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**June 10, 2005  Volume 29, Issue 24**

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

1) **Heading of the Part:** Pay Plan

2) **Code Citation:** 80 Ill. Adm. Code 310

3) **Section Numbers:**
   - Proposed Action:
     - 310.280 Amendment
     - 310.410 Amendment

4) **Statutory Authority:** Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a].

5) **A Complete Description of the Subjects and Issues Involved:**
   In Section 310.280, Designated Rate, the Department of Public Health requested the change of the designated rate of $134,000 annually for the Senior Public Service Administrator, position number 40070-20-80-000-00-81, to $134,004 effective May 5, 2005. The designated rate is changed. The Department of Revenue requested the removal of the designated rates of $76,668 annually for the Public Service Administrator, position number 37015-25-61-140-80-01, and $74,904 annually for the Public Service Administrator, position number 37015-25-61-140-90-01, effective May 6, 2005. These designated rates are removed.

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

6) **Will this rulemaking replace any emergency amendments currently in effect?** No

7) **Does this rulemaking contain an automatic repeal date?** No

8) **Does this rulemaking contain incorporations by reference?** No

9) **Are there any other proposed amendments pending on this Part?** Yes

<table>
<thead>
<tr>
<th>Section Numbers</th>
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<th>Ill. Reg. Citation</th>
</tr>
</thead>
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<td>310.Appendix A, Table D</td>
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NOTICE OF PROPOSED AMENDMENTS

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<td>310.130</td>
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<td>310.320</td>
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<td>Amend</td>
<td>29 Ill. Reg. 6148, 5/6/05</td>
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</tbody>
</table>

10) **Statement of Statewide Policy Objectives:** These amendments to the Pay Plan affect only the employees subject to the Personnel Code and do not set out any guidelines that affect local or other jurisdictions in the State.

11) **Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:**
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

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

(217) 524-8773
Fax: (217) 558-4497

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of Professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2005

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

The full text of the Proposed Amendments begins on the next page:
NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES
PART 310
PAY PLAN

SUBPART A: NARRATIVE

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

SUBPART B: SCHEDULE OF RATES

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

NOTICE OF PROPOSED AMENDMENTS

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

SUBPART C: MERIT COMPENSATION SYSTEM

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

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

NOTICE OF PROPOSED AMENDMENTS

| 310.TABLE I  | RC-009 (Institutional Employees, AFSCME) |
| 310.TABLE J  | RC-014 (Clerical Employees, AFSCME) |
| 310.TABLE K  | RC-023 (Registered Nurses, INA) |
| 310.TABLE L  | RC-008 (Boilermakers) |
| 310.TABLE M  | RC-110 (Conservation Police Lodge) |
| 310.TABLE N  | RC-010 (Professional Legal Unit, AFSCME) |
| 310.TABLE O  | RC-028 (Paraprofessional Human Services Employees, AFSCME) |
| 310.TABLE P  | RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE) |
| 310.TABLE Q  | RC-033 (Meat Inspectors, IFPE) |
| 310.TABLE R  | RC-042 (Residual Maintenance Workers, AFSCME) |
| 310.TABLE S  | HR-012 (Fair Employment Practices Employees, SEIU) (Repealed) |
| 310.TABLE T  | HR-010 (Teachers of Deaf, IFT) |
| 310.TABLE U  | HR-010 (Teachers of Deaf, Extracurricular Paid Activities) |
| 310.TABLE V  | CU-500 (Corrections Meet and Confer Employees) |
| 310.TABLE W  | RC-062 (Technical Employees, AFSCME) |
| 310.TABLE X  | RC-063 (Professional Employees, AFSCME) |
| 310.TABLE Y  | RC-063 (Educators, AFSCME) |
| 310.TABLE Z  | RC-063 (Physicians, AFSCME) |
| 310.TABLE AA | NR-916 (Department of Natural Resources, Teamsters) |
| 310.TABLE AB | VR-007 (Plant Maintenance Engineers, Operating Engineers) (Repealed) |

310.APPENDIX B Schedule of Salary Grades – Monthly Rates of Pay for Fiscal Year 2005
310.APPENDIX C Medical Administrator Rates for Fiscal Year 2005
310.APPENDIX D Merit Compensation System Salary Schedule for Fiscal Year 2005
310.APPENDIX E Teaching Salary Schedule (Repealed)
310.APPENDIX F Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2005

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

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

NOTICE OF PROPOSED AMENDMENTS

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NOTICE OF PROPOSED AMENDMENTS

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENTS

Section 310.280 Designated Rate

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

Department of Children & Family Services

Public Service Administrator  
(Pos. No. 37015-16-23-120-00-01)  
Annual Salary  
85,104

Department of Commerce & Economic Opportunity

Private Secretary II  
(Pos. No. 34202-42-00-000-01-02)  
Annual Salary  
60,000

Public Service Administrator  
(Pos. No. 37015-42-10-900-10-01)  
Annual Salary  
86,474

Department of Human Services

Administrative Assistant I  
(Pos. No. 00501-10-68-010-80-21)  
Annual Salary  
55,200

Medical Administrator I, Option D  
(Pos. No. 26401-10-79-006-00-21)  
Annual Salary  
142,368

Medical Administrator V  
(Pos. No. 26406-10-76-000-00-01)  
Annual Salary  
186,000

Public Service Administrator  
(Pos. No. 37015-10-23-100-30-01)  
Annual Salary  
76,572

Senior Public Service Administrator  
(Pos. No. 40070-10-65-000-00-01)  
Annual Salary  
105,475

Senior Public Service Administrator  
(Pos. No. 40070-10-81-920-00-21)  
Annual Salary  
105,480
### Illinois Register

#### DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

**NOTICE OF PROPOSED AMENDMENTS**

<table>
<thead>
<tr>
<th>Department</th>
<th>Position</th>
<th>Annual Salary</th>
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<tbody>
<tr>
<td>Illinois Labor Relations Board</td>
<td>Private Secretary II (Pos. No. 34202-50-19-000-00-01)</td>
<td>51,900</td>
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<tr>
<td>Department of Natural Resources</td>
<td>Administrative Assistant II (Pos. No. 00502-12-30-000-20-01)</td>
<td>50,520</td>
</tr>
<tr>
<td>Department of Public Aid</td>
<td>Senior Public Service Administrator (Pos. No. 40070-33-20-000-00-61)</td>
<td>123,060</td>
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<tr>
<td>Department of Public Health</td>
<td>Senior Public Service Administrator (Pos. No. 40070-20-80-000-00-81)</td>
<td>134,004</td>
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<td>Department of Revenue</td>
<td>Public Service Administrator (Pos. No. 37015-25-61-140-80-01)</td>
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<td>Public Service Administrator (Pos. No. 37015-25-61-140-90-01)</td>
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<tr>
<td>Department of State Police</td>
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<td>Senior Public Service Administrator (Pos. No. 40070-21-40-000-00-01)</td>
<td>117,828</td>
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(Source: Amended at 29 Ill. Reg. ______, effective ____________)

**SUBPART C: MERIT COMPENSATION SYSTEM**
Section 310.410 Jurisdiction

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

<table>
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<tr>
<th>Position Title</th>
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<td>Actuary III</td>
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<td>Administrative Assistant I</td>
<td>MC-04</td>
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<td>Administrative Assistant II</td>
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<td>Agricultural Marketing Representative</td>
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<td>Assignment Coordinator</td>
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<td>Assistant Automotive Shop Supervisor</td>
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<td>Automotive Shop Supervisor</td>
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<td>Boat Safety Inspection Supervisor</td>
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<td>Building Construction Inspector I</td>
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<td>Business Manager</td>
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<td>Commerce Commission Police Sergeant</td>
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<td>Corrections Leisure Activities Specialist III</td>
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NOTICE OF PROPOSED AMENDMENTS

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Employment Security Field Office Supervisor MC-06
Engineering Technician IV MC-07
Executive I MC-05
Equal Pay Specialist MC-04
Executive II MC-07
Executive Secretary II MC-01
Executive Secretary III MC-02
Facility Fire Chief MC-02
Guard Supervisor MC-01
Guardianship Supervisor MC-07
Highway Construction Supervisor I MC-07
Highway Construction Supervisor II MC-09
Historical Library Chief of Acquisitions MC-06
Human Rights Mediator MC-05
Human Rights Specialist III MC-07
Human Services Casework Manager MC-07
Industrial and Community Development Representative I MC-05
Industrial and Community Development Representative II MC-07
Internal Auditor I MC-05
Internal Security Investigator I MC-04
Internal Security Investigator II MC-07
International Marketing Representative I MC-05

Kidcare Supervisor MC-07
Kidcare Supervisor I MC-06
Kidcare Supervisor II MC-07

Laundry Manager I MC-01
Liability Claims Adjuster II MC-06
Librarian II MC-05
Lottery Regional Coordinator MC-07
Management Operations Analyst I MC-06
Manuscripts Manager MC-06
Meat and Poultry Inspector Supervisor MC-05
Mental Health Administrator I MC-05
Mental Health Administrator II MC-07
Methods and Procedures Advisor III MC-07
Mine Rescue Station Supervisor MC-01
Office Administrator IV MC-02
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Office Administrator V MC-03
Oral Health Consultant MC-07
Plumbing Consultant MC-09
Police Lieutenant MC-09
Private Secretary I MC-02
Private Secretary II MC-04
Property Tax Analyst III MC-05
Public Aid Family Support Specialist II MC-05
Public Aid Quality Control Supervisor MC-07
Public Aid Staff Development Specialist III MC-06
Public Health Program Specialist III MC-07
Public Information Coordinator MC-06
Radiologic Technologist Chief MC-03
Rehabilitation Workshop Supervisor III MC-05
Reimbursement Officer II MC-05
Reproduction Service Supervisor I MC-02
Reproduction Service Supervisor II MC-04
Residential Care Program Supervisor I MC-06
Retirement System Disability Specialist MC-06
Safety Responsibility Analyst Supervisor MC-02
Security Officer Chief MC-04
Security Officer Lieutenant MC-02
Security Therapy Aide IV MC-05
Sign Shop Foreman MC-06
Staff Development Specialist I MC-05
Staff Development Technician II MC-03
Statistical Research Specialist III MC-06
Statistical Research Supervisor MC-07
Storekeeper III MC-01
Supervising Vehicle Testing Compliance Officer MC-06
Switchboard Chief Operator MC-01
Technical Advisor I MC-05
Technical Advisor II MC-07
Telecommunications Supervisor MC-07
Utility Engineer I MC-05
Utility Engineer II MC-07
Vehicle Emissions Compliance Supervisor MC-05
Volunteer Services Coordinator III MC-07
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Waterways Construction Supervisor I  MC-05
Waterways Construction Supervisor II  MC-07

(Source: Amended at 29 Ill. Reg. _______, effective ____________)
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1) Heading of the Part: Residential Mortgage License Act of 1987

2) Code Citation: 38 Ill. Adm. Code 1050

3) Section Numbers: Proposed Action:
   1050.125    Amendment
   1050.246    Amendment
   1050.630    Amendment
   1050.640    Amendment
   1050.650    Amendment
   1050.750    Amendment
   1050.1760   Amendment
   1050.1920   Amendment
   1050.2110   Amendment
   1050.2115   Amendment
   1050.2120   Amendment
   1050.2125   Amendment


5) A Complete Description of the Subjects and Issues Involved: Section 1050.246 provides the fee for obtaining electronic registration through the Department. Section 1050.2110 has been amended to more clearly define the requirements in obtaining registration with the Department. Continuing education requirements are clarified in Section 1050.2120. Various other technical changes are made.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

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

   Section Number  Proposed Action  Ill. Reg. Citation
   1050.2112    New Section  29 Ill. Reg. 5183

10) Statement of Statewide Policy Objectives: This rulemaking has no impact on local government.
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11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may submit written comments to:

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

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

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

12) Initial Regulatory Flexibility Analysis:

   A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing loan originator services.

