

2008

ILLINOIS REGISTER

RULES OF GOVERNMENTAL AGENCIES



VOLUME 32, ISSUE 1
JANUARY 4, 2008
PAGES 1-295

Index Department
Administrative Code
111 East Monroe Street
Springfield, Illinois 62756
(217) 782-7017

<http://www.cyberdriveillinois.com>

PUBLISHED BY JESSE WHITE

SECRETARY OF STATE

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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

2008 REGISTER SCHEDULE VOLUME #32

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 21, 2007*	January 4, 2008
2	December 31, 2007	January 11, 2008
3	January 7, 2008	January 18, 2008
4	January 14, 2008	January 25, 2008
5	January 22, 2008	February 1, 2008
6	January 28, 2008	February 8, 2008
7	February 4, 2008	February 15, 2008
8	February 11, 2008	February 22, 2008
9	February 19, 2008	February 29, 2008
10	February 25, 2008	March 7, 2008
11	March 3, 2008	March 14, 2008
12	March 10, 2008	March 21, 2008
13	March 17, 2008	March 28, 2008
14	March 24, 2008	April 4, 2008
15	March 31, 2008	April 11, 2008
16	April 7, 2008	April 18, 2008
17	April 14, 2008	April 25, 2008
18	April 21, 2008	May 2, 2008
19	April 28, 2008	May 9, 2008
20	May 5, 2008	May 16, 2008
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23	May 27, 2008	June 6, 2008
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27	June 23, 2008	July 7, 2008
28	June 30, 2008	July 11, 2008
29	July 7, 2008	July 18, 2008
30	July 14, 2008	July 25, 2008
31	July 21, 2008	August 1, 2008
32	July 28, 2008	August 8, 2008
33	August 4, 2008	August 15, 2008
34	August 11, 2008	August 22, 2008
35	August 18, 2008	August 29, 2008
36	August 25, 2008	September 5, 2008
37	September 2, 2008	September 12, 2008
38	September 8, 2008	September 19, 2008
39	September 15, 2008	September 26, 2008
40	September 22, 2008	October 3, 2008
41	September 29, 2008	October 10, 2008
42	October 6, 2008	October 17, 2008
43	October 14, 2008	October 24, 2008
44	October 20, 2008	October 31, 2008
45	October 27, 2008	November 7, 2008
46	November 3, 2008	November 14, 2008
47	November 10, 2008	November 21, 2008
48	November 17, 2008	December 1, 2008
49	November 24, 2008	December 5, 2008
50	December 1, 2008	December 12, 2008
51	December 8, 2008	December 19, 2008
52	December 15, 2008	December 26, 2008
53	December 22, 2008	January 2, 2009

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Net Metering
- 2) Code Citation: 83 Ill. Adm. Code 465
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
465.5	New Section
465.10	New Section
465.20	New Section
465.30	New Section
465.40	New Section
465.50	New Section
465.60	New Section
465.70	New Section
- 4) Statutory Authority: Implementing Section 16-107.5 of the Public Utilities Act [220 ILCS 5/16-107.5] and authorized by Sections 16-107.5 and 10-101 of the Public Utilities Act [220 ILCS 5/16-107.5, 220 ILCS 5/10-101]
- 5) A Complete Description of the Subjects and Issues Involved: P.A. 95-0420 added Section 16-107.5 to the Public Utilities Act. Section 16-107.5 requires electricity providers (electric utilities or alternative retail electric suppliers) to equip net metering facilities (defined in the Public Act) with metering equipment that can measure the flow of electricity in both directions at the same rate. Section 16-107.5 of the Act requires the Commission to establish standards for net metering. This Part establishes filing requirements and billing requirements for net metering.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED RULES

- 11) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any State mandate on units of local government, school districts, or community college districts.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 07-0483, with:

Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701

217/782-7434
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: These rules will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. These rules will not affect any small municipalities or not for profit corporations.
 - B) Reporting, bookkeeping or other procedures required for compliance: Filing requirements
 - C) Types of professional skills necessary for compliance: Managerial skills
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Commission did not anticipate the need for these rules at that time.

The full text of this Proposed Rule is identical to that of the Emergency Rule for this Part number, and can be found within this issue of the *Illinois Register* on page 202.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Real Estate License Act of 2000
- 2) Code Citation: 68 Ill. Adm. Code 1450
- 3) Section Number: 1450.140 Proposed Action: Amendment
- 4) Statutory Authority: Real Estate License Act of 2000 [225 ILCS 454]
- 5) A Complete Description of the Subjects and Issues Involved: This amendment is the result of an agreement based upon a legal settlement with the Department concerning this particular Section. Section 1450.140 had been amended previously to clarify what constitutes "misleading advertising". The purpose of that amendment was to clarify that advertising likely to create confusion regarding the permitted use of a property is misleading under the Real Estate License Act of 2000.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking has no impact on local government.
- 12) Time, Place and Manner in which interested persons may comment on this rulemaking:

Interested persons may submit written comments to:

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

217/785-0813 Fax #: 217/557-4451

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing real estate services.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: Skill and knowledge pertaining to the real estate business.
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2008

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VIII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1450
REAL ESTATE LICENSE ACT OF 2000

SUBPART A: DEFINITIONS

Section
1450.10 Definitions

SUBPART B: LEASING AGENT RULES

Section
1450.15 Leasing Agent General Provisions
1450.20 Leasing Agent Examination Requirement
1450.25 Sponsor Card for Leasing Agents
1450.30 Issuance of Leasing Agent License
1450.35 Termination of Employment of Leasing Agent
1450.40 120 Day Leasing Agent Permit
1450.50 Continuing Education Requirement for Leasing Agents
1450.55 Approved Courses, Schools and Instructors for Leasing Agents

SUBPART C: LICENSING AND EDUCATION

Section
1450.60 Educational Requirements to Obtain a Broker's or Salesperson's License
1450.65 Salesperson and Broker Examinations
1450.70 Applications for Salesperson's and Broker's Licenses by Examination
1450.75 Sponsor Cards for Brokers and Salespersons
1450.80 Branch Offices
1450.85 Corporations, Limited Liability Companies, Partnerships, and Limited Partnerships
1450.90 Assumed Name
1450.95 Fees
1450.100 Nonresident Licensure by Reciprocity
1450.105 Renewals
1450.110 Change of Information

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

- 1450.115 Continuing Education
- 1450.120 Rental Finding Services

SUBPART D: COMPENSATION AND BUSINESS PRACTICES

Section

- 1450.125 Managing Broker Responsibilities
- 1450.130 Supervision
- 1450.135 Discrimination
- 1450.140 Advertising
- 1450.145 Internet Advertising
- 1450.150 Office Identification Signs
- 1450.155 Display of Licenses
- 1450.160 Employment Agreements
- 1450.165 Unlicensed Assistants
- 1450.170 Corporation for Indirect Payment
- 1450.175 Special Accounts
- 1450.180 Record Keeping
- 1450.185 Disclosure of Compensation
- 1450.190 Disclosure of Licensee Status
- 1450.195 Brokerage Agreements and Listing Agreements
- 1450.200 Written Agreements
- 1450.205 Referral Fees and Affinity Relationships

SUBPART E: AGENCY RELATIONSHIPS

Section

- 1450.207 Confidentiality
- 1450.210 Failure to Disclose Information Not Affecting Physical Condition
- 1450.215 Licensee Serving as a Dual Agent in a Transaction Where a Licensee is a Party to the Transaction

SUBPART F: DISCIPLINE RULES AND PROCEDURES

Section

- 1450.220 Unprofessional Conduct
- 1450.225 Suspension or Denial for Failure to Pay Taxes, Child Support or Any Illinois-Guaranteed Student Loan
- 1450.230 Temporary Suspension

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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- 1450.235 Otherwise Discipline
- 1450.240 Dissolution: Effect of Suspension or Revocation of Sponsoring Brokers or Managing Brokers
- 1450.245 Inspections and Audits
- 1450.246 Audits of Special Funds by Outside Auditors
- 1450.250 Case File Review Committee
- 1450.255 Hearings
- 1450.260 Real Estate Recovery Fund
- 1450.265 Automatic Termination Upon Order to Payout from the Real Estate Recovery Fund
- 1450.266 Advisory Letters

SUBPART G: PRE-LICENSE AND CONTINUING EDUCATION RULES

Section

- 1450.270 Definition of Schools and School Branch (Repealed)
- 1450.275 Pre-License Schools
- 1450.276 Curriculum for Pre-License Schools
- 1450.277 Expiration Date and Renewal Period for Pre-License Schools
- 1450.278 Pre-License Instructors
- 1450.280 Expiration Date and Renewal Period for Pre-License Instructors
- 1450.285 Continuing Education Schools
- 1450.286 Curriculum for Continuing Education Schools and Course Registration Process
- 1450.287 Expiration Date and Renewal Period for Continuing Education Schools
- 1450.288 Continuing Education Instructors
- 1450.290 Expiration Date and Renewal Period for Continuing Education Instructors
- 1450.295 Distance Education Courses
- 1450.300 Class Attendance Requirements (Repealed)
- 1450.305 Recruitment at Test Center
- 1450.310 Withdrawal of Approval of Schools (Repealed)
- 1450.315 Discipline of Schools or Instructors

SUBPART H: GRANTING VARIANCES

Section

- 1450.320 Granting Variances

SUBPART J: TRANSITION RULES

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

Section

1450.325	Salesperson Applicants – Transition Provisions
1450.330	Broker Applicants – Transition Provisions
1450.335	Continuing Education – Transition Provisions
1450.340	Education License Renewals – Transition Provisions

AUTHORITY: Implementing the Real Estate License Act of 2000 [225 ILCS 454] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Rules and Regulations for the Administration of the Real Estate Brokers and Salesmen License Act (General Rules), effective December 4, 1974; Rules and Regulations for the Administration of the Real Estate Brokers and Salesmen License Act (School Rules), effective July 29, 1974; amended at 3 Ill. Reg. 885, effective February 2, 1979; amended at 4 Ill. Reg. 195, effective August 12, 1980; amended at 5 Ill. Reg. 5343, effective May 6, 1981; amended at 5 Ill. Reg. 8541, effective August 10, 1981; codified at 5 Ill. Reg. 11064; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; emergency amendment at 6 Ill. Reg. 2406, effective February 3, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8221, effective July 1, 1982; amended at 9 Ill. Reg. 341, effective January 3, 1985; transferred from Chapter I, 68 Ill. Adm. Code 450 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1450 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2977; amended at 12 Ill. Reg. 8036, effective April 26, 1988; amended at 15 Ill. Reg. 10416, effective July 1, 1991; amended at 16 Ill. Reg. 3204, effective February 14, 1992; emergency amendment at 19 Ill. Reg. 12003, effective August 8, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16623, effective December 1, 1995; amended at 20 Ill. Reg. 6492, effective April 30, 1996; recodified from Chapter VII, Department of Professional Regulation, to Chapter VIII, Office of Banks and Real Estate, pursuant to PA 89-23 and PA 89-508, at 20 Ill. Reg. 11984; amended at 21 Ill. Reg. 3602, effective March 7, 1997; amended at 21 Ill. Reg. 8350, effective June 30, 1997; old Part repealed and new Part adopted by emergency rulemaking at 24 Ill. Reg. 704, effective January 1, 2000, for a maximum of 150 days; old Part repealed and new Part adopted at 24 Ill. Reg. 8263, effective May 30, 2000; amended at 27 Ill. Reg. 12018, effective July 9, 2003; amended at 28 Ill. Reg. 2141, effective January 22, 2004; amended at 30 Ill. Reg. 11075, effective June 8, 2006; amended at 32 Ill. Reg. _____, effective _____.

SUBPART D: COMPENSATION AND BUSINESS PRACTICES

Section 1450.140 Advertising

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

- a) Deceptive and misleading advertising includes, but is not limited to, the following:
- 1) advertising a property that is subject to an exclusive listing agreement with a sponsoring broker other than the licensee's own without the permission of and identifying that listing broker;
 - 2) failing to remove advertising of a listed property within a reasonable time, given the nature of the advertising, after the earlier of the closing of a sale on the listed property or the expiration or termination of the listing agreement;
 - 3) advertising a property at auction as an absolute auction or auction without reserve, when there is a minimum bid or opening bid required; and
 - 4) advertising a property in a manner that creates a reasonable likelihood of confusion regarding the permitted use of the property. Examples of such advertising would be advertising for a property zoned single family as appropriate for multi-dwelling use by using words or phrases such as suggesting multi-dwelling use, including but not limited to "apartment", "two units", or "separate living arrangement", unless such use is permitted by the zoning ordinance, a variance from the zoning ordinance, a conditional permitted use or an existing legal non-conforming use "related living", "in-law arrangement", or "related apartment".
- b) For the purposes of this Section and Section 1450.145 on Internet Advertising, listing information available on a sponsoring broker's or licensee's website, extranet or similar site but behind a firewall or similar device requiring a password, registration or other type of security clearance to access that information shall not be considered advertising.
- c) For the purposes of this Section and Section 1450.145 on Internet Advertising, unsolicited marketing of a licensee's real estate brokerage services and farming (prospecting) shall be considered advertising.
- d) Nothing in Section 10-30 of the Act shall require a sponsoring broker to include the name of one of its sponsored licensees on signs or other general advertising of

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

the sponsoring broker.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Day and Temporary Labor Services Act
- 2) Code Citation: 56 Ill. Adm. Code 260
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
260.100	Amend
260.310	Amend
260.450	Amend
- 4) Statutory Authority: 820 ILCS 175
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rulemaking is being implemented in order to reflect changes to the existing law, such as allowing day and temporary labor service agencies to provide a weekly summary of each day laborer's hours worked for a third party client (rather than the number of hours worked each day) if the laborer is assigned to work at the same work site for multiple days in a work week. Other amendments include defining the term "hours worked", amending the term "day and temporary labor", and eliminating the bond for the penal sum of \$5,000 and the certified statement of financial solvency from the content required for an application to register as a day or temporary labor service agency.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days of this Notice, to:

Sara Scherer
Legislative Liaison
Illinois Department of Labor
1 West Old State Capitol Plaza, 3rd Floor

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

Springfield, IL 62701

217/558-1270

217/782-0596 (fax)

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Day and Temporary Labor Services Agencies may be affected by this rulemaking.
 - B) Reporting, bookkeeping or other procedures required for compliance: Day and temporary labor service agencies are permitted to record a summary of hours worked for day or temporary laborers working at the same work site for multiple days in the same work week.
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2007

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

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

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

PART 260
DAY AND TEMPORARY LABOR SERVICES ACT

SUBPART A: GENERAL PROVISIONS

Section
260.100 Definitions

SUBPART B: COMPLAINT AND INVESTIGATION

Section
260.200 Complaint
260.210 Investigation

SUBPART C: REGISTRATION PROCESS

Section
260.300 Registration
260.310 Content of Application to Register
260.320 Expiration and Renewal of Registration
260.330 Registration Fees

SUBPART D: DUTIES AND RESPONSIBILITIES OF DAY AND
TEMPORARY LABOR SERVICE AGENCIES

260.400 Employment Notice
260.410 Recordkeeping
260.420 Inspection and Maintenance of Records
260.430 Meals
260.440 Transportation
260.450 Wage Payment and Notice
260.460 Deductions from Wages
260.470 Placement Fees
260.480 Public Access Area
260.490 Postings

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

- 260.495 Liability Insurance
260.497 Worker's Compensation Insurance

SUBPART E: DUTIES AND RESPONSIBILITIES OF THIRD PARTY CLIENTS

- 260.500 Wage Payments and Legal Responsibility
260.510 Verification of Registration
260.520 Work Verification Form

SUBPART F: SUSPENSION, REVOCATION,
DENIAL OF REGISTRATION, AND HEARINGS

- Section
260.600 Suspension, Revocation, or Denial
260.610 Initiation of Hearing
260.620 Considerations in Reaching a Decision (Repealed)

AUTHORITY: Implementing and authorized by Section 45 of the Day and Temporary Labor Services Act [820 ILCS 175/45].

SOURCE: Adopted at 24 Ill. Reg. 6901, effective April 17, 2000; amended at 25 Ill. Reg. 856, effective January 5, 2001; amended at 30 Ill. Reg. 11557, effective June 22, 2006; amended at 32 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 260.100 Definitions

"Act" means the Day and Temporary Labor Services Act [820 ILCS 175].

"Contract" means an agreement, written, oral or otherwise as agreed to between the parties.

"Day" means a calendar day.

"Day or Temporary Laborer" means *a natural person who contracts for employment with a day and temporary labor service agency.*

"Day and Temporary Labor" means *work performed by a day or temporary* |

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

~~*laborer at a third party client, the duration of which may be specific or undefined, pursuant to a contract or understanding between the day and temporary labor service agency and the third party client. labor or employment that is occasional or irregular at which a person is employed for not longer than the time period required to complete the assignment for which the person was hired and where wage payments are made directly or indirectly by the day and temporary labor service agency or the third party client for work undertaken by day or temporary laborers pursuant to a contract between the day and temporary labor service agency and the third party client. "Day and temporary labor" does not include labor or employment of a professional or clerical nature.*~~

"Day and Temporary Labor Service Agency" means *any person or entity engaged in the business of employing day and temporary laborers to provide services, for a fee, to or for any third party client pursuant to a contract with the day and temporary labor service agency and the third party client, and which is located, operates or transacts business within the State of Illinois.* [820 ILCS 175/5]

"Department" means the Illinois Department of Labor.

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

"Hours worked" has the meaning ascribed to that term in 56 Ill. Adm. Code 210.110. [820 ILCS 175/30(a)(2)]

"Person" means *every natural person, firm, partnership, co-partnership, limited liability company, corporation, association, business trust, or other legal entity, or its legal representatives, agents, or assigns.*

"Professional" means, for purposes of the Day and Temporary Labor Services Act [820 ILCS 175], any person who meets the duties test of a professional under 29 CFR 541.3 as of March 30, 2003 (no later dates or editions). Specifically, this means any employee engaged in work predominantly intellectual and varied in character, rather than routine mental, manual, mechanical or physical work.

"Third Party Client" means *any person that contracts with a day and temporary labor service agency for obtaining day or temporary laborers.* [820 ILCS 175/5]

(Source: Amended at 32 Ill. Reg. _____, effective _____)

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

SUBPART C: REGISTRATION PROCESS

Section 260.310 Content of Application to Register

An application to register a day and temporary labor service agency, and an application for registration renewal, shall be made on a form provided by the Department. The application shall contain but is not limited to the following:

- a) The name, address, federal employer identification number, and telephone number of the person, including the trade and/or assumed name by which the person does business;
- b) If the person is a corporation, a copy of its articles of incorporation, a copy of its current bylaws and the names and addresses of its officers and directors and the names and addresses of shareholders owning more than 5% of the corporation's stock shall be provided for the initial registration. Application for registration renewal shall contain any amendments to the articles of incorporation and bylaws, the names and addresses of any new officers and directors, and the names and addresses of any new shareholders owning more than 5% of the corporation's stock;
- c) If the person is a partnership, the names, business or personal addresses, and telephone numbers of all partners. Application for registration renewal shall contain the names, business or personal addresses, and telephone numbers of all new partners;
- d) If the person is a limited liability company, a copy of the articles of organization, the operating agreement, and the names and addresses of all organizers and members owning more than 5% of the membership;
- e) The name, address, federal employer identification number, and telephone number of the registered agent for the place of business, including the position held by that person or entity with the person. Application for registration renewal shall contain the name, address, federal employer identification number, and telephone number of any new registered agent for the place of business, including the position held by that person or entity with the day labor service agency;
- f) The name and locations of premises from which the day and temporary labor service agency will provide services. Application for renewal shall contain any

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new name and locations of premises from which the day and temporary labor service agency will provide services;

- g) The name and address of the person under whose management or supervision the day and temporary labor service agency will be operated. If, during the period when the registration is effective, the person under whose management or supervision the day and temporary labor service agency operates changes, the day and temporary labor service agency will notify the Department within 30 days after the change. Application for registration renewal shall include the name and address of any new person under whose management or supervision the day labor service agency will be operated;
- h) Certification that the applicant, if an individual, is 18 years of age or older;
- ~~i) A bond in due form, to the People of the State of Illinois, for the penal sum of \$5,000 with one or more sureties, to be approved by the Department of Labor and conditioned that the obligor will conform to and not violate any of the duties, terms, conditions, provisions or requirements of the Act or this Part;~~
- ~~j) A certified statement of financial solvency, including, but not limited to, bank statements and financial ledgers;~~
- ~~k) A certification that the agency will comply with all applicable State and federal employment laws, including, but not limited to, the Illinois Wage Payment and Collection Act [820 ILCS 115] and state and federal laws relating to employee compensation and overtime compensation (Illinois Minimum Wage Law [820 ILCS 105]), social security taxes, State and federal income taxes, workers' compensation (Workers' Compensation Act [820 ILCS 305]), and unemployment taxes (Unemployment Insurance Act [820 ILCS 405]);~~
- l) A copy of the form to be used for the employment notice, as required by Section 10 of the Act and Section 260.400 of this Part. The form shall include, but is not limited to, the items listed in Section 260.400;
- ~~m) An oath or affirmation certifying that all information contained within, and attached to, the application is true and complete;~~
- n) The notarized signature of the individual submitting the application;

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- me) Copies of financial responsibility and liability insurance required under the Motor Vehicle Code [625 ILCS 5] for any transportation provided by or referred by the day and temporary labor service agency or a third party client, or a contractor or agent of either, to transport day or temporary laborers to a work site;
- mp) Proof of an employer account number for payment of unemployment insurance contributions as required by Section 45 of the Act; and
- mq) Proof of valid workers' compensation insurance in effect at the time of and for the duration of the registration period covering all of the day and temporary labor service agency's employees, as required by Section 45 of the Act.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

SUBPART D: DUTIES AND RESPONSIBILITIES OF DAY AND
TEMPORARY LABOR SERVICE AGENCIES

Section 260.450 Wage Payment and Notice

- a) At the time of payment of wages, a day and temporary labor service agency shall provide the following information on the day or temporary laborer's paycheck or on a form approved by the Department:
 - 1) *the name, address, and telephone number of each third party client at which the day and temporary laborer worked;*
 - 2) *the number of hours worked by the day or temporary laborer at each third party client each day during the pay period. If the day or temporary laborer is assigned to work at the same work site of the same third party client for multiple days in the same work week, the day and temporary labor service agency may record a summary of hours worked at that third party client's worksite so long as the first and last day of that work week are identified as well;*
 - 3) *the rate of payment for each hour worked, including any premium rate or bonus;*
 - 4) *the total pay period earnings;*

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- 5) *all deductions made from the day or temporary laborer's compensation made either by the third party client or by the day and temporary labor service agency, and the purpose for which deductions were made, including the day and temporary laborer's food, equipment, withheld income tax, withheld social security payments, and every other deduction [820 ILCS 175/30(a)]; and*
- 6) if using codes on the day or temporary laborer's paycheck stub to identify third party clients, the legend or explanation sheet for the code or codes that correlate to where the day or temporary laborer worked shall be made immediately available to the day or temporary laborer upon request and during normal business hours.
- b) *A day or temporary laborer who is contracted by a day and temporary labor service agency to work at a third party client's work site, but is not utilized by the third party client, shall be paid by the day and temporary labor service agency for a minimum of 4 hours of pay at the agreed upon rate of pay. However, if the day and temporary labor service agency is able to place the day or temporary laborer at another work site during that same shift, the day or temporary laborer shall be paid by the agency a minimum of 2 hours of pay, at the agreed upon rate of pay, in addition to all hours worked by the day or temporary laborer during that shift. [820 ILCS 175/30]*
- c) All wage payments must be in compliance with all laws relating to wages contained in 820 ILCS.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

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- 1) Heading of the Part: Americans With Disabilities Act Grievance Procedure
- 2) Code Citation: 4 Ill. Adm. Code 1000
- 3) Section Number: 1000.20 Proposed Action: Amendment
- 4) Statutory Authority: Implementing Title II, Subtitle A of the Americans with Disabilities Act of 1990 (42 USC. 12131-12134), as specified in Title II regulations (28 CFR 35.107)
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to update the Department's address.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

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

217/782-1809

- 13) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not summarized on the July 2007 Regulatory Agenda because: the Department did not anticipate amending it at the time the Regulatory Agenda was filed.

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

TITLE 4: DISCRIMINATION PROCEDURES
CHAPTER XXXIII: DEPARTMENT OF NATURAL RESOURCESPART 1000
AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Section	
1000.10	Purpose
1000.20	Definitions
1000.30	Procedure
1000.40	ADA Coordinator Level
1000.50	Final Level
1000.60	Accessibility
1000.70	Case-by-Case Resolution

AUTHORITY: Implementing Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 USC 12131-12134), as specified in Title II Regulations (28 CFR 35.107).

SOURCE: Adopted at 16 Ill. Reg. 20092, effective December 14, 1992; amended at 21 Ill. Reg. 8882, effective June 26, 1997; amended at 32 Ill. Reg. _____, effective _____.

Section 1000.20 Definitions

- a) "ADA Coordinator" ~~means~~ is the person(s) appointed by the Director who is responsible for the coordination of efforts of the Agency to comply with and carry out its responsibilities under Title II of the ADA including investigation of grievances filed by complainants. The Designated Coordinator ~~can~~ may be contacted at ~~One Natural Resources Way, Springfield IL 62702-1271~~ 524 S. Second Street, Springfield IL 62701-1787. ~~(28 CFR 35.107, effective January 26, 1992)~~
- b) "Agency" ~~means~~ is the Illinois Department of Natural Resources.
- c) "Complainant" ~~means~~ is an individual with a disability who files a grievance in accordance with this Part.
- d) "Disability" means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of ~~the~~ such individual, a record of ~~the~~ such an impairment; or being regarded as having such

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an impairment.

- e) "Grievance" ~~means~~is any complaint filed with the Agency by an individual alleging that he or she has been excluded from participation in, or denied the benefits of, any program, service or activity of the Agency or has been subject to discrimination by the Agency, on the basis of a disability.
- f) "Major Life Activities" means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
- g) "Physical or Mental Impairment" means any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, ~~musculoskeletal~~musculoskeletal (including speech organs), cardiovascular, reproductive, digestive, genito-urinary, hemic and lymphatic, skin, and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- h) "Qualified Individual with a Disability" means an individual with a disability who, with or without reasonable ~~accommodations~~accommodations or modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.
- i) "Reasonable ~~Accommodation~~Accommodation" means modifications or adjustments to services, programs or activities that enable a qualified individual with a disability to participate therein, or enjoy the benefits thereof.
- j) "Undue Hardship" means, with respect to the provision of an ~~accommodation~~accommodation, significant difficulty or expense incurred by a covered entity.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1910.5	Amended
1910.10	Amended
1910.11	Repealed
1910.12	New Section
1910.20	Amended
1010.25	Amended
1910.30	Amended
1910.31	Amended
1910.40	Amended
1910.50	Amended
1910.55	Amended
1910.60	Amended
1910.63	Amended
1910.64	Amended
1910.65	Amended
1910.66	Amended
1910.67	Amended
1910.69	Amended
1910.70	Amended
1910.71	Amended
1910.73	Amended
1910.75	Amended
1910.76	Amended
1910.77	Amended
1910.79	Amended
1910.88	Amended
1910.90	Amended
1910.91	Repealed
1910.92	Amended
1910.93	Amended
1910.94	Amended
1910.95	Amended
1910.96	Amended

PROPERTY TAX APPEAL BOARD

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1910.98 Amended
1910.99 Amended

- 4) Statutory Authority: 35 ILCS 200/Art. 7 and 16-180 through 16-195. The Property Tax Appeal Board submits amendments to certain rules (1910.50, 1910.67, 1910.94 and 1910.98) with the understanding that legislative action is required prior to final adoption of the rules as proposed. The Board is of the opinion these rule changes are necessary in order to continue in its efforts to provide efficient services to both the public and local governmental agencies involved in the property tax appeal process. It is with this purpose that the Board is informing the public and local agencies that the Board intends to proceed forward to seek the necessary legislative changes prior to implementation of certain rules.
- 5) A Complete Description of the Subjects and Issues Involved: A general definition of good cause has been incorporated into the rules. A new Section has been added regarding Board meetings in compliance with the Open Meetings Act. Correspondence issues have been addressed. In order to reduce extension requests, appellants and intervenors were given 60-days to file evidence. Boards of Review were given 90-days to complete evidence with parties to contemporaneously exchange discovery. Incomplete petitions were removed. The Board is granted discretion in holding hearings. Costs and sanctions were expanded to cover certain conduct. Discovery is clarified and has been expanded. The burden of transcription of the record has been revised to allow for private court reporting services.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not modify or expand a State mandate.

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- 12) 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 this publication of this Notice in the *Illinois Register*, with the Property Tax Appeal Board at its offices in Springfield:

Steven M. Waggoner - Chief Hearing Officer
Property Tax Appeal Board
Rm. 402, Stratton Office Building
401 S. Spring Street
Springfield, IL 62706

217/785-4459
Steve.Waggoner@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: All small business owning taxable real property in Illinois and all municipalities with taxing authority or interests.
 - B) Reporting, bookkeeping or other procedures required for compliance: Parties to the appeal process will disseminate evidence to the Property Tax Appeal Board contemporaneously with all other parties.
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2008

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 BOARDPART 1910
PRACTICE AND PROCEDURE FOR APPEALS
BEFORE THE PROPERTY TAX APPEAL BOARD

Section	
1910.5	Construction and Definitions
1910.10	Statement of Policy
1910.11	Rules of Order (Repealed)
1910.12	Meetings of the Board
1910.20	Board Information - Correspondence
1910.25	Computing Time Limits
1910.30	Petitions – Application
1910.31	Amendments, Jurisdiction of Appeal
1910.40	Board of Review Response to Petition Application
1910.50	Determination of Appealed Assessment
1910.55	Stipulations
1910.60	Interested Parties – Intervention
1910.63	Burdens of Proof
1910.64	Motion Practice – Service of Papers
1910.65	Documentary Evidence
1910.66	Rebuttal Evidence
1910.67	Hearings
1910.68	Subpoenas
1910.69	Costs and Sanctions
1910.70	Representation of Parties at Hearings
1910.71	Ex Parte Communications
1910.72	Informal Settlement Conference
1910.73	Pre-hearing Conference – Formal Settlement Conference
1910.74	Administrative Review
1910.75	Access to Board Records – Freedom of Information Procedures
1910.76	Board Publications - Distribution
1910.77	Withdrawals and Substitutions of Attorneys
1910.78	Consolidation of Appeals
1910.79	Policy on Discovery
1910.80	Forms
1910.88	Use of Facsimile Machines

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1910.90	Procedural Hearing Rules
1910.91	Business Records (Repealed)
1910.92	Rules of Pleading, Practice and Evidence
1910.93	Disclosure of Request for Witnesses
1910.94	Inspection of Subject Property - Evidence Refuting Claim Effect of Denial by Taxpayer or Property Owner
1910.95	Service of Documents in Certain Cases
1910.96	Evidence Depositions
1910.98	Transcription of Hearings - Official Record
1910.99	Adoption of Evidence
1910.100	Severability

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

SOURCE: Adopted at 4 Ill. Reg. 23, p. 106, effective May 27, 1980; codified at 8 Ill. Reg. 19475; amended at 13 Ill. Reg. 16454, effective January 1, 1990; amended at 21 Ill. Reg. 3706, effective March 6, 1997; amended at 21 Ill. Reg. 11949, effective August 13, 1997; amended at 21 Ill. Reg. 14551, effective October 27, 1997; amended at 22 Ill. Reg. 957, effective December 19, 1997; amended at 22 Ill. Reg. 16533, effective September 2, 1998; amended at 24 Ill. Reg. 1233, effective January 5, 2000; amended at 29 Ill. Reg. 13574, effective August 19, 2005; amended at 29 Ill. Reg. 21046, effective December 16, 2005; amended at 30 Ill. Reg. 1419, effective January 20, 2006; amended at 30 Ill. Reg. 2640, effective February 15, 2006; amended at 30 Ill. Reg. 7965, effective April 14, 2006; amended at 30 Ill. Reg. 10103, effective May 16, 2006; expedited correction at 30 Ill. Reg. 14633, effective May 16, 2006; amended at 30 Ill. Reg. 12280, effective June 30, 2006; amended at 30 Ill. Reg. 14148, effective August 11, 2006; amended at 30 Ill. Reg. 16311, effective September 29, 2006; amended at 31 Ill. Reg. 16222, effective November 26, 2007; amended at 32 Ill. Reg. _____, effective _____.

Section 1910.5 Construction and Definitions

- a) Standards. This Part is to be construed in accordance with the appropriate provisions of the Statute on Statutes [5 ILCS 70].
- b) Definitions. The following words and phrases, whenever used in this Part, include in their meaning the definitions set below:
 - 1) Board - Property Tax Appeal Board.

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- 2) The Code – Property Tax Code [35 ILCS 200].
- 3) Real Property – *The land itself, with all things contained therein, and also all buildings, structures and improvements, and other permanent fixtures thereon, including all oil, gas, coal and other minerals in the land and the right to remove such oil, gas, and other minerals, excluding coal, from the land, and all rights and privileges belonging or pertaining thereto, except where otherwise specified by the Code. Included therein is any vehicle or similar portable structure used or so constructed as to permit its use as a dwelling place, if the structure is resting in whole on a permanent foundation. (Section 1-130 of the Code)*
- 4) Farm – *When used in connection with valuing land and buildings for an agricultural use, any property used solely for the growing and harvesting of crops; for the feeding, breeding and management of livestock; for dairying or for any other agricultural or horticultural use or combination thereof; including, but not limited to, hay, grain, fruit, truck or vegetable crops, floriculture, mushroom growing, plant or tree nurseries, orchards, forestry, sod farming and greenhouses; the keeping, raising and feeding of livestock or poultry, including dairying, poultry, swine, sheep, beef cattle, ponies or horses, fur farming, bees, fish and wildlife farming. The dwellings and parcels of real property on which farm dwellings are immediately situated shall be assessed as a part of the farm. Improvements, other than farm dwellings, shall be assessed as a part of the farm and in addition to the farm dwellings when such buildings contribute in whole or in part to the operation of the farm. For purposes of this Part, "farm" does not include property which is primarily used for residential purposes even though some farm products may be grown or farm animals bred or fed on the property incidental to its primary use. The ongoing removal of oil, gas, coal or any other mineral from property used for farming shall not cause that property to not be considered as used solely for farming. (Section 1-60 of the Code)*
- 5) Fair Cash Value – The amount for which a property can be sold in the due course of business and trade, not under duress, between a willing buyer and a willing seller. (Section 1-50 of the Code)
- 6) *PIN; Property Index Number; Permanent Index Number; Parcel Index Numbering – A number used to identify a parcel of property for*

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assessment and taxation purposes. The index number shall constitute a sufficient description of the property to which it has been assigned, wherever a description is required by the Code. (Section 1-120 of the Code)

- 7) *Taxing District – Any unit of local government, school district or community college district with the power to levy taxes. (Section 1-150 of the Code)*
- 8) Party, Interested Party, Contesting Party – ~~The Either the~~ contesting party (appellant), the board of review (appellee), or the intervenors. Contesting party may be a taxpayer, owner of the subject property, or a taxing body having a revenue interest in the Board of Review decision.
- 9) Attorney – Any individual admitted to the practice of law in this State as set forth in the Attorney Act [705 ILCS 205].
- 10) Brief – A document that contains a summary of the facts, the pertinent laws, and an argument on how the laws apply to the facts supporting a particular position.
- 11) Quadrennial Assessment – *The general assessment of real property required by law to be made once every four years. (Sections 1-65, 9-215, 9-220 and 9-225 of the Code)*
- 12) *Triennial Assessment – In counties of 3,000,000 or more inhabitants, the general assessment of real property required by law to be made once every three years. (Section 9-220 of the Code)*
- 13) Notice of Decision or Order - A written notice of decision or order of the Property Tax Appeal Board in any appeal may be disseminated to all parties and all other authorities affected thereby by placing same in the U.S. mail with postage fully prepaid or made available by electronic means.
- 14) Certification of Decision or Order - Certification shall be deemed to be the later of:

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- A) the date the decision or order is placed in the U.S. mail with postage fully prepaid to the parties of record; or
- B) the date the decision or order is transferred or made available by electronic means to the proper authorities.

15) "Good Cause" – Unless otherwise defined in this Part, "good cause" that affords a legal excuse from performing an act shall be determined by the Property Tax Appeal Board depending upon the facts and nature of the individual case upon a showing of extreme or compelling circumstances.

- c) All references in this Part to property record card shall be deemed to include, as a substitute, a property characteristic printout detailing the property's physical characteristics.
- d) Interpretation. The definitions listed in this Section are intended only as an aid to interpretation of this Part.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 1910.10 Statement of Policy

- a) **Board Members:** The Property Tax Appeal Board shall consist of five members appointed by the Governor, with the advice and consent of the Senate. The Chairman of the Property Tax Appeal Board shall be designated by the Governor with the advice and consent of the Senate. A vacancy in the membership of the Board shall be filled in the same manner as original appointments are made.
- b) **Duties of the Board:** The Property Tax Appeal Board shall determine the correct assessment prior to state equalization of any parcel of real property which is the subject of an appeal, based upon facts, evidence, exhibits and briefs submitted to or elicited by the Board. The state equalization factor is set by the Department of Revenue pursuant to Section 17-5 of the Property Tax Code.
- c) **Standing to File Appeal:** Only a taxpayer or owner of property dissatisfied with the decision of a board of review as such decision pertains to the assessment of his property for taxation purposes, or a taxing body that has a tax revenue interest in the decision of the board of review on an assessment made by any local assessment officer, may file an appeal with the Board.

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- d) Assessment Correction: The Property Tax Appeal Board shall consider appeals as hereinafter provided and revise the assessment of any particular parcel of real property when it finds such assessment to be in error.
- e) Power to Revise Assessment: Upon the proper filing of a petition by a contesting party, the Property Tax Appeal Board shall have the power to revise all or any part of the assessment when it finds such assessment or part thereof to be in error.
- f) No Jurisdiction - Tax Rate, Tax Bill or Exemptions: The Property Tax Appeal Board is without jurisdiction to determine the tax rate, the amount of a tax bill, or the exemption of real property from taxation.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 1910.11 Rules of Order (Repealed)

~~The latest edition of Robert's Rules of Order shall govern the meetings of the Property Tax Appeal Board, except in such instances where they are inconsistent with the Property Tax Code, the Open Meetings Act, or this Part.~~

(Source: Repealed at 32 Ill. Reg. _____, effective _____)

Section 1910.12 Meetings of the Board

- a) This Section is to be construed and administered in accordance with the appropriate provisions of the Open Meetings Act [5 ILCS 120]. All meetings of the Property Tax Appeal Board are open to the public, except that meetings or portions of meetings may, upon a majority vote of a quorum present, be declared closed, in accordance with Sections 2 and 2a of the Open Meetings Act [5 ILCS 120/2 and 2a].
- b) Participation in Meetings: Participation in meetings is limited to the Board members and the Board's staff. The Board may waive this limitation except when waiver is inconsistent with the Property Tax Code, the Open Meetings Act, or this Part.
- c) Public Notice: The Board shall post, on or before January 1 of each year, its tentative schedule of meetings for that calendar year stating the date, time and

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place of the meetings. This publication, however, shall not preclude the Board from changing the date of a meeting when necessary to achieve the attendance of the maximum number of Board members, to account for weather emergencies, or other extraordinary circumstances.

- d) Meeting Agenda and Posting: The Board shall prepare an agenda for each meeting. The agenda shall constitute notice of the matters to be heard by the Board at that meeting. The agenda for each regular meeting shall be posted at the Board's principal office in Springfield and at the location where the meeting is to be held, in an area easily accessible to the public, and at the earliest practicable date, but in no event less than 48 hours prior to the scheduled meeting. Agendas for regular meetings are for information purposes only. Inclusion of an item on the agenda shall not require the Board's consideration.
- e) Special Meetings: Special meetings may be called at any time, in conformance with the Open Meetings Act [5 ILCS 120], by the Chair of the Board through the Executive Director.
- f) Minutes: Minutes of open Board meetings shall be taken by the Executive Director or an assigned designee and shall be available for public inspection within 7 days after their approval by the members. Minutes shall include the date, time and place of the meeting, the members of the Board recorded as either present or absent, whether members were physically present or present by means of video or audio conference, a summary of discussion on all matters proposed, deliberated or decided, and a record of any votes taken. The Board shall post the minutes of a regular meeting open to the public on the Board's website within 7 days after approval of the minutes by the Board. Any minutes of meetings open to the public posted on the Board's website shall remain posted on the website for at least 60 days after their initial posting. (See Section 2.06 of the Open Meetings Act [5 ILCS 120/2.06].)
- g) Quorum and Voting: Three members of the Board shall constitute a quorum for the transaction of business and the affirmative vote of three members is necessary to adopt any final decision, motion, resolution or ordinance. Members attending the meeting by physical presence, video or audio conference shall constitute an attendance at a Board meeting. Each member attending a meeting shall have one vote in any matter before the Board. Voting shall be by voice vote and shall be recorded by the Executive Director or an assigned designee.

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- h) Attendance by Means Other than Physical Presence:
- 1) Any member of the Board may participate in any meeting of the Board by video or audio conference provided that a quorum of the members of the Board is physically present and a majority of the Board allows the member to attend by video or audio conference, and the member is prevented from attending the meeting because of:
 - A) personal illness or disability;
 - B) employment purposes or the business of the Board; or
 - C) a family or other emergency.
 - 2) If a member wishes to attend a meeting by the means specified in this subsection (h), the member shall notify the Executive Director at least 24 hours before the meeting unless advance notice is impractical.

(Source: Added at 32 Ill. Reg. _____, effective _____)

Section 1910.20 Board Information - Correspondence

- a) Communications
- 1) Cook County – For all property located in Cook County, all communications to the Illinois Property Tax Appeal Board shall be addressed to the Clerk of the Property Tax Appeal Board, 9511 West Harrison Street, Suite 171, Des Plaines, Illinois 60016, unless otherwise directed. The main telephone number is (847)294-4121. The facsimile number is (847)294-4799. The office of the Clerk of the Property Tax Appeal Board at Des Plaines, Illinois is the official location of the Board for the filing of papers for Cook County.
 - 2) Counties other than Cook - For all property located in a county other than Cook County, all communications to the Illinois Property Tax Appeal Board shall be addressed to the Clerk of the Property Tax Appeal Board, 402 William G. Stratton Building, 401 S. Spring Street, Springfield, Illinois 62706-0002, unless otherwise directed. The main telephone number is (217)782-6076. The facsimile number is (217)785-4425. The

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office of the Clerk of the Property Tax Appeal Board at Springfield, Illinois is the official location of the Board for the filing of papers for all counties other than Cook County.

- b) ~~The regional office of the Illinois Property Tax Appeal Board in Cook County is located at 9511 West Harrison Street, Suite 171, Des Plaines, Illinois 60016. The main telephone number is (847)294 4121.~~
- be) The website ~~addresses~~address of the Illinois Property Tax Appeal Board ~~are~~is www.state.il.us/agency/ptab ~~and~~ www.ptabil.com.
- cd) The official business hours of the Illinois Property Tax Appeal Board are 8:30 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays for the State of Illinois.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 1910.25 Computing Time Limits

- a) Time: The time within which any act under these rules is to be done shall be computed by excluding the first day and including the last. Saturdays, Sundays and legal holidays for the State of Illinois shall be included in computing the time, except that when such time expires on a Saturday, Sunday or legal holiday for the State of Illinois, such period shall be extended to include the next following business day.
- b) Mailing: Petitions, evidence, motions, and all other written correspondence sent by United States Mail to the Property Tax Appeal Board shall be considered filed as of the postmark date in accordance with Section 1.25 of the Statute on Statutes [5 ILCS 70/1.25]. Petitions, evidence, motions, and all other written correspondence sent to the Property Tax Appeal Board by a delivery service other than the United States Mail shall be considered as filed with the Property Tax Appeal Board on the date of receipt by the Board~~sent as indicated on the tracking label~~. In the event a postmark date, transmittal date, or other type of date is illegible, missing or otherwise unavailable, the date of receipt by the Board shall be deemed to be the date of filing.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

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Section 1910.30 Petitions – Application

- a) Filing Deadline: Jurisdiction time limits for filing an appeal with the Property Tax Appeal Board shall be as follows:
- 1) In counties with less than 3,000,000 inhabitants, complete petitions for appeal shall be filed within 30 days ~~after~~after the postmark date or personal service date of the date of written notice of the decision of the board of review; ~~or~~
 - 2) In counties with 3,000,000 or more inhabitants, complete petitions for appeal shall be filed within 30 days ~~after~~after the postmark date or personal service date of the date of 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 of the Property Tax Code, its final action on the township in which the property is located, whichever is later; ~~or~~
 - 3) Within 30 days after the date of written notice of the Property Tax Appeal Board's decision if the Property Tax Appeal Board rendered 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 or board at which assessments for the subsequent year are being considered; or
 - 4)b) Notice of Equalization Factor: Completed petitions Petitions for appeal shall be filed within 30 days ~~after~~after the postmark date or personal service date of the date of written notice of the application of final adopted township equalization factors by the board of review.
- be) Form of Appeal: The complete petition for appeal shall be on ~~the~~ prescribed form approved by the Property Tax Appeal Board ~~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. The 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 completed petition shall identify and describe the particular property, including the property index number ~~PIN or plate number, if any~~, assigned to the subject parcel by the county. In appeals where multiple

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parcels are consolidated into a single petition, the assessed values and the relief requested for each individual parcel must be separately listed on an addendum attached to the completed petition.

