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NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1910.30	Amended
1910.50	Amended
1910.64	New Section
1910.68	Amended
1910.77	New Section
1910.78	New Section
- 4) Statutory Authority: 35 ILCS 200/Art.7 and 16-180 through 16-195
- 5) A Complete Description of the Subjects and Issues Involved:

Section 1910.30 – Petitions - Application: This Section is amended to provide that notice to the contesting party's attorney is deemed notice to the contesting party.

Section 1910.50 – Determination of Appealed Assessment: This Section is amended to comply with changes made to Section 16-180 of the Property Tax Code.

Section 1910.64 – Motion Practice – Service of Papers: This new Section is added to improve communications between the Property Tax Appeal Board and parties to pending appeals by requiring all parties to serve one another with copies of all written motions to the Board. This is standard operating procedure in state and federal courts, and in many other administrative agencies.

Section 191.68 – Subpoenas: This Section is amended to comply with Illinois case law in the area of administrative subpoenas.

Section 1910.77 – Withdrawals and Substitutions of Attorneys: This new Section is added to provide notice to the Property Tax Appeal Board and opposing parties of any change in representation by a party.

Section 1910.78 – Consolidation of Appeals: This new Section is added to provide for the efficient and expeditious resolution of multiple year appeals by the same taxpayer through consolidation.

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

<u>Section Number</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
1910.11	New Section	29 Ill. Reg. 6208; May 6, 2005
1910.70	Amendment	29 Ill. Reg. 6208; May 6, 2005
1910.72	New Section	29 Ill. Reg. 6208; May 6, 2005

- 10) Statement of Statewide Policy Objective: This rulemaking will not modify or expand a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may comment on this proposed rulemaking by filing such comments in writing, within 45 days after publication of this Notice in the *Illinois Register*, with the Property Tax Appeal Board at its offices in Springfield:

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

(217) 782-6076

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: All small businesses owning taxable real property in Illinois.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: the Property Tax

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Appeal Board did not anticipate revising these rules at the time the most recent agenda was published.

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

PROPERTY TAX APPEAL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 86: REVENUE

CHAPTER II: PROPERTY TAX APPEAL BOARD

PART 1910

PRACTICE AND PROCEDURE FOR APPEALS
BEFORE THE PROPERTY TAX APPEAL BOARD

Section

1910.5	Construction and Definitions
1910.10	Statement of Policy
1910.20	Correspondence
1910.25	Computing Time Limits
1910.30	Petitions – Application
1910.40	Board of Review Response to Petition Application
1910.50	Determination of Appealed Assessment
1910.60	Interested Parties – Intervention
1910.63	Burdens of Proof
1910.64	Motion Practice – Service of Papers
1910.65	Documentary Evidence
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1910.76	Publication of Annual Synopsis
1910.77	Withdrawals and Substitutions of Attorneys
1910.78	Consolidation of Appeals
1910.80	Forms
1910.90	Practice Rules
1910.95	Separability

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

SOURCE: Adopted at 4 Ill. Reg. 23, p. 106, effective May 27, 1980; codified at 8 Ill. Reg. 19475; amended at 13 Ill. Reg. 16454, effective January 1, 1990; amended at 21 Ill. Reg. 3706,

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effective March 6, 1997; amended at 21 Ill. Reg. 11949, effective August 13, 1997; amended at 21 Ill. Reg. 14551, effective October 27, 1997; amended at 22 Ill. Reg. 957, effective December 19, 1997; amended at 22 Ill. Reg. 16533, effective September 2, 1998; amended at 24 Ill. Reg. 1233, effective January 5, 2000; amended at 29 Ill. Reg. _____, effective _____.

Section 1910.30 Petitions – Application

- a) In counties with less than 3,000,000 inhabitants, petitions for appeal shall be filed within 30 days after the postmark date or personal service date of the written notice of the decision of the board of review. In counties with 3,000,000 or more inhabitants, petitions for appeal shall be filed within 30 days after the postmark date or personal service date of the written notice of the decision of the board of review or within 30 days after the date that the board of review transmits to the county assessor pursuant to Section 16-125 its final action on the township in which the property is located, whichever is later. Faxed petitions and evidence will not be accepted by the Board.
- b) Petitions for appeal shall be filed within 30 days after the postmark date or personal service date of written notice of the application of final adopted township equalization factors by the board of review. Faxed petitions and evidence will not be accepted by the Board.
- c) The petition for appeal shall be on the prescribed form and a separate petition must be filed for each separately assessed parcel except for condominium buildings or unless a written request is made to the Board for the filing of a single petition for multiple parcels. Such request, together with the petition, shall be filed within 30 days after the postmark date or personal service of written notice of the decision of the board of review. Each petition shall identify and describe the particular property including the PIN or plate number, if any, assigned to the subject parcel by the county. In appeals where multiple parcels are consolidated into a single petition, the assessed values and the relief requested for each individual parcel must be separately listed.
- d) Each copy of petitions filed with the Property Tax Appeal Board shall bear an original signature of the contesting party or his attorney, and shall be filed with the Clerk of the Property Tax Appeal Board.
- e) A copy of the written notice of the decision of the board of review shall be filed with the petition, if one has been issued.

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- f) Petitions for appeal shall be filed in triplicate and all copies of the same shall be properly signed as stated in subsection (d) of this Section. In every case where a change in assessed valuation of less than \$100,000 is sought, all written and documentary evidence must be submitted in duplicate with the petition. In every case where a change in assessed valuation of \$100,000 or more is sought, all written and documentary evidence must be submitted in triplicate with the petition. A photograph of the subject property should be submitted with the petition if it aids the contesting party in explaining the appeal.
- g) If the contesting party is unable to submit written or documentary evidence with the petition, he must submit a letter requesting an extension of time with the petition. Upon receipt of such a request, the Board shall grant a 30 day extension of time. The Board shall grant additional or longer extensions for good cause shown. Good cause may include but is not limited to the inability to submit evidence for a cause beyond the control of the contesting party, such as the pendency of court action affecting the assessment of the property or the death or serious illness of a valuation witness. Without a written request for an extension, no evidence will be accepted after the petition is filed. Evidence sent by mail shall be considered as filed on the date postmarked.
- h) Every petition for appeal shall state the facts upon which the contesting party bases his objection to the decision of the board of review, together with a statement of the contentions of law which he desires to raise. Each petition must also set forth the assessment for the subject property which the contesting party considers to be correct. If contentions of law are raised, the contesting party shall submit a brief in support of his position with the petition. Extensions of time shall be granted in accordance with subsection (g) of this Section. Failure to do so shall result in dismissal of the appeal.
- i) Every petition for appeal shall give the post office address where mail addressed to the contesting party may be received by him or his attorney, together with his telephone number. [Notice to the contesting party's attorney shall be deemed notice to the contesting party.](#) The Property Tax Appeal Board must be notified in writing by any party of a change of address within 60 days of any such change.
- j) The petition shall in all cases state the assessed value of the land, and the assessed value of the improvements (structures), and the total assessed value as placed on the property by the local assessor and by the board of review. The petition must also state the assessed valuation which the contesting party claims to be correct.

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- k) All information required to fully complete the petition shall be furnished by the contesting party at the time the petition is filed. Incomplete petitions and/or a letter shall be returned with an explanation of the reasons for the rejection. The contesting party must resubmit the corrected petition within 30 days after the date of the return of the petition. If the returned petition is not resubmitted within the 30 day period, the appeal will be dismissed from consideration by the Board. Petitions which are not signed, petitions which do not state the assessed valuation assigned by the local assessor and the board of review, petitions which do not state the assessed valuation considered correct by the contesting party, and petitions not containing all information as required herein, shall be treated as incomplete petitions. Written or documentary evidence will be accepted after receipt of a completed petition only when a letter requesting an extension of time was received and granted.
- l) Upon receipt of a completed petition, including the written and documentary evidence from the contesting party, the Clerk of the Property Tax Appeal Board shall send a copy of the petition, including all documentary evidence, to the board of review and shall only forward a copy of the petition to the State's Attorney of the county in which the property is located. The Clerk shall cause the petition to become a part of such appeal proceedings and record.
- m) If the petition for appeal is filed by an interested taxing body, rather than by the taxpayer whose assessment is in question, the taxing body must furnish the name and address of the owner of the property in question. A copy of such completed petition shall then be sent to the owner of the property. Any petition filed without the name and address of the owner of the property in question shall be treated as an incomplete petition in accordance with subsection (k) of this Section.

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

Section 1910.50 Determination of Appealed Assessment

- a) *All proceedings before the Property Tax Appeal Board shall be considered de novo ~~meaning which shall mean that~~ the ~~Property Tax Appeal~~ Board will consider only the evidence, exhibits and briefs submitted to it, and will not give any weight or consideration to any prior actions by a local board of review or to any submissions not timely filed or not specifically made a part of the record. The Board shall not be limited to the evidence presented to the board of review of the county. A party participating in the hearing before the Property Tax Appeal Board is entitled to introduce evidence that is otherwise proper and admissible*

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without regard to whether that evidence has previously been introduced at a hearing before the board of review of the county. (Section 16-180 of the Code)
Each appeal shall be limited to the grounds listed in the petition filed with the Board.

- b) *The Property Tax Appeal Board may accept into the record all evidence, exhibits and briefs submitted by all interested parties and render a decision without holding a hearing. On its own motion, the Board may order a hearing to be held at a time and place designated by the Board. A hearing shall be granted if any party to the appeal submits a request in writing.* (Section 16-170 of the Code)
- c) The decisions of the Property Tax Appeal Board will be based on equity and the weight of the evidence.
- 1) In all counties other than Cook, a three-year county wide assessment level to be based on relevant sales during the previous three years as certified by the Department of Revenue will be considered where sufficient probative evidence is presented indicating the estimate of full market value of the subject property on the relevant real property assessment date of January 1.
 - 2) In Cook County, for residential property of six units or less currently designated as Class 2 real estate according to the Cook County Real Property Assessment Classification Ordinance, as amended, where sufficient probative evidence indicating the estimate of full market value of the subject property on the relevant assessment date is presented, the Board may consider evidence of the appropriate level of assessment for property in that class. Such evidence may include:
 - A) the Department of Revenue's annual sales ratio studies for Class 2 property for the previous three years; and
 - B) competent assessment level evidence, if any, submitted by the parties pursuant to this Part.
 - 3) In Cook County, for all other classes of property, where sufficient probative evidence indicating the estimate of full market value of the subject property on the relevant assessment date is presented, the Board may consider competent evidence admitted pursuant to this Part, if any, which is relevant to the level of assessment applicable to the subject

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property under the Illinois Constitution, the Illinois Property Tax Code, and the Cook County Real Property Assessment Classification Ordinance, as amended.

