaking at 28 Ill. Reg. 13247, effective September 20, 2004)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICE RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of September 14, 2004 through September 20, 2004 and have been scheduled for review by the Committee at its October 12, 2004 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

| <u>Second Notice Expires</u> | <u>Agency and Rule</u> | <u>Start Of First Notice</u> | <u>JCAR Meeting</u> |
|--------------------------------------|---|--------------------------------------|-------------------------|
| 10/27/04 | <u>Illinois Toll Highway Authority</u> , State Toll Highway Rules (92 Ill. Adm. Code 2520) | 6/4/04 28 Ill. Reg. 7590 | 10/12/04 |
| 10/28/04 | <u>Department of Central Management Services</u> , Solicitation for Charitable Payroll Deductions (80 Ill. Adm. Code 2650) | 4/16/04 28 Ill. Reg. 5939 | 10/12/04 |
| 10/29/04 | <u>Illinois Commerce Commission</u> , Voluntary Mediation Practice (83 Ill. Adm. Code 201) | 12/1/03 27 Ill. Reg. 17479 | 10/12/04 |
| 10/29/04 | <u>Illinois Racing Board</u> , Licensing (11 Ill. Adm. Code 502) | 7/9/04 28 Ill. Reg. 9219 | 10/12/04 |
| 10/30/04 | <u>Department of Financial and Professional Regulation (Division of Professional Regulation)</u> , Illinois Professional Land Surveyor Act of 1989 (68 Ill. Adm. Code 1270) | 6/11/04 28 Ill. Reg. 7855 | 10/12/04 |

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Heading of the Part: Licensing Standards for Day Care Centers

Code Citation: 89 Ill. Adm. Code 407

Section Numbers: 407.370

Date Originally Published in the Illinois Register: 4/23/04
28 Ill. Reg. 6271

At its meeting on September 14, 2004, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommended that the Department of Children and Family Services initiate rules requiring a day care center to notify the parent or guardian whether the day care center uses pesticides before the child is enrolled in that day care center.

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 AID

Heading of the Part: Medical Assistance Programs

Code Citation: 89 Ill. Adm. Code 120

Section Numbers: 120.530

Date Originally Published in the Illinois Register: 2/27/04
28 Ill. Reg. 3685

At its meeting on September 14, 2004, the Joint Committee on Administrative Rules considered the above cited rulemaking. While JCAR recognizes DPA's attempt to be fair to all potential applicants for this in home care by utilizing the 125% statewide average rate, as an option to individual cost calculations, it recommended that DPA seek a statutory amendment clearly authorizing the statewide average rate approach at the 125% level or making the statute more flexible with respect to the threshold.

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 OBJECTION TO
EMERGENCY RULEMAKING

CAPITAL DEVELOPMENT BOARD

Heading of the Part: Capital Development Board Energy Code

Code Citation: 71 Ill. Adm. Code 600

Section Numbers: 600.100 600.110 600.120
 600.130 600.140 600.150
 600.160 600.170

Date Originally Published in the Illinois Register: 8/6/04
28 Ill. Reg. 11355

At its meeting on September 14, 2004, the Joint Committee on Administrative Rules objected to the Capital Development Board (CDB) using emergency rulemaking to adopt the above cited rule. PA 93-190 became effective July 14, 2003, giving CDB almost 6 months to develop rules before the January 1, 2004 statutory deadline for their adoption. Any emergency situation that may exist has been created by the agency's tardiness in adopting the statutorily required rules. JCAR additionally objects to CDB's failure to adhere to the statutory mandate embodied in 20 ILCS 3105/10.09-5 that it adopt those rules by January 1, 2004. This emergency rule became effective 7/26/04, almost 7 months after the date established by the General Assembly.

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.