- cd) Signature Required: Appeals filed with the Property Tax Appeal Board shall bear an original signature of the contesting party or the contesting party's attorney on at least one petition, and shall be filed with the Clerk of the Property Tax Appeal Board. If a party is represented by counsel, the attorney must sign the complete petition or otherwise file an entry of appearance in order to be recognized as counsel of record for any party in the appeal.
- de) Required Documentation – Proof of Jurisdiction: Each completed petition must attach a copy of the notice or Property Tax Appeal Board decision establishing that the Board has jurisdiction to consider the appeal as set forth in subsection (a). Failure to file the required notice or document pursuant to this subsection (d) will result in dismissal of the appeal. Documents that must be filed in duplicate with the original completed petition are as follows:~~Two copies of the written notice of the decision of the board of review must be filed with the petition, if one has been issued.~~
- 1) the written notice of the final decision of the applicable board of review; or
 - 2) the written notice of application of the final township equalization factors adopted by the applicable board of review; or
 - 3) the Property Tax Appeal Board's decision lowering the assessment of a particular parcel issued after the deadline for filing appeals for the subsequent year with the applicable board of review; or
 - 4) In counties with 3,000,000 or more inhabitants, within the later to occur of:
 - A) the final decision or re-review decision issued by the applicable board of review; or
 - B) the date the final action was transmitted to the county assessor pursuant to Section 16-125 of the Property Tax Code. Proof of

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the date the final action was transmitted to the county assessor must be filed with the complete petition.

- ef) Original Appeal Petitions: The original completed petition~~ns~~ for appeal shall be filed with the Property Tax Appeal Board in duplicate~~in triplicate~~ and all copies of the same shall be properly signed as stated in subsection ~~(cd)~~ of this Section. ~~All~~In every case in which a change in assessed valuation of less than \$100,000 is sought, all written and documentary evidence must be submitted in duplicate within 60 days after the date of notice of a docket number being issued by the Board 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 completed petition if it aids the contesting party in explaining the appeal.
- fg) Additional Extensions of Time to Submit Evidence: If the contesting party is unable to submit written or documentary evidence within 60 days after the date of notice of a docket number being issued by the Board with the petition, the contesting party must submit a letter requesting an extension of time prior to expiration of the 60 days after the date of notice of a docket number being issued by the Board with the petition. ~~The~~Upon receipt of this request, the Board shall grant ana 30-day extension of time only upon good cause shown as defined in Section 1910.5. ~~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 timely written request for an extension, no evidence will be accepted more than 60 days after the date of notice of a docket number issued by the Board after the petition is filed. Evidence sent by U.S. mail shall be considered as filed on the date postmarked.
- gh) Basis of Appeal: Every completed petition for appeal shall state the facts upon which the contesting party bases an objection to the decision of the board of review, together with a statement of the contentions of law the contesting party desires to raise. Each completed petition must also set forth the assessment for the subject property 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 supporting legal authority attached to the completed petition. Extensions of time shall be granted in accordance with subsection (fg) of this Section. Failure

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to follow the requirements of this Section~~do so~~ shall result in dismissal of the appeal.

- hi) Address and Notice: Every completed petition for appeal shall give the post office address where mail addressed to the contesting party may be received by the contesting party or his or her attorney, together with the contesting party's telephone number. Notice to the contesting party's attorney shall be deemed notice to the contesting party. The Property Tax Appeal Board and all parties of record must be notified in writing by any party of a change of address within 30~~60~~ days after the change. Failure to properly notify the Board and all parties of record of a change in address as stated in this subsection shall be grounds for dismissal of the appeal.
- ij) Assessed Values: The completed 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 completed petition must also state the assessed valuation which the contesting party claims to be correct.
- jk) Dismissal of Incomplete Petitions: ~~All information as required in subsections (b), (c), (d), (g), (h) and (i) to fully complete the petition shall be furnished by the contesting party at the time the original petition is filed. Incomplete petitions will be dismissed and/or a letter shall be returned with an explanation of the reasons for the dismissal/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 that are not signed, petitions that do not state the assessed valuation assigned by the local assessor and the board of review, petitions that do not state the assessed valuation considered correct by the contesting party, and petitions not containing all information as required in this Section, shall be treated as incomplete petitions. The filing of written~~ Written or documentary evidence shall be in accordance with subsection (e) of this Section. will be accepted after receipt of a completed petition only when a letter requesting an extension of time was received and granted.
- kl) Completed Petition: 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 completed petition, including all documentary evidence, to the board of review and shall notify only forward a copy

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~~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.~~

- ~~lm~~) Taxing Body to Notify Owner: In addition to the requirements of subsections (b), (c), (d), (g) and (h), if the completed petition for appeal is filed by an interested taxing body, rather than by the taxpayer or owner 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 the completed petition shall then be sent simultaneously by the taxing body acting as appellant to the taxpayer and/or owner of the property and the Board with a proof of service attached. Any petition filed without the name and address of the owner of the property in question, or without the required proof of service attached to the submission, shall be treated as an incomplete petition in accordance with subsection (~~jk~~) of this Section.
- m) Service of Evidence on Intervenors: A contesting party, taxpayer or owner shall submit a copy of the original completed petition and all written and documentary evidence to all intervenors of record to the appeal within 30 days after the proof of service date of a Request to Intervene. A proof of service must be attached and a copy of the proof of service sent to the Board. The Board shall defer to a properly submitted proof of service on file with the Board should the question of proper service arise in any appeal.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 1910.31 Amendments, Jurisdiction of Appeal

- a) Amendments: After the Property Tax Appeal Board has transmitted an appeal to the board of review and the time period for intervention under Section 1910.60 of this Part has expired, a petition for appeal may be amended to correct any technical defects, except when the amendment would be prejudicial to a party. Technical defects may include, but are not limited to, the correction of a parcel number, an assessment amount made by a board of review, date, or other typographical and clerical errors.
- b) Petition - Jurisdiction: The ~~completed original filing of the~~ petition, ~~and not any subsequent amendment,~~ shall determine whether:

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- 1) review of the Property Tax Appeal Board's final decision is afforded in the circuit court or the Appellate Court as provided in Section 16-195 of the Code; and
- 2) the board of review shall notify taxing districts of the appeal as required by Section 16-180 of the Code and Section 1910.40(f) of this Part.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 1910.40 Board of Review Response to Petition Application

- a) Notes on Appeal and Service of Evidence: Upon receipt of the completed petition from the contesting party, the Clerk of the Property Tax Appeal Board shall notify the board of review of the filing of the appeal. Upon notification of the filing of the appeal, the board of review shall submit its completed Board of Review Notes on Appeal disclosing the final assessment of the subject property. The Board of Review Notes on Appeal shall also reflect the application of a local township multiplier where applicable. The board of review shall also submit a copy of the property record card of the subject property. The property record card should contain, where possible, a schematic drawing of all structural improvements to the land, a completed cost analysis, and an indication of the basis of the land value. The Board of Review Notes on Appeal and all written and documentary evidence supporting the board of review's position, including rebuttal evidence, if any, must be submitted to the Property Tax Appeal Board and all other parties of record with a proof of service attached within 9030 days after the date and/or postmark of the completed filing of an appeal unless the board of review objects to the jurisdiction of the Property Tax Appeal Board over the assessment appeal. No extensions shall be granted under this Section absent good cause shown~~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. 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.~~
- b) Objection to Jurisdiction: If the board of review objects to the Board's jurisdiction, it must submit a written request for dismissal of the petition prior to the submission of the Board of Review Notes on Appeal and accompanying documentation. The request for dismissal must set forth the basis of the board of review's objections to the Property Tax Appeal Board's jurisdiction over the

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appeal. In such cases, the ~~board of review~~Property Tax Appeal Board shall transmit a copy of the request for dismissal to the Property Tax Appeal Board, contesting party and any party of record. A contesting party or any party of record may file~~and secure~~ a written response to the request for dismissal ~~from the contesting party~~ within 30 days after the ~~postmark~~ date of the notice of the filing of the motion to dismiss. A copy of the response shall be transmitted to the Property Tax Appeal Board, board of review, and all parties of record with a proof of service attached. Upon receipt of the request for dismissal and the response, the Property Tax Appeal Board shall issue a decision determining if it has jurisdiction in the matter.

- c) Jurisdiction Determined Proper: If the board of review objects to the Board's jurisdiction and the Property Tax Appeal Board subsequently determines that it has jurisdiction over the parties and the subject matter of the appeal, the board of review shall submit to the Property Tax Appeal Board and all parties of record, with a proof of service attached to the submission, its Board of Review Notes on Appeal, the subject's property record card and all written and documentary evidence within 90 days after the date of the Property Tax Appeal Board's ruling on the board of review's request for dismissal~~within 30 days after the Board's decision determining jurisdiction~~.
- d) Extension to Submit Evidence: If the board of review is unable to submit the additional written or documentary evidence with the Notes on Appeal, it must submit a letter to the Board requesting an extension of time with the Board of Review Notes on Appeal. ~~Upon receipt of such a request, the Board shall grant a 30-day extension of time.~~The Board may~~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 board of review, 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 Board of Review Notes on Appeal is filed.
- e) ~~The Clerk shall cause the board of review's evidence to become a part of such appeal proceeding and record, and shall send a copy of the same to the contesting party or his attorney.~~
- e) Taxing District Notice: Pursuant to Section 16-180 of the Property Tax Code, in every case where a change in assessed valuation of \$100,000 or more is sought,

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the board of review shall, within 30 days after ~~the~~ receipt of the completed appeal notice of the filing of an appeal with the Board, serve a copy of the petition on all taxing districts as shown on the last available tax bill. The board of review shall also serve a certificate of service on the Property Tax Appeal Board and all parties of record within 30 days after ~~the~~ receipt of the completed notice of the filing of an appeal, with the Board and all parties of record affirming that all taxing districts have been notified of the appeal. The certificate of service shall be signed by a member ~~of the board of review or the clerk of the board of review~~ or a duly authorized designee of the board of review.

- f) Service of Evidence on Intervenors: The board of review shall submit a copy of the original notes on appeal and all written and documentary evidence to all intervenors of record to the appeal, at time of filing, within the deadlines required in subsection (a), or otherwise within 30 days after the date of the proof of service of a Request to Intervene in the appeal, if the intervenor has not previously filed its Request to Intervene. A proof of service must be attached to the submission and a copy of the proof of service sent to the Property Tax Appeal Board. The Property Tax Appeal Board shall defer to a properly submitted proof of service on file with the Board should the question of proper service arise in any appeal.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 1910.50 Determination of Appealed Assessment

- a) De Novo Appeal: All appeals proceedings before the Property Tax Appeal Board shall be considered de novo meaning the Board will consider only the evidence, exhibits and briefs submitted to it, and will not give any weight or consideration to any prior actions by a local board of review or to any submissions not timely filed or not specifically made a part of the record. *The Board shall not be limited to the evidence presented to the board of review of the county. A party participating in the hearing before the Property Tax Appeal Board is entitled to introduce evidence that is otherwise proper and admissible without regard to whether that evidence has previously been introduced at a hearing before the board of review of the county. Each appeal shall be limited to the grounds listed in the petition filed with the Board.* (Section 16-180 of the Code)
- b) Hearings: The Property Tax Appeal Board may accept into the record all evidence, exhibits and briefs submitted by all interested parties and render a

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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 ~~may~~ shall be granted at the Board's discretion if any party to the appeal submits a request in writing. (~~Section 16-170 of the Code~~)

- c) Decisions: 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 will consider the level of assessment applicable to the subject property under the Cook County Real Property Assessment Classification Ordinance, as amended.
- d) Final Decisions/Amendments: 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

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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 or made available 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) Decisions of the Board: A majority of the Members of the Board is required to make a decision of the Board.
- f) Venue Established with the Property Tax Appeal Board: *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) Venue Established with the Circuit Court: *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) Direct Appeal to the Property Tax Appeal Board: *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) Reduction Allowed, Remainder of General Assessment Period: *If the Property Tax Appeal Board renders a decision lowering the assessment of a particular parcel on which a residence occupied by the owner is situated, such reduced assessment, subject to equalization, shall remain in effect for the remainder of the*

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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) **Withdraw/Voluntarily Dismiss Appeal:** The contesting party may, at any time before the hearing begins, move to withdraw or voluntarily dismiss the appeal, by written request filed with the Board and all other parties to the appeal. Motions to withdraw or voluntarily dismiss an appeal are favored by the Board and will be denied only in the most extreme or compelling circumstances. **Upon withdrawal or voluntary dismissal of the appeal, a contesting party may, at the Property Tax Appeal Board's discretion, be subject to Section 1910.69(g) of this Part.**

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 1910.55 Stipulations

- a) **Filing:** It is the policy of the Property Tax Appeal Board that the parties to an appeal should, to the fullest extent possible, stipulate to all matters that are not, or fairly should not be, in dispute. Prior to the hearing, during a pre-hearing conference, or during the hearing of any appeal, the parties may file a stipulation setting forth all pertinent facts that are not in dispute, a list of all exhibits to which there are no objections, and any other matters that are not in dispute.
- b) **Stipulation Supported by the Record:** 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 **issue write** a decision based on the facts, evidence and exhibits in the record.
- c) **Service of Proposed Stipulation:** If the Board is able to ascertain the correct assessment of the subject property, it will issue a decision notwithstanding any typographical or clerical errors, including but not limited to an erroneous increase of valuation of particular permanent index numbers, on the stipulation form. When a party or parties propose to stipulate to a revised assessment of the property, **that partythe Board** shall forward the proposed stipulation or assessment agreement to all other parties, **with a proof of service attached to the stipulation,** and those parties shall have 30 days to file a written objection to the proposal.

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The proposed stipulation or assessment should clearly state that the opposing party has 30 days to accept or reject the proposed stipulation or assessment; however, a failure~~Failure~~ to object within the 30-day period to the proposed assessment shall be considered acceptance of the stipulation or assessment agreement and upon motion made by the moving party, with supporting documentation attached, the Board shall issue a decision in accordance with the stipulation or agreement. The Board shall not issue a decision based on the proposed stipulation or assessment agreement prior to the expiration of the time period for intervention as provided in Section 1910.60 of this Part.

- d) Terms: A stipulation or assessment agreement shall be in writing and be clear and concise. Documents or papers or other exhibits annexed to or filed with a stipulation or agreement will be considered part of the stipulation or agreement. A stipulation or agreement shall be treated, to the extent of its terms, as a conclusive admission by the parties to the facts or issues stipulated or agreed to.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 1910.60 Interested Parties – Intervention

- a) Taxpayer/Owner of Property: Any taxpayer or owner of property dissatisfied with a decision of the board of review as such decision pertains to the assessment of his or her property may appeal that decision by filing a petition with the Property Tax Appeal Board within 30 days after the ~~postmark date or personal service~~ date of written notice of the decision of the board of review or the ~~postmark date or personal service~~ date of the written notice of the application of final, adopted township equalization factors by the board of review, or, in counties with 3,000,000 or more inhabitants, the appeal may also be filed within 30 days after the date that the board of review transmits to the county assessor pursuant to Section 16-125 of the Code its final action on the township in which the property is located, whichever is later. If the taxpayer or owner of property files a petition within 30 days after the ~~postmark date or personal service~~ date of the written notice of the application of final, adopted township equalization factors issued by the board of review, the relief the Property Tax Appeal Board may grant is limited to the amount of the increase caused by the application of the township equalization factor.
- b) Taxing Body Acting as Appellant: Any taxing body that has a revenue interest in a decision of the board of review may file an appeal by filing its petition within 30

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days after the ~~postmark~~ date of the written notice to the taxpayer of a decision by the board of review. Any taxing district so filing must conform its petition and documentation to the provisions of Section 1910.30.

- c) Taxpayer/Owner Acting as Intervenor: Upon the taxing body's notice to the owner that ~~ita taxing body~~ has filed an appeal affecting his or her property, the owner or taxpayer may become an intervening party by filing ~~in triplicate~~ with the Clerk of the Property Tax Appeal Board and all parties of record, with a proof of service attached, a Request to Intervene within 60 days after the ~~postmark~~ date of the notice to the owner or taxpayer that the taxing body has filed an appeal.
- d) Intervenor:
- 1) Any taxing body that has a revenue interest in an appeal before the Property Tax Appeal Board may become an intervening party by filing ~~in triplicate~~ with the Clerk of the Property Tax Appeal Board and all parties of record a Request to Intervene with proof of service attached. The Request to Intervene must be filed within the later to occur of:
 - A) 60 days after the ~~postmark date of the~~ notice is made available of the appeal by the Board to the State's Attorney of the filing of an appeal; or
 - B) within 60 days after the date of notice of an appeal from the ~~postmark of the~~ board of review ~~service~~ as required in Section 16-180 of the Property Tax Code.
 - 2) The Board may require ~~Request to Intervene must be accompanied by~~ a copy of the resolution of the governing board of the taxing body authorizing its legal representative to file a Request to Intervene on its behalf.
- e) Intervenor - Written and Documentary Evidence: Requests to Intervene shall be signed and filed with the Board, taxpayer/owner and all parties of record in ~~triplicate and all copies of the same shall be signed~~. All additional written and documentary evidence, including rebuttal evidence to the contesting party's evidence, if any, must be submitted to the Board with copies to all parties of record with a proof of service attached, within 60 days after receipt of the contesting party's evidence. Proof of service to all parties shall be submitted to

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~~the Board and all parties of record for all documentation filed or submitted as part of the record. The Board shall defer to a properly submitted proof of service on file with the Board should the question of proper service arise in any appeal, with the Request to Intervene in triplicate. Any Request to Intervene that is received without a properly adopted copy of the resolution of the governing board of the taxing body authorizing its legal representative to file the Request to Intervene on its behalf shall be treated as incomplete and shall be returned. The filing of an incomplete Request to Intervene shall not extend the 60 day deadline without a written request explaining good cause for failure to timely submit a properly completed Request to Intervene. Absent good cause shown pursuant to Section 1910.5, the filing of an incomplete Request to Intervene shall be grounds for dismissal of the intervening party. and resolution.~~

- f) Extensions for Filing Additional Evidence: If the intervening party is unable to submit the additional written or documentary evidence within 60 days after filing with the Request to Intervene, it must submit a letter to the Board requesting an extension of time to file additional written or documentary evidence ~~with the Request to Intervene. The~~ Upon receipt of such a request, the Board ~~may~~ shall grant an ~~30-day~~ extension of time for the filing of written or documentary evidence upon good cause shown. This shall not include an extension of time to file a Request to Intervene or resolution. ~~The Board shall grant additional or longer extensions for the filing of written or documentary evidence 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 intervening 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 more than 60 days after the Request to Intervene is filed.
- g) Records: The Clerk of the Property Tax Appeal Board shall cause a Request to Intervene and all accompanying documentation to become a part of the appeal proceeding and record, ~~and shall send a copy of the same to the contesting party and the board of review. Upon receipt of a timely Request to Intervene, the Clerk of the Property Tax Appeal Board shall cause a copy of the appeal record to be forwarded to the intervening party.~~

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 1910.63 Burdens of Proof

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- a) **De Novo Proceeding:** Under the principles of a de novo proceeding, the Property Tax Appeal Board shall not presume the action of the board of review or the assessment of any local assessing officer to be correct. However, any contesting party shall have the burden of going forward.
- b) **Evidence Sufficient to Challenge Assessment:** Under the burden of going forward, the contesting party must provide substantive, documentary evidence or legal argument with supporting legal authority sufficient to challenge the correctness of the assessment of the subject property. Failure to do so will result in the dismissal of the appeal.
- c) **Board of Review Evidence:** Once a contesting party has provided evidence or argument sufficient to challenge the correctness of the assessment of the subject property, the board of review shall be required to go forward with the appeal. The board of review must provide substantive, documentary evidence or legal argument with supporting legal authority sufficient to support its assessment of the subject property or some other, alternate valuation. Failure to do so will result in a decision by the Property Tax Appeal Board based upon the information submitted by the contesting party and, if applicable, the evidence submitted by any intervening party.
- d) **Intervenor Evidence:** Any intervening party shall be required to support the position it propounds with substantive, documentary evidence or legal argument with supporting legal authority sufficient to support the assessment of the subject property or some other alternate valuation. Failure to do so will result in a decision by the Property Tax Appeal Board based upon the information submitted by the contesting party and, if applicable, the evidence submitted by the board of review or any other intervening party. as provided in this Part.
- e) **Burden of Proof Standards:** When market value is the basis of the appeal, the value of the subject property must be proved by a preponderance of the evidence. When unequal treatment in the assessment process is the basis of the appeal, the inequity of the assessments must be proved by clear and convincing evidence.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 1910.64 Motion Practice – Service of Papers

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- a) Extension Requests: 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) Motions: 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 and served on all parties of record with a proof of service attached setting forth the arguments and authorities relied upon to permit the Board to make a decision with or without oral argument, at its discretion. The motion shall also state the name of the appellant, all parties of record and the docket number of the appeal as assigned by the Board.
- c) Service of Motions: A written motion excluding a request for extension of time, shall be served at the same time upon all parties and filed with the Board's Springfield office. All motions to the Board shall be addressed to the Clerk of the Property Tax Appeal Board pursuant to Section 1910.20, unless otherwise directed. Motions shall be accompanied by proof of service upon all those required to be served, including the Board. Motions filed without a supporting proof of service to all parties shall not be considered filed with the Board.
- d) Response to Motions: Within 21 days after service of a motion, a party may file a response to the motion upon all parties to the appeal and the Board with proof of service attached. 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. Within 14 days after service of a response to a motion, the moving party may file a reply on all parties to the appeal with proof of service attached.
- e) Ruling on Motions: The Board or a designated hearing officer shall issue a ~~written~~ ruling on all motions, in the form of a written ~~an~~ order, verbal communication at any Board proceeding or letter, upon all parties at the same time. Any order issued under this Part may be communicated to any or all parties of record by electronic transmission or other means as may become available to the Property Tax Appeal Board.

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- f) Format: All motions, unless otherwise directed or allowed in a manner or method approved by the Board, shall be filed and served ~~shall be~~ on 8½" x 11" paper, except when such a requirement would unreasonably burden the filing party.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 1910.65 Documentary Evidence

- a) Basis of Appeal: The Property Tax Appeal Board generally considers appeals with respect to the correct valuation of property for assessment purposes based upon the following contentions:
- 1) Equity Claim: the subject property is not accurately assessed when its assessment is compared to the assessments of other, similar properties in its neighborhood; and/or
 - 2) Market Value Claim: the market value of the subject property is not accurately reflected in its assessment.
- b) Evidence - Equity Claim: Proof of unequal treatment in the assessment process should consist of documentation of the assessments for the assessment year in question of the subject property and it is recommended that not less than three comparable properties be submitted. Documentation must be submitted showing the similarity, proximity and lack of distinguishing characteristics of the assessment comparables to the subject property.
- c) Evidence - Market Value Claim: Proof of the market value of the subject property, at a minimum, should~~may~~ consist of the following:
- 1) Appraisal: an appraisal of the subject property that:
 - A) is prepared substantially in compliance with the practice and procedures established by the Uniform Standards of Professional Appraisal Practices (USPAP), including nationally recognized appraisal standards, in effect on the date of valuation contained within the appraisal report; and
 - B) contains a valuation date within three years of the assessment year in question~~as of the assessment date at issue;~~

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- 2) Recent Sale: a recent sale (within 3 years of assessment year in question) of the subject property with supporting documentation indicating the actual price paid. Supporting documentation includes, but is not limited to, a closing statement, sales contract and/or Real Estate Transfer Declaration Sheet;
 - 3) Recent Construction: documentation evidencing the cost of construction of the subject property including the cost of the land and the value of any labor provided by the owner if the date of construction is proximate to the assessment date; or
 - 4) Comparable Sales: documentation of not fewer than three recent sales of suggested comparable properties together with documentation of the similarity, proximity and lack of distinguishing characteristics of the sales comparables to the subject property.
- d) Contentions of Law: The Property Tax Appeal Board may consider appeals based upon contentions of law. Such contentions of law must be concerned with the correct assessment of the subject property. If contentions of law are raised, the party shall submit a brief in support of his or her position, along with citations of legal authority substantiating and supporting the legal argument that is present ed.
- e) Insufficient Evidence: Examples of types of insufficient evidence for an appeal include, but are not limited to, the following types of evidence/claims:
- 1) "Vacancy" of the subject premises, alone, without other evidence of value and supporting market derived data using the Income Approach to value pursuant to USPAP guidelines.
 - 2) An "income analysis" using the subject property's actual income and expenses, except as provided for in Section 10-235 of the Property Tax Code, that is prepared by an appellant or the appellant's attorney without supporting evidence of market derived data pursuant to USPAP guidelines.
 - 3) Letters of opinion by a real estate agent.

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- 4) Contentions of poor condition of the subject property, such as flooding, mine subsidence, termite damage, foundation cracks and other such poor conditions, without market data or an appraisal showing how the poor condition impacts the subject's market value.
- f) Basis of Decision: The Board shall determine the correct assessment prior to State equalization of any parcel of real property that is the subject of an appeal, based upon facts, evidence, exhibits and briefs submitted to or elicited by the Board. The examples set out in subsections (c) and (e) are intended for illustrative purposes only and are not intended to be the sole determinative factor of any appeal.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 1910.66 Rebuttal Evidence

- a) Service and Content of Evidence: Rebuttal evidence may be submitted by the contesting party after the board of review and/or intervenors file their notes on appeal or request to intervene, with accompanying documentation. Upon receipt of the argument and accompanying documentation filed by a board of review or intervenor party, any other party may, within 30 days after ~~the postmark date of the submission of the argument and/or evidence~~Board's notice, file written or documentary rebuttal evidence, with a copy to all parties of record. Rebuttal evidence shall consist of written or documentary evidence submitted to explain, repel, counteract or disprove facts given in evidence by an adverse party and must tend to explain or contradict or disprove evidence offered by an adverse party. Rebuttal evidence shall include a written factual critique based on applicable facts and law, a review appraisal, or an analysis of an adverse party's appraisal prepared by a person who is an expert in the appraisal of real estate. This written critique, review appraisal, or analysis must be submitted within the responding party's 30-day rebuttal period pursuant to this Section.
- b) Extensions of Time: The~~In any appeal in which a change in assessed valuation of \$100,000 or more is sought, the~~ Board, a Board member, or the Board's designated Hearing Officer may~~shall~~ grant an~~one~~ 30-day extension of time to submit rebuttal evidence upon good cause shown ~~in writing~~. Absent good cause,~~no~~ Good cause shall include the complexity of the appeal, the volume of the evidence submitted by an opposing party, and the inability of a rebuttal appraiser to complete the review and written critique within the 30-day filing period.~~A~~

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~~request for an extension of time to submit rebuttal evidence shall be in writing, supported by affidavit, and served on the Board and all other parties to the appeal. No further~~ extensions to submit rebuttal evidence ~~will~~ shall be granted.

- c) New Evidence Not Allowed: Rebuttal evidence shall not consist of new evidence such as an appraisal or newly discovered comparable properties. A party to the appeal shall be precluded from submitting its own case in chief in the guise of rebuttal evidence.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 1910.67 Hearings

- a) Decision Based Upon the Written Evidence: The Property Tax Appeal Board may render a decision based upon the evidence, exhibits and briefs submitted to it by all interested parties without holding a hearing.
- b) Hearings: The Property Tax Appeal Board shall review all appeals filed in compliance with this Part to determine whether a hearing shall be held on any factual or legal issue. Whenever the Board determines that a hearing is not required, the appeal shall be decided based upon the evidence in the record. The Board, at its discretion, may shall hold a hearing at the request of any party in writing. In the event a hearing is deemed necessary, the Board shall give notice to all parties to the appeal of the time, date, and place of the hearing at least 20 days prior to the hearing, unless the 20 day period is specifically waived by all the parties to the appeal.
- c) Request for Decision on Written Evidence: A party may request a decision of the Property Tax Appeal Board based upon the evidence in the record by filing a written request with the Board. Any such request shall not be binding on the Board.
- d) Taxing Bodies - Notice of Hearing: Notice of a hearing to all interested taxing bodies by the Property Tax Appeal Board shall be deemed to have been given when served upon the State's Attorney of the county from which the appeal has been taken, unless such interested taxing bodies have specifically been made parties to the appeal proceeding.
- e) Location of Hearings: Hearings may be held before less than a majority of the

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~~members~~Members of the Board, and the Chairman may assign ~~members~~Members or Hearing Officers to hold hearings. Any hearing may be conducted by the Property Tax Appeal Board at its offices in Springfield, ~~or~~ Des Plaines or at any other location in Illinois selected by the Board. The Board may cause its ~~members or~~ Hearing Officer to conduct ~~a~~ hearing and report his ~~or her~~ findings for affirmation or rejection by the Board.

- f) **Open Hearings:** Each hearing shall be open to public observation, except for a hearing or part of a hearing that the Board or ~~a~~its designated Hearing Officer states to be closed for purposes of insuring the protection of any confidential, proprietary or trade secret nature of any data, information or studies that are discussed by a witness.
- g) **Requirements of Presiding Hearing Officer:** Every Hearing Officer presiding over a Property Tax Appeal Board hearing must meet the following requirements:
- 1) possess a working knowledge of the English language, including composition and grammar;
 - 2) possess a working knowledge of standard office practices and procedures;
 - 3) possess an ability to effectively communicate technical information both orally and in writing;
 - 4) possess an ability to deal tactfully with the general public, attorneys, and service providers;
 - 5) possess an ability to prepare concise and factual reports on hearing findings for presentation to the Board;
 - 6) possess an ability to conduct hearings and obtain and analyze necessary information;
 - 7) possess a valid Illinois driver's license;
 - 8) be of high integrity and good personal repute;
 - 9) be familiar with this Part and the Property Tax Code;
 - 10) be disinterested and impartial; and

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- 11) have no financial or personal interest in the result of the hearing.
- h) Authority: The authorityAuthority of the Board and designated Hearing Officers is as follows:
 - 1) In connection with any proceeding, the Board, or any of the its designated Hearing Officers, shall have full authority over the conduct of a hearing and the responsibility for submission of the matter to the Board for decision. The Board or a its designated Hearing Officer shall have those duties and powers necessary to these ends, including:
 - A) To conduct hearings and pre-hearing conferences;
 - B) To admit or exclude testimony or other evidence into the record pursuant to this Part;
 - C) To administer oaths and affirmations and examine all persons appearing at the hearing to testify or to offer evidence;
 - D) To require the production of any book, record, paper or document at any stage of the appeal or of the hearing which is the foundation for any evidence or testimony presented in the appeal;
 - E) To require the submission of briefs on issues of law raised during the hearing within 60 days after the termination of the hearing;
 - F) To call upon any person at any stage of the hearing to produce witnesses or information that is material and relevant to any issue; and
 - G) To ensure that the hearing is conducted in a full, fair and impartial manner, that order is maintained, and that unnecessary delay is avoided in the disposition of the hearing.
 - 2) Any Hearing Officer assigned to conduct a hearing on behalf of the Board shall be empowered to exercise the full authority of the Board with respect to the conduct and control of the proceeding.

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- i) Continuances: ~~All requests for continuances~~Continuances shall be granted for good cause shown in writing, and then only on an order of a ~~member~~Member of the Property Tax Appeal Board, or a duly authorized Hearing Officer. ~~Good cause shall be the inability to attend the hearing at the date and time set by the Board for a cause beyond the control of the party, such as the unavoidable absence of a party, his attorney or material witness, or the serious illness or death of a witness or party.~~ The Board ~~may~~shall set the hearing of a continued case at the time it sets other hearings of appeals from the county in which the subject of the continued appeal lies, unless the parties request that the Board decide the appeal based upon the evidence in the record without a formal hearing.
- j) Hearing Procedure: At the hearing, the contesting party shall first introduce his or her case into evidence, followed by the evidence of other parties to the appeal, in the order directed by the Property Tax Appeal Board or Hearing Officer. All parties are entitled to ~~submit a~~ rebuttal ~~after all evidence of all parties has been introduced.~~ Evidence submitted to the Board in documentary form may be made a part of the record without the document being read into the record if the Board or Hearing Officer so orders.
- k) Evidence Not Allowed at Hearing: In no case shall any written or documentary evidence be accepted into the appeal record at the hearing unless:
- 1) ~~The~~Such evidence has been submitted to the Property Tax Appeal Board prior to the hearing pursuant to this Part ~~or all non-moving parties have indicated no objection to entry of the subsequent written or documentary evidence into the record;~~
 - 2) The filing requirement is specifically waived by the Board; or
 - 3) The submission of the written or documentary evidence is specifically ordered by the Board or by a Hearing Officer.
- l) Appraisal Evidence: Appraisal testimony offered to prove the valuation asserted by any party shall not be accepted at the hearing unless a documented appraisal has been timely submitted by that party pursuant to this Part. Appraisal testimony offered to prove the valuation asserted may only be given by a preparer of the documented appraisal whose signature appears thereon.
- m) Oaths: All testimony taken at the hearing shall be under oath or affirmation.

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(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 1910.69 Costs and Sanctions

- a) Failure to Comply with Rules - Default: Failure of any party to comply fully with all rules and/or specific requests of the Property Tax Appeal Board as provided in Sections 1910.30, 1910.40, 1910.60, 1910.65, 1910.67, 1910.68, ~~and~~ 1910.73, 1910.77, 1910.79 and 1910.95 of this Part shall result in the default of that party.
- b) Failure to Appear - Default: When anya hearing as provided in Section 1910.67 of this Part, or a pre-hearing conference as provided in Section 1910.73 of this Part, case management conference, telephone conference, or settlement conference is ordered by the Property Tax Appeal Board, all parties shall appear or attend by telephone, as ordered by the Board, for the hearing, ~~or~~ pre-hearing or other conference on the appeal on the date and at the time set by the ~~Property Tax Appeal~~ Board. Failure to appear or otherwise attend as ordered on the date and at the time set by the ~~Property Tax Appeal~~ Board shall be sufficient cause to default that party.
- c) Disruptive Behavior - Default: When a party, ~~his~~ attorney, or ~~his~~ witness engages in threatening, disruptive, vulgar, abusive or obscene conduct or language while an appeal is pending that which delays or protracts a proceeding, (including, but not limited to, hearings, pre-hearings, case management conferences, or any telephone conferences) that is directed to the Board, a Board member by any Member, Executive Director, staff member or Hearing Officer, ~~shall exclude~~ the offending person shall be excluded from the proceeding and/or appeal. Any party who engages engaging in such conduct or language, or allows such conduct through the actions of his or her attorney and/or witness, shall be defaulted.
- d) Failure to Furnish Court Reporter - Dismissal: Failure of the contesting party to furnish a court reporter as required in Section 1910.98(a) ~~of this Part~~ shall be sufficient cause to dismiss the appeal. Failure of the contesting party to furnish a court reporter's transcript as required in Section 1910.98(b) ~~of this Part~~ within 60 days after the date of the hearing shall result in the dismissal of the appeal.
- e) Failure to Timely Pursue Appeal - Dismissal: Failure of the contesting party to

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pursue disposition of an appeal in a reasonable time will render the appeal subject to dismissal. In making this determination, the Board shall consider factors including, but not limited to, the history of the appeal, the length of time that has elapsed since the last action taken in the appeal, past attempts to schedule the appeal for hearing, and the contesting party's compliance with any Board, Executive Director or Hearing Officer requests or orders.

- f) Delay of Proceedings – Costs: Failure of a party to properly and timely submit a written entry of appearance or other documentation, or otherwise appear at any proceeding as required in this Part, causing a delay in any proceeding before the Board, shall be grounds for reasonable costs, including attorney and witness fees, to be paid by the offending party to the aggrieved parties. In making this determination, the Board shall consider factors including, but not limited to, the history of the appeal, the length of delay caused, the number of delays, past attempts to schedule the appeal for proceedings, costs and fees incurred, and the offending party's compliance with any Board, Executive Director or Hearing Officer requests or orders.
- g) Withdrawal of Appeal – Costs: A contesting party that withdraws or voluntarily dismisses an appeal filed with the Property Tax Appeal Board after submission of substantive evidence in an appeal by any board of review, intervenor or other party may subject the contesting party to the payment of reasonable costs for preparation of any substantive evidence that has been filed with the Property Tax Appeal Board, including the payment of attorney and appraisal fees, to the aggrieved party. In making this determination, the Board shall consider factors including, but not limited to, the history of the appeal, costs and fees incurred, complexity of the appeal, and the aggrieved parties' timely submission of substantive evidence.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 1910.70 Representation of Parties at Hearings

- a) Owner/Taxpayer Representation: A party shall have the right to represent himself or herself and to be present at and participate in any proceeding hearing before the Property Tax Appeal Board. The right to participate shall include the rights to call, examine and cross-examine witnesses and to discuss any evidence properly submitted pursuant to this Part. A party may be represented at the hearing by any person who is admitted to practice as an attorney in this State. Accountants, tax

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representatives, tax advisers, real estate appraisers, real estate consultants, persons acting as guardians, persons with power of attorney, and others not qualified to practice law in this State ~~shall~~may not appear or represent a party at hearings before the Board in a representative capacity, and ~~shall~~may not conduct questioning, cross-examination or other investigation at any proceeding under this Part~~the hearing~~. However, such persons may testify at hearings before the Board and may assist parties and attorneys in preparation of cases for presentation by those parties and attorneys for the Board at hearings.

- b) Attorneys: As provided in subsection (a), only attorneys licensed to practice law in the State of Illinois shall be allowed to represent a party before the~~at a~~ Property Tax Appeal Board ~~hearing~~.
- c) Corporations, Companies and Partnerships: Corporations, limited liability companies (LLC), partnerships and other similar entities, and taxing districts shall be represented before the~~at a~~ Property Tax Appeal Board hearing by any person licensed to practice law in the State of Illinois.
- d) Board of Review Representation: The board of review may be represented ~~at a hearing~~ by the county state's attorney's office, any attorney licensed to practice law in the State of Illinois ~~properly authorized as a special assistant state's attorney, or~~ board of review members, ~~or~~ commissioners or their duly authorized designees.
- e) Entry of Appearance: An attorney, pro se taxpayer (representing himself or herself), or board of review designee ~~shall~~may enter an appearance either by signing the petition or other document initiating the participation of a party in a proceeding or by filing an appearance in the proceeding. Subsequent to the filing of an appeal, a written entry of appearance or other written documentation indicating representation of a party must be delivered to the Clerk of the Property Tax Appeal Board no later than 10 business days prior to any proceeding before the Board. A failure to properly and timely deliver a written entry of appearance or other documentation as provided in this Section shall not be grounds for a continuance of any proceeding previously scheduled before the Board and may be subject to costs and sanctions as provided in Section 1910.69 of this Part. By signing a petition or filing an appearance, the attorney, pro se taxpayer, or board of review designee certifies that he or she has the authority to appear and act on behalf of a party in the proceeding.

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- f) **Attorney as a Witness:** An attorney shall avoid appearing before the Board on behalf of his or her client in the capacity of both an advocate and a witness. When an attorney is a witness for the client, except as to merely formal matters, the attorney should leave the hearing of the appeal to other counsel. Except when essential to the ends of justice, an attorney shall avoid testifying before the Board on behalf of a client.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 1910.71 Ex Parte Communications

- a) **Participation:** Except in the disposition of matters that agencies are authorized by law to entertain or dispose of on an ex parte basis, the Board ~~members~~**Members** and Board employees shall not, with respect to any pending ~~contested~~ appeal, communicate directly or indirectly, in connection with any issue of fact, with any person, party or the representative of any party, except upon notice and an opportunity for all parties to participate.
- b) **Record:** An ex parte communication received by ~~the~~**any** Board, **Board member, Executive Director, designated Hearing Officer**~~Member~~ or Board employee shall be made a part of the record of the pending appeal, including all written communications, all written responses to the communications, and a memorandum stating the substance of all oral communications and all responses made and the identity of each person for whom the ex parte communication was received.
- c) **Procedural Matters:** Communications regarding matters of practice and procedure, such as the status of appeals, filing requirements, form letters, scheduling of hearings, administrative review, and the like, are not considered ex parte communications under this Section.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 1910.73 Pre-hearing Conference – Formal Settlement Conference

- a) **Pre-Hearing Conferences:** The Board may on its own motion or on the motion of any party to the appeal set a pre-hearing conference. The Board's decision whether to conduct a pre-hearing conference will be based on the complexity of the appeal, the issues in controversy and the potential for settlement.