- d) Whether or not a hearing is held in the appeal proceeding, the proceeding before the Property Tax Appeal Board shall be terminated when the Board renders a decision. The Board may revise and/or correct a decision upon its own initiative at any time prior to the expiration of the administrative review filing period as provided in Section 16-195 of the Property Tax Code if a mistake in the calculation of an assessment or other clerical error is discovered. In such event, the Board shall issue an amended decision. The decision or order of the Property Tax Appeal Board in any such appeal shall, within 10 days after it is made and entered, be certified to every party to the proceeding and to the proper authorities, including the board of review whose decision was appealed, the County Clerk who extends taxes upon the assessment in question, and the County Collector (Treasurer) who collects property taxes upon such assessment.
- e) A majority of the Members of the Board is required to make a decision of the Board.
- f) *If a petition is filed by a taxpayer with the Property Tax Appeal Board, the taxpayer is precluded from filing objections based upon valuation in the Circuit Court as may otherwise be permitted by Sections 21-175 and 23-5 of the Property Tax Code. (Section 16-160 of the Code)*
- g) *If a taxpayer files objections based upon valuation in the Circuit Court as permitted by Sections 21-175 and 23-5 of the Property Tax Code, the taxpayer is precluded from filing a petition contesting the assessment of the subject property with the Property Tax Appeal Board. (Section 16-160 of the Code)*
- h) *If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel after the deadline for filing complaints with the board of review or after adjournment of the session of the board of review at which assessments for the subsequent year are being considered, the taxpayer may, within 30 days after the date of the written notice of the Property Tax Appeal Board decision, appeal the assessment for such subsequent year directly to the Property Tax Appeal Board. (Section 16-185 of the Code)*
- i) *If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such*

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reduced assessment, subject to equalization, shall remain in effect for the remainder of the general assessment period as provided in Sections 9-215 through 9-225 of the Code, unless that parcel is subsequently sold in an arm's length transaction establishing a fair cash value for the parcel that is different from the fair cash value on which the Board's assessment is based, or unless the decision of the Property Tax Appeal Board is reversed or modified upon review. (Section 16-185 of the Code)

- j) If a stipulation is agreed to by all interested parties, it may be taken into consideration by the Property Tax Appeal Board but must be supported by evidence in the record. The Board reserves the right to write a decision based on the facts, evidence and exhibits in the record.
- k) The contesting party may, at any time before the hearing begins, upon notice to the parties to the appeal, move to dismiss the appeal, by written request filed with the Board. However, where a party to the appeal has filed substantive evidence in response to the contesting party's petition, a dismissal will only be granted if no objections are made by any party to the appeal.

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

Section 1910.64 Motion Practice – Service of Papers

- a) Requests and motions for extensions of time in which to file evidence shall be made pursuant to Sections 1910.30(g), 1910.40(d) and 1910.60(f) of this Part for taxpayers, boards of review and intervenors, and shall not be made subject to this Section.
- b) Provided that the Property Tax Appeal Board has transmitted the appeal to the board of review pursuant to Section 1910.40(a) of this Part and no earlier than 15 days after receipt of the appeal by the board of review, all other motions shall be in writing setting forth the arguments and authorities relied upon to permit the Board to make a decision without oral argument on the motion. The motion shall also state the name of the appellant and the docket number of the appeal as assigned by the Board.
- c) A written motion shall be served at the same time upon all parties and filed with the Board's Springfield office. Motions shall be accompanied by proof of service upon all those required to be served, including the Board.

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- d) Within 21 days after service of a motion, a party may file a response to the motion. If no response is filed, the party shall be presumed to have waived objection to the granting of the motion, but the waiver of objection does not bind the Board in its decision on the motion. The moving party shall not have the right to reply, except as permitted by the Board to prevent material prejudice.
- e) The Board shall issue a written ruling on all motions, in the form of an order or letter, upon all parties at the same time.
- f) All motions filed and served shall be on 8½" x 11" paper, except when such a requirement would unreasonably burden the filing party.

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

Section 1910.68 Subpoenas

- a) Issuance. Upon written request by a party to an appeal, Subpoenas shall be issued by the Chairman of the Board or his designee may issue a subpoena, as authorized by Section 16-175 of the Code, for good cause shown to compel the attendance of a witness or the production of books, records, correspondence, documents, papers or other evidence to facilitate the its determination of the correct assessment of any parcel of real property. Requests for subpoenas may be made by any party. The request shall incorporate a showing that such subpoena is reasonably required to obtain information that cannot reasonably be obtained elsewhere by the exercise of due diligence or through requests for information and shall contain the name, address and telephone number of the witness to be subpoenaed and the docket number of the Board appeal. A request for a subpoena duces tecum shall specify the books, records or other documents to be produced and the material or relevant facts to be proved by them. A request for a subpoena shall be served at the same time on the party from whom testimony or documents are sought, accompanied with proof of service, and filed with the Board's Springfield office. In ruling on a subpoena request, the Board shall consider the reasonableness of the demand and the relevance of the information sought. Good cause shall exist when the documentation which is the subject of the subpoena is in the exclusive possession and control of another party to the appeal and is necessary to a full determination of the issues presented in the appeal before the Board, or when the attendance of a witness who is the subject of a subpoena is necessary to a full determination of the issues presented in the appeal before the Board.
- b) Service and Contents. Subpoenas shall be served by any person lawfully

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authorized to serve a subpoena under the laws of this State. (See Section 16-175 of the Code.) ~~Section 2-1101 of the Code of Civil Procedure [735 ILCS 5/2-1101].~~ The party requesting the subpoena shall be responsible for its service. A subpoena shall be served reasonably in advance of its return date. The subpoena shall state the name and address of the person initiating its issuance and the person to whom and the place, date, and the time at which it is returnable. The party requesting the subpoena shall serve the subpoena on any witness at least 7 days before the scheduled hearing date before the Board.

- c) Response to Subpoena Request. Within 21 days after receipt of a request for a subpoena on any person or for documents, the subpoenaed party may file a response challenging the issuance of the subpoena, stating reasons in support of the relief. A copy of the response shall be served at the same time on the person requesting the subpoena, accompanied by proof of service, and on the Board. ~~*Witnesses attending any proceeding held by the Property Tax Appeal Board pursuant to any subpoena, shall be paid the same fees and mileage that are paid witnesses in the circuit courts of this State. (Section 16-175 of the Code)*~~ ~~The cost of service and witness and mileage fees shall be paid by the party requesting the subpoena.~~
- d) *Fees. Witnesses attending any proceeding held by the Property Tax Appeal Board pursuant to any subpoena shall be paid the same fees and mileage that are paid witnesses in the circuit courts of this State. (Section 16-175 of the Code)* ~~The cost of service and witness and mileage fees shall be paid by the party requesting the subpoena. In case of disobedience to a subpoena, the Board may petition any circuit court of the State for an order requiring enforcement of the subpoena.~~
- e) Enforcement. Whenever any person knowingly fails or refuses to comply with a subpoena served in accordance with this Section, the party serving the subpoena or the Board shall petition the appropriate circuit court for an order enforcing the subpoena.

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

Section 1910.77 Withdrawals and Substitutions of Attorneys

- a) An attorney of record who wishes to withdraw from representation must file a notice of withdrawal with the Clerk of the Board, together with proof of service and notice of filing on all parties in the appeal.

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- b) Any attorney who substitutes for an attorney of record must file a written appearance identifying the attorney for whom the substitution is made. However, no attorney will be considered withdrawn from an appeal until a formal withdrawal is filed in accordance with subsection (a) of this Section.

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

Section 1910.78 Consolidation of Appeals

Two or more appeals may be consolidated on motion of any party or at the direction of the Property Tax Appeal Board when the cases involve common issues of law or fact, consolidation would not prejudice the rights of the parties, and consolidation would result in the efficient and expeditious resolution of the appeals.

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits
- 2) Code Citation: 92 Ill. Adm. Code 1040
- 3) Section Number: 1040.42 Proposed Action: Amendment
- 4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Code [625 ILCS 5/2-104(b)], Section 11-204 of the Illinois Vehicle Code [625 ILCS 5/11-204], and Section 6-206 of the Illinois Vehicle [625 ILCS 5/6-206].
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking is pursuant to P.A. 93-0120, which was passed into law effective January 1, 2004. This P.A. changes the word "police" officer to "peace" officer in statutes 625 ILCS 5/11-204, 5/11-204.1, 5/6-205 and 5/6-206. This rulemaking also amends sanctions for the offense of fleeing and eluding a peace officer in compliance with P.A. 90-104 that became effective July 22, 1997.
- 6) Will this proposed amendment 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? 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>
1040.32	Amendment	29 Ill. Reg. 5933; April 29, 2005
1040.109	New Section	29 Ill. Reg. 5933; April 29, 2005
1040.35	Amendment	29 Ill. Reg. 6884, May 13, 2005
1040.111	New Section	29 Ill. Reg. 7194; May 20, 2005
- 10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Texts of the prepared amendments are posted on Secretary of State's website, www.sos.il.us/departments/index/home as part of the *Illinois Register*.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

Office of the Secretary of State
Driver Services Department
JoAnn Wilson, Legislative Liaison
c/o Director's Office
2701 South Dirksen Parkway
Springfield, IL 62723

(217) 785-1441

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of Professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2004

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1040
CANCELLATION, REVOCATION OR SUSPENSION
OF LICENSES OR PERMITS

Section	
1040.10	Court to Forward Licenses and Reports of Convictions
1040.20	Illinois Offense Table
1040.25	Suspension or Revocation for Driving Without a Valid Driver's License
1040.29	2 or More Traffic Offenses Committed within 24 Months by a Person Under the Age of 21 Years
1040.30	3 or More Traffic Offenses Committed Within 12 Months
1040.31	Operating a Motor Vehicle During a Period of Suspension or Revocation
1040.32	Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently
1040.33	Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Person-with-Disabilities License Plate or Parking Decal or Device or Fraudulent Person-with-Disabilities License Plate or Parking Decal or Device
1040.35	Commission of an Offense Requiring Mandatory Revocation or Discretionary Suspension or Revocation Upon Conviction
1040.36	Suspension for Violation of Restrictions on Driver's License
1040.37	Suspension for Violation of Restrictions on Instruction Permit
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1040.40	Repeated Convictions or Collisions
1040.41	Suspension of Licenses for Curfew Violations
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1040.43	Illegal Transportation
1040.46	Fatal Accident and Personal Injury Suspensions or Revocations
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1040.60	Release of Information Regarding a Disposition of Court Supervision
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1040.66	Invalidation of a Restricted Driving Permit
1040.70	Problem Driver Pointer System
1040.80	Cancellation of Driver's License Upon Issuance of a Handicapped Identification

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1040.100	Rescissions
1040.101	Reinstatement Fees
1040.102	Bankruptcy for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions
1040.105	Suspension for 5 or More Tollway Violations and/or Evasions
1040.107	Suspension for Violation of 625 ILCS 5/11-907, Approaching a Stationary Emergency Vehicle
1040.108	Suspension for Failure to Make Report of Vehicle Accident Violations
1040.110	Bribery

AUTHORITY: Implementing Articles II and VII of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16977, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 3664, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective March 22, 1990; amended at 14 Ill. Reg. 14177, effective August 21, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994; amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2558, effective January 26, 1996; amended at 21 Ill. Reg. 8398, effective June 30, 1997; amended at

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21 Ill. Reg. 10985, effective July 29, 1997; amended at 21 Ill. Reg. 12249, effective August 26, 1997; amended at 21 Ill. Reg. 12609, effective August 29, 1997; amended at 22 Ill. Reg. 1438, effective January 1, 1998; amended at 22 Ill. Reg. 5083, effective February 26, 1998; amended at 22 Ill. Reg. 13834, effective July 10, 1998; amended at 24 Ill. Reg. 1655, effective January 11, 2000; emergency amendment at 24 Ill. Reg. 8398, effective June 2, 2000, for a maximum of 150 days; emergency expired October 29, 2000; emergency amendment at 24 Ill. Reg. 16096, effective October 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16689, effective October 30, 2000; amended at 25 Ill. Reg. 2723, effective January 31, 2001; amended at 25 Ill. Reg. 6402, effective April 26, 2001; emergency amendment at 26 Ill. Reg. 2044, effective February 1, 2002, for a maximum of 150 days; emergency expired June 30, 2002; emergency amendment at 26 Ill. Reg. 3753, effective February 21, 2002, for a maximum of 150 days; emergency expired July 20, 2002; amended at 26 Ill. Reg. 12373, effective July 25, 2002; amended at 26 Ill. Reg. 13684, effective September 3, 2002; amended at 29 Ill. Reg. 2441, effective January 25, 2005; amended at 29 Ill. Reg. _____, effective _____.