   B) Reporting, bookkeeping or other procedures required for compliance: None

   C) Types of professional skills necessary for compliance: Skill and knowledge of residential mortgage financing and competence as a loan originator.

13) Regulatory Agenda on which this rulemaking was summarized: January 2005

The full text of the Proposed Amendments begins on the next page:
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TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

PART 1050
RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

SUBPART A: DEFINITIONS

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

SUBPART B: FEES

Section
1050.210 License Investigation Fees
1050.220 License Fees
1050.230 Amended License Fees – Corporate Changes
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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

SUBPART C: LICENSING

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

SUBPART D: OPERATIONS AND SUPERVISION

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

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

SUBPART G: SERVICING

SUBPART H: ADVERTISING

SUBPART I: LOAN BROKERAGE PRACTICES
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SUBPART J: LOAN APPLICATION PRACTICES

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

SUBPART K: GENERAL LENDING PRACTICES

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

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

SUBPART M: EXEMPTION GUIDELINES

Section
1050.1410 General
1050.1420 Interpretative Guidelines

SUBPART N: ADMINISTRATIVE HEARING PROCEDURES

Section
1050.1510 Applicability
1050.1520 Definitions
1050.1530 Filing
1050.1540 Form of Documents
1050.1550 Computation of Time
1050.1560 Appearances
1050.1570 Request for Hearing
1050.1580 Notice of Hearing
1050.1590 Service of the Notice of Hearing
1050.1595 Bill of Particulars or Motion for More Definite Statement
1050.1600 Motion and Answer
1050.1610 Consolidation and Severance of Matters – Additional Parties
1050.1620 Intervention
1050.1630 Postponement or Continuance of Hearing
1050.1640 Authority of Hearing Officer
1050.1650 Bias or Disqualification of Hearing Officer
1050.1660 Prehearing Conferences
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1050.1670 Discovery
1050.1680 Subpoenas
1050.1690 Conduct of Hearing
1050.1700 Default
1050.1710 Evidence
1050.1720 Hostile Witnesses
1050.1730 Record of Proceedings
1050.1740 Briefs
1050.1750 Hearing Officer's Recommendation
1050.1760 Order of the Director Commissioner
1050.1770 Rehearings and Reopening of Hearings
1050.1790 Costs of Hearing

SUBPART O: MORTGAGE AWARENESS PROGRAM

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

SUBPART P: DEFAULT AND FORECLOSURE RATES ON CONVENTIONAL LOANS

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

SUBPART Q: THIRD PARTY REVIEW OF HIGH RISK HOME LOANS

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

SUBPART R: REGISTRATION OF LOAN ORIGINATORS

Section
1050.2110 Application for Registration and Investigation
1050.2115 Examination
1050.2120 Continuing Education Requirements for Loan Originators
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1050.2125 Certificate of Registration Issuance
1050.2130 Roster of Registered Loan Originators
1050.2135 Pocket Card
1050.2140 Certificate of Registration Renewal
1050.2145 Certificate of Registration Transfer Application or Inactive Notice
1050.2150 Inactive Registration Status; Reactivation
1050.2155 Temporary Permits
1050.2160 Confidential Information
1050.2165 Averments
1050.2170 Suspension or Revocation of Registration, Refusal to Renew, Fines
1050.2175 Loan Originator Hearings; Fees and Costs
1050.2180 Criminal Proceedings
1050.2185 Violations of Tax Acts
1050.2190 Disciplinary Action for Educational Loan Defaults
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SUBPART S: PROVISIONAL REGISTRATION OF LOAN ORIGINATORS

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

1050.APPENDIX A Estimated Monthly Income and Expenses Worksheet
1050.APPENDIX B Mortgage Ratio Worksheet

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

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SUBPART A: DEFINITIONS

Section 1050.125 Director

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

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

SUBPART B: FEES

Section 1050.246 Loan Originator Registration Transfer Fee

The Director shall receive and there shall be paid by or on behalf of the Loan Originator to the Director a non-refundable Loan Originator Registration Transfer
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Fee of $35 for each Certificate of Registration transferred by mail or $25 for each Certificate of Registration transferred electronically pursuant to Subpart R of this Part.

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

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

Section 1050.630 Annual Report of Mortgage Activity

a) Each licensee shall report the number and aggregate dollar amount of application for, and the number granted and the aggregate dollar amount of, loans pursuant to Section 4-8.3 described in 4-9(a)(1)-(3) of the Act. This report shall be categorized by: residential mortgage loans; construction loans; and home improvement and rehabilitation loans. Such reporting shall be made by census tract. If the U.S. Department of Commerce Census Bureau has not assigned census tracts, the reporting shall be by zip code.

b) Each licensee shall report the information regarding residential mortgage loans pursuant to Section 4-8.3 described in Section 4-9(b) of the Act by census tract. If the U.S. Department of Commerce Census Bureau has not assigned census tracts, then reporting shall be by zip code. In addition to the information required to be reported under Section 4-8.3 of the Act, each licensee shall furnish the name of any loan broker who has had any connection with such loans.

c) Service corporations of savings and loan associations and subsidiaries or affiliates of certain banks and foreign banking corporations exempted from licensing at Section 1-4(d)(1)(viii) and (ix) of the Act (except those which only service or only broker loans), are required to file Annual Reports of Mortgage Activity as though they are licensees. They shall so file on forms prescribed by and obtained from the Director. In lieu of the information required at subsection (a), the service corporations of savings and loan associations may submit Federal Home Loan Bank Board (FHLBB) Form 1154-0 "Loan Application Register of Mortgage Loans".

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

Section 1050.640 Annual Report of Brokerage Activity

a) Each licensee and service corporation of savings and loan associations and
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subsidaries or affiliates of certain banks and foreign banking organizations exempted from licensing at Section 1-4(d)(viii) and (ix) of the Act, which broker residential mortgage loans shall file an Annual Report of Brokerage Activity.

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

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

Section 1050.650 Annual Report of Servicing Activity

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

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

SUBPART F: FORECLOSURE RATE

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

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

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

SUBPART N: ADMINISTRATIVE HEARING PROCEDURES

Section 1050.1760 Order of the Director Commissioner
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a) The Director shall review the hearing officer's proposed findings and recommended conclusions of law and shall issue an order.

b) The decision in the case will become effective immediately upon the execution of a written order.

c) Parties shall be immediately notified either personally or by mail, postage prepaid, certified or registered, addressed to the last-known address of the person of the order. A copy of the order shall be delivered or mailed to each party and to the party's attorney of record.

d) The Director shall, as part of the said order, require any party to the proceeding to pay part or all of the costs of the hearing as described in Section 1050.1790.

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

SUBPART P: DEFAULT AND FORECLOSURE RATES ON CONVENTIONAL LOANS

Section 1050.1920  Director's Review and Analysis

a) The Director shall review and analyze the default and foreclosure rate data reports submitted under Section 1050.1910.

b) The reports and their analyses may be used:

1) In setting the scope of a regularly scheduled examination.

2) In setting the scope of a special examination.

3) In comparing the reported information of a licensee to other licensees subject to the Act.

4) In comparing the reported information of a licensee to the reports submitted by licensees and charters under other Acts.

c) The Director may correspond with a licensee to seek clarification of information contained in its report and to gather additional data concerning loans in default or loans in foreclosure.
SUBPART R: REGISTRATION OF LOAN ORIGINATORS

Section 1050.2110 Application for Registration and Investigation

a) Each applicant for registration as a Loan Originator shall file with the Division of Banks and Real Estate (Division) a completed, signed application, on forms supplied by the Division, that includes:

1) A clear copy of a state identification card containing a current photo; The name, home address, U.S. postal service mailing address, work address, e-mail address if available, date of birth, social security number, driver's license number and state of issue, and phone number of the applicant. A clear copy of a State identification card containing a current photo is to be included with the application. If any of this information changes after the filing of the initial application, the applicant shall provide updated information in writing within 30 calendar days to the Office of Banks and Real Estate. Failure to provide updated material may result in a fine of $50 per violation for the initial failure and $100 per violation for each additional failure.

2) A complete work history for the 3 years immediately preceding the date of application; A statement as to whether the applicant has been convicted of any criminal offense; has been subject to any adverse judgment involving financial crimes or a criminal or civil act involving monies, breach of trust, moral turpitude, or misfeasance or malfeasance; or has been convicted in any jurisdiction of a crime that is a felony in any jurisdiction. The statement shall describe fully all convictions and adverse judgments.

3) The name, address, phone number and license number of the licensee that the applicant is or will be employed as a Loan Originator and the start date of employment or prospective employment; The applicant's employment history for the 3 years immediately preceding the date of application.
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4) verification of fingerprint processing from the Illinois Department of State Police, or its designated agent for fingerprint processing, that complies with the form and manner for requesting and furnishing criminal history record information prescribed by the Department of State Police. These fingerprints shall be verified with the Department of State Police and Federal Bureau of Investigation criminal history record databases; the name, address, phone number, and license number of the licensee that the applicant is or will be employed by as a Loan Originator, along with the start date of employment or prospective employment. This employment shall be verified on a form approved by the Commissioner and signed by an authorized representative of the licensee. Any Loan Originator who is not employed by a licensee at the time of application as provided in Section 1050.2150 shall so indicate.

5) proof of passage of the examination or qualification for an exemption specified in Section 1050.2115; A statement of eligibility under Section 1050.2115(b), (c), or (d). If the applicant cannot verify eligibility under one or more of these subsections to the Commissioner's satisfaction, the applicant shall be required to pass the examination pursuant to Section 1050.2115(a) prior to performing loan origination activities.

6) verification that the applicant has not been convicted of any criminal offense, including a misdemeanor or felony, or has not been subject to any adverse judgment involving financial crimes or a criminal or civil act involving monies, breach of trust, moral turpitude, or misfeasance or malfeasance, or a detailed explanation describing fully all convictions and adverse judgements; A statement as to whether the applicant has been issued, denied, or forfeited a professional or occupational license or registration by any jurisdiction, or has been the subject of any disciplinary action in connection with the license or registration, and the reasons for the disciplinary action.

7) A statement that the applicant is in compliance with Sections 1050.2165, 1050.2185, 1050.2190, and 1050.2195.

8) certification from the employing licensee of the name of the Loan Originator, office location where employed, and employment hire date, which shall be electronically submitted to the Division's website; Such further information as the Commissioner requires.
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9) the required fees set forth in Section 1050.245 of this Part.

b) If an applicant has held or holds any professional license in another jurisdiction, certification of that registration must be submitted to the Division directly from the state or territory in which the applicant was licensed stating whether the file on the applicant contains any record of disciplinary actions taken or pending. The Commissioner shall investigate information submitted by the applicant upon receipt of a complete application, including all required fees. The submission of an application shall be deemed the applicant's authorization for the Commissioner to conduct an investigation of information contained in the application for purposes of establishing the veracity of the application and to conduct background checks as the Commissioner may deem appropriate, including but not limited to criminal history, credit, and administrative or disciplinary action by other regulatory agencies.

c) The DirectorCommissioner shall consider an application for registration withdrawn if it does not contain all of the information required under subsection (a) and if the information is not submitted to the DirectorCommissioner within 15 business days after the DirectorCommissioner requests the information.

d) If any information changes after the filing of the initial application, the applicant shall provide updated information in writing within 30 calendar days to the Division. Failure to provide updated material may result in a fine of $50 per violation for the initial failure and $100 per violation for each additional failure.