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- b) Purpose of Pre-Hearing: The purpose of the pre-hearing conference shall be to:
- 1) ascertain the positions of the parties;
 - 2) promote the narrowing of issues;
 - 3) allow for the admissions of fact and/or stipulate to the admissibility of evidence;
 - 4) exchange witness lists;
 - 5) aid in the simplification of the evidence and disposition of the proceedings; ~~or~~
 - 6) reach a compromise settlement agreeable to the parties; or-
 - 7) schedule the appeal for hearing.
- c) Court Reporter: In all cases where the contesting party is seeking a change in assessed valuation of \$100,000 or more, the Board may require or any party may request a court reporter be present to record and transcribe the conference. When the Board on its own motion sets a pre-hearing conference and requires the presence of a court reporter, the contesting party shall provide for the court reporter at his or her own expense. However, if any party requests a court reporter be present such expense shall be borne by the party requesting transcription. If a court reporter is not required at the pre-hearing conference, an electronic recording device maywill be used by the Board to record the proceeding.
- d) Pre-Hearing Conference Order: The Board may, at its discretion, shall issue a pre-hearing conference order setting forth the matters agreed to and rulings as to disputed matters. The order shall be served concurrently upon all parties and shall control the subsequent course of the proceeding. Failure of any party to comply with the pre-hearing conference order shall be grounds for dismissal or default of the offending party.
- e) Formal Settlement Conference: At any stage of the appeal, the Board, Executive Director or any ~~of its~~ designated Hearing Officer~~Officers~~ may order a formal settlement conference and require the participation of the parties. The Board's

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determination will be based on the complexity of the appeal and the amount in controversy. Within 15 days after the formal settlement conference, the parties shall inform the Board in writing whether a settlement regarding the correct assessment of the subject property was reached. No court reporter nor any electronic recording device is required at the formal settlement conference.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 1910.75 Access to Board Records – Freedom of Information Procedures

- a) Board Policy.
This Section is established to implement the provisions of the Freedom of Information Act [5 ILCS 140]. The purpose of this Section is to support the policy of providing public access to public records in the possession of the Property Tax Appeal Board while, at the same time, protecting legitimate privacy interests and maintaining administrative efficiency.
- b) This Section is to be construed and administered in accordance with the appropriate provisions of the Freedom of Information Act. Definitions:
- 1) FOIA—the Freedom of Information Act.
 - 2) Freedom of Information Officer—the individual responsible for receiving and responding to requests for public records.
 - 3) Requester—a person who submits a request for public records in accordance with this Section.
 - 4) Working days—calendar days other than Saturdays and Sundays and legal State holidays.
- c) Person to whom requests are submitted. Requests for public records shall be submitted to the Freedom of Information Officer of the Board. Requests shall be submitted to the following address:

Freedom of Information Officer
Illinois Property Tax Appeal Board
402 Stratton Building
401 South Spring Street

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Springfield, IL 62706
ATTN: FOIA Request

- d) ~~Form and contents of requests.~~
 - 1) ~~Requests in accordance with the FOIA and this Section shall be in writing. Such requests shall be submitted on FOIA request forms provided by the Board.~~
 - 2) ~~Oral requests are not precluded by the FOIA; neither are they governed by it.~~
 - 3) ~~The requester shall provide the following information in a request for public records:~~
 - A) ~~The requester's full name, address, and telephone number;~~
 - B) ~~A brief description of the public records sought, being as specific as possible; and~~
 - C) ~~Whether the request is for inspection of public records, copies of public records, or both.~~
- e) ~~Inspection of records at the Board's offices.~~
 - 1) ~~Generally, public records will be available for inspection at the Board's offices in Springfield or Des Plaines between the hours of 8:30 AM and 5:00 PM Monday through Friday, except on State holidays. Space will be provided for the requester to inspect public records.~~
 - 2) ~~An employee of the Board may be present throughout the inspection.~~
 - 3) ~~A requester shall not be permitted to take briefcases, bags, folders or other similar materials, or pens, into the inspection area.~~
 - 4) ~~A requester will be permitted to take pencils and paper into the inspection area.~~
 - 5) ~~Documents which the requester wishes to have copied shall be segregated during the course of inspection. Generally, all copying will be done by~~

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~~Board employees.~~~~f) Copies of public records.~~

- ~~1) Copies of public records shall be provided to the requester only upon payment of any charges that are due.~~
- ~~2) Fees for copies of public records shall be assessed in accordance with Section 6(a) of the FOIA. A schedule of fees will be available in each of the Board's offices as required by Section 4 of the FOIA. Fees may be reduced or waived if the requester satisfies the criteria set forth in Section 6(b) of the FOIA.~~
- ~~3) Fees shall be waived if the requester is a State agency, a constitutional officer, or member of the General Assembly.~~
- ~~4) Payment shall be made by check or money order payable to the Illinois Property Tax Appeal Board and sent to the Freedom of Information Officer.~~
- ~~5) If the requester is unwilling or unable to pick up the copies of requested records at the Board's offices, the requester shall bear mailing or shipping costs.~~

~~g) Time for response.~~

- ~~1) The Freedom of Information Officer shall respond to a written request for public records within 7 working days after receipt of such request.~~
- ~~2) In the event the request for public records cannot be responded to within 7 days for one of the reasons provided in Section 3(d) of the FOIA, the Board shall have an additional 7 working days in which to respond. The Board shall give the requester notice of the extension of time to respond. Such notice of extension shall set forth the reasons why the extension is necessary.~~

~~h) Types of Board responses.~~

- ~~1) The Freedom of Information Officer shall respond to a request for public~~

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~~records in one of three ways:~~

- ~~A) approve the request;~~
 - ~~B) approve in part and deny in part; or~~
 - ~~C) deny the request.~~
- ~~2) Upon approval of a request for public records, the Freedom of Information Officer may either provide the materials immediately, give notice that the materials shall be made available upon payment of reproduction costs, or give notice of the time and place for inspection of records.~~
 - ~~3) A denial of a request for public records shall be made in writing. It shall state the reasons for the denial in accordance with either Section 3(f) or Section 7 of the FOIA and the names and titles of individuals responsible for the decision. It shall also give notice of the requester's right to appeal to the Chairman of the Board.~~
 - ~~4) Categorical requests creating an undue burden upon the Board shall be denied only after extending to the requester an opportunity to confer in an attempt to reduce the request to manageable proportions in accordance with Section 3(f) of the FOIA.~~
 - ~~5) Failure to respond to a written request within 7 working days may be considered by the requester a denial of the request.~~
- ~~i) Appeal of a denial.~~
- ~~1) A requester whose request for public records has been denied by the Freedom of Information Officer may appeal the denial to the Chairman of the Board. The Notice of Appeal shall be in writing and shall be addressed to the Board's Springfield office, attention: Chairman (FOIA Appeal).~~
 - ~~2) The Notice of Appeal shall include a copy of the original request and a written statement setting forth the reasons why the requester believes the appeal should be granted.~~

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- j) ~~Chairman's response to denial.
The Chairman shall respond to an appeal within 7 working days after receiving a Notice of Appeal. The Chairman shall either affirm the denial or provide access to the requested public records. Failure to respond within 7 working days may be considered by the requester as an affirmation of the denial.~~

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 1910.76 Board Publications – Distribution

- a) *Each year the Property Tax Appeal Board shall publish, by any means then available to the Board, a volume containing a synopsis of representative cases decided by the Board during that year. The publication shall be organized by or cross-referenced by the issue presented before the Board in each case contained in the publication. (Section 16-190(a) of the Code) Copies shall be made available to the public at no charge.*
- b) *The Board shall provide annually, no later than February 1, to the Governor and the General Assembly a report that contains for each county the following:*
- 1) *the total number of cases for commercial and industrial property requesting a reduction in assessed value of \$100,000 or more for each of the last 5 years;*
 - 2) *the total number of cases for commercial and industrial property decided by the Board for each of the last 5 years; and*
 - 3) *the total change in assessed value based on the Board decisions for commercial property and industrial property for each of the last 5 years. (Section 16-190 (b) of the Code)*
- c) *The Board shall annually distribute to each chief county assessment officer, free of charge, by any means then available to the Board, one copy of the volume published pursuant to Section 16-190(a) and one copy of any other publication produced by the Board, upon request. (Section 16-191 of the Code)*
- d) *In counties with 3,000,000 or more inhabitants, the Board shall electronically distribute every 30 days to the chief county assessment officer, free of charge, appeal information. (Section 16-191 of the Code)*

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(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 1910.77 Withdrawals and Substitutions of Attorneys

- a) Attorney Withdrawals: 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, including the attorney's client, in the appeal. Failure to properly withdraw from representation and properly appear at a Board proceeding without good cause shown shall be grounds for dismissal of the appeal upon motion of any party, or on the Board's own motion.
- b) Attorney Substitution: 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.
- c) Costs and Fees for Failure to Properly Withdraw: Failure of an attorney of record to properly and timely submit a written withdrawal from representation more than 10 business days prior to any proceeding before the Board without good cause shown, causing a delay in any proceeding before the Board, shall be grounds for reasonable costs, including attorney and witness fees, to be paid by the offending party to the aggrieved parties. In making this determination, the Board shall consider factors including, but not limited to, the history of the appeal, the length of delay caused, the number of delays, past attempts to schedule the appeal for proceedings, costs and fees incurred, and the offending party's compliance with any Board, Executive Director or Hearing Officer requests or orders.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 1910.79 ~~Policy on~~ Discovery

- a) Policy: It is the policy of the Property Tax Appeal Board to obtain full disclosure of all relevant and material facts prior to hearing.
- b) Discovery Production - Inspection Denied: The owner/taxpayer in any appeal involving commercial or industrial property, when an assessment change of \$300,000 or more is sought, shall produce certain documents to the board of

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~~review and/or any intervening party within 30 days after the board of review and/or intervenors make a written request for inspection of the subject property if the board of review's and/or intervenor's valuation expert witness is denied reasonable access to, and inspection of, the subject property. The document production required by this Section shall include the following: It is the policy of the Board to encourage voluntary exchange by the parties of all relevant and material facts prior to hearing through the use of requests for documents and information. When less formal procedures have proven to be unsuccessful, formal discovery by means available under this Part will be allowed.~~

- 1) a description of the size, age, condition and use of the subject property for the assessment year in question;
- 2) a building schematic;
- 3) site description or plat of survey; and
- 4) all evidence and documentation required in subsection (c).

c) Discovery Production - Inspection Allowed: The owner/taxpayer in any appeal involving commercial or industrial property, when an assessment change of \$300,000 or more is sought, shall produce certain documents to the board of review and/or any intervening party within 30 days after the board of review and/or intervenors make a written request for inspection of the subject property when the board of review's and/or intervenor's valuation expert witness is allowed reasonable access to, and inspection of, the subject property. The document production required by this Section shall include the following:

- 1) a description of the nature and cost of any improvements to the subject property within two years prior to the date of, and including, the assessment year in question;
- 2) any and all contracts and closing statements relating to any transfer of ownership interest in the subject property within three years prior to the date of, and including, the assessment year in question;
- 3) any and all real property appraisals of the subject property conducted within two years prior to the assessment year in question;

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- 4) for any income producing property, any income statements, expense statements, and lease terms associated with operating the property within three years prior to, and including, the assessment year in question. Disclosure of the subject's financial information pursuant to this Section by any party other than the appellant to any non-party, who is not acting as an agent of a party to the appeal, without the permission of the appellant shall be deemed confidential information and is prohibited; and
- 5) a party may petition the Board for an order protecting the confidentiality of any confidential information contained within the disclosed information. A request for a protective order under this subsection (c)(5) shall identify the confidential information and explain the reasons for the requested protective order. Upon finding that the requested documents or other information contain confidential information, the Board shall issue a protective order:
- A) requiring the parties to maintain the confidentiality of documents or other information produced;
 - B) requiring that the documents be filed under seal; and
 - C) taking any other steps necessary to protect against disclosure of confidential information.
- d) Appeals Involving \$300,000 or More: In any appeal involving commercial or industrial property, when an assessment change of \$300,000 or more is sought and a basis of the appeal is market value supported by an appraisal, the party submitting an appraisal, summary review appraisal or similar document shall produce, upon request from any other party, a copy of the expert valuation witness' work file, as defined by USPAP, associated with the appraisal, that is submitted into the record by an opposing party, within 30 days after the request, at the cost of the requesting party. Payment for the costs under this subsection shall be for the time expended by the valuation witness in producing the work file for inspection and shall be required prior to production of the work file.
- e) Identification of Witnesses and Experts: All parties in any appeal involving commercial or industrial property, when an assessment change of \$100,000 or more is sought and the contesting party is represented by counsel, must disclose

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any expert and other persons expected to testify in any manner, including the subject matter of their testimony, within 15 days prior to the scheduled Board proceeding. Rebuttal witnesses, including the subject matter of their testimony, shall be disclosed within 10 days prior to the scheduled Board proceeding. Failure to properly disclose any expert or other person expected to testify at the proceeding, including rebuttal witnesses, shall be grounds for barring the expert or other person from testifying and presenting evidence.

- f) Discovery – Assessment Reduction Request of \$1,000,000 or More: Notwithstanding the type or class of property, the discovery rules stated in this Section shall apply when an assessment change of \$1,000,000 or more is sought.
- g) Discovery – Assessment Reduction Request of \$3,000,000 or More: Notwithstanding the type or class of property, the discovery rules stated in this Section shall apply when a change in assessment of \$3,000,000 or more is sought. In addition, the pretrial rules of discovery, practice and procedure as applied in Supreme Court Rule 201 et al. shall apply when applicable. In the event a Board rule conflicts with a Supreme Court rule, the Supreme Court rule shall apply when necessary to ascertain the correct assessment of the subject property, following the principles and rules governing the admission of evidence with a view toward securing a just, speedy and inexpensive determination of the appeal.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 1910.88 Use of Facsimile Machines

Any document containing ~~10400~~ pages or less may be filed by facsimile transmission sent to the Property Tax Appeal Board at its designated number, pursuant to Section 1910.20, provided that, within 5 days after the facsimile filing, the original document is submitted to the Board. The date imprinted on the document by the Board's telefax machine shall have the same effect as the United States Postal Service's postmark. The party filing a document by facsimile transmission bears the risk that the transmission will not be successful. The date imprinted on the transmission confirmation document by the sender's telefax machine may be presented as evidence of successful transmission and the filing of the document. The facsimile filer shall ensure that any document is filed with the Board in a timely manner. For purposes of this Section, "facsimile document" means a paper document transmitted to the Board from either a facsimile machine or a personal computer with facsimile capability.

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(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 1910.90 Procedural Hearing Rules

- a) **Duties and Powers:** The provisions of this Section are promulgated pursuant to Section 16-180 of the Code and shall apply to all appeals before the Property Tax Appeal Board. Nothing contained in this Section shall in any way negate, limit, modify or otherwise affect any of the powers, duties or authority of the Board under the Code.
- b) **Continuances:** Appeals filed with the Property Tax Appeal Board shall be set for hearing pursuant to Section 1910.67 of this Part. All hearings once commenced shall continue on successive work days until completed unless any Member or designated Hearing Officer orders a continuance of the hearing pursuant to subsection (d) ~~of this Section~~. Hearings shall be open to the public in accordance with Section 1910.67(f) ~~of this Part~~.
- c) **Procedure:** The sequence to be followed for all hearings before the Property Tax Appeal Board shall be as follows:
- 1) Preliminary matters – motions or objections, or attempts to narrow issues or limit evidence shall be heard first;
 - 2) Opening statements – the contesting party shall proceed first, followed by the board of review and intervenors, if any; opening statements may be waived or may be reserved and presented prior to the commencement of a party's case in chief;
 - 3) Case in chief – the evidence and witnesses presented to prove the position of the contesting party shall be heard first, followed by those of the board of review and intervenors presenting both their case in chief and rebuttal, if any; as witnesses complete their testimony, they are subject to cross-examination by the Hearing Officer and the other parties to the appeal; witnesses may be questioned under redirect examination where necessary;
 - 4) Rebuttal – the evidence and witnesses presented to rebut the evidence offered ~~to counter in opposition to the opposing contesting~~ party's position Appellant's rebuttal shall be heard after the completion of the cases in

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chief of all other parties, ~~followed by the rebuttal evidence and witnesses of the board of review and intervenors, if any;~~

- 5) Closing statements – the closing argument of the contesting party shall be heard first, followed by the closing arguments of the board of review and intervenors, if any; the contesting party shall be permitted a brief rebuttal at the end of the closing arguments of the other parties.
- d) Continuance of Hearing by Property Tax Appeal Board: Continuances of appeals set for hearing shall be granted pursuant to Section 1910.67(i) ~~of this Part~~; a hearing that has commenced may be continued by order of the Board member or Hearing Officer to permit further testimony or argument only if the time allotted for the hearing has expired.
- e) Oath and Affirmation: All witnesses appearing before the Property Tax Appeal Board shall testify under oath or affirmation.
- f) Objections: Any party may object to the admissibility of evidence or testimony, and those objections must clearly state the specific ground or rule of law which is the basis for the objection.
 - 1) When an objection is made to the admissibility of evidence prior to the hearing of the appeal, the objection must be made in writing. A copy of the objection shall be transmitted to all other parties to the appeal, and the Property Tax Appeal Board shall solicit responses from all other parties. The Board shall issue its ruling on the objection in writing prior to the hearing of the appeal.
 - 2) When an objection is made to the admissibility of evidence or testimony during the hearing, the Board member or Hearing Officer may either sustain or overrule the objection if it is based on the provisions of this Part, or may reserve the ruling and permit the testimony and/or evidence into the record subject to the ruling of the Property Tax Appeal Board on the objection in its decision for the appeal.
 - 3) Any party offering evidence that is ruled inadmissible shall be permitted to make an offer of proof upon motion made at the hearing.
- g) Exclusion of Inadmissible Evidence: The Property Tax Appeal Board, Board

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member or ~~its~~-designated Hearing Officer may exclude inadmissible evidence upon its own motion.

- h) Exhibits: Writings, documents and all copies of writings and documents submitted to the Property Tax Appeal Board shall be legible, and exhibits shall be plainly marked and identified. All exhibits and documentation discussed during the hearing shall be marked for identification by the Board member or Hearing Officer.
- i) Official Notices: The Property Tax Appeal Board may take official notice of decisions it has rendered, matters within its specialized knowledge and expertise, and all matters of which the Circuit Courts of this State may take judicial notice.
- j) Adverse Witnesses: Any party or his or her witness may be called by any other party as an adverse witness and examined as if under cross-examination in the same manner and under the same circumstances as provided in Section 2-1102 of the Code of Civil Procedure [735 ILCS 5/2-1102]. Upon a showing that a witness was called in good faith and that the party calling the witness is surprised by the witness' testimony, examination of the witness may proceed as if under cross-examination, and the testimony of the witness may be impeached by prior statements or otherwise.
- k) Disqualification of Persons Presiding Over Hearing: The Board member or designated Hearing Officer presiding over or scheduled to preside over a Property Tax Appeal Board hearing may be disqualified from the hearing as follows:
- 1) Any interested party may move for the disqualification of a Board member or designated Hearing Officer based on bias or a conflict of interest. The motion must be in writing and must state specific facts establishing that bias or a conflict of interest exists. Adverse rulings in pending or prior appeals shall not be sufficient to establish bias or a conflict of interest.
 - 2) A motion for disqualification shall be made promptly after the moving party learns the identity of the Board member or designated Hearing Officer or after learning facts that establish grounds for disqualification. The motion shall be presented to the Chairman of the Board or the Executive Director if any Board member or designated Hearing Officer is scheduled to preside over the hearing. If bias or a conflict of interest is found to exist, another Board member or other designated Hearing Officer

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shall be appointed as soon as possible.

- 3) The Board member or designated Hearing Officer may at any time voluntarily disqualify himself or herself.
- 1) Service of Decisions: Decisions of the Property Tax Appeal Board shall dispose of contested matters upon the merits and shall set forth the Board's findings of fact and conclusions of law. Decisions shall be served by United States mail on the appellant, board of review and intervenor, if any. Decisions may also be delivered or made available to the proper authorities affected by the decision, including the State's Attorney, Chief County Assessment Officer, County Clerk and County Collector by United States mail or electronic means, if available, as provided in Section 16-185 of the Code. Decisions of the Board shall be based on the evidence contained in the administrative record.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 1910.91 Business Records (Repealed)

- a) ~~Business records shall be admissible. A business record is:~~
 - 1) ~~Relevant;~~
 - 2) ~~A memorandum, report, record or data compilation;~~
 - 3) ~~Made by a person with first-hand knowledge of the facts;~~
 - 4) ~~Made at or near the time of the facts;~~
 - 5) ~~Made as part of the regular practice of the business activity; and~~
 - 6) ~~Kept in the course of the regularly conducted business activity.~~
- b) ~~Any party may prove elements outlined in subsections (a)(3) through (a)(6) by the testimony of the custodian responsible for making or keeping those records or another qualified witness that is familiar with the manner in which records are maintained and the general procedures for maintaining such records in the ordinary course of business.~~

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- e) ~~Any party seeking introduction of a business document will be allowed to offer a mechanical reproduction or carbon copy of the original without any showing that the original is unavailable, upon representation of the party that the copy is a true and accurate copy of the original.~~

(Source: Repealed at 32 Ill. Reg. _____, effective _____)

Section 1910.92 Rules of Pleading, Practice and Evidence

- a) *The Property Tax Appeal Board shall establish by rules an informal procedure for the determination of the correct assessment of property which is the subject of an appeal. The procedure, to the extent that the Board considers practicable, shall eliminate formal rules of pleading, practice and evidence. (Section 16-180 of the Code) Each hearing shall be conducted in a manner best calculated to conform to substantial justice.*
- b) The Board, its members or its designated Hearing Officer will receive evidence that is material and relevant, and that would be commonly relied upon by reasonably prudent persons in the conduct of their affairs, provided that the rules relating to privileged communications and privileged topics are observed. (See Section 10-40(a) of the Illinois Administrative Procedure Act [5 ILCS 100/10-40(a)].

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 1910.93 Disclosure of Request for Witnesses

- a) Reduction of \$100,000 or More and Representation by Counsel: In any appeal before the Board involving commercial or industrial property in which an assessment reduction in which a change in assessed value of \$100,000 or more is sought, and when the contesting party is represented by counsel before the Property Tax Appeal Board, upon written request served on an opposing party and after the Board has distributed all of the documentary evidence that has been submitted by all of the parties, including rebuttal evidence under Section 1910.66 of this Part, a party shall be entitled to the name, address and qualifications of any witness who may be reasonably expected to testify ~~at hearing~~ on behalf of an opposing party, together with a brief summary of the subject matter of each witness' anticipated testimony. The information shall be provided within 1530 days prior to the scheduled proceeding after service of a request. Rebuttal

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witnesses, including the subject matter of their testimony, shall be disclosed within 10 days prior to the scheduled Board proceeding. Failure to properly disclose any expert or other person expected to testify at the proceeding, including rebuttal witnesses, shall be grounds for barring the expert or other person from testifying and presenting evidence.

- b) Service of Request: A party may obtain witness lists only by making a timely written request as provided in subsection (a) or as provided in Section 1910.79. Copies of requests for witnesses and an opposing party's response shall be served at the same time on all parties and the Clerk of the Board at the Board's ~~its~~ Springfield or Des Plaines office (see Section 1910.20) ~~office~~.
- c) Untimely Disclosure - Exclusion of Testimony: Witnesses that were not properly and timely disclosed in response to a request for production may ~~shall~~ be barred or excluded from presenting testimony or other evidence at the proceeding by the Board or ~~its~~ designated Hearing Officer.
- d) Delay or Postponement of Proceedings: A disclosure or nondisclosure of witnesses ~~Discovery requests~~ under this Section shall not be cause for postponement or delay of any proceeding before the Board ~~hearing~~ or of the Board's disposition of the appeal.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 1910.94 Inspection of Subject Property – Evidence Refuting Claim ~~Effect of Denial by Taxpayer or Property Owner~~

- a) Denial of Inspection:
- 1) If inspection of the subject property is denied, no ~~No~~ taxpayer or property owner shall present for consideration, nor shall the Property Tax Appeal Board accept for consideration:
- A) any testimony, objection, motion, appraisal critique or other evidentiary material that is offered to refute, discredit or disprove evidence offered by an opposing party regarding the description, physical characteristics or condition of the subject property, if the appeal involves commercial or industrial property and the requested assessment change is less than \$300,000; or,

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B) any testimony, objection, motion, appraisal, appraisal critique or other evidentiary material that is offered to refute, discredit or disprove evidence offered by an opposing party regarding the description, physical characteristics, condition or valuation of the subject property, if the appeal involves commercial or industrial property and the requested assessment change is \$300,000 or more.

2) To invoke this Section, the denial of the inspection must occur when the taxpayer or property owner denied a request made in writing by the board of review or a taxing body, during the time when the Board was accepting documentary evidence, to physically inspect and examine the property for valuation purposes.

- b) Statement of Consultation: Any motion made to invoke this Section shall be made in writing and shall incorporate a statement detailing the consultation and a failed reasonable attemptattempts to resolve differences over issues involving inspection with the taxpayer or property owner.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 1910.95 Service of Documents ~~in Certain Cases~~

- a) Service Requirements and Application: ~~Beginning with assessments made for the 2006 assessment year, Exceptexcept~~ as otherwise provided in Sections 1910.30(f) and (l), 1910.40(a), (e), and (f), and 1910.60(c), (d), (e), and (g), this Section contains the Property Tax Appeal Board's service requirements for documents submitted by a party in support of an issue pending in any appeal ~~where a change in assessed valuation of \$1 million or more is sought~~ before the Board. Service of documents shall commence after the contesting party has initiated a properly completed petition for appeal with the Board with sufficient documentary evidence in support of the petition and after notice has been given to the board of review of the appeal filing as provided in Section 1910.3040(a) ~~of this Part~~. The Property Tax Appeal Board shall serve a copy of the petition for appeal, with all evidence attached, upon the board of review. After the Board submits a copy of the contesting party's original petition and all documentary evidence to the board of review, the board of review and each party thereafter, including any intervenor, shall submit an original of its written and/or documentary evidence to the Board, and one copy to all other parties to the

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appeal, within the timeframes set out in Sections 1910.30, 1910.40 and 1910.60, with a proof of service attached. Failure to attach a proof of service indicating that all parties of record were properly served shall result in the written or documentary evidence not being filed with and accepted by the Board. Requests and motions for extensions of time made pursuant to Sections 1910.30(g), 1910.40 (b) and (d), and 1910.60(f) ~~of this Part~~ are not subject to this Section. All other motions made by the parties shall be governed by Section 1910.64 ~~of this Part~~.

- b) Method of Service: Service of documents shall be made at the same time upon all parties by personal delivery, by the United States Postal Service or by any other mail delivery service, properly addressed, with postage prepaid. Service on a party shall be at its last known address, unless otherwise designated by the party. If date of delivery is a Saturday, Sunday or State of Illinois legal holiday, the service period shall be deemed to include the next business day.
- c) Service on the Board: A party shall serve an original ~~and one copy~~ of any document on the Clerk of the Board at the Board's Springfield office or Des Plaines office (see Section 1910.20). ~~All~~ ~~otherwise, all~~ other parties are entitled to one legible copy of the document to be served.
- d) Proof of Service: Proof of service shall be attached to any document served upon a party. The proof of service shall show the Board docket number and date, time and manner of service, and may be by written acknowledgement of service, by certificate of the person effecting the service, or by certified mail with return receipt.
- e) Failure to Serve: Failure to serve copies of documents as required under this Section does not in any way impair the jurisdiction of the Board over any party. The Board shall order the offending party to reimburse the aggrieved party for any expenses shown to have been incurred as a result of the failure to serve.
- f) Definition: "Document" includes any form of documentary or rebuttal evidence as provided in Sections 1910.65 and 1910.66 ~~of this Part~~, any board of review submission required under Section 1910.40 ~~of this Part~~, and requests to intervene and resolutions required under Section 1910.60 ~~of this Part~~.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

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Section 1910.96 Evidence Depositions

- a) **Assessment Request of \$300,000 or More:** In any appeal before the Board involving commercial or industrial property in which a change in assessed valuation of ~~\$300,000~~\$100,000 or more is sought, and the parties are represented by attorneys, ~~an evidence~~ deposition may be ordered by the Board at any time prior to hearing:
- 1) of all persons who have signed an appraisal, review appraisal, income statement, valuation evidence or other similar documents submitted by a party to the appeal; or
 - 2) upon a showing that the person requested to be deposed will not be available to participate in the hearing because of exceptional circumstances, such as impending death, illness, imprisonment, relocation out of state, or other hardship, and the deposition of that person is necessary for the preservation of relevant testimony. If the person being deposed is not a party or an agent of a party to the appeal, the Board shall issue a subpoena ordering the appearance of the person, as provided for in Section 1910.68(a) ~~of this Part~~, in conjunction with the Board's evidence deposition order.
- b) **Service:** A written request for an evidence deposition, and corresponding subpoena, if necessary, shall be served on the Board and all other parties to the appeal. Within 21 days after receipt of a deposition request, a party may file a response.
- c) **Document Production:** A Board order for the taking of a deposition, and corresponding subpoena, if necessary, may provide that any designated books, papers, or documents, not privileged, be produced at the same time and place the deposition is scheduled.
- d) **Examination of Witnesses:** All parties to the appeal and the Board shall have the right to confront and cross-examine any witness whose deposition is taken. Any party may waive that right by serving written notice on all other parties, including the Board.
- e) **Place of Deposition and Fees:** Depositions shall be taken in the county of residence or of employment of the witness, as specified in Illinois Supreme

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Court Rule 203, unless the witness waives this right in writing. The party at whose instance the deposition is taken shall pay the fees of the witness and the charges of the recorder or stenographer for transcription and attendance. The original transcript of any deposition, taken pursuant to this Section shall be served on the Board within 60 days after the deposition, with costs paid by the party at whose instance the deposition was taken. Deponent fees shall be paid in advance of any deposition and shall be based on an hourly rate equal to the calculated hourly rate for preparation of the evidence prepared by a deponent that is submitted by a party to the appeal. No deposition pursuant to this Section may exceed three hours in length unless waived by all parties attending the deposition.

- f) Sanctions: Failure to obey a Board order, and corresponding subpoena, if necessary, for deposition shall result in the same sanctions as provided in Section 1910.~~69(f)~~~~68(e)~~ of this Part for failure to comply with a subpoena.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 1910.98 Transcription of Hearings - Official Record

- a) Electronic Recording - Court Reporter: All Property Tax Appeal Board hearings at which evidence is presented for the purpose of determining the correct assessment of property that is the subject of an appeal shall be recorded either by an electronic recording device or by a certified court reporter. *In all cases where the contesting party is seeking a change of \$100,000 or more in assessed valuation, the contesting party must provide a court reporter at his or her own expense.* (Section 16-190 of the Code) In all cases where the contesting party is seeking a change of less than \$100,000 in assessed valuation, the Board shall record the hearing by an electronic recording device. A Board electronic~~tape~~ recording of any hearing will be retained through and including the time allotted for an appeal of a Board decision under the Administrative Review Law [735 ILCS 5/Art. III] and Section 16-195 of the Code.
- b) Certified Transcript: The original certified transcript of a hearing, if any, shall be forwarded to the Property Tax Appeal Board and shall become part of the Board's official record of the proceedings on appeal. The court reporter's certified transcript should be forwarded as soon as possible, but no later than 60 days after the hearing.

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- c) Transcript Unavailable: In any administrative review action where no verbatim transcript is available, ~~either~~ through the failure of electronic recording devices, ~~or~~ incomplete stenographic means, or the failure of a moving party to provide for transcription of a recorded hearing as provided in subsection (f), the moving party~~plaintiff~~ shall utilize the procedures for preparing a report of the proceedings contained in Illinois Supreme Court Rule 323(c).
- d) Official Record: The Board's official record in any appeal shall include the following:
- 1) All petitions, pleadings, motions, correspondence and rulings;
 - 2) All evidence received;
 - 3) A statement of matters officially noticed;
 - 4) Any offers of proof, objections and rulings on those offers;
 - 5) The written transcript, if any, of any hearing held before the Board, any assigned Board ~~member~~Member, Executive Director or any designated Hearing Officer; and
 - 6) The Board's decision.
- e) Recording of Hearing Permitted: Recording of a hearing by any party to the appeal other than the officially designated court reporter or Board representative is permitted so long as the recording does not interfere with the conduct of the hearing and no party to the appeal objects. Except as provided in subsection (c), the electronic recording of the proceeding by the Board, or the certified transcript prepared by the court reporter provided by the contesting party pursuant to this Part, shall constitute the official record of the hearing.
- f) Costs for Transcription of Hearing: Absent an official designated court reporter, a moving party shall provide for all electronic recordings by the Board or any Hearing Officer to be transcribed for entry into the record, with costs for such transcription to be paid by the party at whose instance the transcription is required, including judicial review of an administrative decision. The moving party at whose instance the transcription is required shall furnish to the Board the name and address of an officially designated court reporting service where a copy of the electronic recording shall be sent by the Board. The court reporting

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service shall forward the original and four copies of the transcript to the Board for inclusion into the record on appeal.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 1910.99 Adoption of Evidence

- a) Consent to Withdraw or Settlement: Any party to an appeal before the ~~Property Tax Appeal~~ Board is allowed to adopt the evidence of any other party to the appeal; however, if a party adopts the evidence of another party, the adopting party shall not withhold~~be precluded from withholding~~ its authorization ~~for~~
- 1) allowing a contesting party to withdraw an appeal; or
 - 2) for the settlement of an appeal, if the party with whom it adopted evidence reaches an agreement in the pending appeal. The adopting party shall be bound by the terms of any~~the~~ stipulation or agreement.
- b) Filing of Evidence Prohibited: If a party chooses to adopt the evidence or rebuttal evidence of another party, it shall be precluded from subsequently filing evidence, ~~motions,~~ and /or requests for continuances. The adopting party may appear at pre-hearing conferences and the hearing of the appeal; however, the adopting party shall be prohibited from presenting evidence or rebuttal evidence~~a case in chief~~ at the hearing, but shall reserve the right to ~~present rebuttal evidence and~~ cross-examine witnesses.
- c) Costs and Fees Prohibited: Costs and fees shall not be awarded to an adopting party pursuant to Section 1910.69(g) for the withdrawal of any appeal.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Assisted Living and Shared Housing Establishment Code
- 2) Code Citation: 77 Ill. Adm. Code 295
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
295.300	Amendment
295.500	Amendment
- 4) Statutory Authority: Assisted Living and Shared Housing Act [210 ILCS 9]
- 5) A Complete Description of the Subjects and Issues Involved: As of November 27, 2006, there are 189 facilities licensed under the Assisted Living and Shared Housing Act (the Act) [210 ILCS 9]. An additional 34 facilities have pending applications to be licensed. Nationally, assisted living facilities outnumber nursing homes by a 2 to 1 margin. Most states enacted an assisted living licensure statute many years before the Illinois Act was implemented. As such, it is expected that the number of Illinois facilities will continue to grow at a rapid rate until they are closer in number to the national averages. The Department is charged with the duty of regulating this burgeoning growth of facilities and seeks to do so through additional checks and balances of on-site surveys.

Current staffing in the Division of Assisted Living includes three people, with only one of these three being a field surveyor.

Based on our knowledge of the license requirements and discussions with survey staff in other states, a minimum of 5 worker days per facility is required to conduct annual surveys, re-inspections and complaint investigations. Based on these minimum workload estimates, the required field survey staff for the regulation of the 189 Illinois facilities would be 945 worker days. At 200 worker days per full time equivalent, there should be approximately 5 field survey staff in the Division of Assisted Living.

The proposed increase of annual license fees to \$1,000 plus \$10 per unit for assisted living, and \$500 for shared housing will allow the Department the tools required to protect resident safety, protect the elderly and disabled, and protect consumers from unlicensed, unsafe facilities.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

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NOTICE OF PROPOSED AMENDMENTS

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create a State Mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson St., 5th Floor
Springfield, Illinois 62761

217/782-2043
e-mail: rules@idph.state.il.us
- 13) Initial Regulatory Flexibility Analysis:
 - A) Type of small businesses, small municipalities and not-for-profit corporations affected: Assisted living and shared housing facilities
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 14) Regulatory Agenda on which this rulemaking was summarized: January 2007

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 295

ASSISTED LIVING AND SHARED HOUSING ESTABLISHMENT CODE

SUBPART A: GENERAL PROVISIONS

Section	
295.100	Purpose of the Act and this Part
295.200	Definitions
295.300	Incorporated and Referenced Materials
295.400	License Requirement
295.500	Application for License
295.600	Issuance of an Initial Regular License
295.700	Issuance of a Renewal License
295.800	Probationary License
295.900	Denial of a License
295.1000	Revocation, Suspension, or Refusal to Renew a License
295.1010	Transfer of Ownership
295.1020	Information to Be Made Available to the Resident by the Licensee
295.1030	Information to Be Made Available to the Public by the Department
295.1040	Technical Infractions
295.1050	Violations
295.1060	Remedies and Sanctions
295.1070	Annual On-Site Review and Complaint Investigation Procedures
295.1080	Waivers
295.1090	Complaints
295.1100	Alzheimer's Special Care Disclosure

SUBPART B: POLICIES

Section	
295.2000	Residency Requirements
295.2010	Termination of Residency
295.2020	Notice of Closure
295.2030	Establishment Contracts
295.2040	Disaster Preparedness

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- 295.2050 Incident and Accident Reporting
- 295.2060 Quality Improvement Program
- 295.2070 Negotiated Risk Agreement

SUBPART C: PERSONNEL

Section

- 295.3000 Personnel Requirements, Qualifications and Training
- 295.3010 Manager's Qualifications
- 295.3020 Employee Orientation and Ongoing Training
- 295.3030 Initial Health Evaluation for Direct Care and Food Service Employees
- 295.3040 Health Care Worker Background Check

SUBPART D: RESIDENT CARE AND SERVICES

Section

- 295.4000 Physician's Assessment
- 295.4010 Service Plan
- 295.4020 Mandatory Services
- 295.4030 Special Safety and Service Needs of Individuals Who Are Quadriplegic or Paraplegic, or Who Have Neuro-Muscular Diseases
- 295.4040 Communicable Disease Policies
- 295.4050 Tuberculin Skin Test Procedures
- 295.4060 Alzheimer's and Dementia Programs

SUBPART E: MEDICATIONS

Section

- 295.5000 Medication Reminders, Supervision of Self-Medication, Medication Administration and Storage

SUBPART F: RESIDENT RIGHTS

Section

- 295.6000 Resident Rights
- 295.6010 Abuse, Neglect, and Financial Exploitation Prevention and Reporting
- 295.6030 Resident's Representative

SUBPART G: RESIDENT AND ESTABLISHMENT RECORDS

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Section

295.7000 Resident Records
295.7010 Establishment Records

SUBPART H: FOOD SERVICE

Section

295.8000 Food Service

SUBPART I: PHYSICAL PLANT AND ENVIRONMENTAL REQUIREMENTS

Section

295.9000 Physical Plant
295.9005 Units
295.9010 Supplemental Physical Plant Requirements for Assisted Living Establishments
295.9020 Supplemental Physical Plant Requirements for Shared Housing Establishments
295.9030 Furnishings
295.9040 Environmental Requirements

295.APPENDIX A Physician's Assessment Form
295.TABLE A Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Assisted Living and Shared Housing Act [210 ILCS 9].

SOURCE: Adopted at 25 Ill. Reg. 14401, effective December 1, 2001; emergency amendment at 27 Ill. Reg. 6378, effective April 1, 2003, for a maximum of 150 days; emergency expired August 28, 2003; amended at 27 Ill. Reg. 18087, effective November 12, 2003; amended at 28 Ill. Reg. 14593, effective October 21, 2004; amended at 32 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 295.300 Incorporated and Referenced Materials

- a) The following private and professional association standards are incorporated in this Part.
 - 1) National Fire Protection Association (NFPA) Standard No. 101: Life

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Safety Code, Chapter 32, New Residential Board and Care Occupancies (2000), which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts [0216902269](http://www.nfpa.org).

- 2) American Psychiatric Association, Diagnostic and Statistical Manual of Mental Disorder, Fourth Edition (DSM-IV) (1994), which may be obtained from the American Psychiatric Association, 1400 K Street, N.W., Washington, D.C. 20005.
- b) The following federal guidelines are incorporated in this Part: ADA Accessibility Guidelines (ADAAG), January 1998, which may be obtained from the U.S. Access Board, 133 F Street NW, Suite 1000, Washington, D.C. 20004-1111.
 - c) All incorporations by reference of federal guidelines and the standards of nationally recognized organizations refer to the standards on the date specified and do not include any additions or deletions subsequent to the date specified.
 - d) The following statutes and State rules are referenced in this Part:
 - 1) Federal statutes:
 - Americans with Disabilities Act (42 USC 12101 et seq.)
 - 2) State of Illinois statutes:
 - A) Medical Practice Act of 1987 [225 ILCS 60]
 - B) Nursing and Advanced Practice Nursing Act [225 ILCS 65]
 - C) Child Care Act of 1969 [225 ILCS 10]
 - D) Hospital Licensing Act [210 ILCS 85]
 - E) Nursing Home Care Act [210 ILCS 45]
 - F) Probate Act of 1975 [755 ILCS 5]
 - G) Illinois Public Aid Code [305 ILCS 5]
 - H) Illinois Administrative Procedure Act [5 ILCS 100]

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- I) Health Care Worker Background Check Act [225 ILCS 46]
- J) Criminal Code of 1961 [720 ILCS 5]
- K) Cannabis Control Act [720 ILCS 550]
- L) Powers of Attorney for Health Care Law [755 ILCS 45/Art. IV]
- M) Health Care Surrogate Act [755 ILCS 40]
- N) Illinois Controlled Substances Act [720 ILCS 570]
- O) Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135]
- P) Hospice Program Licensing Act [210 ILCS 60]
- Q) Freedom of Information Act [5 ILCS 140]
- R) ~~Alzheimer's~~Alzheimers's Special Care Disclosure Act [210 ILCS 4]
- S) Home Health, Home Services, and Home Nursing Agency Licensing Act [210 ILCS 55]
- T) Code of Civil Procedure [735 ILCS 5]
- U) Dietetic and Nutrition Services Practice Act [225 ILCS 30]
- V) Community Living Facilities Licensing Act [210 ILCS 35]
- W) Supportive ~~Residences~~Residence Licensing Act [~~21020~~ ILCS 65]
- X) Life Care Facilities Act [210 ILCS 40]
- Y) Uniform Conviction Information Act [20 ILCS 2635]
- Z) Criminal Jurisprudence Act [720 ILCS 115]

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AA) Wrongs to Children Act [720 ILCS 150]

3) State of Illinois rules:

A) Capital Development Board, Illinois Accessibility Code (71 Ill. Adm. Code 400)

B) Department of Public Health

i) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)

ii) Food Service Sanitation Code (77 Ill. Adm. Code 750)

iii) Private Sewage Disposal Code (77 Ill. Adm. Code 905)

iv) Drinking Water Systems Code (77 Ill. Adm. Code 900)

v) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)

vi) Public Area Sanitary Practice Code (77 Ill. Adm. Code 895)

vii) Control of Tuberculosis Code (77 Ill. Adm. Code 696)

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 295.500 Application for License

a) *An applicant shall provide the following information, on forms provided by the Department, to be considered for licensure:*

1) *The business name, street address, mailing address, and telephone number of the establishment;*

2) *The name and mailing address of the owner or owners of the establishment and, if the owner or owners are not natural persons,*

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identification of the type of business entity of the owners, and the names and addresses of the officers and members of the governing body, or comparable persons for partnerships, limited liability companies, or other types of business organizations;

- 3) *Financial information establishing that the project is financially feasible, in one of the following forms:*
 - A) A surety bond in an amount equal to at least three months operating expenses;
 - B) An independent certified public accountant's report expressing an opinion on the financial status of the establishment;
 - C) An audited financial report certifying the financial status of the applicant;
 - D) The entity's most recent bond rating (less than 2 years old) from Fitch's, Moody's, or Standard and Poor's rating agency that documents an "A" rating or better;
 - E) Evidence of operation for at least 2 years of a facility licensed under the Nursing Home Care Act or under the Assisted Living and Shared Housing Act; or
 - F) If the applicant is not able to provide any of the information listed in subsections (a)(3)(A)-(E), the applicant may provide any other information acceptable to the Department that demonstrates financial status.
- 4) *The name and mailing address of the managing agent of the establishment, whether hired under a management agreement or lease agreement, if different from the owner or owners, and the name of the full-time manager;*
- 5) *Verification that the establishment has entered or will enter into a service delivery contract as provided in Section 295.2030, as required under the Act, with each resident or resident's representative;*
- 6) *The name and address of at least one natural person who shall be*

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responsible for dealing with the Department on all matters provided for in this Part, on whom personal service of all notices and orders shall be made, and who shall be authorized to accept service on behalf of the owner or owners and the managing agent. Notwithstanding a contrary provision of the Code of Civil Procedure, personal service on the person identified pursuant to this subsection (a)(6) shall be considered service on the owner or owners and the managing agent, and it shall not be a defense to any action that personal service was not made on each individual or entity;

- 7) *The signature of the authorized representative of the owner or owners;*
- 8) *Proof of an ongoing quality improvement program in accordance with Section 295.2060 of this Part;*
- 9) *Information about the number and types of units and the maximum census;*
- 10) If all units are not licensed, the establishment shall maintain documentation of which units are providing assisted living services. This number shall not exceed the number of units on the license. The entire building having any licensed units shall meet the physical plant requirements of this Part;
- 11) *Information about the mandatory and optional services to be provided at the establishment;*
- 12) *Proof of compliance with applicable State and local residential standards, as evidenced by completion of the Department's Certificate of Compliance form;*
- 13) *A copy of the standard contract offered to residents;*
- 14) *Documentation of adequate liability insurance; (Section 30 of the Act)*
- 15) If the establishment does not have a permit under the Life Care Facilities Act and the establishment requires entrance or application fees in excess of three months of a resident's minimum fees, the establishment must maintain a bond or restricted account that guarantees the return of the resident's entrance fees and/or the unused portion of his or her deposit if

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the establishment ceases to operate;

- 16) A completed Alzheimer's Special Care Disclosure form; and
 - 17) A schematic drawing of the establishment.
- b) To support regulatory activities necessary to implement the Act, applications shall be accompanied by a nonrefundable fee of:
- 1) ~~\$1,000~~~~\$300~~ for an assisted living establishment and ~~\$10~~~~\$5~~ per licensed unit; or
 - 2) ~~\$500~~~~\$150~~ for a shared housing establishment.
- c) If any of the information in the application changes during the application process, the applicant shall notify the Department, in writing, of those changes. Such written notification will become a part of the licensee's file.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Number: 100.3010 Proposed Action: Amendment
- 4) Statutory Authority: 35 ILCS 5/1401 and 5/1501(a)(1)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking updates the guidance on determining "business income" in Section 100.3010 to reflect the amendments made to the definition of "business income" in IITA Section 1501(a)(1) by Public Act 93-840.
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>IL Register Citation:</u>
100.2110	Amendment	31 Ill. Reg. 13086; September 14, 2007
100.2160	Amendment	31 Ill. Reg. 13331; September 21, 2007
100.5070	New Section	31 Ill. Reg. 13697; October 5, 2007
100.5080	New Section	31 Ill. Reg. 13697; October 5, 2007
100.2197	Amendment	31 Ill. Reg. 14217; October 12, 2007
100.2406	New Section	31 Ill. Reg. 15240; November 16, 2007
100.2450	New Section	31 Ill. Reg. 15744; November 26, 2007
100.3420	New Section	31 Ill. Reg. 16428; December 14, 2007
100.2405	New Section	31 Ill. Reg. 16695; December 21, 2007

- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

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- 12) Time, Place and Manner in which interested persons may comment on this rulemaking: Persons who wish to submit comments on this rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Paul Caselton
Deputy General Counsel - Income Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794

217/524-3951

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Small businesses and not-for-profit corporations with unrelated business taxable incomes will receive guidance on the expanded definition of "business income" from Public Act 93-840. Municipalities are not affected.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2007

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section	
100.2000	Introduction
100.2050	Net Income (IITA Section 202)