Section 1040.42 Fleeing and Eluding

a) For purposes of this Section, the following definitions shall apply:

- 1) "Auto Emissions Suspension" – ~~Suspensionsuspension~~ for failing to have vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [\[625 ILCS 5/Ch.13B\]](#)~~(Ill. Rev. Stat. 1989, ch. 95½, pars. 13A-101 et seq.)~~.
- 2) "Conviction" – ~~A~~ final adjudication of guilty by a court of competent jurisdiction either after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default as defined in Section 6-100(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [\[625 ILCS 5/6-100\(b\)\]](#)~~(Ill. Rev. Stat. 1989, ch. 95½, par. 6-100(b))~~.
- 3) "Curfew Violation Suspension" – ~~Suspensionsuspension~~ when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in Section 1 of "[the Child Curfew Act \[720 ILCS 555/1\]](#)"~~An Act relating to a curfew for certain children~~, (Ill. Rev. Stat. 1989, ch. 23, par. 2371) in accordance with Section 6-206(a)(13) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [\[625 ILCS 5/6-206\(a\)\(13\)\]](#)~~(Ill. Rev. Stat. 1989, ch. 95½, par. 6-206(a)(13))~~.
- 4) "Department" – Department of Driver Services within the Office of the

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- 5) "Failure to Appear Suspension" – ~~Suspensions~~suspension for failing to pay fines or appear in court following the issuance of a traffic ticket as defined in Section 6-306.3 of the Illinois Driver Licensing Law of the Illinois Vehicle Code ~~[625 ILCS 5/6-306.3](Ill. Rev. Stat. 1989, ch. 95½ par. 6-306.3).~~
- 6) "Financial Responsibility Suspension" – ~~Suspensions~~suspension in accordance with Section 7-304 and Section 7-305 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code ~~[625 ILCS 5/7-304 and 7-305](Ill. Rev. Stat. 1989, ch. 95½, pars. 7-304 and 7-305).~~
- 7) "Like Period of Time" – ~~Equal~~equal amount of time as the original suspension specified.
- 8) "Miscellaneous Suspensions" – ~~Suspensions~~suspensions for safety responsibility, financial responsibility, warrant parking/traffic ticket, auto emissions, failure to appear, curfew or unsatisfied judgment.
- 9) "Parking/Traffic Suspension" – ~~Suspensions~~suspension for failure to pay fines for traffic or parking violations as described in ~~Section 6-306.1 and/or~~ Section 6-306.5 of the Illinois Driver Licensing Law of the Illinois Vehicle Code ~~[625 ILCS 5/6-306.5](Ill. Rev. Stat. 1989, ch. 95½, par. 6-306.1 and/or 6-306.5).~~
- 10) "Revocation" – ~~The~~the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highway which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after the latest projected eligibility date has passed as defined in Section 1-176 of the Illinois Vehicle Code ~~[625 ILCS 5/1-176](Ill. Rev. Stat. 1989, ch. 95½, par. 1-176).~~
- 11) "Safety Responsibility Suspension" – ~~Suspensions~~suspension in accordance with Section 7-205 and/or Section 7-208 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code ~~[625 ILCS 5/7-205 and 7-208](Ill. Rev. Stat. 1989, ch. 95½, pars. 7-205 and 7-208).~~
- 12) "Suspension" – ~~Temporary~~temporary withdrawal by formal action of the

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Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary, as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204](Ill. Rev. Stat. 1989, ch. 95½, par. 1-204).

- 13) "Suspension or Revocation in Effect" – ~~Suspension~~suspension or revocation ~~that~~which has not terminated.
- 14) "Terminated Revocation" – ~~Revocation that~~revocation which is no longer in effect.
- 15) "Terminated Suspension" – ~~Suspension that~~suspension which is no longer in effect.
- 16) "Unsatisfied Judgment Suspension" – ~~Suspension~~suspension in accordance with Article III of the Safety Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/Ch.7, Art. III](Ill. Rev. Stat. 1989, ch. 95½, pars. 7-301 et seq.).
- b) A person who has been convicted of fleeing or attempting to elude a ~~peace~~police officer in a motor vehicle shall have his/her driving privileges suspended ~~or~~ revoked by this Department. ~~The length of the suspension shall not be for a period of more than six (6) months as prescribed by Section 11-204(b) of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1989, ch. 95½, par. 11-204(b)).~~
- c) If the driving record contains no suspensions or revocations, the Department shall take the following action:

ACTION TABLE

1st conviction – ~~6~~3 month suspension

2nd ~~or more~~ conviction – ~~12~~6 month suspension

3rd or subsequent conviction – Revocation

- d) If the driving record contains one or more ~~suspensions~~suspension(s) and/or cleared ~~revocations~~revocation(s) excluding miscellaneous suspensions, the Department shall take the following action:

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ACTION TABLE

1st conviction~~1 or more convictions~~ – 6 month suspension

2nd conviction – No action

3rd or subsequent conviction – Revocation

- e) If the driving record contains one ~~(1)~~ or more open ~~revocations~~revocation(s) one of which may be concurrent with one ~~(1)~~ or more open or pending ~~suspensions~~suspension(s) excluding miscellaneous suspensions and the arrest date of the incoming conviction falls during the revocation, then the Department shall extend the projected eligibility date of the revocation one year from the conviction date or to the latest projected eligibility date on record. If the arrest date of the incoming conviction falls outside the period of revocation but within the period of an open suspension, then the Department shall extend the suspension for an additional like period of time.
- f) Only prior suspensions or revocations terminating within ~~seven (7)~~ years of the forthcoming suspension's effective date shall be considered.
- g) When considering prior convictions, only convictions for fleeing or attempting to elude a ~~peace~~police officer with conviction dates within ~~seven (7)~~ years of the forthcoming suspension's effective date shall be used.

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

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- 1) Heading of the Part: Illinois Renewable Fuels Development Program
- 2) Code Citation: 32 Ill. Adm. Code 130
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
130.10	New Section
130.20	New Section
130.30	New Section
130.40	New Section
130.50	New Section
130.60	New Section
130.70	New Section
130.80	New Section
130.90	New Section
130.100	New Section
130.110	New Section
130.120	New Section
130.130	New Section
130.APPENDIX A	New Section
130.APPENDIX B	New Section
130.APPENDIX C	New Section
- 4) Statutory Authority: Implementing and authorized by the Illinois Renewable Fuels Development Program Act (P.A. 93-15, effective June 11, 2003)
- 5) Effective Date of Rules: July 25, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, 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: Published at 28 Ill. Reg. 10859; August 6, 2004.
- 10) Has JCAR issued a Statement of Objection to these rules? No

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- 11) Differences between proposal and final version: Grammatical and stylistic changes were made; the ownership disclosure was increased from 5% to 10%; language was added that would allow grants for biofuels facilities not to exceed 10% of the total construction costs of the facility or expansion, or \$0.10 per gallon of additional biofuels production capacity, whichever is greater; language was added that would allow disbursement of grant funds contingent upon submission of evidence of a commitment from a primary lender for all financing necessary to complete the project or evidence that the grantee has secured other means of financing.
- 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 rules replace any emergency rules currently in effect? No. The companion emergency rulemaking expired April 3, 2004.
- 14) Are there any rules pending on this Part? No
- 15) Summary and Purpose of Rules: The rulemaking establishes the rules governing the Department's administration of the Renewable Fuels Development Program. This rulemaking is required to facilitate the program.
- 16) Information and questions regarding these adopted rules shall be directed to:

Ms. Jolene Clarke
Rules Administrator
Illinois Department of Commerce and Economic Opportunity
620 East Adams Street
Springfield, IL 62701

217/557-1820

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

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TITLE 32: ENERGY

CHAPTER I: DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

PART 130

ILLINOIS RENEWABLE FUELS DEVELOPMENT PROGRAM

Section

130.10	Purpose
130.20	Definitions
130.30	Allocation of Appropriations
130.40	Project Eligibility Requirements
130.50	Eligible Uses of Grant Funds
130.60	Project Labor Agreements
130.70	Form of Application
130.80	Application Submittal
130.90	Application Evaluation Procedures
130.100	Grant Award Evaluation Criteria and Funding Limitations
130.110	General Program Requirements
130.120	Grant Agreement
130.130	Administrative Requirements for Grants
130.APPENDIX A	Renewable Fuels Development Program Application Cover Sheet
130.APPENDIX B	Application Form For Renewable Fuels Development Program
130.APPENDIX C	Projected Energy Use By Type Information Form

AUTHORITY: Implementing and authorized by the Illinois Renewable Fuels Development Program Act [20 ILCS 689].

SOURCE: Adopted by emergency rulemaking at 27 Ill. Reg. 17400, effective November 6, 2003, for a maximum of 150 days; emergency expired April 3, 2004; adopted at 29 Ill. Reg. 12239, effective July 25, 2005.

Section 130.10 Purpose

The Department of Commerce and Economic Opportunity recognizes that renewable fuels produced from Illinois agricultural products will enhance the economy of Illinois, expand rural economic development, reduce the nation's dependence on foreign oil supplies, and improve the environment by reducing harmful emissions from vehicles. In 2003, factors such as the electric blackout in the northeastern United States, the electricity crisis affecting California and other western states, instability in the Middle East, and extraordinarily high gasoline prices have

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created a situation in which renewable forms of energy must be utilized in order for both the Illinois economy and national economy to grow.

Reliable supplies of renewable fuels will be integral to the long term energy security of the United States [20 ILCS 689/5]. Illinois is the largest producer of soybeans in the United States and ranks second in annual corn production. Illinois is also the leading producer of ethanol and biodiesel in the nation, with an ethanol production capacity of approximately 800 million gallons per year. Accordingly, the Illinois Department of Commerce and Economic Opportunity administers the Illinois Renewable Fuels Development Program, which will offer grants to new and existing ethanol and biodiesel production facilities in Illinois. Implementation of the Program is intended to reduce costs for ethanol production facilities, stimulate the agricultural sector of Illinois' economy, encourage the use of renewable fuels as alternatives to the nation's reliance on fossil fuels, and reduce global warming emissions. New and expanded renewable fuel production facilities will expand local economies, create permanent jobs, generate revenue for the State of Illinois, and increase revenue for local grain farmers.

When awarding public funds for public works projects, the State of Illinois has a compelling interest in ensuring that the highest standards of quality and efficiency are applied to the project. Project labor agreements provide the State of Illinois with a guarantee that specific public works projects will be completed with highly skilled workers, and also functions as a means to provide for peaceful, orderly and mutually binding procedures for resolving labor issues. Accordingly, recipients of renewable fuel development grants will be required to enter into project labor agreements establishing wages, benefits and other provisions pertaining to labor organization employees. This requirement does not prohibit the construction of renewable fuel production facilities in Illinois that are undertaken without a project labor agreement.

Section 130.20 Definitions

The following definitions are applicable to this Part:

"Act" means the Illinois Renewable Fuels Development Program Act [20 ILCS 689].

"Award Value Criteria" means the criteria established by the Department in Section 130.90 in order to determine appropriate grant award levels.

"Biodiesel" means a renewable diesel fuel derived from biomass that is intended for use in diesel engines (Section 10 of the Act).

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"Biodiesel blend" means a blend of biodiesel with petroleum-based diesel fuel in which the resultant product contains no less than 1% and no more than 99% biodiesel (Section 10 of the Act).

"Biofuels" means either ethanol or biodiesel.

"Biomass" means non-fossil organic materials that have an intrinsic energy content. "Biomass" includes, but is not limited to, soybean oil, vegetable oils, and ethanol. (Section 10 of the Act)

"Cooperative" means a business that is established, financed, operated and owned by individuals for the purpose of providing additional value to their agricultural products.

"Department" means the Illinois Department of Commerce and Economic Opportunity.

"Diesel Fuel" means any product intended for use or offered for sale as a fuel for engines in which the fuel is injected into the combustion chamber and ignited by pressure without electric spark (Section 10 of the Act).

"Director" means the Director of the Department.

"Ethanol" means a product produced from agricultural commodities or by-products used as a fuel or to be blended with other fuels for use in motor vehicles (Section 10 of the Act).