ILLINOIS COMMERCE COMMISSION

AGENCY RESPONSE TO
JOINT COMMITTEE ON ADMINISTRATIVE RULES
OBJECTION TO PROPOSED RULEMAKING

Date: May 13, 2004

Agency: Illinois Commerce Commission

Heading of the Part: Relocation Towing

Code Citation: 92 Ill. Adm. Code 1710

Illinois Register Citation: Proposed Rules at 27 Ill. Reg. 8600, May 30, 2003

Agency Response to Specific Joint Committee Objections: The Commission respectfully refuses to modify or withdraw the proposed rules. The basis for the Joint Committee's objection to the proposed rules is that the Commission's proposed increase in tow record forms from \$5.00 to \$7.50 may create an undue economic burden on towing relocators which may result in a decrease in the number of relocators and an increase in the number of abandoned vehicles, thereby threatening the public interest and welfare. The Commission notes that the tow record form fee has remained at \$5 for approximately 10 years even though during this same time relocators have been granted numerous rate increases. For example, the Commission authorized rate increases in 1990, 1993, 1996, and 2002. In addition, there is currently pending before the Commission a request for another tow rate increase from the current rate of \$125 to a proposed rate of \$150 per tow and a storage rate increase from \$25 to \$37. Since 1990, tow rates have increased by approximately 177%. The fee increases being proposed to 92 Ill. Adm. Code 1710 are reasonable and necessary and will not create an undue economic burden on relocators nor threaten the public interest and welfare.

ILLINOIS COMMERCE COMMISSION

AGENCY RESPONSE TO
JOINT COMMITTEE ON ADMINISTRATIVE RULES
OBJECTION TO PROPOSED RULEMAKING

Date: July 26, 2004

Agency: Illinois Commerce Commission

Heading of the Part: Relocation Towing

Code Citation: 92 Ill. Adm. Code 1710

Illinois Register Citation: Proposed Rules at 27 Ill. Reg. 8600, May 30, 2003

Agency Follow-up Response to Specific Joint Committee Objections: On May 30, 2003, the Commission proposed amendments to 92 Ill. Adm. Code 1710 ("Part 1710") that would increase the fees imposed on the relocation towing industry by 50%. After the requisite notice periods, the Joint Committee on Administrative Rules ("Joint Committee") considered these proposed amendments at its February 18, 2004 meeting. At this meeting, the Joint Committee objected to an increase in the tow record form fee from \$5.00 to \$7.50. Moreover, the Joint Committee prohibited the filing of Section 1710.170 of the rulemaking.

The Commission has respectfully considered the Joint Committee's Objection to the fee increases proposed by the amendments of Part 1710. The Commission has met with representatives of the relocation towing industry impacted by these rules in an attempt to resolve the dispute surrounding the tow record form fee increase. As a result of this discourse, the towing relocation industry has agreed to modify its position on the Commission's proposed tow record form fee increase and does not object to an increase in the tow record form fee from \$5.00 to \$7.50 per form.

As a result, the Commission respectfully requests that the Joint Committee reconsider its earlier Objection and Filing Prohibition concerning this rulemaking. The Commission further requests that the Joint Committee amend its Objection and lift the Filing Prohibition.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$500.00 against Morningside Mortgage Corporation, MB.0004888 of Elk Grove Village, IL, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective September 9, 2004. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$500.00 against Maximo Mortgage Corporation, MB.0004892 of Chicago, IL, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective September 9, 2004. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$500.00 against Creative Solutions Mortgage Corporation, MB.0005506 of Wheeling, IL, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective September 9, 2004. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a penalty fee of \$2,250.00 against 21st Mortgage Corporation, MB.0006098, of Knoxville, TN, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective September 9, 2004. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5 (h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has removed the suspension against 1st Palm Financial Services, LLC, MB.0006132 of Jacksonville, FL, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective September 9, 2004. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