SUBPART B: CREDITS

Section	
100.2100	Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
100.2101	Replacement Tax Investment Credit (IITA 201(e))
100.2110	Investment Credit; Enterprise Zone (IITA 201(f))
100.2120	Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))
100.2130	Investment Credit; High Impact Business (IITA 201(h))
100.2140	Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150	Training Expense Credit (IITA 201(j))
100.2160	Research and Development Credit (IITA 201(k))
100.2163	Environmental Remediation Credit (IITA 201(l))
100.2165	Education Expense Credit (IITA 201(m))
100.2170	Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2180	Credit for Residential Real Property Taxes (IITA 208)
100.2185	Film Production Services Credit (IITA 213)
100.2190	Tax Credit for Affordable Housing Donations (IITA Section 214)
100.2195	Dependent Care Assistance Program Tax Credit (IITA 210)
100.2196	Employee Child Care Assistance Program Tax Credit (IITA Section 210.5)
100.2197	Foreign Tax Credit (IITA Section 601(b)(3))
100.2198	Economic Development for a Growing Economy Credit (IITA 211)
100.2199	Illinois Earned Income Tax Credit (IITA 212)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS
OCCURRING PRIOR TO DECEMBER 31, 1986

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NOTICE OF PROPOSED AMENDMENT

Section

- 100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) - Scope
- 100.2210 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Definitions
- 100.2220 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) - Current Net Operating Losses: Offsets Between Members
- 100.2230 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) - Carrybacks and Carryforwards
- 100.2240 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Effect of Combined Net Operating Loss in Computing Illinois Base Income
- 100.2250 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS FOR LOSSES
OCCURRING ON OR AFTER DECEMBER 31, 1986

Section

- 100.2300 Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2310 Computation of the Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
- 100.2320 Determination of the Amount of Illinois Net Loss for Losses Occurring On or After December 31, 1986
- 100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring On or After December 31, 1986
- 100.2340 Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
- 100.2350 Illinois Net Losses and Illinois Net Loss Deductions, for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary

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NOTICE OF PROPOSED AMENDMENT

Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF
INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section

- 100.2410 Net Operating Loss Carryovers for Individuals, and Capital Loss and Other Carryovers for All Taxpayers (IITA Section 203)
- 100.2430 Addition and Subtraction Modifications for Transactions with 80-20 Companies
- 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
- 100.2480 Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))
- 100.2490 Foreign Trade Zone/High Impact Business Dividend Subtraction (IITA Sections 203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), 203(d)(2)(M))

SUBPART F: BASE INCOME OF INDIVIDUALS

Section

- 100.2580 Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))
- 100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section

- 100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity (Repealed)

SUBPART I: GENERAL RULES OF ALLOCATION AND
APPORTIONMENT OF BASE INCOME

Section

- 100.3000 Terms Used in Article 3 (IITA Section 301)
- 100.3010 Business and Nonbusiness Income (IITA Section 301)
- 100.3015 Business Income Election (IITA Section 1501)
- 100.3020 Resident (IITA Section 301)

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SUBPART J: COMPENSATION

Section

- 100.3100 Compensation (IITA Section 302)
- 100.3110 State (IITA Section 302)
- 100.3120 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

- 100.3200 Taxability in Other State (IITA Section 303)
- 100.3210 Commercial Domicile (IITA Section 303)
- 100.3220 Allocation of Certain Items of Nonbusiness Income by Persons Other Than Residents (IITA Section 303)

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

- 100.3300 Allocation and Apportionment of Base Income (IITA Section 304)
- 100.3310 Business Income of Persons Other Than Residents (IITA Section 304) - In General
- 100.3320 Business Income of Persons Other Than Residents (IITA Section 304) - Apportionment (Repealed)
- 100.3330 Business Income of Persons Other Than Residents (IITA Section 304) - Allocation
- 100.3340 Business Income of Persons Other Than Residents (IITA Section 304)
- 100.3350 Property Factor (IITA Section 304)
- 100.3360 Payroll Factor (IITA Section 304)
- 100.3370 Sales Factor (IITA Section 304)
- 100.3380 Special Rules (IITA Section 304)
- 100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))
- 100.3400 Apportionment of Business Income of Financial Organizations (IITA Section 304(c))
- 100.3500 Allocation and Apportionment of Base Income by Nonresident Partners

SUBPART M: ACCOUNTING

Section

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NOTICE OF PROPOSED AMENDMENT

100.4500 Carryovers of Tax Attributes (IITA Section 405)

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section

100.5000 Time for Filing Returns: Individuals (IITA Section 505)
100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)
100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)
100.5040 Innocent Spouses
100.5050 Frivolous Returns
100.5060 Reportable Transactions

SUBPART O: COMPOSITE RETURNS

Section

100.5100 Composite Returns: Eligibility
100.5110 Composite Returns: Responsibilities of Authorized Agent
100.5120 Composite Returns: Individual Liability
100.5130 Composite Returns: Required forms and computation of Income
100.5140 Composite Returns: Estimated Payments
100.5150 Composite Returns: Tax, Penalties and Interest
100.5160 Composite Returns: Credits for Resident Individuals
100.5170 Composite Returns: Definition of a "Lloyd's Plan of Operation"

SUBPART P: COMBINED RETURNS

Section

100.5200 Filing of Combined Returns
100.5201 Definitions and Miscellaneous Provisions Relating to Combined Returns
100.5205 Election to File a Combined Return
100.5210 Procedures for Elective and Mandatory Filing of Combined Returns
100.5215 Filing of Separate Unitary Returns
100.5220 Designated Agent for the Members
100.5230 Combined Estimated Tax Payments
100.5240 Claims for Credit of Overpayments
100.5250 Liability for Combined Tax, Penalty and Interest

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NOTICE OF PROPOSED AMENDMENT

100.5260	Combined Amended Returns
100.5265	Common Taxable Year
100.5270	Computation of Combined Net Income and Tax
100.5280	Combined Return Issues Related to Audits

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section

100.7000	Requirement of Withholding (IITA Section 701)
100.7010	Compensation Paid in this State (IITA Section 701)
100.7020	Transacting Business Within this State (IITA Section 701)
100.7030	Payments to Residents (IITA Section 701)
100.7040	Employer Registration (IITA Section 701)
100.7050	Computation of Amount Withheld (IITA Section 702)
100.7060	Additional Withholding (IITA Section 701)
100.7070	Voluntary Withholding (IITA Section 701)
100.7080	Correction of Underwithholding or Overwithholding (IITA Section 701)
100.7090	Reciprocal Agreement (IITA Section 701)
100.7095	Cross References

SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

Section

100.7100	Withholding Exemption (IITA Section 702)
100.7110	Withholding Exemption Certificate (IITA Section 702)
100.7120	Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

SUBPART S: INFORMATION STATEMENT

Section

100.7200	Reports for Employee (IITA Section 703)
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SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

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AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at

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5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687,

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effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. 18225, effective November 17, 2003; emergency amendment at 27 Ill. Reg. 18464, effective November 20, 2003, for a maximum of 150 days; emergency expired April 17, 2004; amended at 28 Ill. Reg. 1378, effective January 12, 2004; amended at 28 Ill. Reg. 5694, effective March 17, 2004; amended at 28 Ill. Reg. 7125, effective April 29, 2004; amended at 28 Ill. Reg. 8881, effective June 11, 2004; emergency amendment at 28 Ill. Reg. 14271, effective October 18, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 14868, effective October 26, 2004; emergency amendment at 28 Ill. Reg. 15858, effective November 29, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2420, effective January 28, 2005; amended at 29 Ill. Reg. 6986, effective April 26, 2005; amended at 29 Ill. Reg. 13211, effective August 15, 2005; amended at 29 Ill. Reg. 20516, effective December 2, 2005; amended at 30 Ill. Reg. 6389, effective March 30, 2006; amended at 30 Ill. Reg. 10473, effective May 23, 2006; amended by 30 Ill. Reg. 13890, effective August 1, 2006; amended at 30 Ill. Reg. 18739, effective November 20, 2006; amended at 31 Ill. Reg. 16240, effective November 26, 2007; amended at 32 Ill. Reg. _____, effective _____.

SUBPART I: GENERAL RULES OF ALLOCATION AND
APPORTIONMENT OF BASE INCOME

Section 100.3010 Business and Nonbusiness Income (IITA Section 301)

- a) In general. For purposes of administration of Article 3 of the Illinois Income Tax Act;
- 1) For transactions and activities occurring prior to July 30, 2004 (the effective date of Public Act 93-0840), business income is income arising from transactions and activity in the regular course of a trade or business, net of the deductions allocable thereto, and includes income from tangible and intangible property constituting integral parts of a person's regular trade or business operations. (See IITA Section 1501(a)(1), prior to amendment by Public Act 93-0840.) The term does not include compensation or the deductions allocable thereto (see Section 100.3110 of this Part). A person's income is business income unless clearly classifiable as nonbusiness income. Nonbusiness income means all income other than business income or compensation. The classification of

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income by the labels occasionally used, such as manufacturing income, sales income, interest, dividends, rents, royalties, gains, and operating income, is of no aid in determining whether income is business or nonbusiness income. Income of any type or class and from any source is business income if it arises from transactions and activity occurring in the regular course of trade or business operations. Accordingly, the critical element in determining whether income is "business income" or "nonbusiness income" is the identification of the transactions and activity which are the elements of a particular trade or business. In general, all transactions and activity which are dependent upon or contribute to the operations of the economic enterprise as a whole will be transactions and activity arising in the regular course of a trade or business. ~~See Section 100.3010(d) of this Part for more specific examples of the classification of income as business or nonbusiness income.~~

- 2) For transactions or activities occurring on or after July 30, 2004, business income is all income that may be treated as apportionable business income under the Constitution of the United States. (See IITA Section 1501(a)(1), after amendment by Public Act 93-0840.) By adopting this definition, the General Assembly overruled the decisions in the following cases:
- A) Blessing/White, Inc. v. Zehnder, 329 Ill. App. 3d 714 (Third Div. 2002) and American States Insurance Co. v. Hamer, 352 Ill. App. 3d 521 (First Div. 2004), which held that the gain on a sale of an entire line of business was nonbusiness income. This "liquidating sale" exclusion from business income was based on the courts' construction of the statutory definition of business income prior to the enactment of Public Act 93-0840, and not on any principle of the Constitution of the United States.
- B) Hercules, Inc. v. Zehnder, 324 Ill. App. 3d 329 (First Div. 2001), which held that gain realized on the sale of the taxpayer's stock in a subsidiary corporation that it had received in exchange for the contribution of assets used in its business was not business income. The taxpayer's basis in its stock was determined by its basis in the assets exchanged, so that the gain realized on the sale was attributable, at least in part, to its use of those assets in its business before the exchange. Accordingly, the investment that produced

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the gain had an operational function related to that business, and is subject to apportionment under Allied-Signal v. Director, 504 US 768 (1992). In addition, the court's holding that the taxpayer was not engaged in a unitary business with the subsidiary was based in part on the fact that the taxpayer did not meet the statutory "common ownership" requirement in IITA Section 1501(a)(27), which provides that a corporation must be owned more than 50% in order to be engaged in a unitary business. There is no such requirement in the Constitution of the United States, and a unitary business may exist with less than 50% common ownership. See In re Panhandle Eastern Pipe Line Co., 39 P.3d 21 (Ks. 2002) and True v. Heitkamp, 470 NW2d 582 (N.D. 1991). Accordingly, a taxpayer may be engaged in a unitary business with a subsidiary in which it holds only a minority interest, so that the gain or loss realized on the sale of its stock in the subsidiary is subject to apportionment under Allied-Signal v. Director, 504 US 768 (1992).

3) For all taxable years:

- A) Business income is net of the deductions allocable thereto and does not include compensation or the deductions allocable thereto (IITA Section 1501(a)(1)).
- B) Nonbusiness income means all income other than business income or compensation (IITA Section 1501(a)(13)).
- C) A person's income is business income unless clearly classifiable as nonbusiness income.

b) Two or more businesses of a single person

- 1) A person may have more than one "trade or business". In such cases, it is necessary to determine the business income attributable to each separate trade or business. In the case of a person other than a resident, the income of each business is then apportioned by a formula which takes into consideration the instate and outstate factors which relate to the trade or business the income of which is being apportioned.

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- 2) Example: The person is a corporation with three operating divisions. One division is engaged in manufacturing aerospace items for the federal government. Another division is engaged in growing tobacco products. The third division produces and distributes motion pictures for theaters and television. Each division operates independently; there is no strong central management. Each division operates in this state as well as in other states. In this case, it is fair to conclude that the corporation is engaged in three separate "trades or businesses". Accordingly, the amount of business income attributable to the corporation's trade or business activities in this state is determined by applying an apportionment formula to the business income of each business.
- 3) The determination of whether the activities of the person constitute a single trade or business or more than one trade or business will turn on the facts in each case. In general, the activities of the person will be considered a single business if there is evidence to indicate that the segments under consideration are integrated with, dependent upon, or contribute to each other and the operations of the person as a whole. The following factors are considered to be good indicia of a single trade or business, and the presence of any one of these factors creates a strong indication that the activities of the person constitute a single trade or business.
 - A) Same type of business. A person is generally engaged in a single trade or business when all of its activities are in the same general line. For example, a person which operates a chain of retail grocery stores will almost always be engaged in a single trade or business.
 - B) Steps in a vertical process. A person is almost always engaged in a single trade or business when its various divisions or segments are engaged in a vertically structured enterprise. For example, a person which explores for and mines copper ores; concentrates, smelts and refines the copper ores; and fabricates the refined copper into consumer products is engaged in a single trade or business, regardless of the fact that the various steps in the process are operated substantially independently of each other with only general supervision from the person's executive offices.

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- C) Strong centralized management. A person which might otherwise be considered as engaged in more than one trade or business is properly considered as engaged in one trade or business when there is a strong central management, coupled with the existence of centralized departments for such functions as financing, advertising, research, or purchasing. Thus, some corporations may properly be considered as engaged in only one trade or business when the central executive officers are normally involved in the operations of the various divisions and there are centralized offices which perform for the divisions the normal matters which a truly independent business would perform for itself, such as accounting, personnel, insurance, legal, purchasing, advertising, or financing. Note in this connection that neither the existence of central management authority, nor the exercise of that authority over any particular function (through centralized departments or offices), is determinative in itself; the entire operations of the person must be examined in order to determine whether or not strong centralized management absent other unitary indicia as described above (i.e., same type of business or steps in a vertical process) justifies a conclusion that the activities of the person constitute a single trade or business. Both elements of strong centralized management, i.e., strong central management authority and the exercise of that authority through centralized departments or offices, must exist in order to justify a conclusion that the operations of seemingly separate divisions are significantly integrated so as to constitute a single trade or business.

e) Unitary business

- 1) ~~Defined.—A trade or business carried on by more than one person is unitary in nature when the persons are related through common ownership and when the trade or business activities of each of the persons are integrated with, dependent upon, or contribute to the activities of one or more of the other persons.—Common ownership, while necessary to the existence of a unitary business group, is not sufficient in itself to establish the existence of a unitary business group.—The following factors are considered to be good indicia of a single trade or business, and the presence of any one of these factors creates a strong indication that the activities of the persons constitute a single trade or business.~~

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- A) ~~Same type of business. A trade or business carried on by more than one person is unitary in nature when all of the activities of the persons are in the same general line. For example, separately incorporated grocery stores will almost always be engaged in a unitary trade or business.~~
- B) ~~Steps in a vertical process. A trade or business carried on by more than one person is unitary in nature when the various members are engaged in a vertically structured enterprise. For example, assuming that the common ownership requirement is met, a trade or business that involves the exploration and mining of copper ore by one of the related persons; the smelting and refining of the copper ores by another of the related persons; and, the fabrication of the refined copper into consumer products by another of the related persons, is unitary in nature regardless of the fact that the various steps in the process are operated substantially independently of each other with only general supervision from one of the persons.~~
- C) ~~Strong centralized management. A group of persons which might otherwise be considered as engaged in more than one trade or business is properly considered as engaged in a unitary trade or business when there is strong central management, coupled with the existence of centralized offices for such functions as financing, advertising, research, or purchasing. Thus, some groups of persons may properly be considered as engaged in a unitary trade or business when the executive officers of one of the persons are normally involved in the operations of the other persons in the group and there are centralized units which perform for some or all of the persons, functions which truly independent persons would perform for themselves, such as accounting, personnel, insurance, legal, purchasing, advertising or financing. Note in this connection that neither the existence of central management authority, nor the exercise of that authority over the particular function (through centralized operations), is determinative in itself; the entire operations of the group must be examined in order to determine whether or not strong centralized management absent other unitary indicia as described above (i.e., same type of business or~~

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~~steps in a vertical process) justifies a conclusion that the activities of the persons constitute a unitary trade or business. A finding of "strong centralized management" cannot be supported merely by showing that the requisite ownership percentage exists or that there is some incidental economic benefit accruing to a group because such ownership improves its financial position. Both elements of strong centralized management, i.e., strong central management authority and the exercise of that authority through centralized operations, must exist in order to justify a conclusion that the operations of otherwise seemingly separate trades or businesses are significantly integrated so as to constitute a unitary business.~~

- ~~2) Common ownership. Common ownership in the case of a corporation is the direct or indirect ownership or control of more than 50% of the outstanding voting stock of the persons conducting a unitary trade or business.~~
- ~~3) Apportionment for a group of related persons carrying on a unitary business. See Section 100.5270 of this Part.~~
- ~~4) Examples. The provisions of this paragraph may be illustrated by the following examples.~~
 - ~~A) Example A: Sales corporation owns 51% of the outstanding voting stock in each of four subsidiaries, Refining Corporation, Drilling Corporation, Transport Corporation and Research Corporation. Sales Corporation markets and sells petroleum products in the United States and abroad. Nearly all of the petroleum products are obtained from Refining Corporation which acquires the crude oil from Drilling Corporation. Transport Corporation operates pipeline facilities and a large fleet of ocean-going vessels used to transport the crude oil from Drilling Corporation's storage facilities to Refining Corporation's refineries. Research Corporation conducts research and development for both Sales and Refining Corporations. The five corporations are conducting a unitary business.~~
 - ~~B) Example B: Corporation A owns 60% of the outstanding voting stock in each of three corporations, B, C and D. Corporation B, in~~

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~~turn, owns 100% of the outstanding voting stock in Corporation E. Corporation A is primarily engaged in operating multi-line department stores in Illinois and other mid-western states. Corporation B operates a chain of department stores in the northwestern portion of the United States. B's stores sell only high quality, top grade consumer items. Corporation C operates a chain of discount stores throughout the southwestern portion of the United States. Corporation D is a finance company, handling all of the consumer credit and financing arrangements of purchases at the stores owned by Corporation's A, B and C. Corporation E is the purchasing agent for Corporations A and B and maintains warehouses for the stores' inventories. Corporation A provides management services for all of the other corporations and maintains overall control of the other corporations' budgetary and financial affairs. All of these corporations are engaged in the conduct of a unitary business.~~

- ~~C) Example C: Same facts as Example B, except that Corporation A owns only 15% of the outstanding voting stock of Corporation C. While the activities of Corporation C contribute to and are related to the business activities of the other corporations, it cannot be included in the unitary group for combined apportionment purposes since the requisite ownership is lacking. However, any dividends or other income paid A which arises from A's ownership interest in C will be business income and included in the total combined unitary business income since the acquisition, management, and disposition of Corporation C's stock constitutes an integral part of the business activity conducted by A.~~
- ~~D) Example D: Corporation K was incorporated in 1945 and thereafter was engaged primarily in activities connected with the manufacture and sale of canned goods. In 1960, K embarked upon a diversification campaign designed to insulate its profits from fluctuations in the demand for canned goods. 100% of the voting stock of Corporation L was acquired. Corporation L operated a chain of department stores throughout the United States. In 1961, K purchased 80% of the voting stock of Corporation M which was engaged primarily in the manufacture and sale of household goods. In 1962, K acquired 75% of the voting stock of Corporation N~~

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~~which developed and marketed computer software and programs. There was no significant flow of goods between any of the corporations. While these subsidiaries were relatively autonomous in their day-to-day operations, Corporation K's board of directors maintained overall management control of all of the acquired corporations. The subsidiaries were required to submit annual budgets to K's board for approval. Capital expenditures in excess of \$500,000 needed approval from K's board. All of the financing arrangements for the subsidiaries were made by or with the approval of K's management team which authorized and directed intercompany loans when feasible. Tax matters were supervised by K's Tax Department which prepared the subsidiaries' federal and state income tax returns. Corporation K also performed centralized warehousing and accounting functions for itself and its subsidiaries. A uniform system of inventory control for Corporation K and the subsidiaries was developed and managed by Corporation N. Due to the control that Corporation K exerted over the subsidiaries and the integration and interdependence occasioned by the centralization of various business functions, all of the corporations are engaged in a unitary business.~~

- E) ~~Example E: Same facts as in Example D, except that, although Corporation K's board of directors and executive officers maintained overall management control of all of the acquired corporations with regard to major policy matters such as personnel and capital expenditures, there was insufficient integration because of the absence of such centralized operations as warehousing, purchasing, inventory control, or marketing strategy. Consequently, due to the absence of strong centralized management, the corporations were not engaged in the conduct of unitary business.~~
- F) ~~Example F: Corporation A and subsidiaries B, C and D are engaged in the manufacture and sale of sophisticated computer equipment. A separate subsidiary, Corporation E, was organized to engage in the manufacture and sale of aluminum building products. The plant occupied by E was constructed by A and rented to E at a fair market rental. The products of A, B, C and D require highly advanced technology involving extensive research~~

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~~and development and a highly skilled technical sales force. The products of E require little technology and are marketed by a separate sales force. Due to the absence of a common centralized executive force and accounting system, the existence of separate systems of operation, and the lack of sufficient interdependence, the business operation of E is not considered part of the unitary business of A and the other subsidiaries.~~

- ~~c)d~~ Items referred to in IITA Section 303 and unspecified items under IITA Section 301(c)(2)
- 1) In general. IITA Section 303 provides rules for the allocation by persons other than residents of Illinois of any item of capital gain or loss, and any item of income from rents or royalties from real or tangible personal property, interest, dividends, and patent or copyright royalties, and prizes awarded under the Illinois Lottery Law [20 ILCS 1605] together with any item of deduction directly allocable thereto, to the extent such item constitutes nonbusiness income. In addition, IITA Section 301(c)(2) provides rules for the allocation by such persons of unspecified items of nonbusiness income. Any item may, in a given case, constitute either business income or nonbusiness income depending on all the facts and circumstances. The following are rules and examples for determining whether particular income is business or nonbusiness income. (The examples used throughout these regulations are illustrative only and do not purport to set forth all pertinent facts.)
 - 2) Rents from real and tangible personal property. Rental income from real and tangible property is business income if the property with respect to which the rental income was received is used in the person's trade or business or is attendant thereto and therefore is includable in the property factor under Section 100.3350 ~~of this Part~~.
 - A) Example A: A corporation operates a multistate car rental business. The income from car rentals is business income.
 - B) Example B: A corporation is engaged in the heavy construction business in which it uses equipment such as cranes, tractors, and earth moving vehicles. The corporation makes short-term leases of the equipment when particular pieces of equipment are not needed

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on any particular project. The rental income is business income.

- C) Example C: A corporation operates a multistate chain of men's clothing stores. The corporation purchases a five-story office building for use in connection with its trade or business. It uses the street floor as one of its retail stores and the second and third floors for its general corporate headquarters. The remaining two floors are leased to others. The rental of the two floors is attendant to the operation of the corporation's trade or business. The rental income is business income.
 - D) Example D: A corporation operates a multistate chain of grocery stores. As an investment, it uses surplus funds to purchase an office building in another state, leasing the entire building to others. The rental is not attendant to, but rather is separate from, the operation of the grocery store trade or business. Therefore, the net rental income is nonbusiness income.
 - E) Example E: A corporation operates a multistate chain of men's clothing stores. The corporation invests in a 20-story office building and uses the street floor as one of its retail stores and second floor for its general corporate headquarters. The remaining 18 floors are leased to others. The rental of the 18 floors is not attendant to, but rather is separate from, the operation of the corporation's trade or business. Therefore, the net rental income is nonbusiness income.
 - F) Example F: A corporation constructed a plant for use in its multistate manufacturing business and 20 years later the plant was closed and put up for sale. The plant was rented for a temporary period from the time it was closed by the corporation until it was sold 18 months later. The rental income is business income and the gain on the sale of the plant is business income.
- 3) Gains or losses from sales of assets. Gain or loss from the sale, exchange or other disposition of real or tangible personal property constitutes business income if the property, while owned by the person, was used in its trade or business. However, if such property was utilized for the production of nonbusiness income or otherwise was removed from the

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property factor before its sale, exchange or other disposition, the gain or loss will constitute nonbusiness income. See Section 100.3350-~~of this Part.~~

- A) Example A: In conducting its multistate manufacturing business, a corporation systematically replaces automobiles, machines, and other equipment used in the business. The gains or losses resulting from those sales constitute business income.
 - B) Example B: A corporation constructed a plant for use in its multistate manufacturing business and 20 years later sold the property at a gain while it was in operation by the corporation. The gain is business income.
 - C) Example C: Same as subsection (c)(4)(3)(B) except that the plant was closed and put up for sale but was not in fact sold until a buyer was found 18 months later. The gain is business income.
 - D) Example D: Same as subsection (c)(4)(3)(C) except that the plant was rented while being held for sale. The rental income is business income and the gain on the sale of the plant is business income.
- 4) Interest. Interest income is business income where the intangible with respect to which the interest was received, is held or was created in the regular course of the person's trade or business operations or where the purpose for acquiring or holding the intangible is related or attendant to such trade or business operations.
- A) Example A: A corporation operates a multistate chain of department stores, selling for cash and on credit. Service charges, interest, or time-price differentials and the like are received with respect to installment sales and revolving charge accounts. These amounts are business income.
 - B) Example B: A corporation conducts a multistate manufacturing business. During the year the taxpayer receives a federal income tax refund and collects a judgment against a debtor of the business. Both the tax refund and the judgment bore interest. The interest

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income is business income.

- C) Example C: A corporation is engaged in a multistate manufacturing and wholesaling business. In connection with that business, the corporation maintains special accounts to cover such items as workmen's compensation claims, rain and storm damage, machinery replacement, etc. The moneys in those accounts are invested at interest. Similarly, the corporation temporarily invests funds intended for payment of federal, state and local tax obligations. The interest income is business income.
 - D) Example D: A corporation is engaged in a multistate money order and traveler's check business. In addition to the fees received in connection with the sale of the money orders and traveler's checks, the corporation earns interest income by the investment of the funds pending their redemption. The interest income is business income.
 - E) Example E: A corporation is engaged in a multistate manufacturing and selling business. The corporation usually has working capital and extra cash totaling \$200,000 which it regularly invests in short-term interest bearing securities. The interest income is business income.
- 5) Dividends. Dividends are business income where the stock with respect to which the dividends are received, is held or was acquired in the regular course of the person's trade or business operations or where the purpose for acquiring or holding the stock is related or attendant to such trade or business operations.
- A) Example A: A corporation operates a multistate chain of stock brokerage houses. During the year the corporation receives dividends on stock it owns. The dividends are business income.
 - B) Example B: A corporation is engaged in a multistate manufacturing and wholesaling business. In connection with that business the corporation maintains special accounts to cover such items as workmen's compensation claims, etc. A portion of the moneys in those accounts is invested in interest-bearing bonds.

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The remainder is invested in various common stocks listed on national stock exchanges. Both the interest income and any dividends are business income.

- C) Example C: Several unrelated corporations own all of the stock of another corporation whose business operations consist solely of acquiring and processing materials for delivery to the corporate owners of its stock. The corporations acquired the stock in order to obtain a source of supply of materials used in their manufacturing businesses. The dividends are business income.
 - D) Example D: A corporation is engaged in a multistate heavy construction business. Much of its construction work is performed for agencies of the federal government and various state governments. Under state and federal laws applicable to contracts for these agencies, a contractor must have adequate bonding capacity, as measured by the ratio of its current assets (cash and marketable securities) to current liabilities. In order to maintain an adequate bonding capacity the corporation holds various stocks and interest-bearing securities. Both the interest income and any dividends received are business income.
 - E) Example E: A corporation receives dividends from the stock of its subsidiary or affiliate which acts as the marketing agency for products manufactured by the corporation. The dividends are business income.
 - F) Example F: A corporation is engaged in a multistate glass manufacturing business. It also holds a portfolio of stock and interest-bearing securities, the acquisition and holding of which are unrelated to the corporation's trade or business operations. The dividends and interest income received are nonbusiness income.
- 6) Patent and copyright royalties. Patent and copyright royalties are business income where the patent or copyright with respect to which the royalties were received, is held or was created in the regular course of the person's trade or business operations or where the purpose for acquiring or holding the patent or copyright is related or attendant to such trade or business operations.

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- A) Example A: A corporation is engaged in the multistate business of manufacturing and selling industrial chemicals. In connection with that business, the corporation obtained patents on certain of its products. The corporation licensed the production of the chemicals in foreign countries, in return for which the corporation receives royalties. The royalties received by the taxpayer are business income.
- B) Example B: A corporation is engaged in the music publishing business and holds copyrights on numerous songs. The corporation acquired the assets of a smaller publishing company, including music copyrights. These acquired copyrights are thereafter used by the corporation in its business. Any royalties received on these copyrights are business income.
- C) Example C: Same as ~~Example B~~~~(B)~~, except that the acquired company also held the patent on a type of phonograph needle. The corporation does not manufacture or sell phonographs or phonograph equipment and the holding of the patent is unrelated to its publishing business operations. Any royalties received on the patent would be nonbusiness income.
- ~~d)e)~~ Proration and recapture of deductions
- 1) Most of a person's allowable deductions will be attributable only to the business income arising from a particular trade or business or to a particular item of nonbusiness income. In some cases an allowable deduction may be attributable to the business income of more than one trade or business and/or to several items of nonbusiness income.
 - 2) In such cases the deduction shall be prorated among such trades or businesses and such items of nonbusiness income in a manner which fairly distributes the deduction among the classes of income to which it is attributable. In filing returns with this state, if a person departs from or modifies the manner of prorating any such deduction used in returns for prior years, the taxpayer should disclose in the return for the current year the nature and extent of the modification. If the returns or reports filed by a person with all states to which the taxpayer reports under Article IV of

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the Multistate Tax Compact or the Uniform Division of Income for Tax Purposes Act are not uniform in the attribution or proration of any deduction, the person shall disclose in its return to this state the nature and extent of the variance.

- 3) *If in prior years income from an asset or business has been classified as business income and in a later year is demonstrated to be non-business income, then all expenses, without limitation, deducted in such later year and in the 2 immediately-preceding taxable years related to that asset or business that generated the non-business income shall be added back and recaptured as business income in the year of the disposition of the asset or business. Such amount shall be apportioned to Illinois using the greater of the apportionment fraction computed for the business under IITA Section 304 for the taxable year or the average of the apportionment fractions computed for the business under IITA Section 304 for the taxable year and for the 2 immediately preceding taxable years (IITA Section 203(e)(3)).*

e)Ⓢ Definitions

- 1) The term "allocation" refers to the assignment of nonbusiness income to a particular state.
- 2) The term "apportionment" refers to the division of business income between states by the use of a formula containing apportionment factors.
- 3) The term "business activity" refers to the transactions and activity occurring in the regular course of a particular trade or business.
- 4) The term "person" under IITA Section 1501(a)(18) shall be construed to mean and include an individual, trust, estate, partnership, association, firm, company, corporation or fiduciary.
- 5) The term "taxpayer" is defined in IITA Section 1501(a)(24) to mean any person subject to the tax imposed by the Act.
- 6) For a definition of the term "commercial domicile", see Section 100.3210 of this Part.

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- 7) For a definition of the term "resident", see Section 100.3020 ~~of this Part.~~ |
- 8) For a definition of the term "state", see Section 100.3110 ~~of this Part.~~ |
- 9) For a definition of the term "taxable in another state", see Section 100.3200 ~~of this Part.~~ |

(Source: Amended at 32 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Motor Fuel Tax
- 2) Code Citation: 86 Ill. Adm. Code 500
- 3) Section Number: 500.203 Proposed Action: Amendment
- 4) Statutory Authority: Public Act 95-0264; 35 ILCS 505/14
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements the provisions of Public Act 95-264, which imposes minimal reporting requirements under the Motor Fuel Tax Law and the Environmental Impact Fee Law for persons who produce specified amounts of biodiesel fuel or biodiesel fuel blends for self-use and not for resale. Public Act 95-264 also exempts such persons, deemed "private biodiesel fuel producers", from all licensing requirements under the Motor Fuel Tax Law. Effective July 1, 2007, if a private biodiesel fuel producer's total gallonage is less than 5,000 gallons per year, he may report and pay his motor fuel taxes once a year. If his total gallonage is 5,000 gallons or more per year, he must report and pay his motor fuel taxes on a monthly basis. In addition, such producers are exempt from all bonding and licensure requirements imposed under the Motor Fuel Tax Law. The rulemaking also amends the newly renumbered subsection (d) of the regulation to require that effective for returns filed on and after December 31, 2007, schedule support data must be submitted on either 3½ inch diskette, CDs in the Joliet format, or mainframe cartridges which are IBM or IBM compatible. This subsection is also amended to require that effective for returns due on and after December 31, 2007, Schedule M must be filed on magnetic media.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect: No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No

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- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Jerilynn Troxell Gorden
Deputy General Counsel - Sales & Excise Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794

217/782-2844
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: Motor fuel distributors and suppliers; any small business that might be a "private biodiesel fuel producer".
 - B) Reporting, bookkeeping or other procedures required for compliance: General bookkeeping
 - C) Types of professional skills necessary for compliance: General bookkeeping
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2007

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 500

MOTOR FUEL TAX

SUBPART A: DEFINITIONS

Section	
500.100	Definitions
500.101	Definition of Receiver (Repealed)
500.102	Definition of Loss (Repealed)
500.103	Basis and Rate of Tax Payable by Receivers (Recodified)
500.105	Monthly Returns (Recodified)
500.110	Report of Loss of Motor Fuel (Recodified)
500.115	Daily Gallonage Record (Recodified)
500.120	Licenses Are Not Transferable (Recodified)
500.125	Changes of Corporate Officers (Recodified)
500.130	Blenders' Permits Are Not Transferable (Recodified)
500.135	Vehicles of Distributors Transporting Petroleum Products (Recodified)
500.140	Other Vehicles (Recodified)
500.145	Cost of Collection – Determination (Recodified)
500.150	Cost of Collection – Books and Records (Repealed)
500.155	Motor Fuel Consumed by Distributors, Special Fuel Consumed by Suppliers and Fuel Consumed by Receivers (Recodified)
500.160	Claims for Refund – Original Invoices (Recodified)
500.165	Definition of Loss (Recodified)
500.170	Sales of Special Fuel – Variation in Usage (Recodified)
500.175	Special Motor Fuel Permits and Decals (Recodified)
500.180	Estimated Claims Not Acceptable (Recodified)
500.185	Claimants Owning Motor Vehicles (Recodified)
500.190	Detailed Answers (Recodified)
500.195	Revocation of License, Etc. – Notice – Hearing (Recodified)

SUBPART B: MOTOR FUEL TAX

Section	
500.200	Basis and Rate of the Motor Fuel Tax
500.201	Licensure

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500.202	Basis and Rate of Tax Payable by Receivers
500.203	Monthly Returns
500.204	Report of Loss of Motor Fuel
500.205	Daily Gallonage Record
500.206	Special Fuel Sold or Used for Non-Highway Purposes
500.210	Documentation of Tax-free Sales of Motor Fuel Made by Licensed Distributors and Suppliers
500.215	Documentation of Tax-free Sales of Fuel Made by Licensed Receivers
500.220	Vehicles of Distributors Transporting Petroleum Products (Repealed)
500.225	Other Vehicles (Repealed)
500.230	Motor Fuel Consumed by Distributors, Special Fuel Consumed by Suppliers and Fuel Consumed by Receivers
500.235	Claims for Refund – Invoices
500.240	Sales of Special Fuel – Variation in Usage (Repealed)
500.245	Estimated Claims
500.250	Claimants Owning Motor Vehicles (Repealed)
500.255	Detailed Answers
500.260	Revocation of License, Etc. – Notice – Hearing
500.265	Distributors' and Suppliers' Claims for Credit or Refund
500.270	Receivers' Claims for Credit
500.275	Procedure When Tax-Paid Motor Fuel is Returned to Licensee for Credit
500.280	Sales of Motor Fuel to Municipal Corporations Owning and Operating Local Transportation Systems
500.285	Sales of Motor Fuel to Certain Privately-Owned Public Utilities Owning and Operating Transportation Systems in Metropolitan Areas
500.290	When Purchaser's License Number With Department on Invoices Covering Sales of Special Fuel is Required (Repealed)
500.295	Cost of Collection – Determination (Repealed)
500.297	Protest Procedures for Certain Penalties
500.298	Civil Penalties for Dyed Diesel Fuel Violations

SUBPART C: MOTOR FUEL USE TAX

Section	
500.300	Licensure
500.301	Special Motor Fuel Permits and Decals (Repealed)
500.302	Motor Carrier's Quarterly Report (Repealed)
500.305	Licenses and Decals
500.310	Display of License and Decals

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500.315	Renewal of Decals and Licenses
500.320	Single Trip Permits
500.325	Licensure of Lessors and Lessees
500.330	Cancellation of License
500.335	Quarterly Payment and Reporting
500.340	Credits and Refunds
500.345	Records Requirements
500.350	Revocation
500.355	Protest Procedures
500.360	Audits

SUBPART D: TIMELY MAILING TREATED AS TIMELY FILING AND PAYING

Section	
500.400	General Information
500.405	Due Date That Falls on Saturday, Sunday or a Holiday

SUBPART E: GENERAL REQUIREMENTS APPLICABLE TO ALL LICENSES AND PERMITS ISSUED UNDER THE MOTOR FUEL TAX LAW

Section	
500.500	Licenses and Permits Are Not Transferable
500.501	Blenders' Permits Are Not Transferable (Repealed)
500.505	Changes of Corporate Officers

SUBPART F: INCORPORATION BY REFERENCE OF RETAILERS' OCCUPATION TAX

Section	
500.600	Incorporation of the Retailers' Occupation Tax Regulations by Reference

AUTHORITY: Implementing the Motor Fuel Tax Law [35 ILCS 505] and authorized by Section 2505-20 of the Civil Administrative Code of Illinois [20 ILCS 2505/2505-20].

SOURCE: Adopted July 3, 1931; amended at 2 Ill. Reg. 1, p. 97, effective December 31, 1978; amended at 3 Ill. Reg. 13, p. 98, effective March 25, 1979; amended at 4 Ill. Reg. 28, p. 568, effective June 1, 1980; codified at 8 Ill. Reg. 8612; amended at 10 Ill. Reg. 4540, effective February 28, 1986; amended at 11 Ill. Reg. 10295, effective May 18, 1987; emergency amendment at 13 Ill. Reg. 13271, effective August 7, 1989, for a maximum of 150 days; emergency expired January 4, 1990; amended at 14 Ill. Reg. 6826, effective April 19, 1990;

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amended at 15 Ill. Reg. 6305, effective April 16, 1991; amended at 15 Ill. Reg. 13538, effective August 30, 1991; recodified at 18 Ill. Reg. 4451; amended at 19 Ill. Reg. 3008, effective February 28, 1995; amended at 19 Ill. Reg. 17195, effective December 18, 1995; amended at 20 Ill. Reg. 10168, effective July 16, 1996; amended at 22 Ill. Reg. 2253, effective January 9, 1998; amended at 22 Ill. Reg. 14917, effective August 3, 1998; amended at 22 Ill. Reg. 16322, effective August 25, 1998; amended at 22 Ill. Reg. 20299, effective December 1, 1998; emergency amendment at 24 Ill. Reg. 880, effective January 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6918, effective April 21, 2000; amended at 24 Ill. Reg. 17826, effective November 28, 2000; amended at 26 Ill. Reg. 9912, effective June 24, 2002; amended at 27 Ill. Reg. 7870, effective April 21, 2003; emergency amendment at 27 Ill. Reg. 10547, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; amended at 28 Ill. Reg. 3921, effective February 13, 2004; amended at 32 Ill. Reg. _____, effective _____.

SUBPART B: MOTOR FUEL TAX

Section 500.203 Monthly Returns

- a) Distributor, supplier and receiver monthly returns. Monthly Motor Fuel Tax returns of licensed distributors and suppliers must be compiled correctly on forms furnished by the Department and must be filed, accompanied by a remittance for the correct amount of tax due, by the 20th day of the month following the month for which the return is made. Receipt schedules showing monthly receipts of motor fuel must always accompany the monthly return, as well as all other applicable schedules. Receivers subject to the tax imposed by Section 2a of the Law must file returns by the 20th of each calendar month for fuel purchased, acquired or received and sold, distributed or used during the preceding calendar month.
- b) *If a distributor's only activities with respect to motor fuel are either:*
 - 1) *production of alcohol in quantities of less than 10,000 proof gallons per year or*
 - 2) *blending alcohol in quantities of less than 10,000 proof gallons per year which such distributor has produced;*

He shall file returns on an annual basis with the return for a given year being due by January 20 of the following year. Where the distributor has not established

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one calendar year's record of production, annual production will be projected on the basis of actual production and estimates submitted by the distributor. (Section 5 of the Law)

- c) Reporting and payment requirements for persons who produce biodiesel fuel or biodiesel blends for self-use.
- 1) Beginning July 1, 2007, notwithstanding any other reporting provisions of the Law, if a private biodiesel fuel producer's total gallonage that is taxable under Sections 2 and 2a of the Law and Section 310 of the Environmental Impact Fee Law is less than 5,000 gallons per year, then he or she must file returns and make payment of the tax imposed by Sections 2 and 2a of the Law and the fee imposed under Section 310 of the Environmental Impact Fee Law on an annual basis. The returns and payment of tax for a given year are due by January 20 of the following year.
 - 2) If a private biodiesel fuel producer's total gallonage that is taxable under Sections 2 and 2a of the Law and Section 310 of the Environmental Impact Fee Law is 5,000 or more gallons per year, then he or she must file returns and make payment of the tax imposed by Sections 2 and 2a of the Law and Section 310 of the Environmental Impact Fee Law on a monthly basis. The returns and payment of tax are due between the 1st and 20th days of each calendar month for the preceding calendar month.
 - 3) Except for persons required to be licensed under Section 13a.4 of the Law, a person who is subject to the provisions of this subsection (c) is exempt from all bonding and licensure requirements otherwise imposed by the Law. Each person who is subject to the provisions of this Section must keep records as required by Section 12 of the Law.
 - 4) For purposes of this subsection (c):

"Biodiesel blend" has the meaning set forth under Section 3-42 of the Use Tax Act [35 ILCS 105/3-42].

"Biodiesel fuel" has the meaning set forth under Section 3-41 of the Use Tax Act [35 ILCS 105/3-41].

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"Biomass materials" has the meaning set forth under Section 3-43 of the Use Tax Act [35 ILCS 105/3-43].

"Private biodiesel fuel producer" means a person whose only activities with respect to motor fuel are:

the conversion of any biomass materials into biodiesel fuel that is produced exclusively for personal use and not for sale; or

the blending of biodiesel fuel, resulting in biodiesel blends that is produced exclusively for personal use and not for sale (Section 2(d) of the Law).

- de) Magnetic Schedule Support Data. Beginning October 1, 1994, data required by all support schedules for licensed distributors, suppliers, and receivers who are required to file a return must be filed using magnetic media. Schedule support data must be submitted on either 3½" diskette, 5¼" floppy disk, or 9" magnetic tape which is IBM or IBM compatible. For returns due on and after December 31, 2007, schedule support data must be submitted on either 3½" diskette, CDs in the Joliet format, or mainframe cartridges that are IBM or IBM compatible. Schedules that must be filed on magnetic media include Schedules A, SA, LA, E, SE, LE, GA-1, B, SB, LB, C, SC, LC, D, SD, DA, DB, DC, DD, DD-1, and LD. For returns due on and after December 31, 2007, Schedule M must also be filed on magnetic media. Schedules not required to be filed in this manner are Schedules F, ~~M~~ and J and, until returns due on and after December 31, 2007, Schedule M. Amended schedules must still be filed on Department forms or approved computer-generated forms. ~~The only exceptions to this requirement are persons who do not possess a computer, who have computers which are not IBM or IBM compatible, or who have ten business transactions or less per month, per schedule type. Persons seeking an exemption from these requirements must petition the Department's Motor Fuel Division in writing, explaining the basis for their exemption. All exceptions expire one year from the date they are granted.~~
- ed) When returns are timely filed and paid in full, a supplier, distributor or receiver may take a discount of 2% through June 30, 2003 and 1.75% thereafter of the tax collected to reimburse himself for the expenses incurred in keeping records, preparing and filing returns, collecting and remitting the tax and supplying data to the Department on request. This discount is not permitted for motor fuels which are used or consumed by a supplier or distributor in his own vehicles or for any

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other purpose. The discount, however, shall be applicable only to the amount of payment which accompanies a return that is filed timely in accordance with Sections 2b, 5, or 5a of the Law.