"Fuel" means fuel as defined in Section 1.19 of the Motor Fuel Tax Law [35 ILCS 505/1.19] (Section 10 of the Act).

"Gasohol" means motor fuel that is no more than 90% gasoline and at least 10% denatured ethanol that contains no more than 1.25% water by weight (Section 10 of the Act).

"Gasoline" means all products commonly or commercially known or sold as gasoline (including casing head and absorption or natural gasoline) (Section 10 of the Act).

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"Illinois Agricultural Product" means any agricultural commodity grown in Illinois that is used by a production facility to produce renewable fuel in Illinois, including, but not limited to, corn, barley, and soybeans (Section 10 of the Act).

"Labor Organization" means any organization or regional body or group of local unions:

in which building and construction industry trades, crafts, or labor employees, or all or any of these, participate; and

that represents building and construction industry trades, crafts, or labor employees, or any or all of these; and

that exists for the purpose, in whole or in part, of negotiating with the employers of building and construction industry trades, crafts, or labor employees, or any or all of these, terms and conditions of employment, including, but not limited to: wages, hours of work, overtime provisions, fringe benefits, and the settlement of grievances; and

that participate in apprenticeship and training approved and registered with the United States Department of Labor's Bureau of Apprenticeship and Training, in the State of Illinois. (Section 10 of the Act)

"Majority Blended Ethanol Fuel" means motor fuel that contains no less than 70% and no more than 90% denatured ethanol and no less than 10% and no more than 30% gasoline (Section 10 of the Act).

"Motor Vehicles" means motor vehicles as defined in the Illinois Vehicle Code [625 ILCS 5] and watercraft propelled by an internal combustion engine (Section 10 of the Act).

"Owner" means any individual, sole proprietorship, limited partnership, co-partnership, joint venture, corporation, cooperative, or other legal entity that operates or will operate a plant located within the State of Illinois (Section 10 of the Act).

"Permanent Job" means a job in which a new employee works for the owner at the project at a rate of at least 35 hours per week and does not include construction jobs.

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"Plant" means a production facility that produces a renewable fuel. "Plant" includes land, any building or other improvement on or to land, and any personal properties deemed necessary or suitable for use, whether or not now in existence, in the processing of fuel from agricultural commodities or by-products. (Section 10 of the Act)

"Plant Construction" means any new construction of a renewable fuels production plant with a minimum annual production capacity of 30 million gallons.

"Plant Expansion" means any modification, alteration or retrofitting of an existing plant, with a minimum annual renewable fuels production capacity of 30 million gallons, that will result in an increased renewable fuels production capacity, yield or efficiency.

"Project" means a plant construction or plant expansion project that is funded under the program. Over a period of time, separated by a reasonable period, multiple "projects" could occur at one facility; for instance, an initial plant construction project followed by a plant expansion project at the same facility.

"Program" means the Renewable Fuels Development Program.

"Renewable fuel" means ethanol, gasohol, majority blended ethanol fuel, biodiesel blend fuel, and biodiesel (Section 10 of the Act).

"Rural County" means a county in the State of Illinois designated as a non-Metropolitan Statistical Area by the United States Office of Management and Budget. A rural county has a population of less than 50,000.

"State" means the State of Illinois.

Section 130.30 Allocation of Appropriations

Subject to appropriation from the Build Illinois Bond Fund, the Director is authorized to award grants for projects approved pursuant to this Part. An approved project is eligible for only one grant per fiscal year from the Renewable Fuels Development Program. A project means either the construction of a new facility where such production did not previously exist or an expansion to increase the capacity of an existing production facility, as described in the application approved and funded by the Department through this program. Further, a facility receiving a grant for new construction or a plant expansion in one fiscal year may be eligible for a grant for expansion of the capacity of that facility in another fiscal year.

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Section 130.40 Project Eligibility Requirements

In order to be eligible for funding under the program, the proposed project must meet all of the following criteria:

- a) the project must be physically located in the State of Illinois;
- b) the project must be either a plant construction project or a plant expansion project; new construction must consist of 30 million gallons or more;
- c) the owner must commit to entering into a Project Labor Agreement covering the project that is compliant with the provisions of Section 130.60;
- d) the owner must commit to securing all financing (debt and equity) necessary to complete the project; and
- e) The owner must commit to using Illinois agricultural products as the primary source in the renewable fuels production process.

Section 130.50 Eligible Uses of Grant Funds

Program grant proceeds may be expended solely for costs incurred, including labor and other bondable expenses, that are directly related to capital facilities consisting of buildings, structures and durable equipment in connection with an approved plant construction or plant expansion project. Grant funding may not be used for administrative expenditures, including labor such as architectural and engineering fees, that are not related to the project.

Section 130.60 Project Labor Agreements

- a) A Project Labor Agreement for the plant construction or plant expansion to be funded through the Renewable Fuels Development Program must include the following:
 - 1) provisions setting forth established standard hourly wages for each class of labor organization employee;
 - 2) provisions setting forth area standard benefits and other compensation for each class of labor organization employee;

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- 3) provisions establishing that no strike, job interruption, or delay will be engaged in by the covered employees;
 - 4) provisions setting forth effective, immediate, and mutually binding procedures for resolving jurisdictional labor disputes and grievances arising before the completion of work;
 - 5) provisions ensuring a reliable source of skilled and experienced labor;
 - 6) provisions to further public policy objectives as to improved employment opportunities for minorities and women in the construction industry to the extent permitted by State and federal law;
 - 7) provisions to permit the selection of the most qualified lowest responsible bidder, without regard to union or non-union status at other construction sites;
 - 8) provisions to bind all contractors and subcontractors on the project through the inclusion of appropriate bid specifications in all relevant bid documents;
 - 9) the names, addresses, and occupations of the owner of the plant and the individuals representing the labor organization employees participating in the Project Labor Agreement.
- b) Project Labor Agreements shall include other terms as the parties deem appropriate.
 - c) *The Project Labor Agreement shall be filed with the Director in accordance with the procedures established by the Department (Section 25 of the Act).*

Section 130.70 Form of Application

The grant application package must include all of the following materials/information:

- a) Application cover page (Appendix A);
- b) Application form (Appendix B);
- c) Projected Energy Use by Type form (Appendix C);

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- d) Narrative description of the proposed project, including:
- 1) Plant description. A description of the proposed construction or expansion project, including a description of the scope and nature of the plant, a description of equipment, technologies and processes used; a description of the renewable fuels production capacity; a description of the amounts, types and sources of Illinois agricultural products used as feedstock in the project; a location map showing project site and connections to existing transportation routes; and a description of all permits, contracts or other agreements necessary to complete the project. If the applicant does not have all relevant or necessary operating permits, identification of the status of any permit applications and anticipated date of permit issuance should be included in the narrative, in addition to the date that any required contracts or agreements will be executed.
 - 2) Project benefits. Economic justification for the project that includes a summary of the social or economic benefits of the project to Illinois; identification of those communities, businesses, and other entities likely to benefit from the project; identification of employment impacts, such as number and type of permanent jobs created or retained by the project itself (i.e., non-construction jobs) and projected payrolls; and the existing and or new agricultural commodity and renewable fuel markets that would be affected by the project.
 - 3) Project costs and schedule. A project budget and time schedule for completion of the project and for major project components. Direct material and labor costs associated with construction must be defined and itemized in the proposal. For instance, proposals should include specific line item budget amounts for equipment such as fermenters, grain-storage, dryer systems, tanks, and centrifuges, not simply reference to broad categories such as structures, mechanical, electrical, etc.
 - 4) Ownership disclosure. Identification by name of those individuals or entities with 10% or more ownership of the plant that is the subject of the project.
 - 5) Performance disclosure. As asserted against the owner, or any parent organization or holding company, identification of all pending or

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unresolved violations of state or federal laws or regulations that could result in legal or regulatory impact on the operation of the project;

- e) Copy of the Prospectus to Shareholders, if applicable;
- f) Copy of the business plan;
- g) Organization/management structure information;
- h) Copy of the Project Labor Agreement (or draft agreement if the final agreement is still pending at the time of initial application);
- i) Certification that owner will obtain all necessary, applicable and required permits;
- j) Certification that owner will obtain all financing (debt and equity) necessary to complete the project;
- k) Certification identifying the number of permanent jobs to be created/retained and identification of the types of jobs created/retained.

Section 130.80 Application Submittal

- a) Applications to the program for grant funds may be submitted to the Department at any time in accordance with this Part, or pursuant to the time frame specified in a formal Request for Proposals issued by the Department.
- b) One original and five copies of each grant application shall be submitted to Illinois Renewable Fuels Development Program, Bureau of Energy and Recycling, Illinois Department of Commerce and Economic Opportunity, 620 East Adams Street, CIPS-5, Springfield IL 62701-1615. Applications submitted by e-mail or facsimile are not acceptable unless the Department specifically requests additional information and/or materials to be submitted by the applicant.
- c) The Department may require applications to be clarified or supplemented through additional written submissions or oral presentations.
- d) Information submitted that could reasonably be considered to be proprietary, privileged, or confidential commercial or financial information should be identified as such in the application. The Department will maintain the confidentiality of that information to the extent permitted by law.

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Section 130.90 Application Evaluation Procedures

- a) The Department will evaluate complete proposals in the following manner: proposals will be evaluated to determine whether the proposed project meets the project eligibility criteria specified in Section 130.40 and to determine whether, based on the information supplied in the application documentation, the proposal demonstrates that:
 - 1) the project is economically viable;
 - 2) the project is technically viable; and
 - 3) the Project will result in economic development benefits to the State.
- b) The Department may obtain the assistance of other persons either within or outside of State government in reviewing part or all of any application when, in the opinion of the Department, to do so would promote a more thorough and fair understanding of the proposed project. If the Department elects to obtain such assistance, the Department shall select persons qualified by relevant environmental, technical, or engineering experience.
- c) The Department reserves the right to make on-site survey inspections during the evaluation when, in the opinion of the Department, to do so would promote a more thorough and fair understanding of the proposed project.
- d) Upon completion of the evaluation and determination of the grant award, in accordance with Section 130.100, the Department staff shall make a recommendation to the Director. The Director may then approve, reject, or amend the grant award, according to the best interests of the State, at her or his discretion.
- e) Rejection of applications. The Department reserves the right to reject any proposal that does not comply with the requirements of this Part.
- f) No rights conferred. The submission of a proposal under this Section confers no right upon any applicant. The Department is not obligated to award a grant, to pay any cost incurred by the applicant in the preparation and submission of a proposal, or pay any grant related costs incurred prior to the project start date.

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Section 130.100 Grant Award Evaluation Criteria and Funding Limitations

The Department staff shall utilize the following award evaluation criteria to determine the award amount for any grant to be recommended to the Director:

- a) General Award Evaluation Criteria.
 - 1) Cooperative ownership share of the project.
 - 2) The size (total new biofuels production capacity) of the project.
 - 3) The volume of usage of Illinois agricultural products in the production of renewable fuels at the facility.
 - 4) The number of permanent new jobs created.
 - 5) The local or regional economic need for the project.
 - 6) The current local base prices for corn and soybeans in the project area.
 - 7) The use of new process technologies, new energy efficiency or energy production technologies, other new technologies designed to reduce production costs or increase profitability of the facility, or the production of new value-added by-products.
 - 8) In addition to the criteria listed in this subsection (a), the Department may consider one or more of the following factors when evaluating an application, if the Department determines it to be in the best interest of the State of Illinois:
 - A) the applicant is considering at least one neighboring state for the project and could reasonably and efficiently locate the project outside of Illinois;
 - B) receipt of the award is a major factor in the applicant's decision to locate the project in Illinois and that, without the award, the applicant likely would not create new jobs in Illinois; or

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- C) approval of the award would support a business with potential to generate additional growth in the area and create jobs as a result of spin-off businesses.
- b) Grant limitations and other grant award considerations.
 - 1) The maximum grant award under the program is \$5.5 million for either a plant expansion or a new construction project.
 - 2) Grants for biofuels facilities shall not exceed 10% of the total construction costs of the facility or expansion, or \$0.10 per gallon of additional biofuels production capacity, whichever is greater.
 - 3) The Department reserves the right to determine the final amount of the grant based on its evaluation of the project, amount of funds available, and the number of applications for program funds.
 - 4) Funding awards are not transferable or assignable to another project and may not be assigned to another entity without the Department's prior written permission.
 - 5) The Department will negotiate the structure of the agreement (i.e., advance production payment, conventional grant award, etc.) with the recipient, taking into consideration the organizational status of the recipient, project financing, applicable tax credits and considerations, and applicable Illinois statutory and administrative requirements.