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

Section 1050.2115 Examination

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

2) Legal, regulatory, and ethical requirements including federal, State, and local requirements and ethical responsibility.

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

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

c) Exception for Solicitors and Processors.

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

A) soliciting residential mortgage loan applications or expressions of interest to apply for a residential mortgage loan and forwarding them, without collecting credit or appraisal information, to a licensee and its registered Loan Originators or an exempt entity; or

B) processing a residential mortgage loan application taken by a licensee and its registered Loan Originators, provided that the
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applicant is an employee of the licensee or an exempt entity approved by the Commissioner under Section 1-4(d)(6) of the Act.

2) The Director or Commissioner may approve the registration of a Loan Originator applicant to solicit or process residential mortgage loans as provided in this Part under a classification of "no examination required" provided that:

A) the employing licensee or licensee pursuant to Section 1-4(d)(6) of the Act expressly, in writing on a form approved by the Director or Commissioner, assumes full and direct legal responsibility for the solicitation or processing activity performed on behalf of or in the name of the licensee or that benefits or is intended to benefit the licensee;

B) the Loan Originator will perform no activities for which an examination under this Part is required, subject to discipline by the Director or Commissioner of the Loan Originator and his or her employing licensee or licensee pursuant to Section 1-4(d)(6) of the Act; and

C) otherwise meets the requirements of this Part and the Act and does not undermine the purposes of this Part and the Act.

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

Section 1050.2120 Continuing Education Requirements for Loan Originators

a) Each calendar year, a Loan Originator shall complete a minimum of 6 hours of continuing education in residential mortgage financing and related topics, as approved by the Director or Commissioner. The employing licensee shall be responsible for ensuring compliance with these requirements for each Loan Originator it employs.

b) Notwithstanding anything to the contrary in subsection (a), a Loan Originator whose employment with a licensee commences after December 1 shall complete the requirements of subsection (a) by April 1 of the following calendar year and shall complete 6 additional hours of continuing education by December 31 of such following calendar year.
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b) Any Loan Originator who possesses a professional certification approved by the Director shall be exempt from the continuing education requirements of this Section. For a professional certification to be eligible for approval, it must require at a minimum 18 hours of continuing education related to residential mortgage lending every 3 years.

d) A licensee shall require each Loan Originator it employs to meet the requirements of this Section.

c) A Notwithstanding anything to the contrary required by subsection (a) of this Section, a Loan Originator who is admitted to practice law pursuant to the Illinois Supreme Court rule shall be exempt from the continuing education requirements of this Section.

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

Section 1050.2125 Certificate of Registration Issuance

a) If an applicant meets the following conditions, the Commissioner shall issue a Certificate of Registration for the applicant to the employing licensee (or issue and hold until requested by the employing licensee) or at the Commissioner's discretion may issue a Certificate of Registration to the applicant if he or she meets the following conditions:

1) The applicant has met the requirements of Sections 1050.2110, 1050.2115, and 1050.2165;

2) An investigation has been conducted as required by Section 1050.2110;

3) The applicant complies with the Act, this Part, and other applicable law;

4) The applicant has not been convicted of any criminal offense or subject to any adverse judgment described in Section 1050.2110(a)(2), unless the Commissioner finds that the applicant is rehabilitated and is currently honest, truthful, and of good reputation;

5) The applicant's character and general fitness command the confidence of the public and warrant the belief that the applicant's employment by a licensee will be conducted honestly and fairly in compliance with the Act, this Part, and other applicable law; and
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6) If the Director/Commissioner has previously denied the applicant a license or registration under the Act or this Part, a period of 24 months must pass from the date of that denial and the taking of a new application for the applicant's Certificate of Registration.

b) The Director/Commissioner shall issue the Certificate of Registration subject to the following conditions:

1) Each Loan Originator's Certificate of Registration shall be mailed to the employing licensee and maintained by the employing licensee at its main office, or to the applicant if the Director so chooses under subsection (a). The Director may institute an electronic registration system and retain all certificates within that system. If the Loan Originator is not employed by a licensee at the time the Certificate of Registration is issued, the Director/Commissioner shall retain the Certificate of Registration.

2) Each Loan Originator and employing licensee shall provide written notification to the Director/Commissioner within 15 calendar days after obtaining information/discovering that the Loan Originator employed by the licensee is convicted of any criminal offense; is subject to any adverse judgment in any jurisdiction involving financial crimes or criminal or civil act involving monies, breach of trust, moral turpitude, misfeasance or malfeasance; or has been convicted in any jurisdiction of a crime that is a felony in that jurisdiction. The notification shall describe fully all convictions and adverse judgments.

3) If a Loan Originator's employment with a licensee ceases for any reason, the employing licensee shall return the Certificate of Registration to the Director/Commissioner within 10 calendar days after the date such employment ceases. If applicable, the employing licensee also shall provide a report pursuant to Section 6-2(4) of the Act and comply with Section 1050.2135. Licensees may be subject to discipline for filing a frivolous, false, or misleading report under Section 6-2(4) of the Act.

4) Pending the transfer of a Loan Originator's Certificate of Registration to another licensee and written confirmation from the Director/Commissioner, a licensee may employ a Loan Originator as an exclusive employee on a temporary basis for a period not to exceed 45 calendar days.
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

5) No licensee shall employ a person or entity to perform the duties of a Loan Originator, except a person with a current Loan Originator Certificate of Registration or Temporary Permit issued under Section 1050.2155.

6) A Certificate of Registration and the authority granted by that certificate are granted only to the Loan Originator. The Certificate of Registration and authority shall not in any manner be assigned or transferred to or used by any other person or entity.

(Source: Amended at 29 Ill. Reg. _____, effective _________)
DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENT

1) **Heading of the Part**: Housing Discrimination

2) **Code Citation**: 71 Ill. Admin. Code 2300

3) **Section Numbers**: Proposed Action:
   - 2300.10 Amendment
   - 2300.30 Amendment
   - 2300.70 Amendment

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

5) **A Complete Description of the Subjects and Issues Involved**: Sections 7B-102(C)(1), (D)(2), and (G)(1) of the Illinois Human Rights Act [775 ILCS 5/7B-102(C)(1), (D)(2), and (G)(1)] state that the Department must complete an investigation of alleged housing discrimination within 100 days after the charge is filed, unless it is impracticable to do so. The proposed amendments to Sections 2300.10 and 2300.70 clarify that the aforementioned Sections of the Illinois Human Rights Act are related, with the intent to permit the Department to complete its investigation. The additional definitions in Sections 2300.10 and 2300.30 clarify terms used in Article 3 of the Illinois Human Rights Act [775 ILCS 5/3] and in this Part.

6) **Will this proposed amendment replace an emergency rule currently in effect?** No

7) **Does this rulemaking contain an automatic repeal date?** No

8) **Does this proposed amendment contain incorporations by reference?** No

9) **Are there any other proposed amendment(s) pending on this Part?** No

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

11) **Time, Place, and Manner in which interested persons may comment on this proposed rulemaking**: Interested parties may submit comments in writing within 45 days after publication to:

    Brent A. Harzman
    Staff Attorney
    Illinois Department of Human Rights – Legal Division
DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENT

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

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of Professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent regulatory agendas because: it was not anticipated.

The full text of the Proposed Amendments begins on the next page:
DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENT

TITLE 71: PUBLIC BUILDINGS, FACILITIES, AND REAL PROPERTY
CHAPTER VII: DEPARTMENT OF HUMAN RIGHTS

PART 2300
HOUSING DISCRIMINATION

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

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


Section 2300.10 Definitions

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

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

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

Department – shall mean the Illinois Department of Human Rights.

Director – shall mean the Director of the Department or a duly authorized
DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED AMENDMENT

designee.

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

Section 2300.30 Exemptions

a) It shall not be a civil rights violation to restrict rental of rooms in a housing accommodation, including housing used exclusively for dormitory facilities by educational institutions, to persons of one sex to further important privacy interests.

b) As used in Section 3-106 of the Act, the phrase "member of his or her family" shall include the person's mother, father, spouse, son, or daughter.

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

Section 2300.70 Procedures

a) Procedures set forth in Articles 7B and 8B of the Act shall be followed for the processing of any civil rights violation set out in Article 6 alleging the following, if related to housing discrimination: retaliation for opposing unlawful discrimination, filing a charge or complaint, or for testifying, assisting or participating in an investigation, proceeding or hearing under the Act; aiding, abetting, compelling or coercing a person to commit a violation of the Act; or willfully interfering with the performance of a duty or the exercise of a power by the Human Rights Commission or one of its members or representatives or by the Department or one of its officers or employees.

b) Pursuant to Section 7B-102(C)(1), (D)(2) and (G)(1) of the Act, and within 100 days after a charge has been properly filed, the Department (or Director) shall either order that no complaint be filed or file a complaint with the Human Rights Commission, unless it is impracticable to do so. If it is impracticable to do so, the Department shall continue to process the charge pursuant to Section 7B-102 of the Act with the greatest promptness that is administratively feasible.

(Source: Amended at 29 Ill. Reg. ______, effective ____________)
NOTICE OF ADOPTED AMENDMENTS

1) **Heading of the Part:** Field Trials on Department-Owned or-Managed Sites

2) **Code Citation:** 17 Ill. Adm. Code 910

3) **Section Numbers:**
   - 910.10 Amendment
   - 910.15 Amendment
   - 910.20 Amendment
   - 910.22 New Section
   - 910.25 Amendment
   - 910.30 Amendment
   - 910.40 Amendment
   - 910.50 Amendment
   - 910.60 Amendment
   - 910.70 Amendment
   - 910.80 Amendment
   - 910.EXHIBIT A New Section

4) **Statutory Authority:** Implementing and authorized by Sections 1.3, 1.4, 2.34, 3.1 and 3.5 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.34, 3.1 and 3.5].

5) **Effective Date of Amendments:** May 26, 2005

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this rulemaking contain incorporations by reference?** No

8) A copy of the adopted amendments, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.

9) **Notice of Proposal Published in Illinois Register:** February 14, 2005; 28 Ill. Reg. 2149

10) **Has JCAR issued a Statement of Objection to these amendments?** No

11) **Differences between proposal and final version:**

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

NOTICE OF ADOPTED AMENDMENTS

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

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

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

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

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

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

13) Will this rulemaking replace any emergency rulemaking currently in effect? No

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

15) Summary and Purpose of Rulemaking: Amendments to this Part include updating and adding new definitions; updating permit application procedures; increasing permit fees; adding a new Section on field trial site classification; simplifying and streamlining the field trial scheduling procedures; adding a requirement for a minimum amount of liability insurance; expanding hunting/habitat stamp license requirements for participants; adding banding requirements for captive-reared game birds and health certificates for imported captive-reared game birds released at field trials; updating the Section on violations; and adding an exhibit containing the application form.