- fe) A person whose license to act as a supplier, distributor, or receiver of motor fuel has been revoked or cancelled shall make a return and payment to the Department covering the period from the date of the last return to the date of the revocation of the license, which return shall be delivered to the Department not later than 10 days from the date of the revocation or termination of the license. Any tax-free inventory remaining at the close of the reporting period must be paid in full.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Number: 1030.65 Proposed Action: Amendment
- 4) Statutory Authority: 625 ILCS 5/6-103; 625 ILCS 5/6-521
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking is to clarify a statutory requirement in the context of the Illinois Vehicle Code [625 ILCS 5/6-103], which requires that a student be "enrolled in an approved driver education course" in addition to other requirements, to become eligible for an instruction permit issued by the Office of the Illinois Secretary of State.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The rulemaking will not create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Texts of the prepared amendments are posted on the Secretary of State's website, <http://www.cyberdriveillinois.com/> as part of the Illinois Register. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

Arlene J. Pulley
Administrative Rules Coordinator
Office of the Secretary of State
Driver Services Department

SECRETARY OF STATE

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2701 South Dirksen Parkway
Springfield, Illinois 62723

217/557-4462

- 13) 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
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: the need for this rulemaking was not anticipated at the time the agendas were prepared.

The full text of the Proposed Amendment is identical to that of the Emergency Amendment of this Part number, and may be found in this issue of the Illinois Register on Page 208.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: School Construction Program
- 2) Code Citation: 23 Ill. Adm. Code 151
- 3) Section Number: 151.30 Proposed Action: Amendment
- 4) Statutory Authority: 105 ILCS 230/5-55
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking responds to P.A. 95-416, which amended the School Construction Law to require that applicants for school construction grants for projects that are new as of July 1, 2008, demonstrate in one of several ways that the projects meet "green" building standards. While ISBE has no direct role in the development of those standards, the new law does affect the rules in Part 151 that describe the required contents of applications. Thus a new item is being added to the list of contents in Section 151.30 to acknowledge this new requirement.

Two other minor changes are also being proposed in order to eliminate text that is now long outdated.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this Notice to:

Sally Vogl

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENT

Agency Rules Coordinator
Illinois State Board of Education
100 North First Street (S-493)
Springfield, Illinois 62777

217/782-5270

Comments may also be submitted via e-mail, addressed to:

rules@isbe.net

- 13) 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
- 14) This rulemaking was not included on either of the 2 most recent Regulatory Agendas because: P.A. 95-416 was not signed into law until after publication of the July 2007 Regulatory Agenda.

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER c: FINANCE

PART 151

SCHOOL CONSTRUCTION PROGRAM

SUBPART A: SCHOOL CONSTRUCTION PROJECT GRANTS

Section

151.10	Purpose
151.20	Eligible Applicants
151.30	Application for School Construction Project Grant Entitlement
151.35	Application for School Construction Project Grant Entitlement - Districts With A Population Exceeding 500,000
151.40	Award of Construction Project Grant Entitlement
151.50	Priority Ranking of Construction Grant Entitlements
151.55	Needed Capacity for Unit Districts
151.60	Grant Index
151.70	Debt Service Grants (Repealed)

SUBPART B: SCHOOL MAINTENANCE PROJECT GRANTS

Section

151.100	Purpose; Eligible Applicants
151.110	Definitions
151.120	Application for School Maintenance Project Grants
151.130	Award of School Maintenance Project Grants - Applicants With a Population of 500,000 or Fewer
151.135	Award of School Maintenance Project Grants - School Districts With a Population Exceeding 500,000
151.140	Terms of the Grant

AUTHORITY: Implementing the School Construction Law [105 ILCS 230] and authorized by Section 5-55 of that Law.

SOURCE: Emergency rules adopted at 22 Ill. Reg. 2616, effective January 16, 1998, for a maximum of 150 days; emergency rules modified in response to JCAR objection at 22 Ill. Reg. 4500; emergency rules expired June 15, 1998; emergency rules adopted at 22 Ill. Reg. 6238,

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effective March 24, 1998, for a maximum of 150 days; emergency rules modified in response to JCAR objection at 22 Ill. Reg. 7703; emergency expired June 15, 1998; new Part adopted at 22 Ill. Reg. 12538, effective July 6, 1998; emergency amendment at 23 Ill. Reg. 11336, effective September 1, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 497, effective January 3, 2000; amended at 24 Ill. Reg. 5661, effective March 17, 2000; amended at 26 Ill. Reg. 886, effective January 15, 2002; amended at 32 Ill. Reg. _____, effective _____.

SUBPART A: SCHOOL CONSTRUCTION PROJECT GRANTS

Section 151.30 Application for School Construction Project Grant Entitlement

- a) A school district seeking a school construction project grant entitlement shall submit an application that includes a District Facilities Plan. A district shall annually update its application in order to establish eligibility for a construction grant.
- b) ~~Each application for a grant for Fiscal Year 1998 must be received in the Springfield office of the State Board of Education by February 6, 1998.~~
Applications shall be addressed as follows:

Illinois State Board of Education
School Construction Program
100 North First Street
Springfield, Illinois 62777-0001
- c) ~~Applications For subsequent fiscal years, applications~~ or updates must be received at the address shown in subsection (b) of this Section by April 1 preceding the beginning of the fiscal year in question. Each application or update must include the Capital Development Board's program statement as defined in 71 Ill. Adm. Code 40.
- d) An application that is incomplete will be returned and will not be processed until it is complete. An application must be complete by the applicable filing deadline in order to be considered. All information contained in the application shall be subject to verification and correction by the State Board of Education and the Capital Development Board by means including on-site inspection and review of documents.
- e) Each application shall include the following information.

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- 1) A narrative description of the present educational program of the district and anticipated changes in the educational program over the next five years, including:
 - A) the number of schools currently operated by the district;
 - B) the configuration of the district's schools by grade level;
 - C) the basis upon which students are assigned to the district's schools; and
 - D) the nature and estimated impact of any changes in these factors over the next five years.

- 2) A description of the present and projected financial position of the district, including but not limited to the availability of current revenue, fund balances, the amount of general obligation debt of the district, and the amount of unused bonding power. This requirement may be met by attaching or, if already on file with the State Board, incorporating by reference:
 - A) a copy of the district's basic financial statements (i.e., Statement of Revenues Received/Revenues, Expenditures Disbursed/Expenditures, Other Financing Sources (Uses), and Changes in Fund Balances) from the district's Annual Financial Report for the fiscal year ending June 30 immediately preceding the fiscal year in which the application or update is submitted;
 - B) a copy of Part III (Budget Summary) and Part IV (Summary of Cash Transactions) from the School District Budget Form for the fiscal year in which the application or update is submitted; and
 - C) a statement showing the amount of the district's unused bonding power as determined under Article 19 of the School Code [105 ILCS 5/Art. 19].

- 3) A description of the district's maintenance plan and schedule, including but not limited to:

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- A) the maximum authorized operations and maintenance tax rate of the district;
 - B) the rate at which the operations and maintenance taxes were last extended;
 - C) the amount of operations and maintenance expenditures for the last fiscal year;
 - D) a statement assuring that new, renovated, and existing facilities are being or will be properly maintained; and
 - E) a brief explanation of how the district intends to maintain new, renovated, and existing facilities.
- 4) Facility inventory information, including:
- A) a listing of each parcel of land, building, building addition, or other structure owned or used by the district to house its operations or held by the district for investment or revenue-producing purposes;
 - B) for each parcel of land, building, building addition, or other structure, a listing of the following information, as applicable:
 - i) the facility type;
 - ii) the ownership class;
 - iii) an indication of whether the structure is a main building or a building addition;
 - iv) the functional age of the building or addition as determined under Section 151.50(d)(2) of this Part;
 - v) the enrollment capacity as determined pursuant to the standards specified in Section 151.50(d) of this Part;
 - vi) the type of school housed in the building or building

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addition;

- vii) the number of students currently housed in the facility;
- viii) the number of inadequately housed students currently housed in the facility as determined under Section 151.50(c) and (d) of this Part;
- ix) an indication of the district's plans for the facility within the next five years; and
- x) an indication of which planned activities are the subject of a request for a school construction project grant.

f) Each application submitted on or after July 1, 2007 shall also include information demonstrating that the project conforms to the "green building" requirements of Section 5-40 of the School Construction Law [105 ILCS 230/5-40].

(Source: Amended at 32 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Student Records
- 2) Code Citation: 23 Ill. Adm. Code 375
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
375.10	Amendment
375.30	Amendment
375.40	Amendment
375.70	Amendment
375.110	Amendment
- 4) Statutory Authority: 105 ILCS 10/3 and 5/2-3.13a
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking responds to P.A. 95-232, which added provisions to the School Code governing school districts' collection, use, release, and destruction of students' biometric information (defined as including items such as fingerprints, hand geometry, retinal scans, and the like). Districts that intend to collect these kinds of information must adopt policies requiring:
 - written consent by parents (or students who have reached the age of 18);
 - prohibition on the disclosure of the information except with consent or under a court order;
 - discontinuation of use of the information when the student leaves the school district or upon request by the parent (or student); and
 - very prompt destruction of the records after their use is discontinued.

Of particular interest is the 30-day timeframe established for the destruction of these records, which does not correspond to the 90-day advance notice school districts are required to provide to their respective local records commissions under the Local Records Act. In order to give effect to the new provisions of the School Code added by P.A. 95-232, we have determined that it will be necessary to interpret the recent legislation as exempting records of this type from the Local Records Act. Similarly, in order to respect the requirement for destruction of the records within 30 days after their use is discontinued, the rules have been drafted to preclude the transfer of this type of information along with students' other records.

The other revisions included are being made to conform to current style considerations and wording requirements.

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- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this Notice to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street (S-493)
Springfield, Illinois 62777

(217) 782-5270

Comments may also be submitted via e-mail, addressed to:

rules@isbe.net

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not-for-profit corporations affected: Not-for-profit corporations that are charter schools.
 - B) Reporting, bookkeeping or other procedures required for compliance: Records maintenance, release, and destruction in accordance with the requirements of the Student Records Act and Section 10-20.40 of the School Code.

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- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2007

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER k: SCHOOL RECORDS

PART 375

STUDENT RECORDS

Section

375.10	Definitions
375.20	Rights of Students
375.30	Notification
375.40	Maintenance
375.50	Cost for Copies of Records
375.60	Emergency Release of Information
375.70	Release of Information
375.75	Public and Nonpublic Schools: Transmission of Records for Transfer Students
375.80	Directory Information
375.90	Challenge Procedures
375.100	Implementation
375.110	Enforcement

AUTHORITY: Implementing and authorized by the Illinois School Student Records Act [105 ILCS 10] and Section 2-3.13a of the School Code [105 ILCS 5/2-3.13a].

SOURCE: Emergency rule adopted March 24, 1976; codified at 7 Ill. Reg. 12864; amended at 10 Ill. Reg. 12602, effective July 9, 1986; amended at 12 Ill. Reg. 4818, effective February 25, 1988; amended at 20 Ill. Reg. 15304, effective November 18, 1996; amended at 23 Ill. Reg. 13843, effective November 8, 1999; amended at 26 Ill. Reg. 16202, effective October 21, 2002; amended at 29 Ill. Reg. 5467, effective March 29, 2005; amended at 32 Ill. Reg. _____, effective _____.

Section 375.10 Definitions

"Act" means the Illinois School Student Records Act [105 ILCS 10].

"Student Permanent Record" means and shall consist of the following, as limited by Section 2(d) of the Act [105 ILCS 10/2(d)]:

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Basic identifying information, including the student's name and address, birth date and place, and gender, and the names and addresses of the student's parents;

Academic transcript, including grades, class rank, graduation date, grade level achieved and scores on college entrance examinations;

Attendance record;

Accident reports and health record;

Record of release of permanent record information in accordance with Section 6(c) of the Act [105 ILCS 10/6(c)]; [and](#)

Scores received on all State assessment tests administered at the high school level (i.e., grades 9 through 12) (see 105 ILCS 5/2-3.64(a)); and

May also consist of:

Honors and awards received; and

Information concerning participation in school-sponsored activities or athletics, or offices held in school-sponsored organizations.

No other information shall be placed in the student permanent record.

"Student Temporary Record" means all information not required to be in the student permanent record and shall consist of the following, as limited by Section 2(d) of the Act:

A record of release of temporary record information in accordance with Section 6(c) of the Act [105 ILCS 10/6(c)];

Scores received on the State assessment tests administered in the elementary grade levels (i.e., kindergarten through grade 8) (see 105 ILCS 5/2-3.64(a));

[The completed home language survey form \(see 23 Ill. Adm. Code](#)

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228.15);

Information regarding serious infractions (i.e., those involving drugs, weapons, or bodily harm to another) that resulted in expulsion, suspension or the imposition of punishment or sanction;

Information provided under Section 8.6 of the Abused and Neglected Child Reporting Act [325 ILCS 5/8.6], as required by Section 2(f) of the Act [105 ILCS 10/2(f)]; and

Any biometric information that is collected in accordance with Section 10-20.40 or 34-18.34 of the School Code [105 ILCS 5/10-20.40 or 34-18.34]; and

May also consist of:

Family background information;

Intelligence test scores, group and individual;

Aptitude test scores;

Reports of psychological evaluations, including information on intelligence, personality and academic information obtained through test administration, observation, or interviews;

Elementary and secondary achievement level test results;

Participation in extracurricular activities, including any offices held in school-sponsored clubs or organizations;

Honors and awards received;

Teacher anecdotal records;

Other disciplinary information;

Special education files, including the report of the multidisciplinary staffing on which placement or nonplacement

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was based, and all records and tape recordings relating to special education placement hearings and appeals;

Any verified reports or information from non-educational persons, agencies or organizations; and

Other verified information of clear relevance to the education of the student.

"Substitute" means a person designated by the school to temporarily serve in the event of absence of a person employed by the school.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 375.30 Notification

- a) Upon the initial enrollment or transfer of a student to the school, the school shall notify the student and the student's parent(s) of their rights under the Act as specified in subsection (d) of this Section and of their rights with respect to the collection, distribution, and retention of biometric information under Section 10-20.40 or 34-18.34 of the School Code, if the school collects student biometric information.
- b) All notification under this Part to parents of children classified under Section 14C-3 of the School Code [105 ILCS 5/14C-3] to be of limited English-speaking ability shall be in English and in the language of the child's primary speaking ability.
- c) This notification may be delivered by any means likely to reach the parents, including direct mail, parent-teacher conferences, delivery by the student to the parent, or incorporation in a "parent-student" handbook or other informational brochure for students and parents disseminated by the school.
- d) TheSueh notification shall consist of:
 - 1) The types of information contained in the permanent and temporary records;
 - 2) The right to inspect and copy permanent and temporary records, the

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limitations on the right of access established under Sections 10-22.3c and 34-18.6a of the School Code [105 ILCS 5/10-22.3c and 34-18.6a] and Section 5(a) of the Act, and the cost of copying such records;

- 3) The right to control access and release of school student records and the right to request a copy of information released;
 - 4) The rights and procedures for challenging the contents of the school student record;
 - 5) The persons, agencies or organizations having access to student records without parental consent;
 - 6) The right to copy any school student record or information contained therein proposed to be destroyed or deleted and the school's schedule for reviewing and destroying such information;
 - 7) The categories of information the school has designated as "directory information" and the right of the parents to prohibit the release of such information;
 - 8) A statement informing the parents that no person may condition the granting or withholding of any right, privilege or benefits or make as a condition of employment, credit or insurance the securing by any individual of any information from a student's temporary record ~~that~~ ~~the~~ ~~which~~ ~~such~~ individual may obtain through the exercise of any right secured under the Act or this Part;
 - 9) The right of the parents, as limited by Section 7 of the Act, to inspect and challenge the information contained in a school student record prior to transfer of the record to another school district, in the event of the transfer of the student to that district; and
 - 10) Any policies of the school relating to school student records ~~that~~ ~~which~~ are not included in the Act or this Part, including any policy related to the collection of biometric information as permitted under Section 10-20.40 or 34-18.34 of the School Code.
- e) *The principal of each school or the person with like responsibilities or his or her*

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designate shall take all action necessary to assure that school personnel are informed of the provisions of the Act and this Part, either orally or in writing [105 ILCS 10/3].

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 375.40 Maintenance

- a) The provisions within the Act and this Part requiring records to be separated into permanent and temporary categories shall apply only to records of students who are enrolled in the school on or after the effective date of this Part. Records of students who have graduated or permanently withdrawn prior to the effective date of this Part are not subject to these classifications except:
 - 1) In compliance with the request of a parent or eligible student that such categorization occur; and
 - 2) The records custodian shall ensure that information characterized by the Act and this Part as "temporary" shall not be *disclosed except as provided by Section 5 of the Act or by court order* [105 ILCS 10/4(f)].
- b) Student records shall be reviewed every four years or upon a student's change in attendance centers, whichever occurs first, to verify entries and to eliminate or correct all out-of-date, misleading, inaccurate, unnecessary or irrelevant information pursuant to Section 375.10 of this Part.
- c) Upon graduation, transfer or permanent withdrawal of a student from a school, the school shall notify the parents and the student of the destruction schedule for the student permanent record and the student temporary record and of the right to request a copy of such records at any time prior to their destruction. Notification shall consist of the following: date of notification, ~~parent~~-name of parent, name of records custodian, name of student, and the scheduled destruction date of temporary and permanent records. Biometric information collected pursuant to the district's policy, if any, shall not be subject to the retention requirements applicable to the remainder of students' temporary records under Section 4(f) of the Act, and its destruction shall not be subject to authorization by the appropriate Local Records Commission under Section 7 of the Local Records Act [50 ILCS 205/7]. Instead, the destruction of students' biometric information shall conform to the requirements of Section 10-20.40 or 34-34.18 of the School Code, as

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applicable.

- d) Upon graduation or permanent withdrawal of a handicapped student, as defined in Article 14 of the School Code [105 ILCS 5/Art. 14] and 23 Ill. Adm. Code 226: Subpart A (Special Education), psychological evaluations, special education files and other information contained in the student temporary record which may be of continued assistance to the student may, after five years, be transferred to the custody of the parent or to the student if the student has succeeded to the rights of the parents. The school shall explain to the student and the parent the future usefulness of these records.
- e) If a certified copy of an order of protection has been filed with a school district, then the district shall notify its school employees that the student records or information in those records of a protected child identified in the order shall not be released to the person against whom the order was issued (see Section 222(f) of the Illinois Domestic Violence Act of 1986 [750 ILCS 60/222(f)]).
- f) Any report required by Section 8.6 of the Abused and Neglected Child Reporting Act that has been filed in a student's temporary record shall be removed from the student's record and returned to the Department of Children and Family Services upon written request made by the Department pursuant to Section 8.6 of the Abused and Neglected Child Reporting Act. If a school that receives such a request from the Department has transferred the report to another school as part of the transfer of the student's records, the sending school shall forward a copy of the Department's request to the receiving school, which shall comply with this subsection (f).

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 375.70 Release of Information

- a) Except as otherwise provided in Section 375.75 of this Part, the records of a student shall be transferred by the records custodian of a school to another school in which the student has enrolled or intends to enroll upon the request of the records custodian of the other school or the student, provided that the parent receives prior written notice of the nature and substance of the information to be transferred and opportunity to inspect, copy, and challenge such information. If the address of the parents is unknown, notice may be served upon the records custodian of the requesting school for transmittal to the parents. This ~~Such~~ service

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shall be deemed conclusive, and ten calendar days after ~~this~~ service, if the parents make no objection, the records may be transferred to the requesting school. Biometric information collected pursuant to a district's policy, if any, shall not be transferred to another school district in which a student has enrolled and shall be destroyed as provided in Section 10-20.40 or 34-18.34 of the School Code, as applicable.

- b) The school shall grant access to information contained in school student records to persons authorized or required by ~~State~~ or federal law to gain such access, provided that:
- 1) ~~The~~ person making the request shall provide the school with appropriate identification and a copy of the statute authorizing such access; and
 - 2) The parent receives prior written notice of the nature and substance of the information to be released and an opportunity to inspect, copy and/or challenge such information. If this release of information relates to more than 25 students, ~~such~~ prior notice may be given in a local newspaper of general circulation or other publication directed generally to parents.
- c) The school shall grant access to, or release information from, school student records without parental consent or notification only in accordance with the provisions of Section 6(a) of the Act [105 ILCS 10/6(a)] and Section 10-20.40 or 34-18.34 of the School Code, where applicable.
- d) Any release of information other than specified in subsections (a) through (c) of this Section requires the prior, specific, dated, written consent of the parent designating the person to whom ~~the~~ records may be released, the reason for the release, and the specific records to be released. At the time ~~such~~ consent is requested or obtained, the school shall inform the parents of the following rights:
- 1) To inspect and copy ~~the~~ records;
 - 2) To challenge the contents of ~~the~~ records; and
 - 3) To limit any ~~such~~ consent to designated records or designated portions of information within the records.

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- e) Release of information by school personnel shall conform to the requirements of Sections 10-22.3c and 34-18.6a of the School Code [105 ILCS 5/10-22.3c and 34-18.6a] and Section 5(a) of the Act.

(Source: Amended at 32 Ill. Reg. _____, effective _____)

Section 375.110 Enforcement

- a) The State Board of Education shall collect and maintain information concerning compliance with the provisions of the Act and this Part and shall take action as specified by the Act to secure compliance in the event of violation.
- b) Complaints arising from violations of the Act or this Part, other than challenges of the contents of the school student records as specified in Section 375.90 of this Part, shall be directed to the Superintendent of the Educational Service Region and then to the State Superintendent of Education as specified in [Sections 3-10 and 2-3.8 of the School Code \[105 ILCS 5/3-10 and 2-3.8\]](#)~~Ill. Rev. Stat. 1985, ch. 122, pars. 3-10 and 2-3.8.~~

(Source: Amended at 32 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Determination of Unemployment Contributions
- 2) Code Citation: 56 Ill. Adm. Code 2770
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2770.100	Repealed
2770.105	Repealed
2770.110	Repealed
2770.111	Amendment
2770.TABLE A	Repealed
- 4) Statutory Authority: 820 ILCS 405/1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701
- 5) Effective Date of Amendments: January 1, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain an incorporation by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency 's principal office, and is available for public inspection.
- 9) Notice of proposal published in Illinois Register: October 5, 2007; 31 Ill. Reg. 13555
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of the Amendments: The amendments to Part 2770 announce the 2008 average contribution rates for each economic sector within the North American Industry Classification System (NAICS). A new employer's contribution rate will be

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based on the average contribution rate for the sector to which the employer belongs if the average rate exceeds the standard new employer rate and the employer is not required to pay at a higher experience-based rate. In keeping with our commitment to the Joint Committee on Administrative Rules, we are also repealing the sections relating to the Standard Industrial Classification system, which was abandoned beginning in 2003.

- 16) Information and questions regarding these Adopted Amendments may be addressed to:

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
33 South State Street – Room 937
Chicago, Illinois 60603

312/793-2333
Gregory.ramel@illinois.gov

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

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TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER c: RIGHTS AND DUTIES OF EMPLOYERSPART 2770
DETERMINATION OF UNEMPLOYMENT CONTRIBUTIONS

SUBPART A: INDUSTRIAL CLASSIFICATIONS

Section	
2770.100	Pre 2003 Industrial Classification (Repealed)
2770.101	Post 2002 Industrial Classification
2770.105	Pre 2003 Contribution Rate For Non Experience-Rated Employers (Repealed)
2770.106	Post 2002 Contribution Rate For Non Experience-Rated Employers
2770.110	Average Contribution Rates By Standard Industrial Classification (SIC) Codes (Repealed)
2770.111	Average Contribution Rates By North American Industry Classification System (NAICS) Assignment

SUBPART B: ALTERNATIVE BENEFIT WAGE RATIO

Section	
2770.150	Eligibility To Elect The Alternative Benefit Wage Ratio (Repealed)
2770.155	Approval Of Election Of The Alternative Benefit Wage Ratio (Repealed)
2770.160	Adjustment Of The Benefit Wage Charges And The Determination Of The Alternative Benefit Wage Ratio (Repealed)
2770.165	Revocation Of Election Of Alternative Benefit Wage Ratio (Repealed)
2770.170	Appeals (Repealed)

SUBPART C: TRANSFER OF BENEFIT WAGES FROM BASE
PERIOD TO SUBSEQUENT EMPLOYER

Section	
2770.400	Definitions (Repealed)
2770.405	Application Of Base Period Wages (Repealed)
2770.410	Restriction On Benefit Wage Transfers (Repealed)
2770.415	Benefit Wage Transfer Procedural Requirements (Repealed)
2770.420	Petition For Hearing (Repealed)

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SUBPART D: BENEFIT WAGE CANCELLATIONS

Section

2770.501 Effective Date Of Benefit Wage Cancellations Pursuant To Section 1508.1 Of The Act

2770.TABLE A General SIC Classifications [\(Repealed\)](#)

AUTHORITY: Implementing and authorized by Sections 1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701 of the Unemployment Insurance Act [820 ILCS 405/1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701].

SOURCE: Emergency rules adopted as 56 Ill. Adm. Code 600: Subpart C at 8 Ill. Reg. 550, effective January 1, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 8208, effective May 30, 1984; recodified from 56 Ill. Adm. Code 600: Subpart C at 8 Ill. Reg. 15030; emergency amendments at 8 Ill. Reg. 15088, effective August 8, 1984, for a maximum of 150 days; emergency amendments at 8 Ill. Reg. 22139, effective October 26, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 24117, effective November 30, 1984; amended at 9 Ill. Reg. 4507, effective March 25, 1985; amended at 10 Ill. Reg. 6935, effective April 14, 1986; amended at 10 Ill. Reg. 21683, effective December 15, 1986; amended at 11 Ill. Reg. 9878, effective May 11, 1987; emergency amendments at 12 Ill. Reg. 210, effective January 1, 1988, for a maximum of 150 days; expired May 30, 1988; amended at 12 Ill. Reg. 11213, effective June 20, 1988; amended at 12 Ill. Reg. 12473, effective July 15, 1988; amended at 12 Ill. Reg. 18143, effective October 27, 1988; amended at 12 Ill. Reg. 20477, effective November 28, 1988; amended at 13 Ill. Reg. 11507, effective June 29, 1989; amended at 14 Ill. Reg. 2038, effective January 19, 1990; amended at 14 Ill. Reg. 18280, effective October 30, 1990; amended at 15 Ill. Reg. 172, effective December 28, 1990; amended at 15 Ill. Reg. 8553, effective May 24, 1991; amended at 16 Ill. Reg. 118, effective December 20, 1991; amended at 17 Ill. Reg. 295, effective December 28, 1992; amended at 18 Ill. Reg. 250, effective January 1, 1994; amended at 18 Ill. Reg. 17473, effective January 1, 1995; amended at 20 Ill. Reg. 350, effective January 1, 1996; amended at 21 Ill. Reg. 561, effective January 1, 1997; amended at 21 Ill. Reg. 15496, effective January 1, 1998; amended at 23 Ill. Reg. 155, effective January 1, 1999; amended at 23 Ill. Reg. 14299, effective January 1, 2000; amended at 24 Ill. Reg. 19125, effective January 1, 2001; amended at 26 Ill. Reg. 393, effective January 1, 2002; amended at 27 Ill. Reg. 2598, effective February 1, 2003; amended at 28 Ill. Reg. 1071, effective January 1, 2004; amended at 29 Ill. Reg. 788, effective January 1, 2005; amended at 30 Ill. Reg. 185, effective January 1, 2006; emergency amendment at 31 Ill. Reg. 221, effective January 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 6921, effective April 25, 2007; amended at 32 Ill. Reg. 155, effective January 1, 2008.

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SUBPART A: INDUSTRIAL CLASSIFICATIONS

Section 2770.100 Pre 2003 Industrial Classification (Repealed)

- a) ~~Each employer subject to the Act shall be assigned an industrial classification number based on its primary activity.~~
- 1) ~~Each employer shall be assigned to a major Economic Division based on the first two digits of the industrial classification number:~~
- | Digits | Economic Division |
|-------------------|---|
| 01-09 | A. Agriculture, Forestry, Fishing |
| 10-14 | B. Mining |
| 15-17 | C. Construction |
| 20-39 | D. Manufacturing |
| 40-49 | E. Transportation, Communication, Electric, Gas, Sanitary Services |
| 50-51 | F. Wholesale Trade |
| 52-59 | G. Retail Trade |
| 60-67 | H. Finance, Insurance, Real Estate |
| 70-89 | I. Services |
| 91-97 | J. Public Administration |
| 99 | K. Nonclassifiable Establishments |
- 2) ~~The methodology for the above classifications shall be based upon the Standard Industrial Classification Manual, U.S. Office of Management and Budget (1987), which shall be incorporated and adopted by reference.~~
- 3) ~~The general classifications to be used shall be those set forth in Table A.~~
- b) ~~Each employer not eligible for an experience rate and in an Economic Division where the mean average contribution rate for experience-rated employers is greater than the rates set forth in Section 2770.105(a)(1) or (2) or (3), as applicable, shall be notified in writing of its industrial classification and rate of contribution.~~
- e) ~~An industrial classification which is properly assigned pursuant to subsection~~

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~~(a)(2) at the beginning of each calendar year or the date of liability, whichever is later, shall be final and conclusive for rate determination purposes for that entire calendar year.~~

- ~~d) This Section shall not apply with respect to the calculation of contribution rates for calendar year 2003 or any calendar year thereafter.~~

(Source: Repealed at 32 Ill. Reg. 155, effective January 1, 2008)

Section 2770.105 Pre 2003 Contribution Rate for Non-Experience Rated Employers
(Repealed)

- ~~a) For calendar years 1989 through 2002, the contribution rate under Section 1500(B) of the Act, for each employer who has not incurred liability for the payment of contributions within each of the three calendar years immediately preceding the calendar year for which a rate is being determined, shall be the greater of:~~
- ~~1) 2.7%, plus any applicable fund building rate, as imposed by Section 1506.3 of the Act [820 ILCS 405/1506.3]; or~~
 - ~~2) 2.7%, multiplied by the adjusted State experience factor, plus any applicable fund building rate, as imposed by Section 1506.3 of the Act; or~~
 - ~~3) The employer's contribution rate calculated pursuant to Sections 1501 to 1507 of the Act [820 ILCS 405/1501 to 1507], but only if this employer has had at least 13 consecutive months experience with the risk of unemployment by the June 30 preceding the calendar year for which a rate is being determined, plus any applicable fund building rate, as imposed by Section 1506.3 of the Act; or~~
 - ~~4) The mean average contribution rate of all experience rated employers within the specific Economic Division, plus any applicable fund building rate, as imposed by Section 1506.3 of the Act.~~
- ~~A) The mean average contribution rate for an Economic Division shall be determined by adding the rates of all experience rated employers in that division and dividing the sum by the number of the employers. The rate computation shall be made for each of the~~

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~~applicable years as of July 31 of the preceding year. Any change in the industrial classification or the contribution rate of the experience rated employers made after the date of computation shall not affect the established average rate for the Economic Division.~~

- ~~B) Experience rated employers whose liability was terminated on or before July 31 of the calendar year used in the computation in subsection (a)(4)(A) shall be included for computation purposes, unless prior to that date, a successor has succeeded to the experience rating record of the employer. In these instances, only the successor rate shall be used.~~
- b) ~~The mean average contribution rate for each Economic Division, determined pursuant to subsection (a)(4)(A) and (B), shall be announced annually by the Director, during the last quarter of the year preceding the applicable year.~~
- e) ~~Appeals from any determinations under Section 2770.100 or 2770.105 shall be taken pursuant to and governed by Section 1509 of the Act.~~

(Source: Repealed at 32 Ill. Reg. 155, effective January 1, 2008)

Section 2770.110 Average Contribution Rates By Standard Industrial Classification (SIC) Codes (Repealed)

~~The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2002, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:~~

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	2.7%
10-14	B. Mining	3.1%
15-17	C. Construction	2.8%
20-39	D. Manufacturing	1.5%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	1.5%
50-51	F. Wholesale Trade	1.1%
52-59	G. Retail Trade	0.8%
60-67	H. Finance, Insurance, Real Estate	0.9%

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70-89	I.	Services	0.9%
91-97	J.	Public Administration	0.8%

(Source: Repealed at 32 Ill. Reg. 155, effective January 1, 2008)

Section 2770.111 Average Contribution Rates By North American Industry Classification System (NAICS) Assignment

- a) The average contribution rate for each Economic Sector in the North American Industry Classification System (NAICS), excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2003, as determined by the application of Section 2770.106(a)(4) of this Part, shall be:

Digits	Economic Sector	Rate
11	Agriculture, Forestry, Fishing and Hunting	1.5%
21	Mining	3.1%
22	Utilities	1.2%
23	Construction	2.7%
31-33	Manufacturing	1.7%
42	Wholesale Trade	1.3%
44-45	Retail Trade	1.0%
48-49	Transportation and Warehousing	1.8%
51	Information	1.3%
52	Finance and Insurance	0.9%
53	Real Estate and Rental and Leasing	1.0%
54	Professional, Scientific and Technical Services	1.0%
55	Management of Companies and Enterprises	1.3%
56	Administrative and Support and Waste Management	2.0%
61	Educational Services	0.8%
62	Health Care and Social Assistance	0.7%
71	Arts, Entertainment and Recreation	1.5%
72	Accommodation and Food Services	0.8%
81	Other Services (except Public Administration)	0.9%
92	Public Administration	0.8%
99	Unclassified	1.1%

- b) The average contribution rate for each Economic Sector in the North American Industry Classification System (NAICS), excluding the fund building rate as set

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forth in Section 1506.3 of the Act, for calendar year 2004, as determined by the application of Section 2770.106(a)(4) of this Part, shall be:

Digits	Economic Sector	Rate
11	Agriculture, Forestry, Fishing and Hunting	1.7%
21	Mining	2.9%
22	Utilities	1.5%
23	Construction	3.0%
31-33	Manufacturing	2.4%
42	Wholesale Trade	1.7%
44-45	Retail Trade	1.2%
48-49	Transportation and Warehousing	2.2%
51	Information	1.9%
52	Finance and Insurance	1.2%
53	Real Estate and Rental and Leasing	1.2%
54	Professional, Scientific and Technical Services	1.4%
55	Management of Companies and Enterprises	1.7%
56	Administrative and Support and Waste Management	2.5%
61	Educational Services	1.0%
62	Health Care and Social Assistance	0.9%
71	Arts, Entertainment and Recreation	1.7%
72	Accommodation and Food Services	1.0%
81	Other Services (except Public Administration)	1.1%
92	Public Administration	0.9%
99	Unclassified	1.2%

- c) The average contribution rate for each Economic Sector in the North American Industry Classification System (NAICS), excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2005, as determined by the application of Section 2770.106(a)(4) of this Part, shall be:

Digits	Economic Sector	Rate
11	Agriculture, Forestry, Fishing and Hunting	2.1%
21	Mining	3.2%
22	Utilities	1.9%
23	Construction	3.8%
31-33	Manufacturing	3.2%

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42	Wholesale Trade	2.3%
44-45	Retail Trade	1.6%
48-49	Transportation and Warehousing	2.8%
51	Information	2.4%
52	Finance and Insurance	1.5%
53	Real Estate and Rental and Leasing	1.6%
54	Professional, Scientific and Technical Services	1.8%
55	Management of Companies and Enterprises	2.2%
56	Administrative and Support and Waste Management	3.2%
61	Educational Services	1.4%
62	Health Care and Social Assistance	1.2%
71	Arts, Entertainment and Recreation	2.1%
72	Accommodation and Food Services	1.3%
81	Other Services (except Public Administration)	1.4%
92	Public Administration	1.2%
99	Unclassified	1.7%

- d) The average contribution rate for each Economic Sector in the North American Industry Classification System (NAICS), excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 2006, as determined by the application of Section 2770.106(a)(4) of this Part, shall be:

Digits	Economic Sector	Rate
11	Agriculture, Forestry, Fishing and Hunting	2.5%
21	Mining	3.8%
22	Utilities	2.3%
23	Construction	4.4%
31-33	Manufacturing	3.8%
42	Wholesale Trade	2.8%
44-45	Retail Trade	2.0%
48-49	Transportation and Warehousing	3.4%
51	Information	2.8%
52	Finance and Insurance	2.0%
53	Real Estate and Rental and Leasing	1.9%
54	Professional, Scientific and Technical Services	2.3%
55	Management of Companies and Enterprises	2.7%
56	Administrative and Support and Waste Management	3.8%
61	Educational Services	1.8%

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62	Health Care and Social Assistance	1.6%
71	Arts, Entertainment and Recreation	2.5%
72	Accommodation and Food Services	1.7%
81	Other Services (except Public Administration)	1.7%
92	Public Administration	1.5%
99	Unclassified	2.1%

- e) The average contribution rate for each Economic Sector in the North American Industry Classification System (NAICS), excluding the fund building rate set forth in Section 1506.3 of the Act, for calendar year 2007, as determined by the application of Section 2770.106(a)(4) of this Part, shall be:

Digits	Economic Sector	Rate
11	Agriculture, Forestry, Fishing and Hunting	2.2%
21	Mining	3.4%
22	Utilities	2.2%
23	Construction	4.0%
31-33	Manufacturing	3.1%
42	Wholesale Trade	2.4%
44-45	Retail Trade	1.8%
48-49	Transportation and Warehousing	2.9%
51	Information	2.4%
52	Finance and Insurance	1.8%
53	Real Estate and Rental and Leasing	1.7%
54	Professional, Scientific and Technical Services	1.9%
55	Management of Companies and Enterprises	2.3%
56	Administrative and Support and Waste Management	3.4%
61	Educational Services	1.6%
62	Health Care and Social Assistance	1.5%
71	Arts, Entertainment and Recreation	2.2%
72	Accommodation and Food Services	1.5%
81	Other Services (except Public Administration)	1.6%
92	Public Administration	1.4%
99	Unclassified	1.8%

- f) [The average contribution rate for each Economic Sector in the North American Industry Classification System \(NAICS\), excluding the fund building rate set](#)

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forth in Section 1506.3 of the Act, for calendar year 2008, as determined by the application of Section 2770.106(a)(4) of this Part, shall be:

<u>Digits</u>	<u>Economic Sector</u>	<u>Rate</u>
<u>11</u>	<u>Agriculture, Forestry, Fishing and Hunting</u>	<u>1.8%</u>
<u>21</u>	<u>Mining</u>	<u>3.0%</u>
<u>22</u>	<u>Utilities</u>	<u>1.7%</u>
<u>23</u>	<u>Construction</u>	<u>3.4%</u>
<u>31-33</u>	<u>Manufacturing</u>	<u>2.4%</u>
<u>42</u>	<u>Wholesale Trade</u>	<u>1.9%</u>
<u>44-45</u>	<u>Retail Trade</u>	<u>1.6%</u>
<u>48-49</u>	<u>Transportation and Warehousing</u>	<u>2.4%</u>
<u>51</u>	<u>Information</u>	<u>1.9%</u>
<u>52</u>	<u>Finance and Insurance</u>	<u>1.5%</u>
<u>53</u>	<u>Real Estate and Rental and Leasing</u>	<u>1.4%</u>
<u>54</u>	<u>Professional, Scientific and Technical Services</u>	<u>1.5%</u>
<u>55</u>	<u>Management of Companies and Enterprises</u>	<u>1.8%</u>
<u>56</u>	<u>Administrative and Support and Waste Management</u>	<u>2.9%</u>
<u>61</u>	<u>Educational Services</u>	<u>1.3%</u>
<u>62</u>	<u>Health Care and Social Assistance</u>	<u>1.2%</u>
<u>71</u>	<u>Arts, Entertainment and Recreation</u>	<u>1.9%</u>
<u>72</u>	<u>Accommodation and Food Services</u>	<u>1.2%</u>
<u>81</u>	<u>Other Services (except Public Administration)</u>	<u>1.3%</u>
<u>92</u>	<u>Public Administration</u>	<u>1.2%</u>
<u>99</u>	<u>Unclassified</u>	<u>1.6%</u>

(Source: Amended at 32 Ill. Reg. 155, effective January 1, 2008)

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Section 2770.TABLE A General SIC Classifications (Repealed)**A. ~~AGRICULTURE, FORESTRY AND FISHING~~**

- ~~01 Agricultural Production—crops~~
- ~~02 Agricultural Production—Livestock~~
- ~~07 Agricultural Services~~
- ~~08 Forestry~~
- ~~09 Fishing, Hunting, Trapping~~

B. ~~MINING~~

- ~~10 Metal Mining~~
- ~~11 Anthracite Mining~~
- ~~12 Bituminous Coal and Lignite Mining~~
- ~~13 Oil and Gas Extraction~~
- ~~14 Mining and Quarrying of Non Metallic Minerals except Fuels~~

C. ~~CONSTRUCTION~~

- ~~15 Building Construction—General Contractors and Operative Builders~~
- ~~16 Construction other than Building Construction—General Contractors~~
- ~~17 Construction—Special Trade Contractors~~

D. ~~MANUFACTURING~~

- ~~20 Food and Kindred Products~~
- ~~21 Tobacco Manufacturers~~
- ~~22 Textile Mill Products~~
- ~~23 Apparel and Other Finished Products Made From Fabrics and Similar Materials~~
- ~~24 Lumber and Wood Products, except Furniture~~
- ~~25 Furniture and Fixtures~~
- ~~26 Paper and Allied Products~~
- ~~27 Printing, Publishing and Allied Industries~~
- ~~28 Chemical and Allied Products~~
- ~~29 Petroleum Refining and Related Industries~~
- ~~30 Rubber and Miscellaneous Plastic Products~~
- ~~31 Leather and Leather Products~~
- ~~32 Stone, Clay, Glass and Concrete Products~~
- ~~33 Primary Metal Industries~~
- ~~34 Fabricated Metal Products, except Machinery & Transportation Equipment~~

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35	Machinery, Except Electrical
36	Electrical and Electronic Machinery, Equipment and Supplies
37	Transportation Equipment
38	Measuring, Analyzing and Controlling Instruments; Photographic, Medical and Optical Goods; Watches & Clocks
39	Miscellaneous Manufacturing Industries
E.	TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY SERVICES
40	Railroad Transportation
41	Local and Suburban Transit and Interurban Highway Passenger Transportation
42	Motor Freight Transportation and Warehousing
43	U.S. Postal Service
44	Water Transportation
45	Transportation by Air
46	Pipe Lines, except Natural Gas
47	Transportation Services
48	Communication
49	Electric, Gas, and Sanitary Services
F.	WHOLESALE TRADE
50	Wholesale Trade Durable Products
51	Wholesale Trade Nondurable Products
G.	RETAIL TRADE
52	Building Materials, Hardware Garden Supply, and Mobile Home Dealers
53	General Merchandise Stores
54	Food Stores
55	Automotive Dealers and Gasoline Service Stations
56	Apparel and Accessory Stores
57	Furniture, Home Furnishing and Equipment Stores
58	Eating and Drinking Places
59	Miscellaneous Retail
H.	FINANCE, INSURANCE AND REAL ESTATE
60	Banking
61	Credit Agencies other than Banks
62	Security and Commodity Brokers, Dealers, Exchange and Servicers
63	Insurance

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64	Insurance Agents, Brokers, and Service
65	Real Estate
66	Combinations of Real Estate, Insurance, Loans, Law Offices
67	Holding and other Investment Offices
I.	SERVICES
70	Hotels, Rooming Houses, Camps, and other Lodging Places
71	Personal Services
72	Business Services
73	Automotive Repair, Services and Garages
74	Miscellaneous Repair Services
75	Motion Pictures
76	Amusement and Recreation Services, except Motion Pictures
77	Health Services
78	Legal Services
79	Educational Services
80	Social Services
81	Museums, Art Galleries, Botanical and Zoological Gardens
82	Membership Organizations
83	Private Households
84	Miscellaneous Services
86	Hotels, Rooming Houses, Camps, and other Lodging Places
87	Personal Services
88	Business Services
89	Automotive Repair, Services and Garages
J.	PUBLIC ADMINISTRATION
91	Executive, Legislative, and General Government, except Finance
92	Justice, Public Order, and Safety
93	Public Finance, Taxation and Monetary Policy
94	Administration of Human Resources Programs
95	Administration of Environmental Quality and Housing Programs
96	Administration of Economic Programs
97	National Security and International Affairs
K.	NONCLASSIFIABLE ESTABLISHMENTS
99	Nonclassifiable Establishments

(Source: Repealed at 32 Ill. Reg. 155, effective January 1, 2008)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Schedules of Maximum Rates to be Charged for Check Cashing and Writing of Money Orders by Community and Ambulatory Currency Exchanges
- 2) Code Citation: 38 Ill. Adm. Code 130
- 3) Section Number: 130.30 Adopted Action: Amendment
- 4) Statutory Authority: Section 19 of the Currency Exchange Act [205 ILCS 405]
- 5) Effective Date of Amendment: December 21, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: June 29, 2007; 31 Ill. Reg. 8891
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency amendment currently in effect? No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: The Community Currency Exchange Association and non-member currency exchanges petitioned the Department of Financial and Professional Regulation, Division of Financial Institutions to increase the maximum rate that Illinois currency exchanges are allowed to charge for cashing checks. After a hearing and review of the evidence presented by all interested parties, the Department decided to increase the rate to: 2.25% (up from 1.85%) for all checks \$100.01 or greater

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(previously \$500.01). For all checks \$100.00 or less (previously \$500.00), the amount remains 1.4% but the service charge increased to \$1.00 (up from \$0.90).