Section 130.110 General Program Requirements

- a) Reporting requirement. Recipients will be required to submit Monthly Progress Reports to the Department during the grant term, including information on the number of jobs created or retained. Recipients shall also be required to provide production data/records for the performance period specified by the Department. The grant term/performance period will be determined on a project specific basis.
- b) Disbursement of grant funds. Notwithstanding selection for a grant award pursuant to this Part, disbursement of grant funds is contingent upon the following requirements:
 - 1) Submission of a fully executed grant agreement;

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- 2) Submission of a fully executed Project Labor Agreement for the construction of the project;
 - 3) Submission of evidence of a commitment from a primary lender for all financing necessary to complete the project, or evidence that the grantee has secured other means of financing.
- c) Freedom of Information Act/confidential information. Funded proposals are subject to disclosure, in response to requests received under provisions of the Freedom of Information Act [5 ILCS 140]. Information that may reasonably be considered to be proprietary, privileged or confidential commercial or financial information should be identified as such in the proposal. The Department will maintain the confidentiality of that information only to the extent permitted by law.
 - d) Ownership/use of equipment. Grant recipients may not sell, lease, transfer assignment or encumber any equipment or material purchased with grant funds, without the express written approval of the Department, for the duration of the grant term/performance period.
 - e) Dissemination of information/technology transfer. Recipients will be contractually required to allow the Department access to the project site and allow the Department to obtain, publish, disseminate or distribute any and all information obtained from the project (except any data or information that has been negotiated as being confidential or proprietary), without restriction and without payment or compensation by the Department.
 - f) Recapture of grant funds. A recipient must operate the plant to produce renewable fuels for a period of five years. In the event that the plant ceases production during that period, or fails to create and maintain the number of jobs specified in the Grant Agreement, the Department reserves the right to require appropriate proportional repayment of funds up to the entire amount of the grant.
 - g) The Director may elect to waive enforcement of any provision of this Part or of a contractual provision arising out of a Grant Agreement based on a finding that the waiver is necessary to avert any imminent and demonstrable hardship to the recipient that may result in the recipient's insolvency or discharge of workers.

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- h) In addition to compliance with any federal, State or local permitting requirements, funded projects will be subject to review by the following Illinois agencies: Departments of Natural Resources, Historic Preservation and Agriculture and the Illinois Environmental Protection Agency. Recipients will be required to comply with requirements established by these agencies relative to their respective reviews. Recipients will be responsible for coordinating directly with the applicable external agencies. Any requirements communicated to the Department shall be incorporated into the agreement awarded as of its execution date, or if received from the applicable agency subsequent to execution, as an addendum to the agreement. Recipients will be contractually obligated to comply with these requirements. Prior to notification of compliance by the applicable agency, recipients may request disbursement of funds only for the following purposes: administrative, contractual, legal, engineering or architectural/engineering costs incurred that are necessary to allow for compliance by the recipient with requirements established by the external agency. Funds will not be disbursed for land acquisition or any activity that physically impacts the project site until the Department receives the appropriate sign-off from the applicable agencies.

Section 130.120 Grant Agreement

- a) When a grant has been awarded, the grantee and the Department shall execute an agreement. The agreement shall be executed between the grantee and the Director or the Director's designee on behalf of the Department.
- b) The agreement shall contain substantive provisions, including, but not limited to, the following:
- 1) A recitation of legal authority pursuant to which the agreement is made;
 - 2) An identification of the project scope and schedule and the work or services to be performed or conducted by the grantee;
 - 3) An identification of the grant amount;
 - 4) The conditions and manner in which the Department shall pay the grant amount, subject at all times to annual appropriation by the General Assembly;

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- 5) A promise by the grantee not to assign or transfer any of the rights, duties or obligations of the grantee without the written consent of the Department;
- 6) A promise by the grantee not to amend the agreement without the written consent of the Department. Failure to do so will result in a cost disallowance. The project must be completed by the completion date in the agreement unless a written request for an extension is submitted no later than 30 days prior to the award completion date;
- 7) A covenant that the grantee shall expend the grant amount and any accrued interest only for the purposes of the project as stated in the agreement and approved by the Department; and
- 8) A covenant that the grantee shall refrain from entering into any written or oral agreement or understanding with any party that might be construed as an obligation of the State of Illinois or the Department for the payment of any funds under the Act.

Section 130.130 Administrative Requirements for Grants

- a) Termination of grant. Grants shall be terminated for the following reasons:
 - 1) Termination due to loss of funding. In the absence of State funding for a fiscal year, all grants for that year will be terminated in full. In the event of a partial loss of State funding, the Department will make proportionate cuts to all grantees. In the event the Department suffers such a loss of funding in full or part, the Department will give the grantee written notice setting forth the effective date of full or partial termination or, if a change in funding is required, setting forth the change in funding and changes in the approved budget.
 - 2) Termination for cause.
 - A) If the Department determines that the grantee has failed to comply with the terms and conditions of the grant, the Department shall terminate the grant in whole, or in part, at any time before the date of completion. Circumstances that will result in the termination of a grant include, but are not necessarily limited to, the following: consistent failure to submit required reports; failure to maintain

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required records; evidence of fraud and abuse; and consistent failure to meet performance standards. These circumstances are explained in the agreement.

- B) The Department shall notify the grantee in writing, within 10 working days after the determination to terminate, of the reasons for the termination and the effective date of the termination. Payments made to the grantee or recoveries by the Department shall be made in accordance with legal rights and liabilities expressed in the agreement.
- 3) Termination for convenience. The Department may terminate the grant upon its determination that continuation of the project is not in the best interest of the State such that it would justify further expenditure of public funds. The grantee shall not incur new obligations for the terminated portion after the effective date and shall cancel as many outstanding obligations as possible. The Department shall allow full credit to the grantee for the Department's share of the noncancelable obligations properly incurred by the grantee prior to termination.
- b) Interest on grant funds. In accordance with Section 10 of the Illinois Grant Funds Recovery Act [30 ILCS 705/10], all interest earned on funds held by the grantee under the grant shall become part of the grant when earned, as long as this amount does not exceed the maximum allowable grant award. Any interest earned under the grant, and not expended as grant principal during the term of the grant, shall be returned to the Department.
 - c) Grant close-out. In accordance with Section 4 of the Illinois Grant Funds Recovery Act [30 ILCS 705/4], all funds, including any interest, remaining at the end of the grant period or at the expiration of the period of time grant funds are available for expenditure or obligation by the grantee, shall be returned to the Department within 45 days after the end of the relevant period. The grantee agrees to repay the Department for any funds that are determined by the Department to have been spent in violation of the agreement.
 - d) Audits. A grantee shall be responsible for securing a compliance audit for any grant award exceeding \$300,000. Additionally, an audit may be required when certain risk conditions exist, including, but not limited to, a negative compliance history and disclosure of previous material audit findings. The audit shall be performed by an independent certified public accountant, licensed by authority of

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the State of Illinois pursuant to the Illinois Public Accounting Act [225 ILCS 450]. The audit shall be conducted in accordance with generally accepted auditing standards contained in the publication entitled AICPA Professional Standards, American Institute of Certified Public Accountants, Harborside Financial Center, 201 Plaza 3, Jersey City, New Jersey 07311 (June 2001, no later editions are incorporated).

- e) Special audits. The Department reserves the right to conduct special audits, of the funds expended under Department grants, including but not limited to an agency-wide audit, at any time during normal working hours.
- f) Monitoring and evaluation. Grantee shall permit any agent authorized by the Department, upon presentation of credentials, in accordance with the constitutional limitation on administrative searches, to have full access to, and the right to examine, any documents, papers, and records of the grantee involving transactions related to a grant from the Department. Once the Department has concluded its monitoring activities, the grantee will be notified of the Department's findings. If a determination of noncompliance has been made by the Department, the grantee will be allowed an opportunity to cure any and all noncompliance issues. If any noncompliance issues cannot be resolved within 60 days from the date the grantee received notice of the noncompliance, the Department will issue a notice requesting that the grantee repay any funds that are determined by the Department to have been spent in violation of the agreement. If the grantee fails to comply with the Department's notice, the Department shall issue a final notice providing the grantee the opportunity to request an administrative hearing pursuant to the Department's Administrative Hearing Rules (56 Ill. Adm. Code 2605).
- g) Complaint process. An administrative hearing is initiated by a party serving a Petition for Hearing on the Department, or by the Department serving a Notice of Charges on the grantee. In either case, the Department and the grantee shall follow the Administrative Hearing Rules set forth in 56 Ill. Adm. Code 2605.
- h) Certifications. The grantee shall make all certifications required by statute or administrative rules or regulations relative to the issuance of a grant.
- i) Reports. Grantee shall submit, as required by the Department, reports on the financial status of the project and reports on outcomes and results of the project.

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Section 130.APPENDIX A Renewable Fuels Development Program Application Cover Sheet

Illinois Department of Commerce & Economic Opportunity

Bureau of Energy & Recycling – Alternative Energy Development Section

**Renewable Fuels Development Program
Application Cover Sheet**

Applicant Name

FEIN No.

Applicant Address (including 9 digit zip code)

Project Address (if different from above)

County of Project

Project Manager (Please Type)

Phone

Fax

Type of Biofuels Project: New Construction Alteration Modification Retrofit

Legal Organizational Status

Owner of Sole Proprietorship

LLC

Partnership

Corporation

Cooperative

Other

Funding: Total Grant Request: \$ _____

Total Project Cost: \$ _____

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Applicant Certifications – The applicant certifies that:

- This project complies with all applicable State, federal, and local environmental and zoning laws, ordinances and regulations and that all required licenses, permits, etc., have either been obtained or will be obtained no later than 90 days following the grant award from DCEO;
- It is not in violation of the prohibitions against bribery of any officer or employee of the State of Illinois as set forth in 30 ILCS 505/10.1;
- It has not been barred from contracting with a unit of State or local government as a result of a violation of Section 33E-3 or 33E-4 of the Criminal Code of 1961 [720 ILCS 5/33E-3 and 33E-4];
- It is not in violation of the Educational Loan Default Act [5 ILCS 385];
- As of the submittal date, the information provided in this application is accurate and the individuals signing below are authorized to submit this application;
- It will enter into a Project Labor Agreement covering the project that is compliant with the provisions of the Renewable Fuels Development Program;
- It will commit to securing all debt and equity financing necessary to complete the project; and
- It will commit to using Illinois agricultural products as the primary source in the renewable fuels production process.

Authorized Official (signature)

Title

Printed Name

Date

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Section 130.APPENDIX B Application Form For Renewable Fuels Development Program

Illinois Department of Commerce & Economic Opportunity

Application Form For Renewable Fuels Development Program

Name and Mailing Address of Organization:

List Type of Organization (Cooperative, LLC, Corporation, etc.)