16) Information and questions regarding these Adopted Amendments shall be directed to:

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

The full text of the Adopted Amendments begins on the next page:
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

PART 910
FIELD TRIALS ON DEPARTMENT-OWNED OR -MANAGED SITES

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

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


Section 910.10 Statewide Regulations

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

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

Section 910.15 Definitions
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

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

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

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

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

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

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

(Source: Amended at 29 Ill. Reg. 8295, effective May 26, 2005)
Section 910.20 Permits and Fees

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

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

b) Request for Field Trial Permits must contain the following information:

1) Name of the field trial organization
2) Date(s) the field trial is to be conducted
3) Location
4) Type of field trial (e.g., pointing dog-horseback, pointing dog-walking, beagle hound, retriever, shoot-to-retrieve, springer spaniel, etc.)
5) Licensing or sanctioning sporting dog registry or association if applicable (e.g., American Kennel Club, The American Field Dog Stud Book, National Shoot-To- Retrieve Field Trial Association, United Kennel Club, etc.)

b) Fees – Illinois Department of Natural Resources Areas

1) Pointing Breed, Horseback Fox Hound, Retrieving Breed and Flushing Breed Field Trials – $70/$35.00 per day or part of day
2) Retrieving Breed and English Springer Spaniel Field Trials – $25.00 per day or part of day
2) Beagle and Coon Hound Field Trials – $25/$12.50 per day or part of day
Field trial participants shall be permitted to remain overnight at designated field trial headquarters areas or staging areas in recreational vehicles or horse trailers with living quarters. The rates established in 17 Ill. Adm. Code 130.70 (camping fees) appropriate for the services provided shall be assessed. Established camp sites and group camping are available to field trial participants at rates established in 17 Ill. Adm. Code 130.

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

Section 910.22 Field Trial Site Classifications

a) Class A Field Trial Sites:

Des Plaines Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area

Hamilton County State Fish and Wildlife Area

Middle Fork State Fish and Wildlife Area

Moraine View State Park

Pyramid State Park

Wayne Fitzgerald State Park

b) Class B Field Trial Sites:

Chain O'Lakes State Park

Banner Marsh State Fish and Wildlife Area

Beaver Dam State Park

Eldon Hazlet State Park – North of Allen Branch

Kickapoo State Park

Peabody River King State Park
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Randolph County Conservation Area
Sangchris Lake State Park
Stephen Forbes State Park
Weinberg-King State Park

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

Section 910.25 Scheduling of Field Trials

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

a) Scheduling of field trial dates will be on a weekend basis with the first weekend being the first two-day weekend of January.

b) A field trial organization has first option for the dates it had the previous calendar year if it follows the scheduling procedures in this Section.

c) The Department will accept applications for field trials that will occur the following calendar year. In 2005 only, the Department will also accept applications for field trials that will occur from July 1 through December 31 of the same year.

d) The Department will accept requests from June 1 through September 30 for field trials that will occur from January 1 through June 30 of the following year.

d'e) Due to the time required for advance arrangements, the Department will accept requests from field trial organizations sponsoring a championship or classic at a time in advance of that specified in subsections (c) and (d).

e) A field trial organization that wishes to change dates during the scheduling periods must complete these arrangements with the appropriate field trial organization that used the date previously.
NOTICE OF ADOPTED AMENDMENTS

f) Dates remaining open after the conclusion of the scheduling period will be filled on a first-come, first-served basis. Applications for these dates must be received at least four weeks prior to the date of the field trial. Applications received less than four weeks in advance may not be able to be processed prior to the requested dates and as a result may be denied. Applications for the period from the opening date of the Upland Game Season to the following January 15 at Pyramid State Park will only be accepted as prescribed in subsection (c).

h) If an open date is requested via telephone, it will be held ten business days. If a letter is not received in this time period and the scheduling priority period has concluded, the date will revert to an open date.

i) Championship field trials may be accommodated during or by delaying the controlled pheasant hunting season at Class A field trial sites providing there are no significant adverse impacts to either activity.

j) Field trials will not be scheduled at the Lee County Conservation Area (Green River State Wildlife Area) from September 1 through September 15.

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

Section 910.30 Responsibility

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

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

Section 910.40 Liability Insurance

Field trial organizations must acquire liability insurance coverage in an amount of at least $1,000,000 adequate to cover personal injuries or accidents to participants or spectators and to cover damage to property or to the property and crops of landowners adjacent to property.

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

Section 910.50 Field Trial Season
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

a) If the opening date of the field trial season falls on a Sunday, the season will begin on Saturday of that weekend.

b) If the closing date of the field trial season falls on a Saturday, the season will conclude on Sunday of that weekend.

c) If, during the final days of the field trial season, a field trial organization begins trial activities that are subsequently delayed or suspended due to inclement weather, the field trial organization may complete the trial even though the trial ending season has ended. The field trial organization must complete the trial on the first possible day or days.

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

Section 910.60 Hunting License Requirements

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

   a) All resident dog handlers, scouts and gunners are required to have a valid Illinois hunting license and habitat stamp, except as exempted by Sections 3.1 and 3.1-2 of the Wildlife Code [520 ILCS 5/3.1 and 3.1-2](Ill. Rev. Stat. 1991, ch. 61, par. 3.1) [520 ILCS 5/3.1].

   b) All non-resident dog handlers, scouts and gunners are required to have a valid Illinois non-resident hunting license and habitat stamp or written exemption from the Department waiving the license and stamp requirement, except as exempted by Section 3.1 of the Wildlife Code.

   c) Non-resident dog handlers, scouts and gunners with hunting privileges suspended or revoked in another state or Canada are ineligible to participate in Illinois field trials.

   d) A written exemption from the Department waiving the hunting license and habitat stamp requirement will be granted on request to all non-resident
Section 910.70  Game Birds

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

b) Hand-reared game birds or mallard ducks released at field trials must either be purchased from an Illinois licensed game breeder or, if they are purchased from a non-resident game bird breeder, a health certificate signed by a licensed veterinarian from the state of origin certifying the game birds are disease free must accompany the game birds or mallard ducks.

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

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

Section 910.80  Future Rights

a) For violation of Section 2.34 of the Wildlife Code (Ill. Rev. Stat. 1991, ch. 61, par. 2.34) [520 ILCS 5/2.34] or this Part, the Department will reject all future requests for Field Trial Permits for a period of time not to exceed five years following a finding of guilt the conviction of the violation.

b) Organizations denied Field Trial Permits may contest the denial of a permit according to the process delineated in 17 Ill. Adm. Code 2530.

(Source: Amended at 29 Ill. Reg. 8295, effective May 26, 2005)
**NOTICE OF ADOPTED AMENDMENTS**

**Section 910.EXHIBIT A Application Form**

<table>
<thead>
<tr>
<th>Field Trial Organization Name:</th>
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<tbody>
<tr>
<td>Contact Person's Name:</td>
<td></td>
</tr>
<tr>
<td>Contact Person's Address:</td>
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</tr>
<tr>
<td>City:</td>
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<td>Work Phone: (__)</td>
<td>Home Phone: (__)</td>
</tr>
<tr>
<td>Fax Number: (__)</td>
<td>Cell Phone: (__)</td>
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</table>

**Location of Field Trial:**

- Des Plaines CA
- Jim Edgar Panther Creek SFWA
- Hamilton Co. SFWA
- Moraine View SP
- Middle Fork SFWA
- Pyramid SP – Captain Unit
- Pyramid SP – Denmark Unit
- Pyramid SP – Galum Unit
- Wayne Fitzgerald SP
- Other

<table>
<thead>
<tr>
<th>Type of Field Trial:</th>
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<tbody>
<tr>
<td>Pointing Dog – Horseback</td>
</tr>
<tr>
<td>Pointing Dog – Walking</td>
</tr>
<tr>
<td>Pointing Dog – Shoot-To-Retrieve</td>
</tr>
<tr>
<td>Beagle Hound</td>
</tr>
<tr>
<td>Coon Hound</td>
</tr>
<tr>
<td>Retriever</td>
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<tr>
<td>Flushing Dog – Shoot-To-Retrieve</td>
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<tr>
<td>English Springer Spaniel</td>
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<tr>
<td>Fox Hound</td>
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<tr>
<td>Other</td>
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</tbody>
</table>

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

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

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

Fees:
- Pointing Breed, Horseback Fox Hound, Retrieving Breed and Flushing Breed Field Trials – $70 per day
- Beagle and Coon Hound Field Trials – $25 per day

A current certificate of liability insurance valid for the dates of the field trial must either be on file with DNR or attached to this application.

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

NOTICE OF ADOPTED AMENDMENTS

(Source: Added at 29 Ill. Reg. 8295, effective May 26, 2005)
### DEPARTMENT OF NATURAL RESOURCES

**NOTICE OF ADOPTED AMENDMENTS**

1) **Heading of the Part**: Field Trials on Non-Department Owned or-Managed Lands

2) **Code Citation**: 17 Ill. Adm. Code 930

3) **Section Numbers**: Adopted Action:

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>930.5</td>
<td>New Section</td>
</tr>
<tr>
<td>930.20</td>
<td>Amendment</td>
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<td>930.40</td>
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<td>930.45</td>
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<tr>
<td>930.60</td>
<td>Amendment</td>
</tr>
<tr>
<td>930.EXHIBIT A</td>
<td>New Section</td>
</tr>
<tr>
<td>930.EXHIBIT B</td>
<td>New Section</td>
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</tbody>
</table>

4) **Statutory Authority**: Implementing and authorized by Sections 1.3, 1.4, 2.34, 3.1 and 3.5 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.34, 3.1 and 3.5].

5) **Effective Date of Amendments**: May 26, 2005

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this rulemaking contain incorporations by reference?** No

8) A copy of the adopted amendments, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.

9) **Notice of Proposal Published in Illinois Register**: February 14, 2005; 28 Ill. Reg. 2161

10) **Has JCAR issued a Statement of Objection to these amendments?** No

11) **Differences between proposal and final version**:

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

    Section 930.5 – Added following definitions:
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

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

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

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

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

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

13) Will this rulemaking replace an emergency rulemaking currently in effect? No

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

15) Summary and Purpose of Rulemaking: Amendments to this Part include adding a definitions section; updating permit application procedures; expanding hunting/habitat stamp license requirements for participants; simplifying the furbearer competitive event section and adding the American Kennel Club; adding banding requirements for captive-reared game birds and health certificates for imported captive-reared game birds released at field trials; updating the violation Section and adding exhibits containing application forms.

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

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

217/782-1809

The full text of the Adopted Amendments begins on the next page:
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

PART 930
FIELD TRIALS ON NON-DEPARTMENT-OWNED OR -MANAGED LANDS

Section

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

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


Section 930.5 Definitions

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

Gunner – a person designated by a field trial organization to shoot captive-reared game birds, captive-reared mallard ducks or domestic pigeons during a field trial.
Handler – a person charged with the responsibility of directing and managing the field performance of a dog or dogs during a field trial.

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

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

Section 930.20 Permits

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

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

b) Requests for Field Trial Permits must contain the following information:

1) Name of the field trial organization

2) Date(s) the field trial is to be conducted

3) Location

A) For coon hound and fox hound field events, the headquarter's location in distance and direction from the nearest town must be provided. The county(s) where hounds will be run must be listed. The specific location(s) where hounds will be run must be provided to the Department at the time of the drawing.

B) For all other field trials, the location of the grounds in distance and direction from the nearest town must be provided.