- 16) Information and questions regarding this Adopted Amendment shall be directed to:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, Illinois 62786

217/785-0813 Fax: 217/557-4451

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

TITLE 38: FINANCIAL INSTITUTIONS

CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL
REGULATIONINSTITUTIONS

PART 130

SCHEDULES OF MAXIMUM RATES TO BE CHARGED FOR
CHECK CASHING AND WRITING OF MONEY ORDERS BY
COMMUNITY AND AMBULATORY CURRENCY EXCHANGES

Section	
130.10	Authority
130.20	Purposes
130.30	Maximum Rate - Check Cashing
130.40	Maximum Rate - Issuance of Money Orders
130.50	Disclosure Requirements - Check Cashing <u>And</u> Money Orders
130.60	Effective Date

AUTHORITY: Implementing Sections 19.3 and 19.4 and authorized by Section 19 of the Currency Exchange Act [205 ILCS 405].

SOURCE: Adopted at 2 Ill. Reg. 5, p. 1, effective January 27, 1978; amended at 4 Ill. Reg. 51, p. 104, effective January 1, 1981; emergency amendment at 5 Ill. Reg. 265, effective December 19, 1980, for a maximum of 150 days; codified at 7 Ill. Reg. 11721; amended at 9 Ill. Reg. 1375, effective January 17, 1985; amended at 10 Ill. Reg. 11892, effective July 1, 1986; amended at 20 Ill. Reg. 13596, effective October 1, 1996; amended at 32 Ill. Reg. 170, effective December 21, 2007.

Section 130.30 Maximum Rate - Check Cashing

- a) The Maximum Rate. The maximum rate to be charged by community and ambulatory currency exchanges for cashing any check shall not exceed the following:
- 1) For all checks ~~\$100~~\$500 or less, an amount equal to 1.4% of the face amount of the check plus a service charge of ~~ninety cents (\$1.00-90)~~;
 - 2) For all checks ~~\$100.01~~\$500.01 or greater, an amount equal to ~~2.25~~1.85% of the face amount of the check.

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- b) Prohibition. No community or ambulatory currency exchange may charge a fee for cashing any check in excess of the maximum rate ~~as~~ set forth in subsection (a)above.

(Source: Amended at 32 Ill. Reg. 170, effective December 21, 2007)

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- 1) Heading of the Part: Public Use of State Parks and Other Properties of the Department of Natural Resources
- 2) Code Citation: 17 Ill. Adm. Code 110
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
110.4	Amendment
110.60	Amendment
110.90	Amendment
110.150	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 8 of the State Forest Act [525 ILCS 40/8] and by Sections 1, 2, 4 and 6 of the State Parks Act [20 ILCS 835/1, 2, 4 and 6] and by Section 5 of the State Parks Designation Act [20 ILCS 840/5] and by Sections 805-10, 805-520, 805-525, 805-330, 805-335 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-10, 805-520, 805-525, 805-330, 805-335 and 805-515]
- 5) Effective Date of Amendments: December 19, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 28, 2007; 31 Ill. Reg. 13439
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:

Section 110.60(c):

added commas following "devices", "including" and "to"; and

following "natural resources" added "", such as fire or the disturbance of nesting or

DEPARTMENT OF NATURAL RESOURCES

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feeding patterns".

Section 110.60(d):

following "federal quarantine" added ", or any county adjacent to a county included in such a quarantine area"; and

removed "The Department may also institute site-specific firewood bans through public notice and posting at the site.".

Section 110.90: replaced "is deemed to expose the Department to additional liability" with "involves the consumption of alcoholic beverages or is a hazardous recreational activity as defined in Section 3-109 of the Local Government and Governmental Employees Tort Immunity Act [745 ILCS 10/3-109]".

Section 110.150(d): replaced "certified by a recognized scuba organization" with "certified by a nationally recognized scuba certifying organization".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to: delete the special event fee and add language pertaining to fireworks/explosives, firewood bans, group liability and scuba divers.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER a: LANDS

PART 110

PUBLIC USE OF STATE PARKS AND OTHER PROPERTIES OF THE
DEPARTMENT OF NATURAL RESOURCES

Section

- 110.4 Fees and Charges
- 110.5 Unlawful Activities (Repealed)
- 110.20 Alcoholic Beverages – Possession, Consumption, Influence
- 110.30 Animals – Pets, Dogs, Cats, Equine; Noisy, Vicious, Dangerous Animals;
Livestock; Animal Waste
- 110.40 Boats and Other Watercraft
- 110.45 Abandoned Watercraft
- 110.50 Capacity of Areas – Usage Limitation
- 110.60 Camping – Campfires - Firewood
- 110.70 Destruction of Property – Flora – Fauna – Man-Made and Inanimate Natural
Objects-Collection of Artifacts
- 110.90 Group/Activity [Permits](#)
- 110.95 Demonstrations
- 110.100 Littering
- 110.110 Prohibited Fishing Areas – Cleaning of Fish
- 110.120 Restricted Areas
- 110.140 Soliciting/Advertising/Renting/Selling
- 110.150 Swimming/Wading/Diving
- 110.160 Vehicles – Operation on Roadway – Speed – Parking – Weight Limit
- 110.165 Bicycles – Operation on Roadway – Designated Trails
- 110.170 Weapons and Firearms – Display and Use
- 110.175 Nudity Prohibited
- 110.180 Violation of Rule
- 110.185 Emergency Modification of Site Rules

AUTHORITY: Implementing and authorized by Section 8 of the State Forest Act [525 ILCS 40/8] and by Sections 1, 2, 4 and 6 of the State Parks Act [20 ILCS 835/1, 2, 4 and 6] and by Section 5 of the State Parks Designation Act [20 ILCS 840/5] and by Sections 805-10, 805-520, 805-525, 805-330, 805-335 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-10, 805-520, 805-525, 805-330, 805-335 and 805-515].

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SOURCE: Adopted at 4 Ill. Reg. 11, p. 59, effective March 4, 1980; emergency amendment at 5 Ill. Reg. 8933, effective August 25, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10621; amended at 6 Ill. Reg. 7401, effective June 11, 1982; amended at 8 Ill. Reg. 9967, effective June 19, 1984; amended at 10 Ill. Reg. 9797, effective May 21, 1986; amended at 10 Ill. Reg. 13256, effective July 25, 1986; amended at 13 Ill. Reg. 3785, effective March 13, 1989; amended at 15 Ill. Reg. 14423, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 7934, effective May 11, 1992, for a maximum of 150 days; emergency expired October 8, 1992; amended at 16 Ill. Reg. 15435, effective September 28, 1992; amended at 19 Ill. Reg. 6471, effective April 28, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 22 Ill. Reg. 14832, effective August 3, 1998; amended at 24 Ill. Reg. 12556, effective August 7, 2000; emergency amendment at 25 Ill. Reg. 13786, effective October 12, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1206, effective January 16, 2002; amended at 26 Ill. Reg. 6534, effective May 1, 2002; amended at 27 Ill. Reg. 8866, effective May 19, 2003; amended at 28 Ill. Reg. 7061, effective May 3, 2004; amended at 29 Ill. Reg. 2268, effective January 28, 2005; emergency amendment at 30 Ill. Reg. 13536, effective July 27, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 19376, effective November 30, 2006; amended at 32 Ill. Reg. 174, effective December 19, 2007.

Section 110.4 Fees and Charges

The following fees will be charged for use or reservation of designated facilities effective May 11, 1992, except that Illinois residents who are veterans and disabled or a former prisoner of war [20 ILCS 805/63a23] shall be exempt from subsections (a) and (b) of this Section:

- a) All persons entering a designated swim beach area shall pay a \$1 fee. Illinois Beach State Park beaches are not designated swim beach fee areas.
- ~~b) All persons entering a designated special event area shall pay a \$1 fee.~~
- ~~b)e)~~ All individuals reserving a picnic shelter at sites participating in the Shelter Reservation Program shall pay \$25 each day a shelter is reserved. Reservations are non-refundable unless the area is closed by the Department. Checks are to be made payable to the Illinois Department of Natural Resources (site name). Reservations are not final until payment is received. Upon vacating the site, shelter users are required to remove all personal belongings and place all trash in the appropriate receptacles located at the site. Those who fail to do so will be charged a disposal fee of \$50. Shelter users who fail to pay the disposal fee will

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be denied future reservations until the fee is paid in full.

- ~~c)~~ Failure to comply with the provisions of this Part is punishable as a Class B misdemeanor [20 ILCS 835/6].

(Source: Amended at 32 Ill. Reg. 174, effective December 19, 2007)

Section 110.60 Camping – Campfires - Firewood

It shall be unlawful:

- a) For any person to use a tent or trailer, or any other type of camping device except in designated camping areas, and persons camping in such designated areas shall obtain a camping authorization slip from authorized site personnel as provided by 17 Ill. Adm. Code 130.
- b) For any person to build any fire in any area except in campstoves provided by the Department of Natural Resources or in charcoal or other types of metal grills which are furnished by the visitor at a specific campfire site designated or where bans on open fires are posted by the Department of Natural Resources.
- c) For any person to possess or discharge any type of fireworks or other explosive devices, including, but not limited to, model rockets or aerial displays without a written permit issued by the Department. The decision to grant or deny a permit will be based upon public safety, ~~and~~ legal considerations, ~~and~~ the impact on public use/enjoyment of parks and the potential impact on natural resources, such as fire or the disturbance of nesting or feeding patterns.
- d) For any person to bring or possess on Department of Natural Resources properties firewood from any geographical area where wood exportation has been prohibited by either State or federal quarantine, or any county adjacent to a county included in such a quarantine area, or to sell or distribute firewood on Department properties without prior written agreement with the Department pursuant to 17 Ill. Adm. Code 150 - Regulations for the Letting of Concessions, Farm Leases, Sale of Buildings and Facilities, and Demolitions. Department staff may confiscate any firewood brought onto Department properties found to be in violation of this Part.

(Source: Amended at 32 Ill. Reg. 174, effective December 19, 2007)

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Section 110.90 Group/Activity Permits

It shall be unlawful for groups of more than 25 persons to use Department of Natural Resources facilities unless written permission is obtained in advance from the Site's Superintendent or site manager. Further, for groups of persons under the age of 18, it is required that at least one adult (age 18 years or older) accompany no more than 15 of these minor individuals. Groups of more than 25 persons may be denied permission to gather if it is determined by the Site Superintendent that the site's physical layout and infrastructure is not suitable for the group activity or may be detrimental to the public health and safety of other site visitors or the natural resources at the site. The Site Superintendent will evaluate the availability of parking, conflicts with other visitor uses, acreage, toilet facilities and suitable roadways in determining whether to grant permission for the requested group activity. [The Department may also require groups of any size to provide protection against liability claims if the planned activity involves the consumption of alcoholic beverages or is a hazardous recreational activity as defined in Section 3-109 of the Local Government and Governmental Employees Tort Immunity Act \[745 ILCS 10/3-109\].](#)

(Source: Amended at 32 Ill. Reg. 174, effective December 19, 2007)

Section 110.150 Swimming/Wading/Diving

It shall be unlawful for any person to swim, wade or bodily enter into the water at any location. The exceptions to this rule include only the following:

- a) areas designated by posting as allowing swimming. Where lifeguards are not posted, no person under 17 years of age may swim or be on the beach without supervision of a parent, guardian, or responsible adult (18 years of age or older) present. Designated swimming beaches shall conform to all rules and regulations of the Illinois Department of Public Health regarding public swimming beaches (77 Ill. Adm. Code 820.360);
- b) areas where a Department employed lifeguard is on duty;
- c) areas posted for other uses such as waterfowl hunting, water skiing, wade fishing, or riding personal watercraft or inflatable devices; or
- d) areas authorized for ~~scuba~~Scuba diving. Scuba divers must have in their possession valid diving permits issued by the ~~Site Superintendent~~Department. Permits are issued to keep track of name and location of divers, to ensure that

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divers are certified by a [nationally](#) recognized [scuba certifying organization](#)~~entity~~ and to minimize [user](#) conflicts [at sites](#).

(Source: Amended at 32 Ill. Reg. 174, effective December 19, 2007)

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- 1) Heading of the Part: Camping on Department of Natural Resources Properties
- 2) Code Citation: 17 Ill. Adm. Code 130
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
130.70	Amendment
130.110	Amendment
130.135	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1 and 4(1) and (5) of the State Parks Act [20 ILCS 835/1 and 4(1) and (5)], and by Sections 805-305 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-305 and 805-515]
- 5) Effective Date of Amendments: December 19, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: October 5, 2007; 31 Ill. Reg. 13611
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: When the proposed amendments to this Part were filed, the Department included a change in Section 130.120 to correct an error in the camping fee. However, after the rule was filed it was determined that the language currently on file was correct and that the amendment was not necessary. Therefore, Section 130.120 is not included in the adopted text.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: This Part was amended to: clarify deposit requirements for group camping, update regulations for use of Rent-A-Camp Tents, update regulations for use of Individual Rent-A-Cabins at Dixon Springs State Park, add information pertaining to user fees at the World Shooting and Recreational Complex campground, add parking and power use restrictions for youth group tent camping, update language pertaining to reimbursement of campground hosts and add a provision for the Department to conduct background security checks on campground hosts and host candidates.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER a: LANDS

PART 130

CAMPING ON DEPARTMENT OF NATURAL RESOURCES PROPERTIES

Section

130.10	Location
130.20	Purpose of Campground
130.30	Classification of Camps by Equipment Used – Definitions
130.40	Definitions
130.50	Registrations
130.60	Permits, Extensions and Time Limits
130.70	Fees and Charges
130.80	Refunds
130.90	Check-in and Check-out Times
130.100	Unoccupied Camps
130.110	Vehicles per Camp (Refer to 17 Ill. Adm. Code 130.30)
130.120	Youth Group (Boy Scouts, Girl Scouts, Explorers, church groups, or others)
130.130	Organization Group Camps (charter organizations, ROTC, private clubs or others)
130.135	Campground Host Program
130.140	Use of Campground
130.150	Violation of Rule

AUTHORITY: Implementing and authorized by Sections 1 and 4(1) and (5) of the State Parks Act [20 ILCS 835/1 and 4(1) and (5)], and by Sections 805-305 and 805-515 of the Civil Administrative Code of Illinois [20 ILCS 805/805-305 and 805-515].

SOURCE: Adopted at 4 Ill. Reg. 7, p. 110, effective February 4, 1980; emergency amendment at 5 Ill. Reg. 5707, effective June 1, 1981 for a maximum of 150 days; codified at 5 Ill. Reg. 10623; amended at 5 Ill. Reg. 14568, effective December 9, 1981; amended at 6 Ill. Reg. 3840, effective March 31, 1982; amended at 6 Ill. Reg. 9626, effective July 21, 1982; amended at 6 Ill. Reg. 14835, effective November 24, 1982; amended at 7 Ill. Reg. 5870, effective April 22, 1983; amended at 8 Ill. Reg. 5647, effective April 16, 1984; amended at 9 Ill. Reg. 6173, effective April 23, 1985; amended at 9 Ill. Reg. 11594, effective July 16, 1985; amended at 10 Ill. Reg. 9777, effective May 21, 1986; amended at 10 Ill. Reg. 13244, effective July 28, 1986; amended at 11 Ill. Reg. 9506, effective May 15, 1987; amended at 14 Ill. Reg. 12402, effective July 20, 1990; emergency amendment at 16 Ill. Reg. 7925, effective May 11, 1992, for a maximum of

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150 days; emergency expired October 8, 1992; amended at 16 Ill. Reg. 15982, effective October 2, 1992; amended at 18 Ill. Reg. 1126, effective January 18, 1994; amended at 19 Ill. Reg. 6462, effective April 28, 1995; amended at 20 Ill. Reg. 6683, effective May 6, 1996; amended at 21 Ill. Reg. 9034, effective June 26, 1997; amended at 22 Ill. Reg. 3076, effective January 23, 1998; amended at 22 Ill. Reg. 11781, effective June 24, 1998; amended at 23 Ill. Reg. 8376, effective July 7, 1999; amended at 24 Ill. Reg. 1634, effective January 13, 2000; amended at 24 Ill. Reg. 13699, effective August 23, 2000; amended at 27 Ill. Reg. 12630, effective July 21, 2003; amended at 28 Ill. Reg. 6118, effective April 15, 2004; amended at 29 Ill. Reg. 20445, effective December 2, 2005; amended at 32 Ill. Reg. 181, effective December 19, 2007.

Section 130.70 Fees and Charges

- a) The full amount of the camping fee and, if applicable, the utility fee shall be collected at the time the permit is issued. If checks are taken, they shall be made payable to the Illinois Department of Natural Resources and the site identified. Camping fees vary according to the type of campground and are as follows:
 - 1) Spring-Summer Camping (rates apply May 1 through September 30, except at the World Shooting Complex during sanctioned shooting events when camping is reserved for event participants via a licensing agreement between the event sponsor and the Department)
 - A) Class AA Sites: Camping fee of \$15 per night per site, \$5 utility fee. Sites having availability to showers, electricity, water hookups, sewer hookups, and vehicular access.
 - B) Class A Sites: Camping fee of \$10 per night per site, \$5 utility fee. Sites having availability to showers, electricity and vehicular access.
 - C) Class A Premium Sites: Camping fee of \$15 per night per site, \$5 utility fee. Sites having availability to showers, electricity and vehicular access.
 - D) Class B-E Sites: Camping fee of \$8 per night per site, \$5 utility fee. Sites having availability to electricity and vehicular access.
 - E) Class B-E Premium Sites: Camping fee of \$10 per night per site, \$5 utility fee. Sites having availability to electricity and vehicular

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access.

- F) Class B-S Sites: Camping fee of \$10 per night per site. Sites having availability to showers and vehicular access.
- G) Class B-S Premium Sites: Camping fee of \$12 per night per site. Sites having availability to showers and vehicular access.
- H) Class C Sites: Camping fee of \$8 per night per site. Sites having vehicular access or tent camp/primitive sites (walk-in or backpack) having availability to showers.
- I) Class D Sites: Camping fee of \$6 per night per site. Tent camping or primitive sites with no vehicular access.
- J) Youth Group Camping: \$2 per person, minimum daily camping fee of \$20.
- K) Adult Group Camping: \$4 per person, minimum daily camping fee of \$40.
- L) Each member of an organized group utilizing facilities furnished at Dixon Springs State Park, Horseshoe Lake State Fish and Wildlife Area (Alexander County) and Pere Marquette State Park shall pay a fee of \$4 per night. At Dixon Springs and Horseshoe Lake State Fish and Wildlife Area (Alexander County), a deposit of \$40 will be required before confirmation of a reservation. The deposits will be credited to the total camping fee. At Pere Marquette, a deposit of \$100 will be required before confirmation of a reservation. The deposits will be credited to the total camping fee. At Pere Marquette, deposit balances will not be refunded until inspection is made of the facilities after the group departs. If damages warrant, Pere Marquette will have authority to retain this deposit. Fees for day use of the group camps at Dixon Springs, Horseshoe Lake State Fish and Wildlife Area (Alexander County) and Pere Marquette shall be \$50 per day.
- M) Rent-A-Camp Tents

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ii) Tents will be made available at designated State parks and recreational areas throughout the Department's statewide system. Rent-A-Camp Tent areas will provide, at additional fees of \$8 and \$12 per night, one large tent (approximately 10' x 13') or one extra large tent (approximately 14' x 14'), respectively (erected), with wood floor, one charcoal grill, one picnic table, one trash barrel, and either 4 sleeping cots per large tent or 8 sleeping cots per extra large tent. The total overnight fee for a Rent-A-Camp Tent will be based on the basic fees of \$8 or \$12 per night in addition to the class of camping rate on which the Rent-A-Camp site is located.

ii) ~~Rent-A-Camp Tent at Class A Sites:
\$8 or \$12 plus \$5 utility fee and \$10 camping fee per night
per site at all sites having availability to showers, electricity
and vehicular access.~~

N) Rent-A-Camp Cabin areas will provide, at a basic cabin rental fee of \$25 per night, one 2-bedroom cabin with 2 bunk beds, one full-sized bed, ceiling fans, electric heaters, table with chairs, one charcoal grill, one picnic table, and one trash barrel. The total overnight fee for a Rent-A-Camp Cabin will be based on the basic fee plus Class specific utility and camping fees, as follows:

i) Rent-A-Camp Cabins at Class A Sites:
\$25 cabin rental plus \$5 utility fee and \$10 camping fee per night, per site at all sites having availability to showers and vehicular access.

ii) Rent-A-Camp Cabins at Class A Premium Sites:
\$25 cabin rental plus \$5 utility fee and \$15 camping fee per night, per site at all sites having availability to showers and vehicular access.

iii) Individual Rent-A-Cabins at Dixon Springs State Park:
rented individually – not by organized groups pursuant to
subsection (a)(1)(L); \$30 cabin rental fee per unit.

O) A \$5 per campsite non-refundable fee must be remitted at those facilities offering reservation services. This fee applies to

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reservations for group campsites as well as individual site reservations and individual Rent-A-Camp Cabin and individual Rent-A-Camp Tent reservations. In addition to the \$5 non-refundable fee, the first night's camping and utility fee is required at the time reservations are made.

- 2) Fall-Winter Camping (rates apply October 1 through April 30, except at the World Shooting Complex during sanctioned shooting events when camping is reserved for event participants via a licensing agreement between the event sponsor and the Department)
 - A) As long as buildings, water and electrical service are available, regardless of the date, the regular camping fee will apply.
 - B) When cold weather requires closing down buildings and shutting off water in any Class A or B campgrounds, the fee shall be reduced commensurate with the services and facilities available for use.
 - C) The fee for primitive campsites shall be \$6 per site. When a change in facilities is made and a campsite is reclassified, the fee for a site will change automatically.
- b) Exceptions: Employees, Concessionaires, and Special Legislation
 - 1) Except for temporary employees of the Department of Natural Resources who qualify and are placed in the campground host program at approved camping sites, employees of the Department of Natural Resources or any other State agency, regardless of their official status, will be required to pay the established camping fee.
 - 2) The concessionaire, manager, or a responsible employee designated by the concessionaire will not be charged the regular camping fee. Rent will be paid at the rate established by the Department or pursuant to the concession lease.
 - 3) An Illinois resident age 62 or older, or a person who has a Class 2 disability as defined in Section 4A of the Illinois Identification Card Act [15 ILCS 335/4A] or a disabled veteran, or a former prisoner of war as

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defined in Section 5 of the Department of Veterans Affairs Act [20 ILCS 2805/5], is entitled to the following camping fee provisions, upon qualifying, which will allow the spouse or minor (under 18) children, or minor grandchildren to be included in the camping party. All other members must be registered and pay the regular camping fee for the facilities provided.

- A) Illinois residents age 62 or older will be charged one-half the established camping fee on any Monday, Tuesday, Wednesday, or Thursday, at Class AA, A Premium, A, B-E Premium, B-E, B-S Premium, and B-S sites but must pay the entire established camping fee on all sites on any Friday, Saturday or Sunday, and, if at a site with utilities, must pay the entire utility fee for each day of camping. Verification of age may be made by any document required by law to establish proof of age and date of birth and issued by a federal or state governmental agency. No fee on Class C and D sites Monday through Thursday.
- B) Illinois residents who have a Class 2 disability and present a current Illinois Disabled Person Identification Card issued by the Secretary of State will be charged one-half the established camping fee for Class AA, A Premium, A, B-E Premium, B-E, B-S Premium and B-S sites on any Monday, Tuesday, Wednesday or Thursday, but must pay the entire established camping fee for any Friday, Saturday or Sunday, and, if at a site with utilities, must pay the entire utility fee for each day of camping. No fee on Class C and D sites. Parents or legal guardians, aged 18 or over, of minors who have a current Class 2 Illinois Disabled Person Identification Card may register the campsite at the reduced rate specified in this subsection (b)(3)(B) for disabled persons, provided the disabled minor is present and camping at the same site as the parent or legal guardian.
- C) An Illinois resident who is a disabled veteran or former prisoner of war may camp without being charged a camping fee, but if at a site with utilities, must pay the entire utility fee for each day of camping. An individual wishing to qualify for free camping under the provisions stated above must be able to submit the appropriate document issued by the Illinois Department of Veterans' Affairs

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(see 20 ILCS 2805/5).

- c) World Shooting and Recreational Complex (WSRC)
The Department may establish the fees for use of all or parts of the campground at the WSRC through the negotiation of contracts for events to be held at the WSRC. The Department shall consider the numbers of camping spaces reserved and the services provided at each campsite when establishing fees by contract. All other fees set forth in this Section shall apply to public camping at the WSRC.

(Source: Amended at 32 Ill. Reg. 181, effective December 19, 2007)

Section 130.110 Vehicles per Camp (Refer to 17 Ill. Adm. Code 130.30)

- a) All vehicles must be registered by license number and site number (if available) with the Site Superintendent.
- b) Tent campsite may have:
- 1) No more than two standard cars, or
 - 2) No more than two motorcycles, or
 - 3) No more than one standard car, van or pick-up and two motorcycles.
- c) Trailer campsite may have (in addition to camp shelter):
- 1) No more than two standard vehicles such as cars, vans or pick-ups, or
 - 2) No more than one standard vehicle, such as car, van or pick-up, and two motorcycles.
- d) Vehicle campsite may have (in addition to the vehicle camper): No more than one standard vehicle, such as car, van or pick-up, and two motorcycles.
- e) Primitive – No vehicles except bicycles, canoes or snowmobiles.
- f) Youth group camping – tents only. Leaders may use vehicles or trailer camper when camping with youths, but must park where directed by the site

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superintendent and may not power their camp shelters from electrical outlets provided in picnic shelters.

- g) Organization – Not applicable.
- h) Boat – same as trailer (subsection (c)-~~above~~).
- i) Visitors shall not park vehicle on any campsite when the maximum limits established in subsections (b) through (h) ~~above~~ would be exceeded.
- j) Where camping pads are provided, all wheeled shelter vehicles must be parked with wheels completely on the surface provided.

(Source: Amended at 32 Ill. Reg. 181, effective December 19, 2007)

Section 130.135 Campground Host Program

- a) Purpose of host – The host provides a service to Illinois State Park and Historic Site visitors and encourages compliance with park rules and regulations.
- b) Pertinent information and qualifications
 - 1) The Department ~~will compensate hosts \$1 per day for the days hosts work, and~~ will provide free camping privileges to campground hosts while they are performing duties in the campground, and will compensate the host \$1 per day for the days the host works, unless the host declines compensation in writing.
 - 2) The host must provide camping equipment. Some campgrounds do not have full hook-ups, so self-contained equipment is advisable. CB radio is optional.
 - 3) A host shall have camping experience.
 - 4) A host shall serve for a minimum of 4 weeks.
 - 5) Illinois residents will be given first priority for host positions.
 - 6) A host shall have a valid driver's license.

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- 7) A host shall be at least 21 years of age.
 - 8) The Department may conduct background security checks on campground hosts and host candidates.
 - 98) A host shall be available in the park to assist visitors 35 hours per week, usually over a 5 day period. Weekends and holidays are mandatory days for duty in the program.
 - 109) A host shall be on duty and work during all kinds of weather.
- c) Location of host campgrounds
- 1) Designated host campground sites will vary, but will be represented throughout the statewide park and recreation system.
 - 2) A current listing of designated host campground sites will be provided with the application.
- d) Number of hosts per park
An individual or couple may act as hosts. Most parks have one campsite designated and a few larger parks may have more campsites.
- e) Duties and responsibilities of a host
- 1) A host shall be a visible representative of the Department with knowledge of rules and regulations.
 - 2) A host shall be informed about the park setting and activities available in the area.
 - 3) A host shall greet visitors, help them get settled, answer questions, receive comments, pass out publications, and collect campground fees.
 - 4) A host shall be observant for activities within the campground that require immediate attention by the staff or law enforcement, and contact help when emergencies occur. (A host is not required to enforce rules or perform major maintenance repairs.)

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- 5) A host shall replenish restroom supplies when the park staff are not present.
- 6) A host shall promote care of the park by keeping a clean campsite and performing minor maintenance tasks such as picking up litter, etc.
- f) How to apply
 - 1) Interested persons may obtain a campground host application from a Department office or write:

Illinois Department of Natural Resources, Campground Host Coordinator,
One Natural Resources Way, Springfield IL 62702-1271.
 - 2) Interested persons may complete the application and return it to the above address.
- g) When to apply
 - 1) Applications are accepted year round and filled as positions open. If a position is open, applicants will be contacted for an interview.
 - 2) Recruitment for the summer season occurs from March to June.
- h) Hiring campground host and/or hostess
 - 1) The Site Superintendent at the site designated for the host campground program shall review the host and/or hostess applications, interview each applicant, and hire the most suitable candidates for this position.
 - 2) All persons considered must be 21 years of age or older, possess a valid driver's license, and have camping experience and knowledge. Other qualifications to be taken into consideration in the evaluation of applicants shall include, but not be limited to, the following:
 - A) Previous experience in handling financial transactions, including the making of change, the proper safekeeping of cash, and recording all such transactions.

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- B) Previous experience in maintenance and report work.
- C) The capability of positive communication with campers, and a willingness to deal with any problems which might arise among campers or between campers and site management.
- D) Results of security background checks, if performed.

(Source: Amended at 32 Ill. Reg. 181, effective December 19, 2007)

AUDITOR GENERAL

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Inspector General Complaint Policies and Procedures
- 2) Code Citation: 2 Ill. Adm. Code 605
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
605.5	New Section
605.10	New Section
605.15	New Section
605.20	New Section
605.25	New Section
605.30	New Section
605.40	New Section
605.50	New Section
605.60	New Section
605.70	New Section
- 4) Statutory Authority: Section 30-5(b) of the State Officials and Employees Ethics Act [5 ILCS 430/30-5(b)]
- 5) Effective Date of Rulemaking: December 28, 2007
- 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 at the Auditor General's Springfield Office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 7, 2007; 31 Ill.Reg. 12668
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between proposal and final version: In Section 605.20, permissive referral of a complaint to another appropriate party was made mandatory if the referral is agreed to in writing by the person filing the complaint. In Section 605.25 regarding referral to law enforcement agencies, the following sentence was added: "Cases eligible for immediate referral for criminal investigation include complaints alleging criminal violations of the health or safety of an individual or the public."

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- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 14) Are there any rules pending on this Part? No
- 15) Summary and Purpose of Rules: These rules are required by statute [5 ILCS 430/30-5 (b)] and govern investigations by the Office of the Auditor General Inspector General. They set forth procedures for opening, closing, and conducting investigations; confidentiality; and cooperation by employees.
- 16) Information and questions regarding these adopted rules shall be directed to:

Becky Patton, Legal Counsel
Office of the Auditor General
740 E. Ash St.
Springfield, IL 62703

217/782-6046
888/261-2887 (TTY)

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

AUDITOR GENERAL

NOTICE OF ADOPTED RULES

TITLE 2: GOVERNMENT ORGANIZATION
SUBTITLE C: CONSTITUTIONAL OFFICERS
CHAPTER V: AUDITOR GENERAL

PART 605

INSPECTOR GENERAL COMPLAINT POLICIES AND PROCEDURES

Section:

605.5	Definitions
605.10	Jurisdiction
605.15	Complaint Form
605.20	Referral to the Appropriate Entity
605.25	Referral to Law Enforcement Agencies
605.30	Opening an Investigative File
605.40	Investigations
605.50	Summary Report
605.60	Cooperation in Investigations
605.70	Confidentiality

AUTHORITY: Implementing and authorized by Section 30-5 of the State Officials and Employees Ethics Act [5 ILCS 430/30-5].

SOURCE: Emergency rule adopted at 31 Ill. Reg. 13031, effective August 27, 2007, for a maximum of 150 days; adopted at 32 Ill. Reg. 194, effective December 28, 2007.

Section 605.5 Definitions

"Act" means the State Officials and Employees Ethics Act [5 ILCS 430].

"Employee" means any person employed full-time, part-time, or pursuant to a contract and whose employment duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, or any appointee, other than the Inspector General appointed by the Auditor General pursuant to Section 30-5 of the Act.

"Ethics Officer" means the person appointed by the Auditor General pursuant to Section 30-10 of the Act who shall act as liaison to the Inspector General.

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"Inspector General" means the person appointed by the Auditor General pursuant to Article 30 of the Act.

"Ultimate jurisdictional authority" means, for employees of the Auditor General, the Auditor General.

Section 605.10 Jurisdiction

- a) The jurisdiction of the Inspector General is to investigate allegations of fraud, waste, abuse, mismanagement, misconduct, nonfeasance, misfeasance, malfeasance, or violations of the Act or violations of other related laws or rules involving employees of the Office of the Auditor General.
- b) The Inspector General will decline to investigate the following types of complaints:
 - 1) anonymous complaints;
 - 2) complaints relating to conduct the most recent act of which occurred more than a year before the complaint is filed, except when there is reasonable cause to believe that fraudulent concealment has occurred. To constitute fraudulent concealment sufficient to toll this limitations period, there must be an affirmative act or representation calculated to prevent discovery of the fact that a violation has occurred;
 - 3) complaints involving vendors of the Office of the Auditor General, unless the complaint also specifically alleges improper conduct by an employee of the Office of the Auditor General relating to that vendor;
 - 4) anything that has been fully adjudicated (administratively or in a court) or is pending before an agency or pending in civil or criminal court; and
 - 5) disagreements of legal interpretations relating to or arising out of the audit and examination process or decisions by the Office of the Auditor General relating to audits or examinations.
- c) The Inspector General may also decline to investigate the following types of complaints:

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- 1) complaints in which a person is dissatisfied with the Office of the Auditor General's administrative or personnel policies or procedures, such as the identity of one's supervisor or a work assignment; and
- 2) complaints that are currently pending before another federal, State or local entity.

Section 605.15 Complaint Form

The Inspector General shall prescribe and make available a complaint form.

Section 605.20 Referral to the Appropriate Entity

If the Inspector General receives a complaint form or other information that alleges misconduct of an officer or employee outside his or her jurisdiction, and referral to another agency is agreed to in writing by the person filing the complaint, then the Inspector General shall forward the complaint form or information to the appropriate Inspector General, appropriate ethics commission or other appropriate body and shall keep a record of this referral and its recipients.

Section 605.25 Referral to Law Enforcement Agencies

When it appears that a case may warrant criminal investigation, the Inspector General may immediately refer the allegation to an appropriate federal, State or local law enforcement agency or State Attorney General. Cases eligible for immediate referral for criminal investigation include complaints alleging criminal violations of the health or safety of an individual or the public.

Section 605.30 Opening an Investigative File

- a) An investigative file shall be opened upon receipt of a complaint form meeting the requirements of this Part. Multiple complaint forms that relate to the same alleged acts of misconduct may be consolidated for purposes of investigation. In the absence of a completed complaint form, the Inspector General may create an investigation file and assign the file a unique tracking number if, upon information received and not upon his or her own prerogative, the Inspector General reasonably believes that misconduct may have occurred within the Inspector General's jurisdiction.

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- b) The investigation file shall contain the complaint form or, if none, so much of the information that would normally appear on the complaint form as is known to the Inspector General at the inception of the matter.

Section 605.40 Investigations

- a) Investigations shall commence upon the opening of an investigation file.
- b) The Inspector General shall have the discretion to determine whether reasonable cause exists to warrant the opening of an investigative file and to determine the appropriate means of investigation as permitted by law. All investigations will be conducted in a professional and thorough manner. Investigations will be properly documented and will be submitted in written reports of findings. Proper documentation of an investigation shall include, at a minimum, a description of the alleged misconduct or offense; the events and circumstances surrounding the allegation, including the results of interviews, review of documents and records, and other material information revealed during the investigation; and a recommendation concerning the merits of the allegation.
- c) The Inspector General will utilize methods for investigative interviews consistent with current practices and techniques and will observe and comply with all laws and agreements related to the questioning of employees or other individuals.
- d) When the Inspector General concludes that there is insufficient evidence that a violation has occurred, the Inspector General shall close the investigation. At the request of the subject of the investigation, the Inspector General shall provide a written statement to the subject of the investigation of the Inspector General's decision to close the investigation. Closure by the Inspector General does not bar the Inspector General from resuming the investigation if circumstances warrant.

Section 605.50 Summary Report

- a) If the Inspector General, upon conclusion of an investigation, determines that reasonable cause exists to believe that a violation has occurred, then the Inspector General shall issue a summary report of the investigation. The report shall be delivered to the Auditor General, as ultimate jurisdictional authority.
- b) The summary report of the investigation shall include the following:

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- 1) A description of any allegations or other information received by the Inspector General pertinent to the investigation.
- 2) A description of any alleged misconduct discovered in the course of the investigation.
- 3) Recommendations for any corrective or disciplinary action to be taken in response to any alleged misconduct described in the report, including but not limited to discharge.
- 4) Other information the Inspector General deems relevant to the investigation or resulting recommendations.

Section 605.60 Cooperation in Investigations

- a) It is the duty of every employee under the jurisdiction of the Inspector General to cooperate with the Inspector General in any investigation undertaken pursuant to the Act. Failure to cooperate with an investigation of the Inspector General is grounds for disciplinary action, including dismissal. Nothing in this provision limits or alters a person's existing rights or protections under State or federal law.
- b) Any employee who is the subject of an investigation who, according to present evidence or allegations, faces potential discipline shall be notified by the Inspector General of whether the interview is criminal or administrative in nature and of the right to the presence of a representative or co-worker uninvolved in the investigation or the representation of a private attorney during any interview. The interview subject shall sign a written acknowledgement of his or her understanding of these rights on a form prescribed by the Inspector General. If, at any point, an interview subject indicates that he or she wants the presence of a person authorized by this subsection (b), the interview shall be suspended and a new date and time set. Evidence obtained directly or indirectly in violation of this subsection (b) shall not be admissible in any proceeding.
- c) Interviews shall not be audiotaped or otherwise recorded without the written consent of the employee. The written consent shall indicate that the interview subject is not required to consent to the audio recording and his or her refusal to consent to the audio recording does not constitute failure to cooperate with the investigation. The written consent and audiotapes shall be preserved, unedited, in the investigation file.

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Section 605.70 Confidentiality

- a) The identity of any individual providing information or reporting any possible or alleged misconduct to the Inspector General shall be kept confidential and may be disclosed only on an as-needed basis or with the consent of the individual or as otherwise required by law. The confidentiality granted by this subsection (a) does not preclude the disclosure of the identity of a person in any capacity other than as the source of an allegation.
- b) Any allegations and related documents submitted to the Inspector General and the Inspector General's files and reports are exempt from the provisions of the Freedom of Information Act [5 ILCS 140] and are confidential, except as necessary for referral to and possible action by:
 - 1) law enforcement agencies, prosecutorial authorities, other Inspectors General or other parties as permitted by this Part; and
 - 2) the Auditor General.
- c) If an investigation results in a finding that an employee engaged in misconduct, the results of the investigation and the names of the witnesses may become public in any ensuing administrative or judicial proceeding.
- d) Requests from the ethics officer for guidance on matters involving the interpretation or application of the Act or rules promulgated under the Act are exempt from the provisions of the Freedom of Information Act. Guidance provided to an ethics officer or State employee at the request of an ethics officer on matters involving the interpretation or application of the Act or rules promulgated under the Act is exempt from the provisions of the Freedom of Information Act.

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: Net Metering
- 2) Code Citation: 83 Ill. Adm. Code 465
- 3)

<u>Section Numbers</u> :	<u>Emergency Action</u> :
465.5	New Section
465.10	New Section
465.20	New Section
465.30	New Section
465.40	New Section
465.50	New Section
465.60	New Section
465.70	New Section
- 4) Statutory Authority: Implementing Section 16-107.5 of the Public Utilities Act [220 ILCS 5/16-107.5] and authorized by Sections 16-107.5 and 10-101 of the Public Utilities Act [220 ILCS 5/16-107.5, 220 ILCS 5/10-101]
- 5) Effective Date of Rules: December 22, 2007
- 6) If these emergency rules are to expire before the end of the 150-day period, please specify the date on which they are to expire: This emergency rule will expire at the end of the 150-day period or upon adoption of permanent rules, whichever comes first.
- 7) Date Filed with the Index Department: December 19, 2007
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Commission's office in Springfield and is available for public inspection.
- 9) Reason for Emergency: August 24, 2007 is the effective date of P.A. 95-0420, which added Section 16-107.5 to the Public Utilities Act. Section 16-107.5 requires electricity providers (electric utilities or alternative retail electric suppliers) to equip net metering facilities (defined in the Public Act) with metering equipment that can measure the flow of electricity in both directions at the same rate.

Section 16-107.5(h) reads in relevant part:

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Within 120 days after the effective date of this amendatory Act of the 95th General Assembly, the Commission shall establish standards for net metering....

The standards need to be adopted by December 22, 2007.

- 10) A Complete Description of the Subjects and Issues Involved: Section 16-107.5 to the Public Utilities Act requires electricity providers to equip net metering facilities with metering equipment that can measure the flow of electricity in both directions at the same rate. This Part establishes filing requirements and billing requirements for net metering.
- 11) Are there any proposed rulemakings to this Part pending? No
- 12) Statement of Statewide Policy Objectives: These emergency rules neither create nor expand any State mandate on units of local government, school districts, or community college districts.
- 13) Information and questions regarding these emergency rules shall be directed to:

Conrad S. Rubinkowski
Office of General Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

Phone: 217/785-3922
Fax: 217/524-9280

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF EMERGENCY RULES

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER c: ELECTRIC UTILITIESPART 465
NET METERING

Section

465.5 Definitions

EMERGENCY

465.10 Application of Part 465

EMERGENCY

465.20 Purpose of Rule

EMERGENCY

465.30 Tariffs

EMERGENCY

465.40 Reporting Requirements

EMERGENCY

465.50 Electricity Provider Billing for Eligible Customers

EMERGENCY

465.60 Complaint Procedures

EMERGENCY

465.70 Penalty Provisions

EMERGENCY

AUTHORITY: Implementing Section 16-107.5 of the Public Utilities Act [220 ILCS 5/16-107.5] and authorized by Sections 16-107.5 and 10-101 of the Public Utilities Act [220 ILCS 5/16-107.5 and 10-101].

SOURCE: Emergency rules adopted at 32 Ill. Reg. 1, effective December 22, 2007, for a maximum of 150 days.

Section 465.5 Definitions**EMERGENCY**

Terms defined in Section 16-102 of the Public Utilities Act (Act) [220 ILCS 5/16-102] shall have the same meaning for purposes of this Part as they have under Section 16-102 of the Act, unless further defined in this Part.

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"Avoided costs" means the incremental costs to the electricity provider of electric energy or capacity or both which, but for the purchase from an eligible customer, the electricity provider would generate itself or purchase from another source.

"Electric utility" means a public utility, as defined in Section 5/3-105 [220 ILCS 5/3-105] of the Act, that has a franchise, license, permit or right to furnish or sell electricity or light, except when used solely for communications purposes, to "Retail customers" within a "Service area" as both of these terms are defined in Section 5/16-102 of the Act.

"Electricity provider" means an electric utility, whether providing services within or outside of its service area, or an alternative retail electric supplier.

"Eligible customer" means a retail customer that owns or operates a solar, wind, or other eligible renewable electrical generating facility with a rated capacity of up to 2,000 kilowatts that is located on the customer's premises and is intended primarily to offset the customer's own electrical requirements.

"Eligible renewable electrical generating facility" means a generator up to 2,000 kilowatts powered by solar electric energy, wind, dedicated crops grown for electricity generation, anaerobic digestion of livestock or food processing waste, fuel cells or microturbines powered by renewable fuels, or hydroelectric energy.

"Net electricity metering" (or "Net metering") means measurement during the billing period applicable to an eligible customer of the net amount of electricity supplied by an electricity provider to the customer's premises or provided to the electricity provider by the customer.

"Time of use rate" means any contract or tariff where the kWh price is not uniform over all of the hours in a billing period.

**Section 465.10 Application of Part 465
EMERGENCY**

This Part shall apply to all Illinois electric utilities and alternative retail electric suppliers as defined in the Act required to provide net metering services in accordance with Section 16-107.5 of the Act [220 ILCS 5/16-107.5].

Section 465.20 Purpose of Rule

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EMERGENCY

The purpose of this Part is to establish standards for net metering in accordance with the requirements of Section 16-107.5 of the Act. Nothing in this Part is intended to conflict with or supersede 83 Ill. Adm. Code 452.

Section 465.30 Tariffs**EMERGENCY**

Prior to February 1, 2008, each electric utility subject to Section 16-107.5 of the Act shall file a tariff with the in compliance with Section 16-107.5 of the Act and this Part.