Type of Renewable Fuels Production Facility: Biodiesel Ethanol

New Construction Expansion Retrofit or Upgrade

Capacity (gallon/year):

New: _____

Existing: _____

Total: _____

Feedstock – Type & Quantity

Facility Location:

1. Nearest city or town: _____
2. Estimated population: _____
3. County: _____

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4. Proposed site location: _____

Total costs of project: _____

Total construction jobs: _____

Total permanent jobs created: _____

Estimated start date of construction: _____

Estimated completion date of construction: _____

Financial Structure:

1. Cooperative (# of Members): _____

2. Cost/share: _____

3. Total equity: _____

4. List other equity partners & amount of investment:

5. Debt: _____

List primary lender: _____

Design company: _____

Construction management company: _____

List other incentives received or applied for:

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List of required attachments:

1. Completed Appendix A (Application Cover Sheet)
2. Completed Appendix B (Grant Application Form)
3. Completed Appendix C (Projected Energy Use By Type Information Form)
4. Copy of Prospectus for Shareholders (Either Cooperative or Other)
5. Copy of Business Plan
6. Organizational Structure
7. Copy of budget for construction, including materials, labor hours and total costs, and management/engineering (please indicate if confidential)
8. Copy of Project Labor Agreement

PROJECT NARRATIVE

The Project Narrative should concisely address all topics set forth below:

- 1) Plant description. A description of the proposed construction or expansion project, including a description of the scope and nature of the plant; a description of equipment, technologies and processes used; a description of the renewable fuels production capacity; a description of the amounts, types and sources of Illinois agricultural products used as feedstock in the project; a location map showing project site and connections to existing transportation routes; and a description of all permits, contracts or other agreements necessary to complete the project. If the applicant does not have all relevant or necessary operating permits, identification of the status of any permit applications and anticipated date of permit issuance should be included in the narrative, in addition to the date that any required contracts or agreements will be executed.
- 2) Project benefits. Economic justification for the project that includes a summary of the social or economic benefits of the project to Illinois; identification of those communities, businesses, and other entities likely to benefit from the project; identification of employment impacts, such as number and type of permanent jobs created or retained by

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the project itself (i.e., non-construction jobs) and projected payrolls; and the existing and/or new agricultural commodity and renewable fuel markets that would be affected by the project.

- 3) Project costs and schedule. A gross project budget and time schedule for completion of the project and for major project components; include cost estimates and anticipated completion dates.
- 4) Ownership disclosure. Identification by name of those individuals or entities with 10% or more ownership of the plant that is the subject of the project.
- 5) Performance disclosure. As asserted against the owner, or any parent organization or holding company, identification of all pending or unresolved violations of State or federal laws or regulations that could result in legal or regulatory impact on the operation of the project.

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Section 130.APPENDIX C Projected Energy Use By Type Information Form

Projected Energy Use By Type Information Form

For plant expansions, include both current consumption and projected consumption per the proposed improvements

Electricity

Monthly Estimated Total Usage: _____ kWh

- a. Estimated electricity to be purchased: _____ %
- b. Estimated electricity to be generated on site: _____ %
- c. Estimated electricity consumption per gallon of biofuels production: _____

Natural Gas

Monthly Estimated Total Usage: _____ Therms

- a. Estimated use for process heat: _____ Therms
- b. Estimated use for electric power generation: _____ Therms
- c. Estimated gas consumption per gallon of biofuels production: _____

Coal

Monthly Estimated Total Usage: _____ Tons

- a. Estimated use for process heat: _____ Tons
- b. Estimated use for electric power generation: _____ Tons
- c. Estimated coal consumption per gallon of biofuels production: _____

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medication
- 2) Code Citation: 11 Ill. Adm. Code 603
- 3) Section Numbers: Adopted Action:
603.60 Amended
603.75 New Section
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: July 24, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: March 11, 2005; 29 Ill. Reg. 3862
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendments currently in effect? Yes
- 14) Are there any other proposed amendments pending on this Part? No
- 15) Summary and purpose of Rulemaking: This rulemaking addresses subtrace levels of therapeutic drugs that are now detectable for days after administration and minute traces of drugs that enter the horse's system by way of contamination. Certain substances present in the environment as contaminants can now be detected in a horse's system at even lower trace levels. The Racing Board unanimously voted to establish threshold levels for 3 nonsteroidal therapeutic drugs and created a section in which 2 environmental contaminants are identified.

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

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

(312) 814-5017
mickey_ezzo@irb.state.il.us

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

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

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

PART 603
MEDICATION

Section

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

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

SOURCE: Adopted at 21 Ill. Reg. 3232, effective March 4, 1997; amended at 22 Ill. Reg. 2217, effective January 1, 1998; amended at 22 Ill. Reg. 3594, effective February 1, 1998; amended at 25 Ill. Reg. 15611, effective December 1, 2001; amended at 26 Ill. Reg. 12360, effective August 1, 2002; amended at 27 Ill. Reg. 5027, effective March 7, 2003; amended at 27 Ill. Reg. 7331, effective April 15, 2003; amended at 28 Ill. Reg. 1374, effective January 19, 2004; amended at 28 Ill. Reg. 4751, effective March 1, 2004; emergency amendment at 28 Ill. Reg. 7565, effective May 11, 2004, for a maximum of 150 days; emergency expired October 7, 2004; amended at 28

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Ill. Reg. 11250, effective August 1, 2004; amended at 28 Ill. Reg. 15790, effective December 1, 2004; emergency amendment at 29 Ill. Reg. 2779, effective February 22, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 4116, effective February 25, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 5726, effective April 8, 2005; amended at 29 Ill. Reg. 12265, effective July 24, 2005.

Section 603.60 Permitted Use of Foreign Substances and Threshold Levels

- a) Non-Steroidal Anti-Inflammatories (NSAID): Threshold Levels
- 1) Only one non-steroidal anti-inflammatory drug (NSAID) may be present in a horse's body while it is participating in a race. The presence of more than one NSAID at any test level is forbidden.
 - 2) Subject to the prohibition contained in Section 603.40 (24 hour ban), the only foreign ~~substances that~~~~substance which~~ now ~~meet~~~~meets~~ the criteria established in Section 603.80 ~~are~~~~is~~ phenylbutazone ~~(or its metabolite oxyphenylbutazone), flunixin, and ketoprofen. One of the metabolites of phenylbutazone is oxyphenylbutazone.~~
 - 3) The test level of phenylbutazone shall ~~be less than~~~~not be in excess of~~ ~~5.02-0~~ ~~micrograms (mcg)/milliliter (ml)~~~~mcg/ml~~ of serum or plasma. The test level for oxyphenylbutazone shall ~~be less than~~~~not be in excess of~~ ~~5.02-0~~ mcg/ml of plasma.
 - A) ~~The first two times the laboratory reports that an amount of phenylbutazone or oxyphenylbutazone with respect to any horse or horses of a trainer is greater than 2.0 mcg/ml but less than or equal to 5.0 mcg/ml of serum or plasma, the trainer shall receive a written warning. An additional warning will be given to a trainer for every 150 horses that he has started in the present calendar year. After the trainer has received all requisite warnings, all subsequent violations in the concentration range of 2.0 mcg/ml to 5.0 mcg/ml shall be subject to a fine not to exceed \$500.~~
 - A)B) In the event a post-race sample from a horse contains an amount of phenylbutazone or oxyphenylbutazone greater than ~~or equal to~~ 5.0 mcg/ml but less than ~~or equal to~~ 8.0 mcg/ml of serum or plasma, the trainer shall be subject to a fine not to exceed \$500.

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- B)C) In the event a post-race sample from a horse contains an amount of phenylbutazone or oxyphenylbutazone greater than or equal to 8.0 mcg/ml but less than ~~or equal to~~ 15.0 mcg/ml of serum or plasma, the trainer shall be subject to a fine not to exceed \$1000 and/or a suspension not to exceed 15 days (see subsection (a)(3)(F) below).
- C)D) In the event a post-race sample from a horse contains an amount of phenylbutazone or oxyphenylbutazone greater than or equal to 15.0 mcg/ml of serum or plasma, the trainer shall be subject to a fine not to exceed \$1000 and/or a suspension not to exceed 60 days and the purse shall be redistributed (see subsection (a)(3)(F) below).
- D)E) If the phenylbutazone or oxyphenylbutazone overage is due to the negligence of the veterinarian attending the horse, the veterinarian shall be subject to the same penalties as are set forth in subsections (a)(3)(A)-(D).
- E)F) Penalties for violations of this Section shall be based on the following criteria:
- i) previous warnings and rulings for violations of this Section;
 - ii) the age and experience of the violator;
 - iii) whether the violator has ever been the subject of a medication ruling in this or any other racing jurisdiction;
 - iv) what action, if any, was taken to avoid the violation;
 - v) the purse of the race.
- 4) The test level of flunixin shall be less than 20.0 ng/ml of serum or plasma. To help horsemen determine the test levels of phenylbutazone and oxyphenylbutazone, the Board laboratory will test, without charge, all equine serum or plasma samples submitted to it which are accompanied by an affidavit indicating time, method, and route of administration of phenylbutazone.

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- 5) The test level of ketoprofen shall be less than 10.0 ng/ml of serum or plasma.
- 6) To help horsemen determine the test levels of phenylbutazone, oxyphenylbutazone, flunixin, and ketoprofen, the Board laboratory will test, for the actual cost of processing the sample, all equine serum or plasma samples submitted to it that are accompanied by an affidavit indicating time, method, and route of administration.
- b) The following foreign substances may be administered externally to a horse entered to a race: Leg paints and liniment which do not contain any "caine" derivatives, pharmacodynamic and/or chemotherapeutic agents, and which can be applied topically without penetrating the skin.
- c) Subject to the prohibition contained in Section 603.40 (24-hour ban), the following foreign substances, commonly referred to as anti-bacterial, ~~or~~ anti-fungal, or anti-ulcer drugs, may be present in the body of a horse participating in a race.
- 1) Anti-Bacterials
- Amikacin
 - Ampicillin
 - Ampicillin sodium
 - Azolsulfamide
 - Chloramphenicol
 - Doxycycline
 - Erythromycin sulfate
 - Gentamicin sulfate
 - Kanamycin sulfate
 - Methenamine
 - Levamisole (tetramisole)
 - Metronidazole
 - Neomycin sulfate
 - Nitrofurantoin
 - Oxytetracycline
 - Penicillin G. Benzathine
 - Penicillin G. Potassium
 - Sulfadimethozine
 - Sulfadimethoxine

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Sulfamethoxazole
Sulfamethranidazole
Sulfapyridine
Sulfathiazole
Tetracycline
Trimethoprim

2) Anti-Fungals

Amphotericin B
Griseofulvin
Neomycin Undecylenate
Nystatin

3) Anti-Ulcers

Cimetidine (Tagamet)
Omeprazole (Prilosec or GastroGard)
Ranitidine (Zantac)

- d) This listing of anti-bacterial, ~~and~~ anti-fungal, ~~and~~ anti-ulcer drugs is all inclusive and shall not include any other anti-bacterial, ~~or~~ anti-fungal, ~~or~~ anti-ulcer drug.
- e) A foreign substance of accepted therapeutic value may be administered as prescribed by a veterinarian when threshold levels and guidelines for its use have been approved by the Board and this Part has been duly amended. The Board shall give due consideration to threshold levels and guidelines that have been established by the Quality Assurance Program Committee of the Association of Racing Commissioners International when making additions to the permitted list.

(Source: Amended at 29 Ill. Reg. 12265, effective July 24, 2005)

Section 603.75 Environmental Contaminants

The following drugs are recognized as substances that unavoidably become part of the food supply or environment of the horse.