4) Type of field trial (i.e., beagle hound, retriever, shoot-to-retrieve, coon
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hound competitive wild coon hunt, etc.)

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

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

Section 930.40  Hunting License Requirements

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

   a1) All resident dog handlers, scouts and gunners are required to have a valid Illinois hunting license and habitat stamp, except as exempted by Sections 3.1 and 3.1-2 of the Wildlife Code [520 ILCS 5/3.1 and 3.1-2] (Ill. Rev. Stat. 1985, ch. 61, par. 3.1).

   b2) All non-resident dog handlers, scouts and gunners are required to have a valid Illinois non-resident hunting license and habitat stamp or written exemption from the Department waiving the license and stamp requirement, except as exempted by Section 3.1 of the Wildlife Code.

   c) Non-resident dog handlers, scouts and gunners with hunting privileges suspended or revoked in another state or Canada are ineligible to participate in Illinois field trials.

   d2) A written exemption from the Department waiving the hunting license and habitat stamp requirements will be granted on request to all non-resident gunners, dog handlers and scouts. A request for a waiver of the hunting license and habitat stamp requirements must be in writing.

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

Section 930.45  Furbearer Competitive Events

a) During the closed 20 day period preceding the opening date of the raccoon hunting season and the closed 20 day period following the closing date of the raccoon hunting season, the Department may only issue field trial permits for United Kennel Club, American Kennel Club, American Coon Hunters Association,
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Professional Kennel Club, Mid-America Coon Hunters Association, or the National Kennel Club licensed competitive live raccoon hunts and those fox hound field trials conducted in fenced enclosures approved by the Department for the hours of sunset to sunrise in accordance with Section 2.34 of the Wildlife Code (Ill. Rev. Stat. 1987, ch. 61, par. 2.34).

b) Field trial permits for competitive coon hound field events and for fox hound field trials, except fox hound field trials conducted in fenced enclosures approved by the Department as fox-proof, will not be issued for the period of firearm deer hunting season as specified in 17 Ill. Adm. Code 650.10.

c) All vehicles associated with competitive live raccoon hunts conducted during the closed 20-day periods preceding and following the raccoon hunting season must display an identification card/windshield sticker provided with the Field Trial Permit.

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

Section 930.50 Shoot-to-Retrieve Field Trials

a) Only participants and official gunners will be permitted to take hand-reared game birds during shoot-to-retrieve field trials, and then only on the designated field trial course(s).

b) Hand-reared game birds which have left the designated field trial course(s) are considered to be lost and shall not be pursued by anyone.

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

Section 930.55 Game Birds

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

b) Hand-reared game birds or mallard ducks released at field trials must either be purchased from an Illinois licensed game bird breeder or, if they are purchased from a non-resident game bird breeder, a health certificate signed by a licensed
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A veterinarian from the state of origin certifying the game birds are disease free must accompany the game birds or mallard ducks.

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

Section 930.60 Future Rights/Appeal Procedures

a) For violation of Section 2.34 of the Wildlife Code [520 ILCS 5/2.34] (Ill. Rev. Stat. 1985, ch. 61, par. 2.34) or this Part, the Department will reject all future requests for Field Trial Permits for a period of time not to exceed five years following a finding of guilt the conviction of the violation.

b) Organizations denied Field Trial Permits may contest the denial of a permit according to the process delineated in 17 Ill. Adm. Code 2530.

(Source: Amended at 29 Ill. Reg. 8307, effective May 26, 2005)
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Section 930.EXHIBIT A  Application Form for Field Trials on Non-Department-Owned or -Managed Sites

Field Trial Organization Name: ________________________________
Contact Person's Name: _______________________________________
Contact Person's Address: ______________________________________
City: __________  State: ______  Zip: __________  Email Address: ________________________________
Work Phone: (____)   Home Phone: (____)
Fax Number: (____)   Cell Phone: (____)
Dates of Field Trials:
____________________________  ______________________________
____________________________  ______________________________
Location: ______________________________
County: ______________________________
Property Owner's Name: ______________________________
Distance & Direction From Nearest Community: ______________________________
Type of Field Trial:
☐ Pointing Dog – Horseback  ☐ Retriever
☐ Pointing Dog – Walking  ☐ Flushing Dog – Shoot-To-Retrieve
☐ Pointing Dog – Shoot-To-Retrieve  ☐ English Springer Spaniel
☐ Beagle Hound  ☐ Fox Hound
☐ Coon Hound  ☐ Other

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

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

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

(Source: Added at 29 Ill. Reg. 8307, effective May 26, 2005)
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Section 930.EXHIBIT B  Application Form for Competitive Coon Hound Events

Contact Person's Name: ____________________________________________________________
Contact Person's Address: __________________________________________________________
City: ___________________________ State: _______ Zip: _______ Email Address: ___________
Work Phone: (____) ___________ Home Phone: (____)
Fax Number: (____) ___________ Cell Phone: (____)
Organization Name: _______________________________________________________________
Organization Headquarters Location (distance & direction from nearest town): ______________

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

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

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

_________________________________________________________

Signature of the Applicant

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

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

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

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

1) Heading of the Part: Construction in Floodways of Rivers, Lakes and Streams

2) Code Citation: 17 Ill. Adm. Code 3700

3) Section Number: Adopted Action:
   3700.40 Amendment

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

5) Effective Date of Amendment: May 26, 2005

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: February 18, 2005; 28 Ill. Reg. 2603

10) Has JCAR issued a Statement of Objection to this amendment? No

11) Differences between proposal and final version: None

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

13) Will this rulemaking replace an emergency rulemaking currently in effect? No

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

15) Summary and Purpose of Rulemaking: This Part was amended to reflect the Department's change of address for the Chicago Office.

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

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

217/782-1809

The full text of the Adopted Amendment begins on the next page:
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NOTICE OF ADOPTED AMENDMENT

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

PART 3700
CONSTRUCTION IN FLOODWAYS OF RIVERS, LAKES AND STREAMS

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

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


Section 3700.40 Permit Application

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

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

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

1) Heading of the Part: Regulation of Public Waters

2) Code Citation: 17 Ill. Adm. Code 3704

3) Section Number: Adopted Action: 3704.50 Amendment

4) Statutory Authority: Implementing and authorized by the Rivers, Lakes and Streams Act [615 ILCS 5].

5) Effective Date of Amendment: May 26, 2005

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including all material incorporated by reference is on file in the Department of Natural Resource's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: February 18, 2005; 28 Ill. Reg. 2607

10) Has JCAR issued a Statement of Objection to this amendment? No

11) Differences between proposal and final version: None

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

13) Will this rulemaking replace an emergency rulemaking currently in effect? No

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

15) Summary and Purpose of Rulemaking: This Part was amended to reflect the Department's change of address for the Chicago Office.

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

    Jack Price, Legal Counsel
    Department of Natural Resources
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

One Natural Resources Way
Springfield IL  62702-1271

217/782-1809

The full text of the Adopted Amendment begins on the next page:
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

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

PART 3704
REGULATION OF PUBLIC WATERS

Section 3704.50 Permit Application

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

One Natural Resources Way
Springfield IL  62702-1271

36 S. Wabash, Suite 1415
Chicago IL 60603

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

Region 2 Office
2050 West Stearns Road
Bartlett IL  60103

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

(Source: Amended at 29 Ill. Reg. 8320, effective May 26, 2005)
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1) Heading of the Part: General

2) Code Citation: 62 Ill. Adm. Code 1700

3) Section Numbers: Adopted Action:
   1700.17    Amendment
   1700.18    Repeal

4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

5) Effective Date of Amendments: May 27, 2005

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendments, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: December 17, 2004; 28 Ill. Reg. 16079

10) Has JCAR issued a Statement of Objection to these amendments? No

11) Differences between proposal and final version:
    
    Section 1700.17(a) – changed "[20 ILCS 5]" to "[20 ILCS 810]"

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

13) Will this rulemaking replace any emergency rulemaking currently in effect? No

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

15) Summary and Purpose of Rulemaking: This Part was amended to update statutory language and references in Section 1700.17 and to repeal Section 1700.18.

16) Information and questions regarding these adopted amendments shall be directed to:
DEPARTMENT OF NATURAL RESOURCES

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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:
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TITLE 62: MINING
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 1700
GENERAL

Section 1700.17 Administration

a) General Duties and Powers. In addition to the duties and powers of the Department prescribed by the Civil Administrative Code of Illinois [20 ILCS 801] (Ill. Rev. Stat. 1985, ch. 127, pars. 1 et seq.), the Department shall have full powers and authority to carry out and administer the provision of the State Act. The Department has the power and the duty to act as the regulatory authority for the State of Illinois under the Surface Mining Control and Reclamation Act of 1977 (the Federal Act (30 USCA 1201 et seq.), to submit and implement a State program under the Federal Act, and to apply for, receive, receipt for and use for and in behalf of the State Illinois such moneys and property as are given or granted under the Federal Act or any other federal law, or from any other lawful public or private source, for the purposes of the State Act. [225 ILCS]
b) Cooperative Agreements. The Department may enter into cooperative agreements with the United States Secretary of the Interior under which the State will regulate mining on Federal lands. [225 ILCS 720/9.03] (Ill. Rev. Stat. 1985, ch. 96½, par. 7909.03).

c) Delegation to Other Agencies. The Department may delegate responsibilities, other than final action on permits, to other State agencies with the authority and technical expertise to carry out such responsibilities, with the consent of such agencies. The Department may contract with any State officer or agency to administer responsibilities under this Act as may be deemed necessary and appropriate to provide for effective administration hereof, without unreasonable or unnecessary cost or duplication of effort, and taking into account the need to deliver fair and effective governmental service to the interested public. [225 ILCS 720/9.04] (Ill. Rev. Stat. 1985, ch. 96½, par. 7909.04).

d) Coordination with Other Agencies. The Department shall work with other agencies to coordinate, simplify, and expedite the procedures required to obtain permits and approvals from the State for mining operations. [225 ILCS 720/9.05] (Ill. Rev. Stat. 1985, ch. 96½, par. 7909.05).