Section 465.40 Reporting Requirements**EMERGENCY**

The report required by Section 16-107.5(k) of the Act shall be filed with the Manager of the Energy Division of the Illinois Commerce Commission by April 1st of each year. The report shall include all information required under Section 16-107.5(k) of the Act, including, but not limited to, the following information: the total peak demand supplied by the electricity provider during the previous year; the total generating capacity of its net metering customers; whether the electricity provider intends to limit total generating capacity of its net metering customers to 1%; and, the electricity provider's total number of net metering customers.

Section 465.50 Electricity Provider Billing for Eligible Customers**EMERGENCY**

- a) For all eligible customers that have eligible renewable electrical generating facilities, except those eligible non-residential customers with a nameplate rating over 40 kilowatts and up to 2,000 kilowatts, electricity providers shall calculate and render bills in accordance with Section 16-107.5(c) through (e) of the Act.
- b) For all eligible non-residential customers that have eligible renewable electrical generating facilities with a nameplate rating over 40 kilowatts and up to 2,000 kilowatts, electricity providers shall calculate and render bills in accordance with Section 16-107.5(c) through (f) of the Act. For purposes of the application of Section 16-107.5(f), the term "avoided cost" shall have the meaning as defined in Section 465.5.

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- c) Electricity providers shall calculate and render bills to eligible customers taking service under a time of use rate(s) in accordance with Section 16-107.5(c) through (f) of the Act.

Section 465.60 Complaint Procedures**EMERGENCY**

Complaints alleging violations of this Part shall be filed pursuant to 83 Ill. Adm. Code 200.

Section 465.70 Penalty Provisions**EMERGENCY**

- a) Upon complaint or on the Commission's own motion, the Commission may conduct an investigation of an electricity provider's actions under any Section of this Part. The Commission may, after notice and hearing:
 - 1) order an electricity provider to cease and desist or correct any violation of, or nonconformance with, any provision of this Part;
 - 2) require an electricity provider to make due reparations or refunds as permitted by statute;
 - 3) impose financial penalties for violations of, or non-conformance with, the provisions of this Part as permitted under the Act;
 - 4) take other remedial and preventive action as provided for under the Act.
- b) The remedies shall be cumulative and may be imposed in addition to other remedies.

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NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Number: 1030.65 Proposed Action: Amendment
- 4) Statutory Authority: 625 ILCS 5/6-103; 625 ILCS 5/6-521
- 5) Effective Date of Amendment: January 2, 2008
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency amendment will expire at the end of the 150-day period, or upon adoption of permanent rules, whichever comes first.
- 7) Date Filed with the Index Department: December 20, 2007
- 8) This emergency rule is on file and available in the Driver Services Department of the Illinois Secretary of State.
- 9) Reason for Emergency: This emergency rulemaking is to clarify a statutory requirement in the context of the Illinois Vehicle Code [625 ILCS 5/6-103], which requires that a student be "enrolled in an approved driver education course" in addition to other requirements, to become eligible for an instruction permit issued by the Office of the Illinois Secretary of State.
- 10) A Complete Description of the Subjects and Issues Involved: This emergency amendment to 92 Ill. Adm. Code 1030, Section 65 (a) includes definitions clarifying the statutory requirements in the context of the Illinois Vehicle Code [625 ILCS 5/6-103] pertaining to the eligibility requirements for the issuance of an instruction permit by the Office of the Illinois Secretary of State.
- 11) Are there any other proposed rulemakings pending on this Part? No
- 12) Statement of Statewide Policy Objectives: The rulemaking will not create or enlarge a State mandate.
- 13) Information and questions regarding this rulemaking shall be directed to: Texts of the prepared amendments are posted on the Secretary of State's website, <http://www.cyber>

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driveillinois.com/ as part of the Illinois Register. Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after publication of this Notice to:

Arlene J. Pulley
Administrative Rules Coordinator
Office of the Secretary of State
Driver Services Department
2701 South Dirksen Parkway

217/557-4462

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

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1030
ISSUANCE OF LICENSES

Section	
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License
1030.13	Denial of License or Permit
1030.15	Cite for Re-examination
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers
1030.65	Instruction Permits
<u>EMERGENCY</u>	
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses
1030.80	Driver's License Testing/Written Test
1030.81	Endorsements
1030.82	Charter Bus Driver Endorsement Requirements
1030.83	Hazardous Material Endorsement
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts - Written and/or Road Tests
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Driver's Licenses and Temporary Instruction Permits
1030.90	Requirement for Photograph and Signature of Licensee on Driver's License
1030.91	Disabled Person/Handicapped Identification Card
1030.92	Restrictions
1030.93	Restricted Local Licenses

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- 1030.94 Duplicate or Corrected Driver's License or Instruction Permit
- 1030.95 Consular Licenses (Repealed)
- 1030.96 Seasonal Restricted Commercial Driver's License
- 1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
- 1030.98 School Bus Commercial Driver's License
- 1030.100 Anatomical Gift Donor (Repealed)
- 1030.110 Emergency Medical Information Card
- 1030.115 Change-of-Address
- 1030.120 Issuance of a Probationary License
- 1030.130 Grounds for Cancellation of a Probationary License
- 1030.140 Use of Captured Images
- 1030.APPENDIX A Questions Asked of a Driver's License Applicant
- 1030.APPENDIX B Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] 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 March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December

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13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill. Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007; amended at 31 Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg. 11342, effective July 18, 2007;

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amended at 31 Ill. Reg. 14547, effective October 9, 2007; amended at 31 Ill. Reg. 14849, effective October 22, 2007; amended at 31 Ill. Reg. 16543, effective November 27, 2007; amended at 31 Ill. Reg. 16843, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 134, effective January 2, 2008, for a maximum of 150 days.

Section 1030.65 Instruction Permits**EMERGENCY**

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

"Applicant" – a person applying for an instruction permit.

"Approved Driver Education Course" –

a course of driver education approved by the State Board of Education, offered by public or private schools maintaining grades 9 through 12, and meeting at least the minimum requirements of the Driver Education Act [105 ILCS 5/27-24 through 27-24.8], or

a course of driver education offered by a school licensed to give driver education instructions under the Vehicle Code that meets at least the minimum educational requirements of the Driver Education Act and is approved by the State Board of Education, or

a course of driver education given in another state to an Illinois resident attending school in that state and approved by the state administrator of the driver education program of the other state.
[625 ILCS 5/1-103]

"Certificate of Completion" – a certificate of completion issued by the Office of the Secretary of State if the student has successfully completed his/her driver education course at an approved commercial driver training school as provided in Art. IV of the Illinois Driver License Law (Commercial Driver Training Schools) [625 ILCS 5/Ch. 6, Art. IV] and 92 Ill. Adm. Code 1060.

"Class D Instruction Permit" – a permit to operate any single vehicle with a GVWR of 16,000 pounds or less that is not designed to transport 16 or more people or not used in the transportation of hazardous materials that

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would require placarding or when towing any vehicle providing the gross combination weight rating is less than 26,001 pounds.

"Class L Instruction Permit" – a permit to operate a motor driven cycle with less than 150 cc displacement.

"Class M Instruction Permit" – a permit to operate any motorcycle or any motor driven cycle.

"Classroom Instruction" – the part of an approved driver education course consisting of learning experiences in the classroom. This instruction must be of the type to satisfy the 30 clock hours of instruction specified in Section 27-23 of the School Code.

"Commercial Driver Instruction Permit" – a driving permit that authorizes an individual to operate a commercial motor vehicle, as defined in 625 ILCS 5/6-500, issued pursuant to Sections 6-103, 6-105, 6-107.1, 6-507(a) and 6-508 of the Illinois Vehicle Code [625 ILCS 5/6-103, 6-105, 6-107.1, 6-507(a) and 6-508].

"Competent Medical Specialist" – a person licensed under Section 3 of the Medical Practice Act [225 ILCS 60/3] or similar law of another jurisdiction to practice medicine in all of its branches.

"Department" – the Department of Driver Services within the Office of the Secretary of State.

"Driver Rehabilitation Specialist" – a person who possesses an undergraduate degree in rehabilitation, education, health, safety, therapy or a related profession (or equivalent of 8 years of experience in driver rehabilitation); possesses a current Association of Driver Educators for the Disabled (ADED) Certification as a Driver Rehabilitation Specialist (consisting of successful completion of 100 clock hours of educational experience, in combination with safety and medical aspects of disabilities; a minimum of 30 clock hours must be gained from attending ADED approved courses or workshops).

"Driving Evaluation" – an assessment of an applicant's ability to safely operate a motor vehicle performed by a driver education specialist at a

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rehabilitation institution.

"Enrolled in a Driver Education Course" – active participation in and the 30 days immediately preceding the start of regularly scheduled classroom instruction of an approved driver education course.

"Favorable Medical Report" – a current medical report that has been completed in its entirety which does not require additional information and/or clarification or is not medically questionable. A favorable medical report specifies a professional opinion from the competent medical specialist that the driver is medically fit to safely operate a motor vehicle.

"Foreign National" – a non-citizen of the United States of America who has been granted temporary, legal entry into this country by the U.S. Citizenship and Immigration Services (USCIS), who is temporarily residing in this State and is ineligible to obtain a social security number through the Social Security Administration, and who is not required to obtain a driver's license issued by the U.S. Department of State, Office of Foreign Missions.

"Illinois Medical Restriction Card" – a card that specifies special limitations to a person's driving privileges as provided in Section 6-113 of the Illinois Vehicle Code [625 ILCS 5/6-113].

"In Loco Parentis" – a person who is acting in place of a minor's parent with a parent's rights, duties, and authority.

"Instruction Permit" – a driving permit issued pursuant to Sections 6-103, 6-105 and 6-107.1 of the Illinois Vehicle Code [615 ILCS 5/6-103, 6-105 and 6-107.1].

"Medical Report" – a confidential medical questionnaire designed by the Department and approved by the Illinois Medical Advisory Board or a statement on letterhead made by a competent medical specialist containing the same information as the form designed by the Department. The medical report shall be directed to the Department and contain the date the competent medical specialist completed the report and the name, address, signature and professional license number of the competent medical specialist. The report must also contain the name, address, date of birth

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and driver's license number, if known, of the driver. A medical agreement as defined in Section 1030.16, upon execution by the driver, shall be incorporated into and maintained on file with the driver's medical report.

"Minor" – a person under 18 years of age.

"Regularly Scheduled Classroom Instruction" – the continuous and uninterrupted education course that takes place during the specific time period (i.e. quarter) in which the school has scheduled the student to participate.

"Rehabilitation Institution" – any hospital, center, institute or facility engaged in a program to provide driver training for the disabled.

"Temporary Visitor's Instruction Permit" – a driving permit issued to a foreign national pursuant to this Section and Sections 6-103, 6-105 and 6-107.1 of the Illinois Vehicle Code [625 ILCS 5/6-103, 6-105 and 6-107.1].

- b) A person who wishes to practice driving before obtaining his/her driver's license shall obtain an instruction permit from a Secretary of State's Driver Services facility. Upon receipt of an instruction permit, the holder may operate a motor vehicle upon the highways of this State when accompanied by an adult instructor of a driver education program or when practicing with a parent, legal guardian, family member or a person in loco parentis, who is 21 years of age or more and has a license classification to operate the vehicle and at least one year of driving experience, and who is occupying a seat beside the driver.
- c) Any foreign national wishing to practice driving before obtaining a driver's license shall obtain a temporary visitor's instruction permit, Class D, L or M only, from one of the selected Secretary of State Driver Services facilities located throughout the State. Upon receipt of a temporary visitor's instruction permit, the holder may operate a motor vehicle upon the highways of this State when accompanied by an adult instructor of a driver education program or when practicing with a parent, legal guardian, family member, or a person in loco parentis who is 21 years of age or more, has a license classification to operate the vehicle, has at least one year of driving experience, and who is occupying a seat beside the driver.
- d) An instruction permit issued to any foreign national shall only be in a Class D, L

SECRETARY OF STATE

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or M as established in Section 1030.30.

- e) The fees collected for the issuance of an original, renewal, duplicate or corrected temporary visitor's instruction permit shall be in accordance with Section 6-118(a) of the Illinois Vehicle Code [625 ILCS 5/6-118(a)].
- f) A minor who wishes to receive an instruction permit shall be at least 15 years old and enrolled in a driver education course. Any minor who has been enrolled in an approved driver education program out-of-state shall provide proof of such enrollment before an Illinois instruction permit will be issued. Proof shall consist of a letter from the minor's school on the school's letterhead or other proof deemed acceptable by the Secretary of State. The minor shall complete a driver education course prior to applying for a driver's license before the minor is 18 years of age. If the minor is 16 years of age or older and possesses a certificate of completion or the equivalent from another state's driver education program, the minor shall be eligible to receive an Illinois driver's license upon successful completion of the vision, written and/or road tests. The equivalent of an Illinois certificate of completion from an out-of-state driver education course shall include, but is not limited to, transcripts from the out-of-state attendance center indicating successful completion of the course of instruction or a letter from the state's driver's licensing authority on agency letterhead, attesting to the minor's successful completion of a driver education course approved by the office that regulates education.
- g) A minor who is at least 15 years and 6 months of age may obtain an Illinois instruction permit prior to being enrolled in a driver education course provided the minor:
 - 1) Submits written documentation, on a form prepared or approved by the Secretary of State, stating that the minor is enrolled in school; meets the educational requirements of the Driver Education Act [105 ILCS 5/27-24 through 27-24.8] and Section 6-103(1) of the Illinois Vehicle Code [625 ILCS 5/6-103(1)] and signed by a superintendent or chief administrator that states, through no fault of the minor, the minor will be unable to be enrolled in a driver education course until after the minor's 16th birthday and the school would have no objection to the issuance of the instruction permit; and
 - 2) Successfully completes the written and vision examinations administered

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either by an approved driver education instructor or the Secretary of State.

- h) An instruction permit issued to a minor under subsection (g) may be canceled upon receipt of a report from the minor's school on the school letterhead, or other proof deemed acceptable by the Secretary of State, stating the minor has failed to enroll in a driver education course.
- i) The minor who is not legally emancipated by marriage or court order shall have the application signed by a parent, guardian, or person in loco parentis and the driver education instructor. The minor shall then be allowed to take the vision and written exams.
- j) The instruction permit shall be issued to a minor for a period of 24 months upon successful completion of the written and vision exams. If an instruction permit has expired prior to the applicant completing the road test, a second fee established for instruction permits in Section 6-118(a) of the Illinois Vehicle Code [625 ILCS 5/6-118(a)] must be submitted and the written and vision exams must be successfully completed. The applicant shall present another application to the Secretary of State signed by the parent, guardian, or person in loco parentis. The driver education instructor shall also sign the application unless the applicant presents a certificate of completion.
- k) An Illinois instruction permit issued to a minor may be cancelled if the student is certified as a chronic or habitual truant or has dropped out of school. The report shall be received from the Illinois State Board of Education in a form acceptable to the Secretary of State.
- l) Applicants who are not minors shall also be issued instruction permits by the Secretary of State. The permit shall be issued for 12 months upon successful completion of the written and vision exams.
- m) Applicants whose driving privileges have been canceled based upon receipt by the Department of a medical report indicating the applicant has a medical condition that impairs the applicant's ability to safely operate a motor vehicle may apply for an instruction permit. The Department shall receive a favorable medical report from a competent medical specialist describing the applicant's needs to undergo a driving evaluation with a driver rehabilitation specialist. The Department shall issue to the applicant an authorization for examination to appear at a Driver Services facility to take the written examination, vision test and submit the

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required fee as provided in Section 6-118(a) of the Illinois Vehicle Code [625 ILCS 5/6-118(a)]. Upon successful completion of the written and vision tests, the applicant shall be issued, if not otherwise prohibited, an instruction permit that shall be canceled upon receipt of a written statement from a competent medical specialist that the instruction permit holder has failed to successfully complete the driving evaluation or is otherwise unable to safely operate a motor vehicle. A medical restriction card shall be issued by the Department and must be carried with the instruction permit. Upon successful completion of the driving evaluation, the rehabilitation institution and a competent medical specialist shall notify the Department. The Department shall send the applicant an authorization form instructing the applicant to appear at a Driver Services facility to take the drive portion of the examination. Upon the applicant's successful completion of the drive examination, a driver license shall be issued.

- n) An applicant must be at least 16 years old to obtain a Class L instruction permit and must possess a certificate of completion at the time of application.
- o) A Class M instruction permit may be issued by the Secretary of State to an applicant 18 or older for a period of 12 months. A Class M instruction permit may be issued for a period of 24 months to applicants 16 or 17 years old who have obtained a certificate of completion at the time of application and have completed a motorcycle training course approved by the Illinois Department of Transportation as provided by 92 Ill. Adm. Code 455. A certificate of completion card issued by the Illinois Department of Transportation must be furnished to the Secretary of State's Office before an instruction permit shall be issued.
- p) An applicant who is 17 years and 3 months of age or older may obtain an Illinois instruction permit without being enrolled in a driver education course, provided the applicant has successfully completed the vision and written exams.
- q) Prior to renewing a commercial driver instruction permit, an applicant is required to successfully complete the appropriate CDL knowledge tests specific to that classification of permit being renewed.

(Source: Amended by emergency rulemaking at 32 Ill. Reg. 134, effective January 2, 2008, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JANUARY AGENDA

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

STRATTON OFFICE BUILDING
ROOM C-1
SPRINGFIELD, ILLINOIS
11:00 A.M.
JANUARY 9, 2008

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

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

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

RULEMAKINGS CURRENTLY BEFORE JCAR

PROPOSED RULEMAKINGS

Agriculture

1. Agrichemical Facility Response Action Program (8 Ill. Adm. Code 259)
 - First Notice Published: 31 Ill. Reg. 14120 – 10/12/07
 - Expiration of Second Notice: 1/31/08

Central Management Services

2. Pay Plan (80 Ill. Adm. Code 310)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
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- First Notice Published: 31 Ill. Reg. 14619 – 11/2/07
- Expiration of Second Notice: 1/31/08

Education

3. Summer Bridges Program (23 Ill. Adm. Code 232)
 - First Notice Published: 31 Ill. Reg. 13479 – 10/5/07
 - Expiration of Second Notice: 1/31/08

Financial and Professional Regulation

4. Illinois Credit Union Act (38 Ill. Adm. Code 190)
 - First Notice Published: 31 Ill. Reg. 4298 – 3/16/07
 - Expiration of Second Notice: 1/30/08

Fire Marshal

5. Storage, Transportation, Sale and Use of Petroleum and Other regulated Substances (41 Ill. Adm. Code 170)
 - First Notice Published: 31 Ill. Reg. 13377 – 9/28/07
 - Expiration of Second Notice: 1/27/08

Gaming Board

6. Riverboat Gambling (86 Ill. Adm. Code 3000)
 - First Notice Published: 31 Ill. Reg. 9719 – 7/13/07
 - Expiration of Second Notice: 1/27/08

Healthcare and Family Services

7. Medical Payment (89 Ill. Adm. Code 140)
 - First Notice Published: 31 Ill. Reg. 13570 – 10/5/07
 - Expiration of Second Notice: 1/20/08

Human Services

8. General Administrative Provisions (89 Ill. Adm. Code 10)
 - First Notice Published: 31 Ill. Reg. 12647 – 9/7/07
 - Expiration of Second Notice: 1/9/08

JOINT COMMITTEE ON ADMINISTRATIVE RULES
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9. Food Stamps (89 Ill. Adm. Code 121)
-First Notice Published: 31 Ill. Reg. 12652 – 9/7/07
-Expiration of Second Notice: 1/9/08

10. Food Stamps (89 Ill. Adm. Code 121)
-First Notice Published: 31 Ill. Reg. 13076 – 9/14/07
-Expiration of Second Notice: 2/3/08

Law Enforcement Training and Standards Board

11. Mandatory Firearms Training for Peace Officers (20 Ill. Adm. Code 1730)
-First Notice Published: 31 Ill. Reg. 13429 – 9/28/07
-Expiration of Second Notice: 1/27/08

Pollution Control Board

12. Water Quality Standards (35 Ill. Adm. Code 302)
-First Notice Published: 31 Ill. Reg. 11028 – 8/3/07
-Expiration of Second Notice: 1/11/08

Public Health

13. Hospice Programs (77 Ill. Adm. Code 280)
-First Notice Published: 31 Ill. Reg. 2294 – 2/2/07
-Expiration of Second Notice: 2/1/08
14. Smoke Free Illinois Code (77 Ill. Adm. Code 975)
-First Notice Published: 31 Ill. Reg. 13672 – 10/5/07
-Expiration of Second Notice: 1/9/08

Revenue

15. Income Tax (100 Ill. Adm. Code 100)
-First Notice Published: 31 Ill. Reg. 14217 – 10/12/07
-Expiration of Second Notice: 1/10/08
16. Non-Home Rule Municipal Retailers' Occupation Tax (86 Ill. Adm. Code 693)
-First Notice Published: 31 Ill. Reg. 13715 – 10/5/07
-Expiration of Second Notice: 1/27/08

JOINT COMMITTEE ON ADMINISTRATIVE RULES
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17. Non-Home Rule Municipal Service Occupation Tax (86 Ill. Adm. Code 694)
-First Notice Published: 31 Ill. Reg. 13720 – 10/5/07
-Expiration of Second Notice: 1/27/08

EMERGENCY RULEMAKINGSFinancial and Professional Regulation

18. Pharmacy Practice Act of 1987 (68 Ill. Adm. Code 1330)
-Notice Published: 31 Ill. Reg. 16045 – 11/30/07

Natural Resources

19. Conservation Stewardship Program (17 Ill. Adm. Code 2580)
-Notice Published: 31 Ill. Reg. 16751 – 12/21/07

PEREMPTORY RULEMAKINGAgriculture

20. Meat and Poultry Inspection Act (8 Ill. Adm. Code 125)
-Notice Published: 31 Ill. Reg. 16763 – 12/21/07

ADOPTED RULEMAKINGSCouncil on Developmental Disabilities

21. Public Information, Rulemaking and Organization (2 Ill. Adm. Code 2900)
-Notice Published: 31 Ill. Reg. 16805 – 12/28/05
22. Access to Public Records (2 Ill. Adm. Code 2905)
-Notice Published: 31 Ill. Reg. 16815 – 12/28/05

AGENCY RESPONSENatural Resources

23. Youth Hunting Seasons (17 Ill. Adm. Code 685; 31 Ill. Reg. 12906)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of December 18, 2007 through December 24, 2007 and have been scheduled for review by the Committee at its January 9, 2008 meeting. 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>
1/31/08	<u>Department of Agriculture</u> , Agrichemical Facility Response Action Program (8 Ill. Adm. Code 259)	10/12/07 31 Ill. Reg. 14120	1/9/08
1/31/08	<u>State Board of Education</u> , Summer Bridges Program (23 Ill. Adm. Code 232)	10/5/07 31 Ill. Reg. 13479	1/9/08
1/31/08	<u>Department of Central Management Services</u> , Pay Plan (80 Ill. Adm. Code 310)	11/2/07 31 Ill. Reg. 14619	1/9/08
2/1/08	<u>Department of Public Health</u> , Hospice Programs (77 Ill. Adm. Code 280)	2/2/07 31 Ill. Reg. 2204	1/9/08
2/2/08	<u>Illinois Gaming Board</u> , Riverboat Gambling (86 Ill. Adm. Code 3000)	7/20/07 31 Ill. Reg. 10394	1/9/08
2/3/08	<u>Department of Human Services</u> , Food Stamps (89 Ill. Adm. Code 121)	9/14/07 31 Ill. Reg. 13076	1/9/08

ILLINOIS DEPARTMENT ON AGING

JANUARY 2008 REGULATORY AGENDA

a) Part(s) (Heading and Code Citations): Community Care Program; 89 Ill. Adm. Code 240

1) Rulemaking:

- A) Description: Add new rules and amend or repeal existing rules as necessary under the Community Care Program to implement Public Act 95-0298 and Public Act 95-0565.
- B) Statutory Authority: 20 ILCS 105/4.02 and 4.01(11), respectively
- C) Schedule meeting/hearing dates: No meetings or hearings are scheduled or anticipated.
- D) Date agency anticipates First Notice: The Department anticipates filing the first rulemaking during the next six months of this year.
- E) Effect on small businesses, small municipalities or not for profit corporations: Any entity providing case management or in-home and community-based services for the Community Care Program will be affected by these rulemakings.
- F) Agency contact person for information:

Karen Alice Kloppe, Deputy General Counsel
Illinois Department on Aging
421 East Capitol Avenue, #100
Springfield, Illinois 62701-1789
217/785-3346
- G) Related rulemakings and other pertinent information: The Department filed rulemaking amending certain sections of Part 240 in December 2007.

b) Part(s) (Heading and Code Citations): Long-Term Care Insurance Partnership Program; 89 Ill. Adm. Code 260

1) Rulemaking:

- A) Description: Repeal Part 260 upon adoption of new rulemaking for the Illinois Long-Term Care Partnership Program Act by the Department of

ILLINOIS DEPARTMENT ON AGING

JANUARY 2008 REGULATORY AGENDA

Healthcare and Family Services and/or the Department of Financial and Professional Regulation as is necessary to implement Public Act 95-0200.

- B) Statutory Authority: 20 ILCS 105/4.01(11) and 215 ILCS 132/1 et seq.
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: Any entity providing case management services under the Community Care Program will be affected by this rulemaking.
- F) Agency contact person for information:

Karen Alice Kloppe, Deputy General Counsel
Illinois Department on Aging
421 East Capitol Avenue
Springfield, Illinois 62701-1789
217/785-3346

- G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citations): Elder Rights; 89 Ill. Adm. Code 270

1) Rulemaking:

- A) Description: Add new rules and amend exiting rules as necessary to implement Public Act 94-1064, Public Act 95-0076, and Public Act 95-0402.
- B) Statutory Authority: 20 ILCS 105/4.01(11) and 320 ILCS 20/3 and 15
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated.
- D) Date agency anticipates First Notice: The Department anticipates filing this rulemaking during the next six months of this year.

ILLINOIS DEPARTMENT ON AGING

JANUARY 2008 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not for profit corporations: Any entity acting as an elder abuse provider agency or interested representatives (e.g., coroners, medical examiners, State's Attorneys, local police departments, forensic units, and providers of services for persons 60 years of age or older in domestic living situations) willing to serve on regional interagency elder abuse fatality review teams will be affected by this rulemaking.
- F) Agency contact person for information:
- Karen Alice Kloppe, Deputy General Counsel
Illinois Department on Aging
421 East Capitol Avenue
Springfield, Illinois 62701-1789
217/785-3346
- G) Related rulemakings and other pertinent information: None
- d) Parts (Heading and Code Citation): Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act; 89 Ill. Adm. Code 295
- 1) Rulemaking:
- A) Description: Add new rules and amend or repeal existing rules as necessary upon completion of recodification of the existing provisions at 86 Ill. Adm. Code 530 into 89 Ill. Adm. Code 295 for the "Circuit Breaker" Property Tax Relief and Pharmaceutical Assistance Programs so as to reflect the establishment of the Illinois Cares Rx Program and to revise the income eligibility limits for benefits in accordance with Public Act 95-0565.
- B) Statutory Authority: 320 ILCS 25/4(g) and 12
- C) Schedule meeting/hearing dates: No meetings or hearings are scheduled or anticipated.
- D) Date agency anticipates First Notice: The Department anticipates filing this rulemaking during the next six months of this year.

ILLINOIS DEPARTMENT ON AGING

JANUARY 2008 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not for profit corporations: Any entity assisting seniors and persons with disabilities in applying for benefits under the "Circuit Breaker" and Illinois Cares Rx Programs will be affected by this rulemaking.
- F) Agency contact person for information:
- Karen Alice Kloppe, Assistant General Counsel
Illinois Department on Aging
421 East Capitol Avenue, #100
Springfield, Illinois 62701-1789
217/785-3346
- G) Related rulemakings and other pertinent information: The Department of Healthcare and Family Services has already recodified certain provisions relating to these programs in Part 120 of Title 89.

ILLINOIS COMMERCE COMMISSION

JANUARY 2008 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): "Procedures for Gas, Electric, Water and Sanitary Sewer Utilities Governing Eligibility for Service Deposits, Payment Practices, and Discontinuance of Service" 83 Ill. Adm. Code 280
- 1) Rulemaking:
- A) Description: There had been four open dockets in which there had been proposed or in which the Commission had been considering amendments to Part 280 (Dockets 05-0237, 06-0112, 06-0202, and 06-0379). The Commission is of the opinion that administrative economy dictates that one coordinated proceeding be initiated to revise Part 280 instead of the potential piecemeal amendment of Part 280 occurring in four open dockets. It is the Commission's intention that it produce an internally consistent set of rules that will balance the interests of the public utilities regulated by the rules and the customers of those utilities.
- B) Statutory Authority: Implementing the Small Business Utility Deposit Relief Act [220 ILCS 35] and Sections 8-101, 8-206, and 8-207 of the Public Utilities Act [220 ILCS 5/8-101, 8-206, and 8-207], and authorized by Section 8 of the Small Business Utility Deposit Relief Act [220 ILCS 35/8] and Sections 8-101, 8-207, and 10-101 of the Public Utilities Act [220 ILCS 5/8-101, 8-207, and 10-101].
- C) Schedule meeting/hearing date: Persons interested in participating in the proceeding should file a petition to intervene in Docket 06-0703.
- D) Date agency anticipates First Notice: Undetermined
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect any subject public utilities and any customers that are also small businesses.
- F) Agency contact person for information:

Elizabeth Rolando
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

ILLINOIS COMMERCE COMMISSION

JANUARY 2008 REGULATORY AGENDA

217/782-7434

G) Related rulemakings and other pertinent information: Noneb) Part(s) (Heading and Code Citation): None at this time1) Rulemaking:

- A) Description: The Commission has initiated a rulemaking regarding eligible telecommunications carriers ("ETC") receiving federal Universal Service Support pursuant to Section 214(e)(2) of the Telecommunications Act of 1996 (47 U.S.C. 214(e)(2)). Federal Communications Commission ("FCC") has recommended that state commissions institute requirements for ETC applicants, including a requirement that the ETC applicant demonstrate that it will satisfy consumer protection and service quality standards. Further, the FCC affirmed the state commissions' authority to impose consumer protection requirements upon wireless carriers to ensure that universal service fund supported services are offered in a manner that protects consumers. This rulemaking proceeding will address consumer protection and service quality standards for wireless local exchange carriers operating as ETCs.
- B) Statutory Authority: Implementing Section 8-101, 8-301, and 13-712 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/8-101, 8-301, 13-712 and 10-101].
- C) Schedule meeting/hearing date: Persons interested in participating in the proceeding should file a petition to intervene in Docket 06-0468.
- D) Date agency anticipates First Notice: Undetermined
- E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect any subject eligible telecommunications carriers that are also small businesses.
- F) Agency contact person for information:

Elizabeth Rolando
Chief Clerk

ILLINOIS COMMERCE COMMISSION

JANUARY 2008 REGULATORY AGENDA

Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701
217/782-7434

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): None at this time

1) Rulemaking:

A) Description: Section 8-306(1) of the Public Utilities Act states:

Water and sewer public utilities; subcontractors. The Commission shall adopt rules for water and sewer public utilities to provide notice to the customers of the proper kind of identification that a subcontractor must present to the customer, to prohibit a subcontractor from soliciting or receiving payment of any kind for any service provided by the water or sewer public utility or the subcontractor, and to establish sanctions for violations.

The Commission has initiated a rulemaking proceeding to develop the required rules.

B) Statutory Authority: Implementing Section 8-306(1) and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/8-306(1) and 10-101].

C) Schedule meeting/hearing date: Persons interested in participating in the proceeding should file a petition to intervene in Docket 06-0563.

D) Date agency anticipates First Notice: Undetermined

E) Effect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect any subject water and sewer public utilities that are also small businesses.

F) Agency contact person for information:

ILLINOIS COMMERCE COMMISSION

JANUARY 2008 REGULATORY AGENDA

Elizabeth Rolando
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701
217/782-7434

- G) Related rulemakings and other pertinent information: None

STATE OF ILLINOIS COURT OF CLAIMS

JANUARY 2008 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Court of Claims Regulations (74 Ill. Adm. Code 790.270 (b) (c))
- 1) Rulemaking:
- A) Description: To revise regulation concerning fees and costs associated with filing in forma pauperis claims.
- B) Statutory Authority: Implementing and authorized by the Court of Claims Act [705 ILCS 505/9].
- C) Scheduled meeting/hearing dates: Not yet scheduled
- D) Date agency anticipates First Notice: Spring 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Delores J. Martin
Director and Deputy Clerk, Court of Claims
630 S. College
Springfield, IL 62756
217/782-7101
- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

JANUARY 2008 REGULATORY AGENDA

I. DIVISION OF BANKS

- a) Part(s) (Heading and Code Citation): Corporate Applications for Banks and Corporate Fiduciaries (38 Ill. Adm. Code 370)

1) Rulemaking:

- A) Description: Revision in fee section.
- B) Statutory Authority: [205 ILCS 5/48]
- C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: No effect.
- F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/557-4451

- G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Illinois Savings and Loan Act of 1985 (38 Ill. Adm. Code 1000)

1) Rulemaking:

- A) Description: Key provisions of the Illinois Savings and Loan Act of 1985 including those related to fiduciary duties of association directors and officers, transactions between an association and its directors, officers and principal shareholders, permissible investments, lending limits, books and records, bonds and audits will be reviewed. The purpose of review will be

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

JANUARY 2008 REGULATORY AGENDA

to determine whether rulemaking can be used to specify and explain relevant statutory provisions.

- B) Statutory Authority: [205 ILCS 105/7-3(b)(2)]
- C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: Will affect Illinois state-chartered associations.
- F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/557-4451

- G) Related rulemakings and other pertinent information: None

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

1) Rulemaking:

- A) Description: This Part will be amended to revise references to Fannie Mae Form 1003 (10/92), eliminate direct reimbursement to examiners for out-of-state travel, and increase minimum surety bond coverage from \$20,000 to \$25,000 and make similar revisions to forms or practices.
- B) Statutory Authority: [815 ILCS 137/150]
- C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.
- D) Date agency anticipates First Notice: Unknown

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

JANUARY 2008 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/557-4451
- G) Related rulemakings and other pertinent information: None
- d) Part(s) (Heading and Code Citation): Savings Bank Act (38 Ill. Adm. Code 1075)
- 1) Rulemaking:
- A) Description: Key provisions of the Savings Bank Act including those related to fiduciary duties of savings bank directors and officers, transactions between a savings bank and its directors, officers and principal shareholders, permissible investments, lending limits, books and records, bonds, and audits, will be reviewed.
- B) Statutory Authority: [205 ILCS 205]
- C) Scheduled meeting/hearing date: No meetings or hearings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: Rulemaking will affect Illinois state-chartered savings banks.
- F) Agency contact person for information:
- Department of Financial and Professional Regulation
Attention: Craig Cellini

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

JANUARY 2008 REGULATORY AGENDA

320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/557-4451

- G) Related rulemakings and other pertinent information: None

II. DIVISION OF INSURANCE

- a) Part(s) (Heading and Code Citation):

- 1) Rulemaking: Life Insurance Solicitation

- A) Description: This Part will be amended to allow insurers to use the National Association of Insurance Commissioner's (NAIC) Life Insurance Buyer's Guide. Companies have asked to use the NAIC's Guide in order to maintain uniformity across states in which the companies sell life insurance. To provide greater efficiencies to life insurers while maintaining consumer protections.
- B) Statutory Authority: Implementing Article XXVI and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/421 et seq.].
- C) Scheduled meeting/hearing dates: None have been scheduled.
- D) Date agency anticipates First Notice: February 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: This proposal will not affect small businesses, small municipalities or not for profit organizations.
- F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/557-4451

- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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b) Part(s) (Heading and Code Citation):1) Rulemaking: Accident and Health Reserves

A) Description: This Part will be amended, because it is necessary to assure that all companies subject to Part 2004 are applying the revised reserving standards which were incorporated into Part 2004 in November 2006 in a uniform manner.

B) Statutory Authority: Implementing Section 353(a) and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/353(a) and 401].

C) Scheduled meeting/hearing dates: None have been scheduled.

D) Date agency anticipates First Notice: February 2008

E) Effect on small businesses, small municipalities or not for profit corporations: This proposal will not affect small businesses, small municipalities or not for profit organizations.

F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/557-4451

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation):1) Rule making: Minimum Standards of Individual Accident and Health Insurance

A) Description: This Part will be amended in order to correct an erroneous internal citation contained in subsection 2007.70(b)(9). The new citation will properly refer to subsections in 2007.70, thereby correctly identifying parameters of limited benefit plans.

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- B) Statutory Authority: Implementing Section 355a and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/355a and 401].
- C) Scheduled meeting/hearing dates: None have been scheduled.
- D) Date agency anticipates First Notice: March 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: This proposal will not affect small businesses, small municipalities or not for profit organizations.
- F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/557-4451

- G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation):1) Rulemaking: Pre-licensing and Continuing Education

- A) Description: The Part currently allows the Division to disqualify an insurance education provider, but it fails to establish the length of time for such disqualification. Establishing the period of disqualification we enable the Division to properly discipline education providers who violate provisions of this Part.
- B) Statutory Authority: Implementing Sections 500-25, 500-30 and 500-35 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/500-25, 500-30, 500-35, and 401].
- C) Scheduled meeting/hearing dates: None have been scheduled.
- D) Date agency anticipates First Notice: March 2008

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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E) Effect on small businesses, small municipalities or not for profit corporations: This proposal will have an impact on education providers.

F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/557-4451

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation):

1) Rulemaking: Managed Care Reform & Patient Rights

A) Description: Because UROs are often required to register in more than one state, some have asked to use a more universally accepted biographical affidavit for ease of filing. The anticipated amendments to this Part would include another form for utilization review organizations (URO) to use when registering. Currently UROs are forced to use a form prepared by the Division, without exception. The addition of another form will permit industry to use a form prepared by the National Association of Insurance Commissioners (NAIC).

B) Statutory Authority: Implementing the Managed Care Reform and Patient Rights Act [215 ILCS 134] and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

C) Scheduled meeting/hearing dates: None have been scheduled.

D) Date agency anticipates First Notice: March 2008

E) Effect on small businesses, small municipalities or not for profit corporations: This proposal will have an impact on UROs.

F) Agency contact person for information:

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/557-4451

G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation):

1) Rulemaking: Managed Care Dental Plans

A) Description: The Part will be amended to correct an erroneous definition for "dentist." The current definition improperly places restrictions on a dentist's state of licensure in contravention of the definition contained in the Dental Care Patient Protection Act [215 ILCS 109].

B) Statutory Authority: Implementing and authorized by the Dental Care Patient Protection Act [215 ILCS 109] and further authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/401].

C) Scheduled meeting/hearing dates: None have been scheduled.

D) Date agency anticipates First Notice: March 2008

E) Effect on small businesses, small municipalities or not for profit corporations: This proposal will not affect small businesses, small municipalities or not for profit organizations.

F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/557-4451

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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III. DIVISION OF PROFESSIONAL REGULATION

- a) Part(s) (Heading and Code Citation): Acupuncture Practice Act (68 Ill. Adm. Code 1140)
- 1) Rulemaking:
- A) Description: Clarification of the examination requirements for endorsement applicants will be addressed.
- B) Statutory Authority: [225 ILCS 2]
- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/557-4451
- G) Related rulemakings and other pertinent information: None
- b) Part(s) (Heading and Code Citation): Illinois Architecture Practice Act of 1989 (68 Ill. Adm. Code 1150)
- 1) Rulemaking:
- A) Description: Technical clean-up changes will be made.
- B) Statutory Authority: [225 ILCS 305]

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- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed architects may be affected.
- F) Agency contact person for information:
Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/557-4451
- G) Related rulemakings and other pertinent information: None
- c) Part(s) (Heading and Code Citation): Detection of Deception Examiners Act (68 Ill. Adm. Code 1230)
- 1) Rulemaking:
- A) Description: Revisions may be made to training, instructor qualifications and examination requirements.
- B) Statutory Authority: [225 ILCS 430]
- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
Department of Financial and Professional Regulation
Attention: Craig Cellini

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/557-4451

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Electrologist Licensing Act (68 Ill. Adm. Code 1246)

1) Rulemaking:

A) Description: Technical clean-up changes may be made.

B) Statutory Authority: [225 ILCS 412]

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

D) Date agency anticipates First Notice: Unknown

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

F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/557-4451

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Environmental Health Practitioner Licensing Act (68 Ill. Adm. Code 1247)

1) Rulemaking:

A) Description: Technical clean up language including changes reflecting the consolidation of the Department of Financial and Professional Regulation.

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- B) Statutory Authority: [225 ILCS 37]
 - C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
 - D) Date agency anticipates First Notice: Unknown
 - E) Effect on small businesses, small municipalities or not for profit corporations: None
 - F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/557-4451
 - G) Related rulemakings and other pertinent information: None
- f) Part(s) (Heading and Code Citation): Professional Geologist Licensing Act (68 Ill. Adm. Code 1252)
- 1) Rulemaking:
 - A) Description: Technical clean up language including changes reflecting the consolidation of the Department of Financial and Professional Regulation.
 - B) Statutory Authority: [225 ILCS 745]
 - C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
 - D) Date agency anticipates First Notice: Unknown
 - E) Effect on small businesses, small municipalities or not for profit corporations: None

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/557-4451

G) Related rulemakings and other pertinent information: Noneg) Part(s) (Heading and Code Citation): Interior Design Title Act (68 Ill. Adm. Code 1255)1) Rulemaking:

A) Description: Technical clean up language including changes reflecting the consolidation of the Department of Financial and Professional Regulation.

B) Statutory Authority: [225 ILCS 310]

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

D) Date agency anticipates First Notice: Unknown

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

F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/557-4451

G) Related rulemakings and other pertinent information: Noneh) Part(s) (Heading and Code Citation): Medical Practice Act of 1987 (68 Ill. Adm. Code 1255)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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- 1) Rulemaking:
 - A) Description: Part IV will be added to the chiropractic exam requirements. Technical clean up changes may also be made.
 - B) Statutory Authority: [225 ILCS 60]
 - C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
 - D) Date agency anticipates First Notice: Unknown
 - E) Effect on small businesses, small municipalities or not for profit corporations: None
 - F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/557-4451
 - G) Related rulemakings and other pertinent information: None
- i) Part(s) (Heading and Code Citation): Occupational Therapy Practice Act (68 Ill. Adm. Code 1315)
 - 1) Rulemaking:
 - A) Description: Additional continuing education sponsors will be added, as well as technical clean up language including changes reflecting the consolidation of the Department of Financial and Professional Regulation.
 - B) Statutory Authority: [225 ILCS 75]
 - C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.

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

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/557-4451

- G) Related rulemakings and other pertinent information: None

j) Part(s) (Heading and Code Citation): Physical Therapy Practice Act of 1987 (68 Ill. Adm. Code 1340)

1) Rulemaking:

- A) Description: Technical clean up language including changes reflecting the consolidation of the Department of Financial and Professional Regulation.
- B) Statutory Authority: [225 ILCS 90]
- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed physical therapists may be affected.
- F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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Springfield, IL 62786
217/785-0813 Fax: 217/557-4451

G) Related rulemakings and other pertinent information: None

k) Part(s) (Heading and Code Citation): Professional Counselor and Clinical Professional Counselor Licensing Act (68 Ill. Adm. Code 1375)

1) Rulemaking:

A) Description: Technical clean-up changes may be made.

B) Statutory Authority: [225 ILCS 2]

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

D) Date agency anticipates First Notice: Unknown

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

F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/557-4451

G) Related rulemakings and other pertinent information: None

l) Part(s) (Heading and Code Citation): Professional Engineering Practice Act of 1989 (68 Ill. Adm. Code 1380)

1) Rulemaking:

A) Description: Technical clean up language including changes reflecting the consolidation of the Department of Financial and Professional Regulation.

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- B) Statutory Authority: [225 ILCS 325]
- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/557-4451

- G) Related rulemakings and other pertinent information: None

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

1) Rulemaking:

- A) Description: This Part will be amended as a result of an agreement based upon a legal settlement with the Department concerning this particular Section. Section 1450.140 had been amended previously to clarify what constitutes "misleading advertising". The purpose of that amendment was to clarify that advertising likely to create confusion regarding the permitted use of a property is misleading under the Real Estate License Act of 2000.
- B) Statutory Authority: [225 ILCS 454]
- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: January 2008

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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E) Effect on small businesses, small municipalities or not for profit corporations: Those providing real estate services.

F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/557-4451

G) Related rulemakings and other pertinent information: None

n) Part(s) (Heading and Code Citation): Respiratory Care Practice Act (68 Ill. Adm. Code 1456)

1) Rulemaking:

A) Description: Clarification may be added pertaining to scope of practice; technical clean-up changes may be made.