- a) Benzoylcegonine (a metabolite of cocaine):

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- 1) Each time the laboratory reports benzoyllecgonine less than 150.0 ng/ml, the Stewards shall conduct an inquiry. The presence of benzoyllecgonine in the horse shall be considered reasonable cause to order a drug screen on the trainer, groom or any other licensed person who cares for the horse pursuant to Section 508.50.
 - 2) Laboratory reports of benzoyllecgonine, greater than or equal to 150.0 ng/ml, shall be treated as a Class 1 drug, as defined in the Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances (ARCI, 2004, 2343 Alexandria Dr., Suite 200, Lexington KY 40504). This incorporation does not include any later amendments or editions.
- b) Dimethyl Sulfoxide (DMSO):
The test level of DMSO, greater than or equal to 500 mcg/ml, in urine shall be considered a violation of Section 603.50 and the trainer shall receive a fine of not less than \$500 and the purse shall be redistributed.

(Source: Added at 29 Ill. Reg. 12265, effective July 24, 2005)

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Sex Offender Evaluation and Treatment
- 2) Code Citation: 20 Ill. Adm. Code 1905
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1905.10	Amendment
1905.30	Amendment
1905.50	Amendment
1905.60	Amendment
1905.70	Amendment
1905.80	Amendment
1905.100	Amendment
1905.110	Amendment
1905.120	Amendment
1905.130	Amendment
1905.200	Amendment
- 4) Statutory Authority: Sex Offender Management Board Act [20 ILCS 4026]
- 5) Effective Date of Amendments: July 25, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including material incorporated by reference, is on file and is available for public inspection in the office of the Board's chair, which is located in the Attorney General's principal office in Chicago (12th Floor, James R. Thompson Center).
- 9) Notice of Proposal Published in Illinois Register: April 22, 2005; 29 Ill. Reg. 5650
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: A drafting error was corrected.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? There were no agreements issued by JCAR.
- 13) Will this rulemaking replace any emergency amendments currently in effect? No

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The Sex Offender Management Board adopted standards and procedures for the approval of sex offender evaluators and treatment providers and for the provision of evaluations and treatment of sex offenders on an interim basis. The purpose of this rulemaking is simply to extend the effectiveness of the interim standards indefinitely by removing the interim designation and any date limitations.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Cara Smith, Chair
Sex Offender Management Board
James R. Thompson Center, 12th Floor
100 W. Randolph Street
Chicago, IL 60601

(312) 814-2970

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

SEX OFFENDER MANAGEMENT BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
CHAPTER VII: SEX OFFENDER MANAGEMENT BOARD

PART 1905

~~INTERIM~~ SEX OFFENDER EVALUATION AND TREATMENT

SUBPART A: GENERAL

Section

1905.10 Purpose and Scope
1905.20 Definitions

SUBPART B: PROVIDER LIST AND QUALIFICATIONS

1905.30 ~~Interim~~ Provider List
1905.40 General Requirements for Approval of Evaluators and Providers
1905.50 ~~Interim~~ Qualifications for Provision of Evaluations Before Sentencing
1905.60 ~~Interim~~ Qualifications for Provision of Pre-release and SVP Evaluations
1905.70 ~~Interim~~ Qualifications for Treatment Providers
1905.80 Supervision by Approved Providers

SUBPART C: APPROVAL AND REMOVAL PROCEDURES

1905.100 Application
1905.110 Application Review and Approval
1905.120 Appeal of Application Denial
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SUBPART D: ~~INTERIM~~ STANDARDS OF PRACTICE

1905.200 Scope
1905.210 Ethical Standards
1905.220 Release of Information and Confidentiality
1905.230 General Standards for Conducting Evaluations
1905.240 Elements of Comprehensive Sex Offense Specific Evaluations
1905.250 Evaluator Recommendations
1905.300 General Standards for Treatment
1905.310 Treatment Provider Client Written Treatment Agreement
1905.320 Completion of Treatment

SEX OFFENDER MANAGEMENT BOARD

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AUTHORITY: Authorized by Sec. 15 of the Sex Offender Management Board Act [20 ILCS 4026/15] and implementing Sections 15-18 of the Act; Sections 5-701 and 5-715(3.10) of the Juvenile Court Act of 1987 [705 ILCS 405/5-701 and 5-715(3.10)]; Section 8 of the Sexually Dangerous Persons Act [725 ILCS 205/8]; Sections 10(c)(2), 25(e), 30(c), 40(b)(1), 55(b), 60(c), and 65(a)(2) and (b)(2) of the Sexually Violent Persons Commitment Act [725 ILCS 207/10(c)(2), 25(e), 30(c), 40(b)(1), 55(b), 60(c), and 65(a)(2) and (b)(2)]; and Sections 3-3-7(a)(7.5), 3-6-2(j) and (k), 3-9-7(b), 5-3-2(b-5), 5-6-3(a)(8.5) and 5-7-1(f-5) of the Unified Code of Corrections [730 ILCS 5/3-3-7(a)(7.5), 3-6-2(j) and (k), 3-9-7(b), 5-3-2(b-5), 5-6-3(a)(8.5) and 5-7-1(f-5)].

SOURCE: Adopted by emergency rulemaking at 28 Ill. Reg. 8300, effective May 27, 2004, for a maximum of 150 days; emergency expired October 23, 2004; adopted at 29 Ill. Reg. 1973, effective January 24, 2005; amended at 29 Ill. Reg. 12273, effective July 25, 2005.

SUBPART A: GENERAL

Section 1905.10 Purpose and Scope

Effective January 1, 2004, the Sex Offender Management Board Act [20 ILCS 4026] and various other statutes provide for the evaluation and/or treatment of convicted sex offenders in conformance with standards adopted by, and by persons approved by, the Sex Offender Management Board. This Part establishes requirements for evaluators and treatment providers to obtain Board approval to perform those functions ~~through July 1, 2005~~. It also establishes standards for conducting evaluations of, and providing treatment to, sex offenders in all circumstances where conformance with Board standards is required ~~through July 1, 2005~~.

(Source: Amended at 29 Ill. Reg. 12273, effective July 25, 2005)

Section 1905.30 ~~Interim~~ Provider List

The Board will establish an ~~interim~~ approved provider list upon which will be placed the names of all individuals who are approved by the Board to provide evaluations and treatment of sex offenders ~~through July 1, 2005~~, along with the category of the services the providers are approved to provide (e.g., pre-sentence or pre-release evaluations). Providers will be placed on the list if they complete the application process described in Section 1905.100, meet the general requirements of Section 1905.40, and meet the specific qualifications and requirements that correspond to the designation sought.

SEX OFFENDER MANAGEMENT BOARD

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- a) Individuals who meet the qualifications of Section 1905.50 will be approved for conducting pre-sentencing evaluations to meet the requirements for evaluations of:
 - 1) felony sex offenders who are to be considered for probation, pursuant to Section 16(b) of the Act (adult or juvenile),
 - 2) any adult who is being considered for probation before sentencing on a felony sex offense or any felony offense that is sexually motivated, pursuant to 730 ILCS 5/5-3-2(b-5) and 5-3-1, and
 - 3) a minor found guilty of a sex offense, pursuant to 705 ILCS 405/5-701.
- b) Individuals who meet the qualifications of Section 1905.60 will be approved for conducting evaluations to meet the requirements for evaluations of:
 - 1) every person convicted of a sex offense, prior to release into the community from the Department of Corrections, pursuant to 730 ILCS 5/5-4-1(e)(3.5);
 - 2) any person as required in Section 5 of the Sexually Violent Persons Commitment Act [725 ILCS 207/5].
- c) Individuals who meet the qualifications of Section 1905.70 will be approved to provide sex offender treatment to any person, adult or juvenile, who is required to undergo treatment from a provider approved by the Board.
- d) An individual who is approved to conduct pre-sentencing evaluations under subsection (a) is also approved to conduct the evaluations listed under subsection (b).

(Source: Amended at 29 Ill. Reg. 12273, effective July 25, 2005)

Section 1905.50 ~~Interim~~ Qualifications for Provision of Evaluations Before Sentencing

In order to be approved to provide pre-sentence evaluations as described in Section 1905.30(a), an applicant must:

- a) hold a bachelor's degree or higher in social work, psychology, marriage and family therapy, counseling, psychiatry, or other coursework within which degree

SEX OFFENDER MANAGEMENT BOARD

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the applicant can verify successful completion of coursework in assessment, social problems, abnormal psychology, counseling skills, or similar therapeutic discipline;

- b) have 400 hours of supervised experience in the treatment/evaluation of sex offenders in the last 4 years, at least 200 of which are face-to-face therapy/evaluation with sex offenders;
- c) have completed at least 10 sex offender evaluations under supervision in the past 4 years; and
- d) have at least 40 hours of documented training in the specialty of sex offender evaluation/treatment/management.

(Source: Amended at 29 Ill. Reg. 12273, effective July 25, 2005)

Section 1905.60 ~~Interim~~ Qualifications for Provision of Pre-release and SVP Evaluations

In order to be approved to provide pre-release and SVP evaluations as described in Section 1905.30(b), an applicant must:

- a) hold a bachelor's degree or higher in social work, psychology, marriage and family therapy, counseling, psychiatry, or other coursework within which degree the applicant can verify successful completion of coursework in assessment, social problems, abnormal psychology, counseling skills, or similar therapeutic discipline;
- b) have 400 hours experience with forensic clients within the past 4 years; and
- c) have at least 20 hours of documented training in the specialty of sex offender evaluation/treatment/management or will work under the supervision of a provider who has undergone 40 hours of documented training and 400 hours experience in sex offender evaluation/treatment/management.

(Source: Amended at 29 Ill. Reg. 12273, effective July 25, 2005)

Section 1905.70 ~~Interim~~ Qualifications for Treatment Providers

In order to be approved to provide sex offender treatment, an applicant must:

SEX OFFENDER MANAGEMENT BOARD

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- a) hold a bachelor's degree or higher in social work, psychology, marriage and family therapy, counseling, psychiatry, or other coursework within which degree the applicant can verify successful completion of coursework in assessment, social problems, abnormal psychology, counseling skills, or similar therapeutic discipline;
- b) have 400 hours of supervised experience in the treatment of sex offenders in the last 4 years, at least 200 of which are face-to-face therapy with sex offenders; and
- c) have at least 40 hours documented training in the specialty of sex offender assessment/treatment/management.

(Source: Amended at 29 Ill. Reg. 12273, effective July 25, 2005)

Section 1905.80 Supervision by Approved Providers

Wherever this Subpart conditions eligibility for placement on the ~~interim~~ provider list upon the applicant's having attained a specified level of supervised experience of any type (Sections 1905.50(b) and (c) and 1905.70(b) of this Part), any qualifying experience attained after January 1, 2004 must have been directly supervised (in-room supervision) by a provider on the Board's ~~interim~~ provider list for the activities for which approval is sought by the applicant.

- a) Notwithstanding a requirement for supervised experience, qualifying experience attained prior to January 1, 2004 need not have been supervised.
- b) If the qualifying experience was attained outside of Illinois after January 1, 2004, the experience must have been supervised by a provider who would have been eligible for Board approval for the appropriate purpose if practicing in Illinois.

(Source: Amended at 29 Ill. Reg. 12273, effective July 25, 2005)

SUBPART C: APPROVAL AND REMOVAL PROCEDURES

Section 1905.100 Application

A provider seeking placement on the ~~interim~~ approved provider list must complete and submit to the Board an application form provided by the Board that contains the elements prescribed in this Section and identifies the services for which the provider seeks approval. The elements of the application include:

SEX OFFENDER MANAGEMENT BOARD

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- a) provider identification, including name and business address, telephone number, fax number, and e-mail address;
- b) a listing of the counties in which the applicant provides services;
- c) a listing of any and all currently held licenses or certifications;
- d) identification of any languages other than English in which the applicant is fluent and can provide services (optional);
- e) the applicant's separate attestations that none of the bars to eligibility listed in Section 1905.40 of this Part apply;
- f) separate attestations that the applicant meets each of the qualifications applicable to the types of approval sought;
- g) an agreement that the applicant will conduct sex offender evaluations and provide sex offender treatment in accordance with the requirements of Subpart D of this Part;
- h) ~~attestation that the applicant's placement on the interim provider list will expire no later than July 1, 2005;~~ attestation that the applicant's submission of false information will result in removal from the approved provider list; and
- ij) an agreement to notify the Board immediately if the provider becomes ineligible under Section 1905.40 of this Part.