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

Section 1700.18 Advisory Council on Reclamation (Repealed)

a) There is created the Surface Mining Advisory Council (Council) to consist of nine (9) members, plus the Director. Members of the Advisory Council shall be appointed by the Governor, with the advice and consent of the Senate. The members appointed to the Council shall represent the following interests: conservation, agriculture, surface coal mining industry, local government, environmental protection, the colleges and universities, underground coal mining industry, labor, and the general public. The members shall be knowledgeable concerning the nature of problems of mining operations and reclamation. The Council shall select from its members a chairperson and such other officers as it deems necessary. The term of membership on the Advisory Council shall be three (3) years, except that the Governor may make initial appointments or fill vacancies for lesser terms so that at least three (3) memberships expire annually. Members may be reappointed. Vacancies occurring on the Advisory Council shall be filled, as nearly as possible, with a person representing the interest of his
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or her predecessor on the Advisory Council. Members of the Council shall be reimbursed for ordinary and necessary expenses incurred in the performance of the Council's duties. Members of the Council shall, in addition, receive one hundred dollars ($100) a day for each day spent in the performance of their duties as Advisory Council members. [225 ILCS 720/1.04(a)]

b) The Advisory Council shall meet at least three (3) times in each calendar year on a date specified at least one (1) week in advance of the meeting. A meeting may be called by the Director or on the request of a majority of Advisory Council members. [225 ILCS 720/1.04(b)]

c) The Council shall act solely as an advisory body to the Director and to the Land Reclamation Division of the Department. The recommendations of the Council shall have no binding effect on the Director or on the Division of Land Reclamation. The advice, findings and recommendations of the Advisory Council shall be made public in a semi-annual report published by the Department. [225 ILCS 720/1.04(c)]

d) The Department shall present proposed rules related to this Act, and proposed changes in such rules, to the Advisory Council for its comments before putting such rules or changes into effect, except for circumstances of emergency or other circumstances enumerated in Article 5 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 5]. [225 ILCS 720/1.04(d)]

e) The Council shall review the Federal Act and the development and implementation of an approved permanent State program thereunder. The Council shall make its review and written recommendations to the Director. The Council may seek comment from affected persons and the public prior to making its recommendations. [225 ILCS 720/1.04(e)]

f) If as a result of any final action by the Congress of the United States, any agency of the United States, or any court, any provision of the Federal Act or the Regulations is amended, modified, construed, or rendered inapplicable to mining and reclamation operations in this State, the Director shall forthwith call a meeting of the Council. The Council shall review such final action and its effect in this State. The Council shall recommend changes in this Act and the rules adopted under this Act which would cause application of this Act to reflect such final action. Pending formal amendment of this Act for reason stated in this subsection, the Director may administer this Act by emergency regulations in accordance with the purposes of this Act and in a manner consistent with any
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such final action of Congress, a federal agency or a court. [225 ILCS 720/1.04(f)]

(Source: Repealed at 29 Ill. Reg. 8324, effective May 27, 2005)
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1) **Heading of the Part:** Areas Designated by Act of Congress

2) **Code Citation:** 62 Ill. Adm. Code 1761

3) **Section Numbers:**

   - 1761.11 Amendment
   - 1761.14 Amendment
   - 1761.16 Amendment

4) **Statutory Authority:** Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

5) **Effective Date of Amendments:** May 27, 2005

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this rulemaking contain incorporations by reference?** No

8) A copy of the adopted amendments, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.

9) **Notice of Proposal Published in Illinois Register:** December 17, 2004; 28 Ill. Reg. 16085

10) **Has JCAR issued a Statement of Objection to these amendments?** No

11) **Differences between proposal and final version:**

    In Section 1761.14(b)(5)(i) – Changed "1773.14(a)" to "1773.15(a)"

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

13) **Will this rulemaking replace an emergency rulemaking currently in effect?** No

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

15) **Summary and Purpose of Rulemaking:** This Part was amended to add language to clarify regulations and to update references.
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16) Information and questions regarding these adopted amendments shall be directed to:

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

    217/782-1809

The full text of the Adopted Amendments begins on the next page:
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TITLE 62: MINING
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 1761
AREAS DESIGNATED BY ACT OF CONGRESS

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

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


Section 1761.11 Areas Where Mining is Prohibited or Limited

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

a) On any lands within the boundaries of the National Park System, the National Wildlife Refuge System, the National System of Trails, the National Wilderness Preservation System, the Wild and Scenic Rivers System, including study rivers designated under section 5(a) of the Wild and Scenic Rivers Act (16 USC 1276(a)) or study rivers or study river corridors as established in guidelines pursuant to that Act published at 47 FR 39454 (September 7, 1982), and National
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Recreation Areas designated by Act of Congress. The guidelines at 47 FR 39454 do not include any subsequent editions or amendments;

b) On any Federal lands within the boundaries of any national forest; provided, however, that surface coal mining operations may be permitted on such lands, if the Secretary of the United States Department of the Interior (Secretary) finds that there are no significant recreational, timber, economic, or other values which may be incompatible with surface coal mining operations; and surface operations and impacts are incident to an underground coal mine;

c) On any lands which will adversely affect any publicly owned park or any places include on the National Register of Historic Places, unless approved jointly by the Department and the Federal, State or local agency with jurisdiction over the park or places;

d) Within 100 feet measured horizontally of the outside right-of-way line of any public road, except:

1) Where mine access roads or haulage roads join such right of way lines; or

2) Where the Illinois Department of Natural Resources, Office of Mines and Minerals (Department) and the public road authority with jurisdiction over the road under Illinois law allows the public road to be relocated, closed, or where the Department allows the area affected to be within 100 feet of such road, after:

A) Public notice and opportunity for a public hearing in accordance with Section 1761.14; and

B) Making a written finding that the interests of the affected public and landowners will be protected;

e) Within 300 feet measured horizontally, from any occupied dwelling in existence, under construction, or contracted for at the time of public notice, except when:

1) The owner thereof has provided a written waiver, pursuant to Section 1761.15, consenting to surface coal mining operations closer than 300 feet; or

2) The part of the mining operation which is within 300 feet of the dwelling
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is a haul road or access road which connects with an existing public road on the side of the public road opposite the dwelling;

f) Within 300 feet measured horizontally of any public building, school, church, community or institutional building, or public park; or

g) Within 100 feet measured horizontally of a cemetery. Cemeteries may be relocated if authorized by applicable State law or regulations.

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

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

a) This Section does not apply to:

1) Lands for which a person has valid existing rights, as determined under Section 1761.16.

2) Lands within the scope of the exception for existing operations in Section 1761.12.

3) Access or haul roads that join a public road, as described in Section 1761.11(d)(1).

b) Subject to subsection (a), where the proposed mining operation is proposed to be conducted within 100 feet measured horizontally of the outside right-of-way line of any public road (except as provided in Section 1761.11(d)(2)) and the applicant does not have VER, or where the applicant proposes to relocate or close any public road, the Department shall:

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

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

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

4) If a public hearing is requested, provide appropriate advance notice of the
public hearing, to be published in a newspaper of general circulation in the
affected locale at least two weeks prior to the hearing; and

5) Make a written finding based upon information received at the public
hearing, or submitted in writing within 30 days after completion of the
hearing, or after any public comment period ends if no hearing is held, as
to whether the interests of the affected public and landowners will be
protected from the proposed mining operations. No mining shall be
allowed within 100 feet of the outside right-of-way line of a road, nor may
a road be relocated or closed, unless the Department determines that the
interests of the affected public and landowners will be protected.

i) If the proposal to conduct mining operations within 100 feet
measured horizontally of the outside right-of-way line of any
public road or to relocate or close any public road is contained in
an application for a new permit pursuant to 62 Ill. Adm. Code
1773.13, or a significant revision pursuant to 62 Ill. Adm. Code
1774.13(b)(3), the written findings shall be issued concurrently
with the permit decision pursuant to 62 Ill. Adm. Code 1773.15(a); or

ii) If the proposal to conduct mining operations within 100 feet
measured horizontally of the outside right-of-way line of any
public road or to relocate or close any public road is contained in
an application for an insignificant revision pursuant to 62 Ill. Adm.
Code 1774.13(b), or an incidental boundary revision pursuant to 62
Ill. Adm. Code 1774.13(d), the written findings shall be issued
concurrently with the decision to issue or deny the revision.

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

Section 1761.16 Submission and Processing of Requests for Valid Existing Rights
DEPARTMENT OF NATURAL RESOURCES

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Determinations

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

<table>
<thead>
<tr>
<th>Subsection of 62 Ill. Adm. Code 1761.11 that provides protection</th>
<th>Type of land to which request pertains</th>
<th>Protected feature</th>
<th>Agency responsible for determination</th>
<th>Applicable definition of valid existing rights</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) National parks, wildlife refuges, etc.</td>
<td>Federal</td>
<td></td>
<td>OSM</td>
<td>Federal¹</td>
</tr>
<tr>
<td>(a) National parks, wildlife refuges, etc.</td>
<td>Non-Federal</td>
<td></td>
<td>Department</td>
<td>Federal¹</td>
</tr>
<tr>
<td>(b) Federal lands in national forest³</td>
<td>Federal</td>
<td></td>
<td>OSM</td>
<td>Federal¹</td>
</tr>
<tr>
<td>(c) Public parks and historic places</td>
<td>Does not matter</td>
<td></td>
<td>Department</td>
<td>Regulatory program²</td>
</tr>
<tr>
<td>(d) Public roads</td>
<td>Does not matter</td>
<td></td>
<td>Department</td>
<td>Regulatory program²</td>
</tr>
<tr>
<td>(e) Occupied dwellings</td>
<td>Does not matter</td>
<td></td>
<td>Department</td>
<td>Regulatory program²</td>
</tr>
<tr>
<td>(f) Schools, churches, parks, etc.</td>
<td>Does not matter</td>
<td></td>
<td>Department</td>
<td>Regulatory program²</td>
</tr>
<tr>
<td>(g) Cemeteries</td>
<td>Does not matter</td>
<td></td>
<td>Department</td>
<td>Regulatory program²</td>
</tr>
</tbody>
</table>

¹ Definition in 30 CFR 761.5.
² Definition in Section 1761.5.
³ Neither 30 USC 1272(e) nor 30 CFR 761.11 provides special protection for non-Federal lands within national forests. Therefore, this table does not include a category for those lands.

When the Department is the agency responsible for valid existing rights determinations, the procedures under subsections (b) through (g) of this Section
b) The applicant or permittee must submit a request for a valid existing rights determination to the Department if it intends to conduct surface coal mining operations on the basis of valid existing rights under Section 1761.11 or wishes to confirm the right to do so. Such request may be submitted before preparing and submitting an application for a permit or boundary revision for the land.

1) Requirements for property rights demonstration. The applicant or permittee must provide a property rights demonstration under Section 1761.5(a) if the request relies upon the good faith/all permits standard or the needed for and adjacent standard in Section 1761.5(b). This demonstration must include the following items:

A) A legal description of the land to which the request pertains.

B) Complete documentation of the character and extent of the current interests in the surface and mineral estates of the land to which the request pertains.

C) A complete chain of title for the surface and mineral estates of the land to which the request pertains.

D) A description of the nature and effect of each title instrument that forms the basis for the request, including any provision pertaining to the type or method of mining or mining-related surface disturbances and facilities.

E) A description of the type and extent of surface coal mining operations that the applicant or permittee claims the right to conduct, including the method of mining, any mining-related surface activities and facilities, and an explanation of how those operations would be consistent with State property law.

F) Complete documentation of the nature and ownership, as of the date that the land came under the protection of Section 1761.11, of all property rights for the surface and mineral estates of the land to which the request pertains.

G) Names and addresses of the current owners of the surface and
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mineral estates of the land to which the request pertains.

H) If the coal interests have been severed from other property interests, documentation that the owners of other property interests in the land to which the request pertains have been notified and provided reasonable opportunity to comment on the validity of the applicant's or permittee's property rights claims.

I) Any comments received in response to the notification provided under subsection (b)(1)(H) of this Section.

2) Requirements for good faith/all permits standard. If the request relies upon the good faith/all permits standard in Section 1761.5(b)(1) of the definition of valid existing rights, the information required under subsection (b)(1) of this Section must be submitted. The following information about permits, licenses and authorizations for surface coal mining operations on the land to which the request pertains must also be submitted:

A) Approval and issuance dates and identification numbers for any permits, licenses, and authorizations that the applicant, permittee or predecessor in interest obtained before the land came under the protection of Section 1761.11.

B) Application dates and identification numbers for any permits, licenses, and authorizations for which the applicant, permittee or a predecessor in interest submitted an application before the land came under the protection of Section 1761.11.

C) An explanation of any other good faith effort that the applicant, permittee or a predecessor in interest made to obtain the necessary permits, licenses, and authorizations as of the date that the land came under the protection of Section 1761.11.