B) Statutory Authority: [225 ILCS 106]

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

D) Date agency anticipates First Notice: Unknown

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

F) Agency contact person for information:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/557-4451

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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- G) Related rulemakings and other pertinent information: None
- o) Part(s) (Heading and Code Citation): Structural Engineering Practice Act of 1989 (68 Ill. Adm. Code 1480)
- 1) Rulemaking:
- A) Description: Various technical revisions may be made.
- B) Statutory Authority: [225 ILCS 340]
- C) Scheduled meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown
- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed structural engineers may be affected.
- F) Agency contact person for information:
- Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/557-4451
- G) Related rulemakings and other pertinent information: None
- p) Part(s) (Heading and Code Citation): Registered Surgical Assistant and Registered Surgical Technologist Title Protection Act (68 Ill. Adm. Code 1485)
- 1) Rulemaking:
- A) Description: Technical clean-up changes may be made.
- B) Statutory Authority: [225 ILCS 130]

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

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/557-4451

- G) Related rulemakings and other pertinent information: None

ILLINOIS GAMING BOARD

JANUARY 2008 REGULATORY AGENDA

a) Part (Heading and Code Citation): Riverboat Gambling, 86 Ill. Adm. Code 30001) Rulemaking:

- A) Description: The purpose of the proposed rulemaking will be to amend Section 3000.110, Disciplinary Actions, to provide that association with members or associates of organized crime is sufficient grounds for the Illinois Gaming Board to take disciplinary action against the holder of any license issued by the Board.
- B) Statutory Authority: Section 5 (c) (2), (3), (5), (6), (9), (11), and (15) of the Riverboat Gambling Act [230 ILCS 10/5 (c) (2), (3), (5), (6), (9), (11), and (15) (West 2006)]
- C) Scheduled meeting/hearing dates: None scheduled.
- D) Date agency anticipates First Notice: Within 3 months.
- E) Effect on small business, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Michael Fries
Illinois Gaming Board
160 North LaSalle, Suite S-300
Chicago, Illinois 60601-3274
312/814-4700
- G) Related rulemakings and other pertinent information: None

b) Part (Heading and Code Citation): Riverboat Gambling, 86 Ill. Adm. Code 30001) Rulemaking:

- A) Description: The purpose of the proposed rulemaking will be to amend Section 3000.245, Occupational Licenses, to provide that identification badges worn by occupational licensees and applicants for occupational

ILLINOIS GAMING BOARD

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licenses shall contain space for a nine (9), rather than eight (8), digit number.

- B) Statutory Authority: Section 5 (c) (2), (3), and (6) of the Riverboat Gambling Act [230 ILCS 10/5 (c) (2), (3), and (6) (West 2006)]
- C) Scheduled meeting/hearing dates: None scheduled.
- D) Date agency anticipates First Notice: Within 3 months.
- E) Effect on small business, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Michael Fries
Illinois Gaming Board
160 North LaSalle, Suite S-300
Chicago, Illinois 60601-3274
312/814-4700
- G) Related rulemaking and other pertinent information: None

c) Part (Heading and Code Citation): Riverboat Gambling, 86 Ill. Adm. Code 3000

1) Rulemaking:

- A) Description: The purpose of the proposed rulemaking will be to amend Sections 3000.100, Definitions, and 3000.1071, Admission Tax and Wagering Tax, to clarify that gaming operations on riverboats may be conducted throughout the uniform 24-hour cycle defined as the Gaming Day, with Administrator approval.
- B) Statutory Authority: Section 5 (c) (2), (3), and (7) of the Riverboat Gambling Act [230 ILCS 10/5 (c) (2), (3), and (7) (West 2006)]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: Within 6 months.

ILLINOIS GAMING BOARD

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- E) Effect on small business, small municipalities or not-for-profit corporations: Implementation of a 24-hour gaming schedule on riverboats may impose added law enforcement and traffic control responsibilities on municipalities designated as the home docks of the riverboats, during the hours of extended gaming.
- F) Agency contact person for information:
- Michael Fries
Illinois Gaming Board
160 North LaSalle, Suite S-300
Chicago, Illinois 60601-3274
312/814-4700
- G) Related rulemaking and other pertinent information: None
- d) Part (Heading and Code Citation): Riverboat Gambling, 86 Ill. Adm. Code 3000
- 1) Rulemaking:
- A) Description: The purpose of the proposed rulemaking will be to add a new Section 3000.190, Identification of Admitted Persons, requiring persons entering the admission turnstiles of a riverboat gaming operation to present a valid driver's license or other suitable form of picture identification issued by a governmental unit. Currently, such identification is only required for persons who appear to be under 30 years of age.
- B) Statutory authority: Section 5 (c) (2), (3), and (12) of the Riverboat Gambling Act [230 ILCS 10/5 (c) (2), (3), and (12) (West 2006)]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: Within 6 months.
- E) Effect on small business, small municipalities or not-for-profit corporations: None

ILLINOIS GAMING BOARD

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- F) Agency contact person for information:
- Michael Fries
Illinois Gaming Board
160 North LaSalle, Suite S-300
Chicago, Illinois 60601-3274
312/814-4700
- G) Related rulemaking and other pertinent information: None
- e) Part (Heading and Code Citation): Riverboat Gambling, 86 Ill. Adm. Code 3000
- 1) Rulemaking:
- A) Description: The purpose of the proposed rulemaking is to amend Section 3000.100, Definitions, and Section 3000.635, Issuance and Use of Tokens and Vouchers for Gaming, to provide for a one-year (instead of three-year) expiration period during which vouchers may be redeemed for cash at the cashier cage of the holder of an owner's license.
- B) Statutory Authority: Section 5 (c) (2), (3), and (7) of the Riverboat Gambling Act [230 ILCS 10/5 (c) (2), (3), and (7) (West 2006)]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: Within 3 months.
- E) Effect on small business, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:
- Michael Fries
Illinois Gaming Board
160 North LaSalle, Suite S-300
Chicago, Illinois 60601-3274
312/814-4700
- G) Related rulemaking and other pertinent information: None

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f) Part (Heading and Code Citation): Riverboat Gambling, 86 Ill. Adm. Code 3000

1) Rulemaking:

- A) Description: The purpose of the proposed rulemaking is to amend Section 3000.660, Minimum Standards for Electronic Gaming Devices, and Section 3000.661, Minimum Standards for Voucher Systems, by allowing remote access to Electronic Gaming Devices and Voucher Systems within a secure and auditable regulatory framework.
- B) Statutory Authority: Section 5 (c) (2), (3), and (7) of the Riverboat Gambling Act [230 ILCS 10/5 (c) (2), (3), and (7) (West 2006)]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: Within 6 months.
- E) Effect on small business, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Michael Fries
Illinois Gaming Board
160 North LaSalle, Suite S-300
Chicago, Illinois 60601-3274
312/814-4700
- G) Related rulemaking and other pertinent information: None

g) Part (Heading and Code Citation): Riverboat Gambling, 86 Ill. Adm. Code 3000

1) Rulemaking:

- A) The purpose of the proposed rulemaking will be to amend Section 3000.615, Payout Percentage for Electronic Gaming Devices, to provide that the sign currently posted on all Electronic Gaming Devices shall indicate the actual payout percentage over a moving period of time, rather

ILLINOIS GAMING BOARD

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than the theoretical aggregate payout percentage, and provides standards for signage related to the payout percentage.

- B) Statutory Authority: Section 5 (c) (2), (3), and (7) of the Riverboat Gambling Act [230 ILCS 10/5 (c) (2), (3), and (7) (West 2006)]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: Within 6 months.
- E) Effect on small business, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Michael Fries
Illinois Gaming Board
160 North LaSalle, Suite S-300
Chicago, Illinois 60601-3274
312/814-4700

- G) Related rulemaking and other pertinent information: None

h) Part (Heading and Code Citation): Riverboat Gambling, 86 Ill. Adm. Code 3000

1) Rulemaking:

- A) The purpose of the proposed rulemaking will be to amend Section 3000.220, Applications, by providing that an application for approval as a Key Person under Section 3000.222, Identification and Requirements of Key Persons, may be withdrawn without leave of the Illinois Gaming Board, if written notification of withdrawal is received prior to Board action on the application, and unless the intended withdrawal is objected to by the Administrator, in which case leave of the Board is required.
- B) Statutory Authority: Section 5 (c) (2) (3), and (6) of the Riverboat Gambling Act [230 ILCS 10/5 (c) (2), (3), and (6) (West 2006)]
- C) Scheduled meeting/hearing dates: None

ILLINOIS GAMING BOARD

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- D) Date agency anticipates First Notice: Within 6 months.
- E) Effect on small business, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information:

Michael Fries
Illinois Gaming Board
160 North LaSalle, Suite S-300
Chicago, Illinois 60601-3274
312/814-4700
- G) Related rulemaking and other pertinent information: None

OFFICE OF THE AUDITOR GENERAL

JANUARY 2008 REGULATORY AGENDA

a) Part Heading and Code Citation: Public Information, Rulemaking, Organization and Personnel (2 Ill. Adm. Code 600)1) Rulemaking:

- A) Description: Our personnel rules were last amended in 2004 and need to be updated to provide for changes in law.
- B) Statutory Authority: Implementing and authorized by Sections 2-10 and 2-12(a) of the Illinois State Auditing Act [30 ILCS 5/2-10 and 2-12 (a)].
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated at this time.
- D) Date agency anticipates First Notice: No First Notice date has been determined.
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Rebecca Patton
Office of the Auditor General
740 E. Ash St.
Springfield, IL 62703
Telephone: 217/782-6698 or 888/261-2887 (TTY)
- G) Related rulemakings and other pertinent information: None

b) Part Heading and Code Citation: Purchases and Contracts (44 Ill. Adm. Code 500)1) Rulemaking:

- A) Description: Our procurement rules were last updated in 2000 and need to be updated to provide for changes in law.

OFFICE OF THE AUDITOR GENERAL

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- B) Statutory Authority: Implementing and authorized by Section 1-30 (b) of the Illinois Procurement Code [30 ILCS 500/1-30 (b)] and Section 2-12 of the Illinois State Auditing Act [30 ILCS 5/2-12].
- C) Scheduled meeting/hearing dates: There is no proposed schedule of dates for meetings or hearings at this time.
- D) Date agency anticipates First Notice: No first notice date has been determined.
- E) Effect on small businesses, small municipalities or not for profit corporations: The rulemaking may impact small businesses doing business with or seeking to do business with the Auditor General's Office.
- F) Agency contact person for information:

Rebecca Patton
Office of the Auditor General
740 E. Ash St.
Springfield, IL 62703
Telephone: 217/782-6698 or 888/261-2887 (TTY)
- G) Related rulemakings and other pertinent information: None
- c) Part Heading and Code Citation: Code of Regulations (74 Ill. Adm. Code 420)
- 1) Rulemaking:
- A) Description: Our audit regulations were last amended in 2006 and some incorporations by reference need to be updated.
- B) Statutory Authority: Implementing and authorized by Sections 3-7, 3-8 (c) and 3-8 (d) of the Illinois State Auditing Act [30 ILCS 5/3-7, 3-8 (c) and 3-8 (d)].
- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated at this time.

OFFICE OF THE AUDITOR GENERAL

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- D) Date agency anticipates First Notice: No First Notice date has been determined.
- E) Effect on small businesses, small municipalities or not for profit corporations: Accounting firms performing audits on behalf of the Auditor General are required to follow current auditing standards.
- F) Agency contact person for information:

Rebecca Patton
Office of the Auditor General
740 E. Ash St.
Springfield, IL 62703
Telephone: 217/782-6698 or 888/261-2887 (TTY)
- G) Related rulemakings and other pertinent information: None

PROPERTY TAX APPEAL BOARD

JANUARY 2008 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Practice and Procedure for Appeals Before the Property Tax Appeal Board, 86 Ill.Adm.Code 1910
- 1) Rulemaking:
- A) Description: In addition to amending all the rules regarding the Practice and Procedure before the Property Tax Appeal Board, including clarification of the language contained within the existing rules, the Property Tax Appeal Board anticipates amending the following rules:
- Section 1910.5 – Renumber and add a definition for "good cause".
- Section 1910.11 – Delete section.
- Section 1910.12 – New section. A new section on Board meetings will be added to explain that meetings will be conducted in compliance with the Open Meetings Act and further allow a member to attend a meeting by means other than being physically present provided a quorum of the members of the Board are physically present and a majority allow the member to attend by video or audio conference.
- Section 1910.20 – Allow the filing of communications in the Suburban North Regional Office for property located in Cook County.
- Section 1910.25 – Provide that written correspondence sent by a delivery service other than the United States mail will be deemed filed on the date of receipt. Written correspondence received with an illegible postmark will be deemed filed on the date received.
- Section 1910.30 – Clarify what is required to file a complete petition with the Property Tax Appeal Board. Eliminates incomplete petitions and eliminates the opportunity to resubmit a petition that has been dismissed based on being incomplete. Eliminates the definition of good cause, which will be redefined in Section 1910.5. Where a taxing body initiates the appeal the taxing body must contemporaneously notify the owner and taxpayer while providing the Property Tax Appeal Board a proof of service demonstrating the taxpayer and owner were notified. Require the contesting party to serve a copy of all evidence on the intervenor within 30 days of the proof of service of the Request to Intervene.

PROPERTY TAX APPEAL BOARD

JANUARY 2008 REGULATORY AGENDA

Section 1910.40 – Allow the board of review to file its evidence within 90 days of receiving notice of the appeal. Requires the board of review to submit its evidence to the Property Tax Appeal Board and contemporaneously on all other parties to the appeal together with a proof of service. Eliminate the automatic 30-day extension granted to the board of review. Eliminates the definition of good cause, which will be redefined in Section 1910.5.

Section 1910.50 – Grant the Property Tax Appeal Board the discretion to conduct a hearing where a party has requested a hearing. Allows the Property Tax Appeal Board to award reasonable costs where the contesting party voluntarily withdraws an appeal.

Section 1910.55 – Parties to serve proposed stipulations to other parties with 30 days to accept or reject. Stipulation will be deemed accepted if no response to proposal.

Section 1910.60 – Clarify that a taxpayer, owner and taxing district may initiate an appeal within 30 days of the date of the written notice of the decision of the board of review or in counties of 3,000,000 or more inhabitants within 30 days after the date the board of review sends notice to the county assessor pursuant to section 16-125 of the Property Tax Code. Require intervenor to serve a copy of Request to Intervene on the Property Tax Appeal Board contemporaneously with all other parties to the appeal and change the resolution requirements. Allow intervenor to submit evidence within 60 days of receipt of the contesting party's evidence. Require intervenor to serve a copy of evidence on all parties to the appeal. Eliminates the definition of good cause, which will be redefined in Section 1910.5.

Section 1910.64 – Clarify motion practice before the Property Tax Appeal Board.

Section 1910.65 – Further define what minimal evidence is required to challenge an assessment based on a market value argument. Add examples of what is considered insufficient evidence to challenge an assessment.

PROPERTY TAX APPEAL BOARD

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Section 1910.66 – Require the contesting party to serve a copy of rebuttal evidence on all other parties to the appeal.

Section 1910.67 – Grant the Property Tax Appeal Board the discretion to conduct a hearing where a party has requested a hearing. Eliminates the definition of good cause, which will be redefined in Section 1910.5.

Section 1910.69 – Expand sanctions and provide for the awarding of reasonable costs where a contesting party withdraws or voluntarily dismisses an appeal, and for delay caused by failure to appear at a hearing.

Section 1910.70 – Clarifies representation at hearings and requires the filing of an entry of appearance no later than 10 days before any proceeding before the Property Tax Appeal Board. Provide that the failure to timely file an entry of appearance will not be grounds for a continuance.

Section 1910.73 – Allows Board the discretion to issue a pre-hearing conference order.

Section 1910.75 – Provide reference to the Freedom of Information Act and delete language explaining freedom of information process.

Section 1910.77 – Clarify the process to withdraw and substitute as attorney of record. Allow for reasonable costs where the filing of a withdrawal from representation occurs less than 10 days before any proceeding before the Property Tax Appeal Board which causes a delay in the proceeding.

Section 1910.79 – Expand discovery and provide for the production of certain information by the taxpayer or owner. Provide for the disclosure of witnesses expected to testify in a hearing before the Property Tax Appeal Board.

Section 1910.91 – Delete section.

Section 1910.93 – Provide for the disclosure of witnesses expected to testify at a hearing before the Property Tax Appeal Board.

PROPERTY TAX APPEAL BOARD

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Section 1910.94 – Provide that where an inspection of property is denied in a commercial or industrial appeal where a change in assessed valuation of \$300,000 or more is sought the Property Tax Appeal Board will not accept any evidence that is offered to refute or discredit an opposing party.

Section 1910.95 – Require the parties to serve documents, with limited exceptions, on the Property Tax Appeal Board contemporaneously with each other party after the contesting party has submitted sufficient evidence to challenge the correctness of the assessment.

Section 1910.96 – Allow for the deposition under defined parameters of certain valuation witnesses in commercial or industrial appeals where a change in assessed valuation of \$300,000 or more is sought.

Section 1910.98 – Require the moving party to pay for the cost of transcription of all electronic recordings and to furnish the Property Tax Appeal Board the name and address of an officially designated court reporting service where a copy of the electronic recording shall be sent by the Board for transcription.

Section 1910.99 – Prohibit a party that has adopted the evidence of another party from withholding authorization allowing a contesting party from withdrawing an appeal. Precludes a party that has adopted the evidence of another party from filing rebuttal evidence and further prohibits the awarding of costs to a party that has adopted the evidence of another party.

- B) Statutory Authority: 35 ILCS 200/Art.7 and 35 ILCS 200/16-160 through 16-195
- C) Scheduled meeting/hearing date: There is no proposed schedule of dates for meetings/hearings at this time.
- D) Date agency anticipates First Notice: January 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

PROPERTY TAX APPEAL BOARD

JANUARY 2008 REGULATORY AGENDA

Steven M. Waggoner
Chief Hearing Officer
Property Tax Appeal Board
Rm. 402, Stratton Office Bldg.
401 S. Spring St.
Springfield, IL 62706
217/782-6076

- G) Related rulemaking and other pertinent information: The Property Tax Appeal Board hereby submits amendments to certain rules (1910.50, 1910.67, 1910.94 and 1910.98) with the understanding that legislative action is required prior to final adoption of the rules as proposed. The Board is of the opinion these rule changes are necessary in order to continue in its efforts to provide efficient services to both the public and local governmental agencies involved in the property tax appeal process. It is with this purpose that the Board is informing the public and local agencies that the Board intends to proceed forward to seek the necessary legislative changes prior to implementation of certain rules.

ILLINOIS RACING BOARD

JANUARY 2008 REGULATORY AGENDA

a) Part (Heading and Code Citation): Licensing, 11 Ill. Adm. Code 5021) Rulemaking:

- A) Description: The purpose of the proposed rulemaking will be to create a new Section 502.795, Agents and Employees, to include the licensing of business agents and their employees.
- B) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)]
- C) Scheduled Meeting/Hearing Dates: No hearings or meetings have been scheduled.
- D) Date Agency Anticipates First Notice: Undetermined
- E) Effect on Small Business, Small Municipalities or Not-For-Profit Corporations: None
- F) Agency contact person for information:
- Mickey Ezzo
Illinois Racing Board
100 W. Randolph Street
Suite 7-701
Chicago, IL 60601
312/814-5017 Fax: 312/814-5062
- G) Related Rulemaking and Other Pertinent Information: None

b) Part (Heading and Code Citation): Medication, 11 Ill. Adm. Code 6031) Rulemaking:

- A) Description: The purpose of the proposed rulemaking is to revise and update Part 603, Medication, to include threshold levels for additional therapeutic medications and ban the use of anabolic steroids in racehorses. In addition, a new section prohibiting certain veterinary practices shall also be included.

ILLINOIS RACING BOARD

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- B) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)]
- C) Scheduled Meeting/Hearing Dates: No hearings or meetings have been scheduled.
- D) Date Agency Anticipates First Notice: Undetermined
- E) Effect on Small Business, Small Municipalities or Not-For-Profit Corporations: None
- F) Agency contact person for information:

Mickey Ezzo
Illinois Racing Board
100 W. Randolph Street
Suite 7-701
Chicago, IL 60601
312/814-5017 Fax: 312/814-5062

- G) Related Rulemaking and Other Pertinent Information: None

c) Part (Heading and Code Citation): Uniform System of Accounts, 11 Ill. Adm. Code 412

1) Rulemaking:

- A) Description: Repeal Part 412 as it becomes superfluous.
- B) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)]
- C) Scheduled Meeting/Hearing Dates: No hearings or meetings have been scheduled.
- D) Date Agency Anticipates First Notice: Undetermined
- E) Effect on Small Business, Small Municipalities or Not-For-Profit Corporations: None

ILLINOIS RACING BOARD

JANUARY 2008 REGULATORY AGENDA

F) Agency contact person for information:

Mickey Ezzo
Illinois Racing Board
100 W. Randolph Street
Suite 7-701
Chicago, IL 60601
312/814-5017 Fax: 312/814-5062

G) Related Rulemaking and Other Pertinent Information: None

STATE UNIVERSITIES RETIREMENT SYSTEM

JANUARY 2008 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Document Retention (80 Ill. Adm. Code 1600.140)
- 1) Rulemaking: No docket number presently assigned.
- A) Description: A Section to set forth retention periods for the various categories of documents used by the System in business operations.
- B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS 5/15-177
- C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. No public hearing is anticipated.
- D) Date agency anticipates First Notice: January 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Albert J. Lee, Assistant General Counsel
State Universities Retirement System
1901 Fox Drive
Champaign, IL 61820
217/378-7516
- G) Related rulemakings and other pertinent information:
- b) Part(s) (Heading and Code Citation): Participation Requirements (80 Ill. Adm. Code 1600.200)
- 1) Rulemaking: No docket number presently assigned.
- A) Description: A Section clarifying the definition of "employee" under Section 15-107 of the Illinois Pension Code, 40 ILCS 5/15-107.
- B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS 5/15-177

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- C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. No public hearing is anticipated.
 - D) Date agency anticipates First Notice: January 2008
 - E) Effect on small businesses, small municipalities or not for profit corporations: None
 - F) Agency contact person for information:

Albert J. Lee, Assistant General Counsel
State Universities Retirement System
1901 Fox Drive
Champaign, IL 61820
217/378-7516
 - G) Related rulemakings and other pertinent information:
- c) Part(s) (Heading and Code Citation): Disabled Child Survivors Insurance Beneficiaries (80 Ill. Adm. Code 1600.306)
- 1) Rulemaking: No docket number presently assigned.
 - A) Description: A Section regarding the timing and criteria used in making determinations of disability status for purposes of survivors insurance under Section 15-145(c) of the Illinois Pension Code, 40 ILCS 5/15-145(c).
 - B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS 5/15-177
 - C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. No public hearing is anticipated.
 - D) Date agency anticipates First Notice: January 2008

STATE UNIVERSITIES RETIREMENT SYSTEM

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- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Albert J. Lee, Assistant General Counsel
State Universities Retirement System
1901 Fox Drive
Champaign, IL 61820
217/378-7516
- G) Related rulemakings and other pertinent information:
- d) Part(s) (Heading and Code Citation): Procedures to Be Followed in Medical Evaluation of Disability Claims (80 Ill. Adm. Code 1600.320)
- 1) Rulemaking: No docket number presently assigned.
- A) Description: An amendment revising the disability claims review process by clarifying the necessary criteria for the award of disability benefits, establishing the role of the medical claims processor, and establishing procedures for the ongoing investigation of disability claims.
- B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS 5/15-150, 15-177
- C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. No public hearing is anticipated.
- D) Date agency anticipates First Notice: January 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Albert J. Lee, Assistant General Counsel
State Universities Retirement System

STATE UNIVERSITIES RETIREMENT SYSTEM

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1901 Fox Drive
Champaign, IL 61820
217/378-7516

G) Related rulemakings and other pertinent information:

e) Part(s) (Heading and Code Citation): Commencement of Disability Benefits (80 Ill. Adm. Code 1600.325)

1) Rulemaking: No docket number presently assigned.

A) Description: A Section clarifying the System's interpretation of Section 15-151 of the Illinois Pension Code, 40 ILCS 5/15-151, as it relates to the "termination of payment of salary or sick leave."

B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS 15-177

C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. No public hearing is anticipated.

D) Date agency anticipates First Notice: January 2008

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

F) Agency contact person for information:

Albert J. Lee, Assistant General Counsel
State Universities Retirement System
1901 Fox Drive
Champaign, IL 61820
217/378-7516

G) Related rulemakings and other pertinent information:

f) Part(s) (Heading and Code Citation): Making Preliminary Estimated Payments (80 Ill. 1600.420)

STATE UNIVERSITIES RETIREMENT SYSTEM

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- 1) Rulemaking: No docket number presently assigned.
 - A) Description: Revise the current rule on Making Preliminary Estimated Payments to include procedures for holding payments when the member has not responded to informational requests, and to terminate the benefit after a period of non-compliance with the request.
 - B) Statutory Authority: Article 15 of the Illinois Pension Code, 40 ILCS 5/15-177
 - C) Scheduled meeting/hearing dates: Written comments may be submitted during the 45-day public comment period following publication of the proposed rule in the *Illinois Register*. No public hearing is anticipated.
 - D) Date agency anticipates First Notice: January 2008
 - E) Effect on small businesses, small municipalities or not for profit corporations: None
 - F) Agency contact person for information:

Albert J. Lee, Assistant General Counsel
State Universities Retirement System
1901 Fox Drive
Champaign, IL 61820
217/378-7516
 - G) Related rulemakings and other pertinent information:

DEPARTMENT OF TRANSPORTATION

JANUARY 2008 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Roadside Memorials; 92 Ill. Adm. Code 549

1) Rulemaking:

- A) Description: The Department will be promulgating this new Part that provides for the placement of roadside markers to commemorate the death of persons killed in crashes involving impaired drivers.
- B) Statutory Authority: Implementing and authorized by Section 4-105 of the Illinois Highway Code [605 ILCS 5/4-105]. (See P.A. 095-0398, effective January 1, 2008.)
- C) Scheduled meeting/hearing date: None scheduled.
- D) Date agency anticipates First Notice: Within six months.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: These amendments will not affect small businesses.
- F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 317
2300 South Dirksen Parkway
Springfield, IL 62764
217/524-3838
- G) Related rulemakings and other pertinent information: None

b) Part(s) (Heading and Code Citation): Rates to be Charged by Official Testing Stations; 92 Ill. Adm. Code 439

1) Rulemaking:

- A) Description: The Department intends to promulgate this new Part to replace Parts 446 and 454 so that rate increase procedures are consolidated into one Part covering all vehicles. Additionally, the new Part will

DEPARTMENT OF TRANSPORTATION

JANUARY 2008 REGULATORY AGENDA

provide that Station owners need only appear at administrative hearings when the owner's requested rate schedule is denied by the Department.

- B) Statutory Authority: 625 ILCS 5/13-106
- C) Scheduled meeting/hearing date: None scheduled.
- D) Date agency anticipates First Notice: Within six months.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: Small businesses will be positively impacted by the changes to the rate rules. Upon adoption of the new Part, Station owners will no longer have to attend a hearing to obtain approval for a rate increase. The Department does not anticipate any impact on either small municipalities or not-for-profits.
- F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 317
2300 South Dirksen Parkway
Springfield, IL 62764
217/524-3838
- G) Related rulemakings and other pertinent information: The Department will be repealing the following two rate rules: Rates to be Charged by Official Testing Stations for Vehicles Other Than School Buses, 92 Ill. Adm. Code 454; and Rates to be Charged by Official Testing Stations for School Buses, 92 Ill. Adm. Code 446.

c) Part(s) (Heading and Code Citation): Illinois Cycle Rider Safety Training Rules; 92 Ill. Adm. Code 455

1) Rulemaking:

- A) Description: The Department will repeal this Part and simultaneously propose a new Part with the same Part name and number to better reflect the cycle rider safety training program since its inception. Among other

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things, the Department will be updating the provisions concerning the regional boundary criteria, instructor qualifications and course curriculum.

- B) Statutory Authority: 625 ILCS 35
- C) Scheduled meeting/hearing date: None scheduled.
- D) Date agency anticipates First Notice: Within six months.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not affect small businesses, small municipalities or not-for-profit corporations.
- F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 317
2300 South Dirksen Parkway
Springfield, IL 62764
217/524-3838

- G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Illinois Hazardous Materials Transportation Regulations (IHMTR); 92 Ill. Adm. Code 107-180

1) Rulemaking:

- A) Description: These amendments will update the IHMTR for consistency with the federal regulations by incorporating by reference all applicable federal final rules published in the *Federal Register* since December 2004.
- B) Statutory Authority: 430 ILCS 30/4(a) and 9(a)
- C) Scheduled meeting/hearing date: None scheduled.
- D) Date agency anticipates First Notice: Within six months.

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- E) Effect on small businesses, small municipalities or not-for-profit corporations: These amendments will affect small businesses that own or operate commercial motor vehicles that transport placarded hazardous materials in Illinois.
- F) Agency contact person for information:
- Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 317
2300 South Dirksen Parkway
Springfield, IL 62764
217/524-3838
- G) Related rulemakings and other pertinent information: None
- e) Part(s) (Heading and Code Citation): Oversize and Overweight Permit Movements on State Highways; 92 Ill. Adm. Code 554
- 1) Rulemaking:
- A) Description: These revisions will update and clarify procedures for trucking firms involved in the movement of oversize and overweight loads on State highways.
- B) Statutory Authority: Implementing and authorized by Article III of the Illinois Size and Weight Law [625 ILCS 5/Ch. 15, Art. III].
- C) Scheduled meeting/hearing date: None scheduled.
- D) Date agency anticipates First Notice: Within six months.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not impact small businesses differently than any other business seeking a permit to move oversize and overweight loads.
- F) Agency contact person for information:

DEPARTMENT OF TRANSPORTATION

JANUARY 2008 REGULATORY AGENDA

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 317
2300 South Dirksen Parkway
Springfield, IL 62764
217/524-3838

- G) Related rulemakings and other pertinent information: None
- f) Part(s) (Heading and Code Citation): Business Logo Signing Program; 92 Ill. Adm. Code 542
- 1) Rulemaking:
- A) Description: The Department is proposing to amend this Part to revise the listing of areas, at Section 542.100, eligible for signing under this Part. Upon adoption of this rulemaking, the Department will allow signs along portions of Interstate 74 through Peoria and along Interstate 80 within Cook County. Additionally, the Department will add a new Section and revise several other Sections to allow signing for RV movement and parking at business establishments. The RV provisions will be included pursuant to the national Manual on Uniform Traffic Control Devices. Also, the Department will amend this Part to revise the procedures for submission of the \$100 fee, at Section 542.600(b)(1), to ensure better conformance with the State Officers and Employees Money Disposition Act [30 ILCS 230/2]. Finally, Appendix B will be revised for consistency with current Department organization of the Districts.
- B) Statutory Authority: 225 ILCS 440/4.08, 605 ILCS 5/4-201.1, and 225 ILCS 440/14.01
- C) Scheduled meeting/hearing date: None scheduled.
- D) Date agency anticipates First Notice: Within six months.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: These amendments will affect small businesses desiring to participate in the program.

DEPARTMENT OF TRANSPORTATION

JANUARY 2008 REGULATORY AGENDA

F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 317
2300 South Dirksen Parkway
Springfield, IL 62764
217/524-3838

G) Related rulemakings and other pertinent information: Noneg) Part(s) (Heading and Code Citation): Transporting Pupils Where Walking Constitutes a Serious Safety Hazard; 92 Ill. Adm. Code 5561) Rulemaking:

A) Description: Portions of the rule will be revised to more clearly reflect the impact of vehicular hazards.

B) Statutory Authority: 105 ILCS 5/29-3

C) Scheduled meeting/hearing date: None scheduled.

D) Date agency anticipates First Notice: Within six months.

E) Effect on small businesses, small municipalities or not-for-profit corporations: These amendments will not affect small businesses, not-for-profits or small municipalities.

F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 317
2300 South Dirksen Parkway
Springfield, IL 62764
217/524-3838

DEPARTMENT OF TRANSPORTATION

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- G) Related rulemakings and other pertinent information: Custodial Transportation of Pupils Where Walking Constitutes a Serious Safety Hazard; 92 Ill. Adm. Code 557
- h) Part(s) (Heading and Code Citation): Custodial Transportation of Pupils Where Walking Constitutes a Serious Safety Hazard 92 Ill. Adm. Code 557
- 1) Rulemaking:
- A) Description: Portions of the rule are being revised to more clearly reflect the impact of vehicular hazards.
- B) Statutory Authority: 105 ILCS 5/29-5.2
- C) Scheduled meeting/hearing date: None scheduled.
- D) Date agency anticipates First Notice: Within six months.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: These amendments will not affect small businesses, not-for-profits or small municipalities.
- F) Agency contact person for information:
- Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 317
2300 South Dirksen Parkway
Springfield, IL 62764
217/524-3838
- G) Related rulemakings and other pertinent information: Transporting Pupils Where Walking Constitutes a Serious Safety Hazard; 92 Ill. Adm. Code 556
- i) Part(s) (Heading and Code Citation): Prequalification of Contractors, Authorization to Bid, and Subcontractor Registration; 44 Ill. Adm. Code 650
- 1) Rulemaking:

DEPARTMENT OF TRANSPORTATION

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- A) Description: The Department will be updating and clarifying provisions in this Part.
- B) Statutory Authority: Implementing Section 20-45 of the Illinois Procurement Code [30 ILCS 500/20-45] and Section 4-103 of the Illinois Highway Code [605 ILCS 5/4-103] and authorized by Section 4-201.1 of the Illinois Highway Code [605 ILCS 5/4-201.1] and Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25].
- C) Scheduled meeting/hearing date: None scheduled.
- D) Date agency anticipates First Notice: Within six months.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: These amendments will not affect small businesses, not-for-profits or small municipalities.
- F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 317
2300 South Dirksen Parkway
Springfield, IL 62764
217/524-3838
- G) Related rulemakings and other pertinent information: None
- j) Part(s) (Heading and Code Citation): Illinois Motor Carrier Safety Regulations (IMCSR); 92 Ill. Adm. Code 340, 380, 382, 383, 385, 386, 387, 390, 391, 392, 393, 395, 396, and 397.
- 1) Rulemaking:
- A) Description: The Department will update existing Parts and add three new Parts to the IMCSR in accordance with the federal Motor Carrier Safety Reauthorization Act of 2005, statutory updates from the 2005 legislative session, and changes to 49 CFR.

DEPARTMENT OF TRANSPORTATION

JANUARY 2008 REGULATORY AGENDA

- B) Statutory Authority: 625 ILCS 5/Ch. 18B
- C) Scheduled meeting/hearing date: None scheduled.
- D) Date agency anticipates First Notice: Within six months.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This amendment will affect small businesses that own or operate applicable commercial motor vehicles in Illinois.
- F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 317
2300 South Dirksen Parkway
Springfield, IL 62764
217/524-3838

- G) Related rulemakings and other pertinent information: None

k) Part(s) (Heading and Code Citation): Airport Hazard Zoning; 92 Ill. Adm. Code 16

1) Rulemaking:

- A) Description: This Part provides requirements that restrict the height of structures, equipment, and vegetation, and that regulate the use of property on or in the vicinity of any publicly-owned airport whose owner or operator requests enforcement of airport hazard zoning by the Department. This Part will be amended at Appendix A to include additional airports requesting enforcement of hazard zoning by the Department.
- B) Statutory Authority: 620 ILCS 25
- C) Scheduled meeting/hearing date: None scheduled.
- D) Date agency anticipates First Notice: Within six months.

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- E) Effect on small businesses, small municipalities or not-for-profit corporations: Small municipalities that own an applicable public airport may be impacted by this Part.
- F) Agency contact person for information:
- Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 317
2300 South Dirksen Parkway
Springfield, IL 62764
217/524-3838
- G) Related rulemakings and other pertinent information: The Department will be repealing 92 Ill. Adm. Code 22, 40, 49, 60, 62, 67, 77, 80, 86, 88, 92 and 96 and moving the airports covered under these Parts under 92 Ill. Adm. Code 16.
- l) Part(s) (Heading and Code Citation): Public Information, Rulemaking and Organization; 2 Ill. Adm. Code 1225
- 1) Rulemaking:
- A) Description: The Department will amend this Part to update information regarding the functions and organization of the Department.
- B) Statutory Authority: Implementing section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].
- C) Scheduled meeting/hearing date: None scheduled.
- D) Date agency anticipates First Notice: Not Applicable.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not affect small businesses or not-for-profits.
- F) Agency contact person for information:

DEPARTMENT OF TRANSPORTATION

JANUARY 2008 REGULATORY AGENDA

Christine Caronna-Beard, Rules Manager
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217/524-3838

G) Related rulemakings and other pertinent information: None

m) Part(s) (Heading and Code Citation): Relocation Assistance Services and Payments Program for Highway Projects; 92 Ill. Adm. Code 518

1) Rulemaking:

- A) Description: The Department will be promulgating a new, reorganized and updated Part on the relocation assistance and payments program for highway projects while simultaneously proposing to repeal the current rules.
- B) Statutory Authority: Implementing Sections 3-107.1 through 3-107.1f and Section 4-511, and authorized by Section 3-107.1e, of the Illinois Highway Code [605 ILCS 5/3-107.1 through 3-107.1f and 4-511]; by Section 5-675 of the Civil Administrative Code of Illinois [20 ILCS 5/5-675]; by Sections 2, 2a, 3 and 4 of the Displaced Person Relocation Act [310 ILCS 40/2, 2a, 3 and 4]; and by Section 10-5-62 of the Eminent Domain Act [735 ILCS 30/10-5-2].
- C) Scheduled meeting/hearing date: None scheduled.
- D) Date agency anticipates First Notice: Within six months.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will not affect small businesses or not-for-profits.
- F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager

DEPARTMENT OF TRANSPORTATION

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Illinois Department of Transportation
Office of Chief Counsel, Room 317
2300 South Dirksen Parkway
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217/524-3838

- G) Related rulemakings and other pertinent information: The Department will be repealing Relocation Assistance and Payments Program, 92 Ill. Adm. Code 518, and replacing it with this new Part.
- n) Part(s) (Heading and Code Citation): Use and Enjoyment of Rest Areas; 92 Ill. Adm. Code 533
- 1) Rulemaking:
- A) Description: The Department will be amending this Part by adding provisions governing advertising in rest areas.
- B) Statutory Authority: Implementing and authorized by Section 4-201.14 of the Illinois Highway Code [605 ILCS 5/4-201.14].
- C) Scheduled meeting/hearing date: None scheduled.
- D) Date agency anticipates First Notice: Within six months.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: This revision will impact those small businesses choosing to participate in the program.
- F) Agency contact person for information:
- Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 317
2300 South Dirksen Parkway
Springfield, IL 62764
217/524-3838
- G) Related rulemakings and other pertinent information: None

DEPARTMENT OF TRANSPORTATION

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- o) Part(s) (Heading and Code Citation): Inspection Procedures for Type I and Type II School Buses; 92 Ill. Adm. Code 441 and 443
- 1) Rulemaking:
- A) Description: The Department will be amending these Parts by adding and revising provisions pursuant to new Public Acts.
- B) Statutory Authority: Implementing Article VIII of Chapter 12 and authorized by Section 12-812 of the Illinois Vehicle Code [625 ILCS 5/Ch. 12, Art. VIII].
- C) Scheduled meeting/hearing date: None scheduled.
- D) Date agency anticipates First Notice: Within six months.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: These amendments will affect small businesses and school districts within small municipalities that own or operate school buses in Illinois.
- F) Agency contact person for information:
- Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 317
2300 South Dirksen Parkway
Springfield, IL 62764
217/524-3838
- G) Related rulemakings and other pertinent information: None
- p) Part(s) (Heading and Code Citation): Minimum Safety Standards for Construction of Type I and Type II School Buses; 92 Ill. Adm. Code 440 and 442
- 1) Rulemaking:

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- A) Description: The Department will be amending these Parts by adding and revising provisions pursuant to new Public Acts.
- B) Statutory Authority: Implementing Article VIII of Chapter 12 and authorized by Section 12-812 of the Illinois Vehicle Code [625 ILCS 5/Ch. 12, Art. VIII].
- C) Scheduled meeting/hearing date: None scheduled.
- D) Date agency anticipates First Notice: Within six months.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: These amendments will affect small businesses and school districts within small municipalities that own or operate school buses in Illinois.
- F) Agency contact person for information:
- Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 317
2300 South Dirksen Parkway
Springfield, IL 62764
217/524-3838
- G) Related rulemakings and other pertinent information: None
- q) Part(s) (Heading and Code Citation): Control of Outdoor Advertising Adjacent to Primary and Interstate Highways; 92 Ill. Adm. Code 522
- 1) Rulemaking:
- A) Description: The Department will be clarifying provisions and amending this Part pursuant to new legislation.
- B) Statutory Authority: Implementing Sections 9-112.1 and 9-112.2 of the Illinois Highway Code [605 ILCS 5/9-112.1 and 112.2] and Sections 1 through 8 and 10 of the Highway Advertising Control Act of 1971 [225 ILCS 440/1-8 and 10] and authorized by Section 4-201.1 of the Illinois

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Highway Code [605 ILCS 5/4-201.1] and Section 14.01 of the Highway Advertising Control Act of 1971 [225 ILCS 440/14.01]; implementing Section 1 and authorized by Section 17 of the Airport Zoning Act [620 ILCS 25/1 and 17].

- C) Scheduled meeting/hearing date: None scheduled.
- D) Date agency anticipates First Notice: Within six months.
- E) Effect on small businesses, small municipalities or not-for-profit corporations: The amendments to this Part will impact small businesses no differently than any other business participating in the program.
- F) Agency contact person for information:

Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel, Room 317
2300 South Dirksen Parkway
Springfield, IL 62764
217/524-3838
- G) Related rulemakings and other pertinent information: None

ILLINOIS WORKERS COMPENSATION COMMISSION

NOTICE OF REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Pre-arbitration, 50 Ill. Adm. Code 7020 and Review, 50 Ill. Adm. Code 7040
- 1) Rulemaking:
- A) Description: The rulemaking would amend the Commission's arbitration and review procedures, including procedures relating to expedited hearings under Section 19(b) of the Workers' Compensation Act.
- B) Statutory Authority: 820 ILCS 305/16 and 19
- C) Scheduled meeting/hearing dates: No dates have been set.
- D) Date agency anticipates First Notice: No dates have been set.
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Kathryn A. Kelley
Counsel
Illinois Workers' Compensation Commission
100 West Randolph Street
Suite 8-272
Chicago, IL 60601
312/814-6559
- G) Related rulemakings and other pertinent information: None
- b) Part(s) (Heading and Code Citation): Arbitration, 50 Ill. Adm. Code 7030
- 1) Rulemaking:
- A) Description: The rulemaking would amend the Commission's arbitration procedures, including procedures relating to requesting arbitration decisions which include finding of fact and conclusions of law under Section 19(b) of the Workers' Compensation Act.

ILLINOIS WORKERS COMPENSATION COMMISSION

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- B) Statutory Authority: 820 ILCS 305/16 and 19
- C) Scheduled meeting/hearing dates: No dates have been set.
- D) Date agency anticipates First Notice: No dates have been set.
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:

Kathryn A. Kelley
Counsel
Illinois Workers' Compensation Commission
100 West Randolph Street
Suite 8-272
Chicago, IL 60601
312/814-6559

- G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Miscellaneous, 50 Ill. Adm. Code 7110

1) Rulemaking:

- A) Description: The rulemaking would amend the Commission's workers' compensation medial fee schedule and procedures and establish requirements for certification of vocational rehabilitation counselors in accordance with Section 8(a) of the Act.
- B) Statutory Authority: 820 ILCS 305/8(a), 16 and 19
- C) Scheduled meeting/hearing dates: No dates have been set.
- D) Date agency anticipates First Notice: No dates have been set.
- E) Effect on small businesses, small municipalities or not for profit corporations: None

ILLINOIS WORKERS COMPENSATION COMMISSION

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F) Agency contact person for information:

Kathryn A. Kelley
Counsel
Illinois Workers' Compensation Commission
100 West Randolph Street
Suite 8-272
Chicago, IL 60601
312/814-6559

G) Related rulemakings and other pertinent information: Noned) Part(s) (Heading and Code Citation): Insurance Regulations, 50 Ill. Adm. Code 71001) Rulemaking:

A) Description: The rulemaking would amend the Commission's insurance procedures, including procedures relating to insurance compliance under Section 4 of the Workers' Compensation Act.

B) Statutory Authority: 820 ILCS 305/4, 16 and 19

C) Scheduled meeting/hearing dates: No dates have been set.

D) Date agency anticipates First Notice: No dates have been set.

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

F) Agency contact person for information:

Kathryn A. Kelley
Counsel
Illinois Workers' Compensation Commission
100 West Randolph Street
Chicago, IL 60601
Suite 8-272
312/814-6559

ILLINOIS WORKERS COMPENSATION COMMISSION

NOTICE OF REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: None

ILLINOIS ADMINISTRATIVE CODE

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