(Source: Amended at 29 Ill. Reg. 12273, effective July 25, 2005)

Section 1905.110 Application Review and Approval

Submitted applications will be referred to an application review committee, appointed by the Board, for review and approval.

- a) The committee will consist of no fewer than three members, including at least one sex offense specific treatment provider, one sex offense specific evaluator, and one victim advocate.

SEX OFFENDER MANAGEMENT BOARD

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- b) No committee member holding a personal or financial interest in an application before the committee shall participate in the deliberation or voting on approval of the application.
- c) The committee shall review the application and, within 45 days after receipt of the application, shall either:
 - 1) if it appears to the committee that all requirements for the type of approval applied for are met, direct that the applicant's name be added to the [interim](#) approved provider list and notify the applicant; or
 - 2) if deficiencies are found in the application, notify the applicant of the deficiencies in writing. An application may be resubmitted after the deficiencies have been corrected.

(Source: Amended at 29 Ill. Reg. 12273, effective July 25, 2005)

Section 1905.120 Appeal of Application Denial

An applicant whose application for placement on the [interim](#) approved provider list is denied may appeal the decision of the application review committee by requesting review by the Board.

- a) The request must be made in a writing that is received by the Board within 30 days after the denial was mailed to the business address supplied by the applicant.
- b) The applicant must submit with the appeal all documentation necessary and available to support placement on the list.
- c) Copies of the appeal, including supporting documentation, will be provided to each Board member, and the appeal shall be considered on the next regularly scheduled meeting of the Board held more than two weeks after receipt of the appeal.
- d) The vote of the Board shall be final, and the Board will notify the applicant of the result within two weeks after the Board's action.
- e) Individuals whose applications have been denied may re-apply at such time that the circumstances leading to the original denial of placement on the [interim](#) approved provider list have substantively changed.

SEX OFFENDER MANAGEMENT BOARD

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(Source: Amended at 29 Ill. Reg. 12273, effective July 25, 2005)

Section 1905.130 Removal from Provider List

The Board may rescind its approval of a person on the ~~interim~~ approved provider list for any of the reasons listed in this Section.

- a) The provider was not, in fact, qualified for placement on the list at the time of application, but was placed on the list on the basis of false or erroneous information provided with the application.
- b) Circumstances of the provider have changed such that the provider is no longer eligible for placement on the list under Section 1905.40 of this Part.
- c) The provider has substantially failed to follow the agreement to conduct evaluations and provide treatment to sex offenders in accordance with the requirements of Subpart D of this Part. For purposes of this Section, a substantial failure is one that is detrimental to the patient or the community.
- d) If such an action is taken, the Board will inform any regulatory body with jurisdiction over the provider's professional license, if any.

(Source: Amended at 29 Ill. Reg. 12273, effective July 25, 2005)

SUBPART D: ~~INTERIM~~ STANDARDS OF PRACTICE**Section 1905.200 Scope**

This Subpart prescribes ~~interim~~ standards for the conduct of evaluations of, and the provision of treatment to, sex offenders in whatever circumstances require that the services be provided in accordance with standards adopted by the Board under the Act.

(Source: Amended at 29 Ill. Reg. 12273, effective July 25, 2005)

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 July 19, 2005 through July 25, 2005 and have been scheduled for review by the Committee at its August 16, 2005 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>
9/2/05	<u>Secretary of State</u> , Public Library Construction Grants (23 Ill. Adm. Code 3060)	5/27/05 29 Ill. Reg. 7811	8/16/05
9/2/05	<u>Illinois Racing Board</u> , Superfecta (11 Ill. Adm. Code 311)	5/27/05 29 Ill. Reg. 7792	8/16/05
9/2/05	<u>Illinois Racing Board</u> , Parlay (11 Ill. Adm. Code 319)	5/27/05 29 Ill. Reg. 7797	8/16/05
9/2/05	<u>Illinois Racing Board</u> , Substance Abuse (11 Ill. Adm. Code 508)	5/27/05 29 Ill. Reg. 7801	8/16/05
9/2/05	<u>Illinois Racing Board</u> , Medication (11 Ill. Adm. Code 603)	5/27/05 29 Ill. Reg. 7806	8/16/05
9/2/05	<u>Illinois Racing Board</u> , Racing Rules (11 Ill. Adm. Code 1318)	6/3/05 29 Ill. Reg. 8090	8/16/05
9/2/05	<u>State Universities Retirement System</u> , Americans with Disabilities Act Grievance Procedures (4 Ill. Adm. Code 1650)	4/29/05 29 Ill. Reg. 5946	8/16/05

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICE RECEIVED

9/2/05	<u>Department of Natural Resources, Designation of Restricted Waters in the State of Illinois (17 Ill. Adm. Code 2030)</u>	5/27/05 29 Ill. Reg. 7414	8/16/05
9/3/05	<u>Department of Financial and Professional Regulation – Division of Insurance, Accumulation of Guaranty Fund or Guaranty Capital – Reporting and Accounting of Such Indebtedness (50 Ill. Adm. Code 301)</u>	3/25/05 29 Ill. Reg. 4442	8/16/05
9/4/05	<u>Secretary of State, Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill. Adm. Code 1040)</u>	5/20/05 29 Ill. Reg. 7194	8/16/05
9/7/05	<u>Department of Financial and Professional Regulation – Division of Insurance, Minimum Standards for Individual and Group Medicare Supplement Insurance (50 Ill. Adm. Code 2008)</u>	5/27/05 29 Ill. Reg. 7254	8/16/05

PROCLAMATIONS

2005-249**PARTNERSHIP WALK DAY**

- WHEREAS, citizens in Illinois and across the country expect certain basic rights, such as quality education, adequate living conditions, and a safe, healthy environment. Many in other parts of the world can only dream of having such rights; and
- WHEREAS, the Aga Khan Development Network is a group of private, international non-denominational agencies dedicated to fostering long-term socio-economic development in impoverished regions Asia and Africa; and
- WHEREAS, Aga Khan Foundation U.S.A., an agency of the Aga Khan Development Network, sponsors Partnership Walk in major cities across the U.S. to promote awareness about alleviating global poverty and to raise financial support for development projects that promote self-reliance; and
- WHEREAS, Partnership Walk celebrates its 10th Anniversary and this year's theme "Investing in People" highlights the Foundation's long-term commitment to helping poor communities find sustainable solutions that lift them out of poverty and provide greater opportunity and hope for millions of children and families:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 25, 2005 as PARTNERSHIP WALK DAY in Illinois to recognize the goodwill of the Aga Khan Development Network and to encourage others to join Aga Khan Foundation U.S.A. in their mission of ensuring everyone the same basic rights that the citizens of this state enjoy and expect.

Issued by the Governor July 20, 2005.

Filed by the Secretary of State July 20, 2005.

2005-250**NATIONAL GYMNASTICS DAY**

- WHEREAS, gymnastics is a great way to engage Illinois children in healthy activities while teaching them valuable personal and social skills such as teamwork, commitment, and sportsmanship; and
- WHEREAS, USA Gymnastics, whose mission it is to encourage participation and the pursuit of excellence in sports, established National Gymnastics Day in 1999 to promote physical fitness and healthy lifestyles; and

PROCLAMATIONS

WHEREAS, in support of National Gymnastics Day, nearly 4,000 clubs across the country organized activities at venues such as gyms, malls, and sporting events last year; and

WHEREAS, this year marks the 6th Annual National Gymnastics Day, the proceeds of which will benefit the Children's Miracle Network, a non-profit organization dedicated to raising funds for 170 children's hospitals, including four in Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 6, 2005 as NATIONAL GYMNASTICS DAY in Illinois to encourage citizens of the state to support the worthy and charitable efforts of USA Gymnastics.

Issued by the Governor July 21, 2005.

Filed by the Secretary of State July 21, 2005.

2005-249 (Revised)
PARTNERSHIP WALK DAY

WHEREAS, citizens in Illinois and across the country expect certain basic rights, such as quality education, adequate living conditions, and a safe, healthy environment. Many in other parts of the world can only dream of having such rights; and

WHEREAS, the Aga Khan Development Network is a group of private, international non-denominational agencies dedicated to fostering long-term socio-economic development in impoverished regions Asia and Africa; and

WHEREAS, Aga Khan Foundation U.S.A., an agency of the Aga Khan Development Network, sponsors Partnership Walk in major cities across the U.S. to promote awareness about alleviating global poverty and to raise financial support for development projects that promote self-reliance; and

WHEREAS, Partnership Walk celebrates its 10th Anniversary and this year's theme "Investing in People" highlights the Foundation's long-term commitment to helping poor communities find sustainable solutions that lift them out of poverty and provide greater opportunity and hope for millions of children and families:

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PROCLAMATIONS

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Issued by the Governor July 20, 2005.

Filed by the Secretary of State July 22, 2005.

2005-250 (Revised)
NATIONAL GYMNASTICS DAY

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THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 6, 2005 as NATIONAL GYMNASTICS DAY in Illinois to encourage citizens of the state to support the worthy and charitable efforts of USA Gymnastics.

Issued by the Governor July 21, 2005.

Filed by the Secretary of State July 22, 2005.

2005-251
EMMETT TILL AND MAMIE TILL MOBLEY DAY

WHEREAS, August 28, 2005 marks the 50th anniversary of the brutal murder of Emmett Till, a Chicago native; and

WHEREAS, while visiting his uncle during the summer of 1955, Emmett Till, only 14, was whisked away in the dead of night by white men who tortured and killed him because he was black; and

PROCLAMATIONS

WHEREAS, returned to Chicago for burial, Mamie Till Mobley, Emmett Till's mother, insisted the public see what her 14-year-old son's killers did, despite the severe disfigurement of his body. Accordingly, his post-mortem photographs circulated around the country; and

WHEREAS, the effect of Mamie Till Mobley's courageous defiance sent shockwaves of grief and outrage across the nation, and enflamed racial tensions that sparked the Civil Rights Movement to extend equal protection of the law to black men and women; and

WHEREAS, the cruel and selfish slaying of Emmett Till still haunts Americans and continues to inspire social justice today:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 28, 2005 as EMMETT TILL AND MAMIE TILL MOBLEY DAY in Illinois in honor and remembrance of them.

Issued by the Governor July 22, 2005.

Filed by the Secretary of State July 22, 2005.

2005-252
PERU DAY

WHEREAS, July 28, 1821 marks the beginning of Peruvian independence from Spanish rule, led by liberator Jose de San Martin; and

WHEREAS, this day is internationally recognized as Peruvian Independence Day, and 2005 marks the 184th Anniversary of Peruvian independence; and

WHEREAS, there are approximately 50,000 Peruvians currently living in the state of Illinois, more than 15,000 of which live in the Chicagoland area; and

WHEREAS, the Peruvian community is active and successful, with only a 2 percent unemployment rate, and over 75% of the population earning more than \$20,000 annually; and

WHEREAS, Peruvian-Americans have greatly added to the rich cultural diversity of Chicago through their vibrant presence in the Little Village Neighborhood, and their many art exhibitions throughout city museums and galleries; and

WHEREAS, Peruvians have a strong and organized presence in the city of Chicago with eleven ethnic organizations including the Peruvian American Medical

PROCLAMATIONS

Society, the Peruvian Chamber of Commerce, and the Peruvian Arts Society among others:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 28, 2005 as Peru Day in Illinois, and I encourage all citizens to join in celebrating the great contributions of Peruvian-Americans to the State of Illinois.

Issued by the Governor July 22, 2005.

Filed by the Secretary of State July 22, 2005.

ILLINOIS ADMINISTRATIVE CODE Issue Index - With Effective Dates

Rules acted upon in Volume 29, Issue 32 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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