CONTRACTOR PROHIBITED FROM AN AWARD
OF A CONTRACT OR SUBCONTRACT
FOR PUBLIC WORKS PROJECTS

Pursuant to the findings in In re: Krowlec Construction, IDOL File No. 2001-PW-TM09-1208, the Director of the Department of Labor gives notice that [Krowlec Construction], its member(s), officer(s), manager(s), agent(s), and all persons acting in Krowlec Construction's interest and/or on Krowlec Construction's behalf, and any business entity, including, but not limited to, any firm, corporation, partnership or association in which Krowlec Construction, its member(s), officer(s), manager(s), agent(s), and all other persons acting in Krowlec Construction's interest and/or on Krowlec Construction's behalf have an interest, pecuniary or otherwise, is(are) prohibited from bidding, accepting or working on any contract or subcontract for a public works project covered by the Prevailing Wage Act, 820 ILCS 130/0.01-12 (2001), commencing July 1, 2004 and continuing through July 1, 2006.

Copies of the Prevailing Wage Act are available on the internet at <http://www.legis.state.il.us/ilcs/ch820/ch820act130.htm>, and at the:

Illinois Department of Labor
Conciliation and Mediation Division
One West Old State Capital Plaza, Room 300
Springfield, Illinois 62701-1217

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

CONTRACTOR PROHIBITED FROM AN AWARD
OF A CONTRACT OR SUBCONTRACT
FOR PUBLIC WORKS PROJECTS

Pursuant to the findings in Re: Maco Roof Systems, Inc., IDOL File No. 2004-PW-WJ12-1071, the Director of the Department of Labor gives notice that [Maco Roof Systems, Inc.], its member(s), officer(s), manager(s), agent(s), and all persons acting in Maco Roof Systems, Inc.'s interest and/or on Maco Roof Systems, Inc.'s behalf, and any business entity, including, but not limited to, any firm, corporation, partnership or association in which Maco Roof Systems, Inc., its member(s), officer(s), manager(s), agent(s), and all other persons acting in Maco Roof Systems, Inc.'s interest and/or on Maco Roof Systems, Inc.'s behalf have an interest, pecuniary or otherwise, is(are) prohibited from bidding, accepting or working on any contract or subcontract for a public works project covered by the Prevailing Wage Act, 820 ILCS 130/0.01-12 (2001), commencing October 1, 2004 and continuing through October 1, 2006.

Copies of the Prevailing Wage Act are available on the internet at <http://www.legis.state.il.us/ilcs/ch820/ch820act130.htm>, and at the:

Illinois Department of Labor
Conciliation and Mediation Division
One West Old State Capital Plaza, Room 300
Springfield, Illinois 62701-1217

PROCLAMATIONS

2004-263**Financial Planning Week**

WHEREAS, financial planning is a key aspect of planning for a person's future. The financial planning process allows individuals to achieve their dreams by empowering them to identify and manage realistic financial goals; and

WHEREAS, financial planners encourage people to plan wisely for their futures. Whether owning their own home or sending a child to college, financial planners help people to allot for goals by addressing financial weaknesses and building on financial strengths; and

WHEREAS, the Financial Planning Association (FPA) has 29,000 members with a nation-wide network of over 100 chapters. They are dedicated to educating the public on how to plan their finances for the future; and

WHEREAS, during Financial Planning Week, the Illinois chapter of the FPA will be hosting several events to promote the value of financial planning:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim October 4-10, 2004 as FINANCIAL PLANNING WEEK in Illinois, and encourage citizens to educate themselves in the best way to plan for their financial futures.

Issued by the Governor September 15, 2004.

Filed by the Secretary of State September 15, 2004.