3) Requirements for needed for and adjacent standard. If the request relies upon the needed for and adjacent standard in subsection (b)(2) of the definition of valid existing rights in Section 1761.5, the applicant or permittee must submit the information required under subsection (b)(1) of this Section. In addition, the applicant or permittee must explain how and why the land is needed for and immediately adjacent to
the operation upon which the request is based, including a demonstration that prohibiting expansion of the operation onto that land would unfairly impact the viability of the operation as originally planned before the land came under the protection of Section 1761.11.

4) Requirements for standards for mine roads. If the request relies upon one of the standards for roads in subsections (c)(1) through (c)(3) of the definition of valid existing rights in Section 1761.5, satisfactory documentation must be submitted that:

A) The road existed when the land upon which it is located came under the protection of Section 1761.11 and the applicant or permittee has a legal right to use the road for surface coal mining operations;

B) A properly recorded right of way or easement for a road in the location existed when the land came under the protection of Section 1761.11, and, under the document creating the right of way or easement, and under any subsequent conveyances, the applicant or permittee has a legal right to use or construct a road across that right of way or easement to conduct surface coal mining operations; or

C) A valid permit for use or construction of a road in that location for surface coal mining operations existed when the land came under the protection of Section 1761.11.

c) Initial review of request.

1) The Department must conduct an initial review to determine whether the request includes all applicable components of the submission requirements of subsection (b) of this Section. This review pertains only to the completeness of the request, not the legal or technical adequacy of the materials submitted.

2) If the request does not include all applicable components of the submission requirements of subsection (b) of this Section, the Department must give notice of such and establish a reasonable time for submission of the missing information.
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3) When the request includes all applicable components of the submission requirements of subsection (b) of this Section, the Department must implement the notice and comment requirements of subsection (d) of this Section.

4) If information that the Department requests under subsection (c)(2) of this Section is not provided within the time specified or as subsequently extended, the Department must issue a determination that the applicant or permittee has not demonstrated valid existing rights, as provided in subsection (e)(4) of this Section.

d) Notice and comment requirements and procedures.

1) When the request satisfies the completeness requirements of subsection (c) of this Section, the applicant or permittee must publish a notice in a newspaper of general circulation in the county in which the land is located and provide the Department with a copy of the published notice. This notice must invite comment on the merits of the request. The Federal Office of Surface Mining will publish a similar notice in the Federal Register if the request involves Federal lands within an area listed in Section 1761.11(a) or (b). Each notice must include:

A) The location of the land to which the request pertains.

B) A description of the type of surface coal mining operations planned.

C) A reference to and brief description of the applicable standards under the definition of valid existing rights in Section 1761.5.

i) If the request relies upon the good faith/all permits standard or the needed for and adjacent standard in subsection (b) of the definition of valid existing rights in Section 1761.5, the notice also must include a description of the property rights that are claimed and the basis for such claim.

ii) If the request relies upon the standard in subsection (c)(1) of the definition of valid existing rights in Section 1761.5, the notice also must include a description of the basis for the applicant's or permittee's claim that the road existed
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when the land came under the protection of Section 1761.11. In addition, the notice must include a description of the basis for the applicant's or permittee's claim that it has a legal right to use that road for surface coal mining operations.

iii) If the request relies upon the standard in subsection (c)(2) of the definition of valid existing rights in Section 1761.5, the notice also must include a description of the basis for the claim that a properly recorded right of way or easement for a road in that location existed when the land came under the protection of Section 1761.11. In addition, the notice must include a description of the basis for the claim that, under the document creating the right of way or easement, and under any subsequent conveyances, the applicant or permittee has a legal right to use or construct a road across the right of way or easement to conduct surface coal mining operations.

D) If the request relies upon one or more of the standards in subsections (b), (c)(1) and (c)(2) of the definition of valid existing rights in Section 1761.5, a statement that the Department will not make a decision on the merits of the request if, by the close of the comment period under this notice or the notice required by subsection (d)(3) of this Section, a person with a legal interest in the land initiates appropriate legal action in the proper venue to resolve any differences concerning the validity or interpretation of the deed, lease, easement or other documents that form the basis of the applicant or permittee's claim.

E) A description of the procedures that the Department will follow in processing the request.

F) The closing date of the comment period, which must be a minimum of 30 days after the publication date of the notice.

G) A statement that interested persons may obtain a 30 day extension of the comment period upon request.

H) The name and address of the Department's office where a copy of
DEPARTMENT OF NATURAL RESOURCES

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

2) The Department must promptly provide a copy of the notice required under subsection (d)(1) of this Section to:

A) All reasonably locatable owners of surface and mineral estates in the land included in the request.

B) The owner of the feature causing the land to come under the protection of Section 1761.11, and, when applicable, the agency with primary jurisdiction over the feature with respect to the values causing the land to come under the protection of Section 1761.11. For example, both the landowner and the State Historic Preservation Officer must be notified if surface coal mining operations would adversely impact any site listed on the National Register of Historic Places. As another example, both the surface owner and the National Park Service must be notified if the request includes non-Federal lands within the authorized boundaries of a unit of the National Park System.

3) The letter transmitting the notice required under subsection (d)(2) of this Section must provide a 30 day comment period, starting from the date of service of the letter, and specify that another 30 days is available upon request. At its discretion, the Department may grant additional time for good cause upon request. The Department need not consider comments received after the closing date of that comment period.

e) How a decision will be made.

1) The Department must review the materials submitted under subsection (b) of this Section, comments received under subsection (d) of this Section and any other relevant, reasonably available information to determine whether the record is sufficiently complete and adequate to support a decision on the merits of the request. If not, the Department must notify the applicant or permittee in writing, explaining the inadequacy of the record and requesting submittal, within a specified reasonable time, of any additional information that the Department deems necessary to remedy the inadequacy.
Once the record is complete and adequate, the Department must determine whether the applicant or permittee has demonstrated valid existing rights. The decision document must explain how all applicable elements of the definition of valid existing rights in Section 1761.5 have or have not been satisfied. It must contain findings of fact and conclusions, and it must specify the reasons for the conclusions.

Impact of property rights disagreements. This subsection (e)(3) applies only when the request relies upon one or more of the standards in subsections (b), (c)(1) and (c)(2) of the definition of valid existing rights in Section 1761.5.

A) The Department must issue a determination that the applicant or permittee has not demonstrated valid existing rights if the property rights claims are the subject of pending litigation in a court or administrative body with jurisdiction over the property rights in question. The Department will make this determination without prejudice, meaning that the applicant or permittee may refile the request once the property rights dispute is finally adjudicated. This subsection (e)(3)(A) applies only to situations in which legal action has been initiated as of the closing date of the comment period under subsection (d)(1) or (d)(3) of this Section.

B) If the record indicates disagreement as to the accuracy of the property rights claims, but such disagreement is not the subject of pending litigation in a court or administrative agency of competent jurisdiction, the Department must evaluate the merits of the information in the record and determine whether the applicant or permittee has demonstrated that the requisite property rights exist under subsection (a), (c)(1) or (c)(2) of the definition of valid existing rights in Section 1761.5, as appropriate. The Department must then proceed with the decision process under subsection (e)(2) of this Section.

The Department must issue a determination that valid existing rights has not been demonstrated if information that the Department requests under subsection (c)(2) or (e)(1) of this Section is not submitted within the time specified or as subsequently extended. The Department will make this determination without prejudice, meaning that a revised request may be
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refiled at any time.

5) After making a determination, the Department must:

A) Provide a copy of the determination, together with an explanation of appeal rights and procedures, to the applicant or permittee, to the owner or owners of the land to which the determination applies, to the owner of the feature causing the land to come under the protection of Section 1761.11, and, when applicable, to the agency with primary jurisdiction over the feature with respect to the values that caused the land to come under the protection of Section 1761.11.

B) Publish notice of the determination in a newspaper of general circulation in the county in which the land is located. The applicant or permittee must publish this notice and provide a copy of the published notice to the Department. The Federal Office of Surface Mining will publish the determination, together with an explanation of appeal rights and procedures, in the Federal Register if the request includes Federal lands within an area listed in Section 1761.11(a) or (b).

f) Administrative and judicial review. A determination that an applicant or permittee has or does not have valid existing rights is subject to administrative and judicial review under 62 Ill. Adm. Code 1847.3.

g) Availability of records. The Department must make a copy of a request subject to notice and comment under subsection (d) of this Section available to the public in the same manner as the Department must make permit applications available to the public under 62 Ill. Adm. Code 1773.13(d). In addition, the Department must make records associated with that request, and any subsequent determination under subsection (e) of this Section, available to the public in accordance with the requirements and procedures of 62 Ill. Adm. Code 1840.14.

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

NOTICE OF ADOPTED AMENDMENT

1) **Heading of the Part:** Criteria for Designating Areas as Unsuitable for Surface Coal Mining Operations

2) **Code Citation:** 62 Ill. Adm. Code 1762

3) **Section Number:** 1762.15
   **Adopted Action:** Amendment

4) **Statutory Authority:** Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

5) **Effective Date of Amendment:** May 27, 2005

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this rulemaking contain incorporations by reference?** No

8) A copy of the adopted amendment, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.

9) **Notice of Proposal Published in Illinois Register:** December 17, 2004; 28 Ill. Reg. 16100

10) **Has JCAR issued a Statement of Objection to this amendment?** No

11) **Differences between proposal and final version:**


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

13) **Will this rulemaking replace an emergency rulemaking currently in effect?** No

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

15) **Summary and Purpose of Rulemaking:** Amendments to citations to other administrative rules were made to comply with federal Office of Surface Mining requirements.
16) Information and questions regarding this adopted amendment shall be directed to:

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

217/782-1809

The full text of the Adopted Amendment begins on the next page:
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

TITLE 62: MINING
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 1762
CRITERIA FOR DESIGNATING AREAS AS UNSUITABLE FOR SURFACE COAL MINING OPERATIONS

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

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


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

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

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

NOTICE OF ADOPTED AMENDMENT

1) **Heading of the Part**: Requirements for Coal Exploration

2) **Code Citation**: 62 Ill. Adm. Code 1772

3) **Section Number**: 
   - 1772.12 **Adopted Action**: Amendment

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

5) **Effective Date of Amendment**: May 27, 2005

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this rulemaking contain incorporations by reference?** No

8) A copy of the adopted amendment, including all material incorporated by reference is on file in the Department of Natural Resource's principal office and is available for public inspection.

9) **Notice of Proposal Published in Illinois Register**: December 17, 2004; 28 Ill. Reg. 16103

10) **Has JCAR issued a Statement of Objection to this amendment?** No

11) **Differences between proposal and final version**: None

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

13) **Will this rulemaking replace an emergency rulemaking currently in effect?** No

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

15) **Summary and Purpose of Rulemaking**: This Part was amended to correct a typographical error.