2004-264**National Women's Friendship Day**

WHEREAS, friendships are a vital part of life. They keep people happy, healthy, and well-rounded as an individual; and

WHEREAS, friendships between women are a special bond that cannot be broken or duplicated. These friendships will unite throughout the State on National Women's Friendship Day to make a difference in many communities; and

WHEREAS, the Northwestern University chapter of Kappa Delta sorority will be coordinating with a Cadet Girl Scout Troop to make National Women's Friendship Day cards for elderly women in local nursing homes; and

WHEREAS, the Chicago Northwest Suburban Kappa Delta Alumni Association will be hosting a Mary Kay and Avon cosmetics party where part of the proceeds will be donating to the Battered Women's Shelter of Evanston, Illinois; and

WHEREAS, Kappa Delta Sorority created the holiday so women everywhere would have the chance to stop and give thanks for their friends who play an important role in their lives:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 19, 2004 as NATIONAL WOMEN'S FRIENDSHIP DAY in Illinois, and encourage all citizens to appreciate the friendships they have with women.

Issued by the Governor September 15, 2004.

Filed by the Secretary of State September 15, 2004.

2004-265

PROCLAMATIONS

National POW/MIA Recognition Day

WHEREAS, throughout the various wars and conflicts, thousands of American soldiers have been captured or determined missing in action, and many are still being sought after to this day; and

WHEREAS, U.S. Intelligence has verified that open channels of communication with Vietnam, Laos, Cambodia, Russia, China, North Korea, and other countries would expedite the process of finding our missing soldiers; and

WHEREAS, many, throughout the nation, dedicate their lives to finding these missing soldiers. The U.S. Government continually performs field investigations in several countries where U.S. officers have disappeared, in hopes of finding them one day; and

WHEREAS, National POW/MIA day is set to honor those who have not yet returned as well as those who were held captive in the name of freedom. These young men and women will never be forgotten:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 14, 2004 as NATIONAL POW/MIA RECOGNITION DAY in Illinois, and encourage all citizens to remember those who have made the ultimate sacrifice for our country.

Issued by the Governor September 15, 2004.

Filed by the Secretary of State September 15, 2004.

2004-266**International Day of Peace**

WHEREAS, in 1981, the United Nations proposed a resolution declaring one day every year as an International Day of Peace. This Day is observed as one of global cease-fire and non-violence from every country across the globe; and

WHEREAS, the day is used as a means of spreading the message of world peace and its vital importance to the future of the human race; and

WHEREAS, each year there are several different public gatherings to celebrate the day. From the World Peace Festival in New York, to a small prayer vigil in Southern Illinois, citizens of the world come together in an effort to promote world peace; and

WHEREAS, in 2001, a resolution was passed by the United Nations declaring September 21 of every year as International Day of Peace as a way of rededicating the United Nations to its goals of strengthening the ideals of peace and alleviating the tensions and causes of conflict:

THEREFORE, I, Rod Blagojevich, do hereby proclaim September 21, 2004 as INTERNATIONAL DAY OF PEACE in Illinois, and encourage all citizens to promote unity and understanding among all people across the globe.

Issued by the Governor September 15, 2004.

Filed by the Secretary of State September 15, 2004.

2004-267**Employ the Older Worker Week**

PROCLAMATIONS

WHEREAS, more older adult workers are seeking work as the nation ages and workers continue to seek employment beyond the traditional retirement age; and

WHEREAS, more than two million adults over the age of 55 currently reside in Illinois; and

WHEREAS, Illinoisans are living longer, healthier lives, and many are choosing to remain active participants in the workplace; and

WHEREAS, the State of Illinois recognizes the institutional knowledge older workers have gained from their careers, and our workforce continues to benefit from the wide-range of expertise offered by older workers who mentor younger colleagues; and

WHEREAS, the State of Illinois offers a number of programs that can be found through the Department on Aging to aid the older worker, including the Senior Community Service Employment Program and the Senior HelpLine (1-800-252-8966):

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 19 – September 25, 2004 as EMPLOY THE OLDER WORKER WEEK in Illinois, and encourage all employers to tap the invaluable resources of Illinois' elders and provide them meaningful opportunities to share in the economic growth of our great State.

Issued by the Governor September 17, 2004.

Filed by the Secretary of State September 20, 2004.

ILLINOIS ADMINISTRATIVE CODE Issue Index - With Effective Dates

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