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

    Jack Price, Legal Counsel
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

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

217/782-1809

The full text of the Adopted Amendment begins on the next page:
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

TITLE 62: MINING
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 1772
REQUIREMENTS FOR COAL EXPLORATION

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

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


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

a) Any person who intends to conduct coal exploration outside a permit area during which more than 250 tons of coal will be removed or which will take place on lands designated as unsuitable for surface mining under 62 Ill. Adm. Code 1761 through 1764 shall before conducting the exploration submit an application and obtain written approval from the Department in an exploration permit.

b) Each application for an exploration permit shall contain, at a minimum, the following information:

1) The name, address, and telephone number of the applicant;

2) The name, address, and telephone number of the applicant's representative who will be present at, and be responsible for, conducting the exploration;
3) A narrative and map describing the proposed exploration area;

4) A narrative description of the methods and equipment to be used to conduct the exploration and reclamation;

5) An estimated time table for conducting and completing each phase of the exploration and reclamation;

6) The estimated amount of coal to be removed and a description of the methods to be used to determine the amounts;

7) A statement of why extraction of more than 250 tons of coal is necessary for exploration;

8) A description of:

   A) Cultural or historical resources listed on the National Register of Historic Places,

   B) Cultural or historical resources known to be eligible for listing on the National Register of Historic Places,

   C) Known archeological resources located within the proposed exploration area, and

   D) Any other information which the Department may require regarding known or unknown historic or archeological resources, based upon consultation with the Illinois State Historic Preservation Agency;

9) A description of any endangered or threatened species listed pursuant to the Endangered Species Act of 1973 (16 USC 1531 et seq.) identified within the proposed exploration area;

10) A description of the measures to be used to comply with the applicable requirements of 62 Ill. Adm. Code 1815;

11) The name and address of the owner of record of the surface land and of the subsurface mineral estate of the area to be explored;
12) A map or maps at a scale of 1:24,000 or larger, showing the areas of the proposed exploration and reclamation. The map shall specifically show existing roads, occupied dwellings, topographic and drainage features, bodies of surface water, and pipelines; proposed location of trenches, roads, and other access routes and structures to be constructed; the location of proposed land excavations; the location of exploration holes or other drill holes or underground openings; location of excavated earth or waste-material disposal areas; and the location of critical habitats of any endangered or threatened species listed pursuant to the Endangered Species Act of 1973 (16 USC 1531 et seq.);

13) If the surface is owned by a person other than the applicant, a description of the basis upon which the applicant claims the right to enter that land for the purpose of conducting exploration and reclamation; and

14) For any lands listed in 62 Ill. Adm. Code 1761.11, a demonstration that, to the extent technologically and economically feasible, the proposed exploration activities have been designed to minimize interference with the values for which those lands were designated as unsuitable for surface coal mining operations. The application must include documentation of consultation with the owner of the feature causing the land to come under the protection of 62 Ill. Adm. Code 1761.11, and, when applicable, with the agency with primary jurisdiction over the feature with respect to the values that caused the land to come under the protection of 62 Ill. Adm. Code 1761.11.

c) Public notice of the application and opportunity to comment shall be provided as follows:

1) Within 5 days, the applicant shall provide public notice of the filing of an administratively complete application with the Department in a newspaper of general circulation which is on the Department's list of approved newspapers in the county of the proposed exploration area;

2) The public notice shall state the name and address of the person seeking approval, the date of filing of the application, the address of the Department where written comments on the application may be submitted, the closing date of the comment period, and a description of the general area of exploration. In no case shall the public comment period be less
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than 30 days;

3) Any person with an interest which is or may be adversely affected shall have the right to file written comments on the application within the specified public comment period.

d) Decision on an application for exploration removing more than 250 tons of coal.

1) The Department shall act upon an administratively complete application for a coal exploration permit and any written comments within 60 days after the close of the public comment period. The approval of a coal exploration permit may be based only on a complete and accurate application.

2) The Department shall approve a complete and accurate application for a coal exploration permit filed in accordance with this Part, if it finds, in writing, that the applicant has demonstrated that the exploration and reclamation described in the application will:

A) Be conducted in accordance with the Surface Mining Control and Reclamation Act of 1977 (30 USC 1201 et seq.) (Act), 62 Ill. Adm. Code 1815, this Part and the regulatory program;

B) Not jeopardize the continued existence of an endangered or threatened species listed pursuant to Section 4 of the Endangered Species Act of 1973 (16 USC 1533) or result in the destruction or adverse modification of critical habitat of those species as defined in Section 3 of the Endangered Species Act of 1973 (16 USC 1532);

C) Not adversely affect any cultural or historic resources listed on the National Register of Historic Places, pursuant to the National Historic Preservation Act, as amended (16 USC 470 et seq., 1976, Supp. V), unless the proposed exploration has been approved by the Department and the Illinois Historic Preservation Agency; and

D) With respect to exploration activities on any lands protected under 62 Ill. Adm. Code 1761.11, minimize interference, to the extent technologically and economically feasible, with the values for which those lands were designated as unsuitable for surface coal
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mining operations. Before making this finding, the Department must provide reasonable opportunity to the owner of the feature causing the land to come under the protection of 62 Ill. Adm. Code 1761.11, and, when applicable, to the agency with primary jurisdiction over the feature with respect to the values that caused the land to come under the protection of 62 Ill. Adm. Code 1761.11, to comment on whether the finding is appropriate.

3) Terms of approval. Each approval issued by the Department shall contain conditions necessary to ensure that the exploration and reclamation will be conducted in compliance with the Act, this Part, 62 Ill. Adm. Code 1815, and the regulatory program.

e) Notice and review.

1) The Department shall notify the applicant, the appropriate local government officials, and other commentors on the application in writing, of its decision on the application. If the application is disapproved, the notice to the applicant shall include a statement of the reason for disapproval. Public notice of the decision on each application shall be posted by the Department at a public office in the vicinity of the exploration operations.

2) Any person with an interest which is or may be adversely affected by a decision of the Department pursuant to subsection (e)(1), shall have the opportunity for administrative and judicial review as set forth in 62 Ill. Adm. Code 1847.3.

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

NOTICE OF ADOPTED AMENDMENT

1) **Heading of the Part:** Requirements for Permits and Permit Processing

2) **Code Citation:** 62 Ill. Adm. Code 1773

3) **Section Number:** Adopted Action:
   1773.15 Amendment

4) **Statutory Authority:** Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

5) **Effective Date of Amendment:** May 27, 2005

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this rulemaking contain incorporations by reference?** No

8) A copy of the adopted amendments, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.

9) **Notice of Proposal Published in Illinois Register:** December 17, 2004; 28 Ill. Reg. 16110

10) **Has JCAR issued a Statement of Objection to this amendment?** No

11) **Differences between proposal and final version:** None

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

13) **Will this rulemaking replace an emergency rulemaking currently in effect?** No

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

15) **Summary and Purpose of Rulemaking:** This Part is being amended to clarify that the requirements of this Part do not apply to the shadow area (underground extraction area) of planned subsidence operations.

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

   Jack Price, Legal Counsel
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

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

217/782-1809

The full text of the Adopted Amendment begins on the next page:
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TITLE 62: MINING
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 1773
REQUIREMENTS FOR PERMITS AND PERMIT PROCESSING

Section
1773.1 Scope and Purpose
1773.5 Definitions
1773.11 Requirements to Obtain Permits
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1773.20 Improvidently Issued Permits: General Procedures
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1773.25 Standards for Challenging Ownership or Control Links and the Status of Violations

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


Section 1773.15 Review of Permit Applications

a) General.

1) The Department shall review the application for a permit, revision, or
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renewal; written comments and objections submitted; and records of any informal conference or hearing held on the application, and either:

A) Issue a written decision, in accordance with Section 1773.19, either granting or denying the application. If a public hearing is held under Section 1773.14, the decision shall be made within 60 days after the close of the public hearing, unless a later time is necessary to provide an opportunity for a hearing under subsection (b)(3); or

B) Issue a written decision requiring modification of the application. If a public hearing is held under Section 1773.14, the decision to require modifications shall be made within 60 days after the close of the public hearing.

i) If the applicant does not submit the required modifications to the Department within one year after the date of receipt of notification of the need for modifications, the Department shall issue a written finding in accordance with Section 1773.19 denying the application. The Department may issue an extension to this time limit if the applicant can demonstrate just cause (e.g., extended periods of illness, extreme inclement weather, acts of civil unrest, or other emergency situations) for doing so.

ii) Upon receipt of the applicant's responses to the required modifications, the Department shall review the responses and issue a written decision, in accordance with Section 1773.19, either granting or denying the application.

2) The applicant for a permit or revision of a permit shall have the burden of establishing that his application is in compliance with all the requirements of the regulatory program.

b) Review of violations.

1) Based on a review of all reasonably available information concerning violation notices and ownership or control links involving the applicant, including information obtained pursuant to Sections 1773.22, 1773.23, 1778.13 and 1778.14, the Department shall not issue the permit if any surface coal mining and reclamation operation owned or controlled by
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either the applicant or by any person who owns or controls the applicant is currently in violation of the State Act, Federal Act, any State or federal regulation promulgated pursuant thereto, a State program, or any federal or State law or regulation pertaining to air or water environmental protection. In the absence of a failure-to-abate cessation order, the Department may presume that a notice of violation issued pursuant to 62 Ill. Adm. Code 1843.12 or under a Federal or State program is being corrected to the satisfaction of the agency with jurisdiction over the violation where the abatement period for such notice of violation has not yet expired and when, as part of the violation information provided pursuant to 62 Ill. Adm. Code 1778.14, the applicant has provided certification that such violation is in the process of being so corrected. Such presumption shall not apply where evidence to the contrary is set forth in the permit application, or where the notice of violation is issued for nonpayment of abandoned mine land reclamation fees or civil penalties. If a current violation exists, the Department shall require the applicant or person who owns or controls the applicant, before the issuance of the permit, to either:

A) Submit to the Department proof that the current violation has been or is in the process of being corrected to the satisfaction of the agency that has jurisdiction over the violation; or

B) Establish for the Department that the applicant, or any person owned or controlled by either the applicant or any person who owns or controls the applicant, has filed and is presently pursuing, in good faith, a direct administrative or judicial appeal to contest the validity of the current violation. If the circuit or district court reviewing the violation, pursuant to 62 Ill. Adm. Code 1847.4(p), 30 CFR 775.13 or in accordance with the procedures established by other state regulatory authorities, either denies a stay applied for in the appeal or affirms the violation, then the applicant shall submit the proof required under subsection (b)(1)(A) within 30 days after the court's decision.

2) Any permit that is issued on the basis of a presumption supported by certification under 62 Ill. Adm. Code 1778.14 that a violation is in the process of being corrected, on the basis of proof submitted under subsection (b)(1)(A) of this Section that a violation is in the process of being corrected, or pending the outcome of an appeal described in
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subsection (b)(1)(B) of this Section, shall be conditionally issued.

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

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

1) The application is complete and accurate and the applicant has complied with all requirements of the Federal Act, State Act and the regulatory program.

2) The applicant has demonstrated that reclamation as required by the Federal Act, State Act and the regulatory program can be accomplished under the reclamation plan contained in the permit application.

3) The proposed permit area or the proposed shadow area for a planned subsidence operation is:

A) Not within an area under study or administrative proceedings under a petition, filed pursuant to 62 Ill. Adm. Code 1764, to have an area designated as unsuitable for surface coal mining operations, unless the applicant demonstrates that before January 4, 1977, he has made substantial legal and financial commitments in relation to the operation covered by the permit application; or

B) Not within an area designated as unsuitable for mining pursuant to 62 Ill. Adm. Code 1762 and 1764 or within an area subject to the prohibitions of 62 Ill. Adm. Code 1761.11.
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4) For mining operations where the private mineral estate to be mined has been severed from the private surface estate, the applicant has submitted to the Department the documentation required under 62 Ill. Adm. Code 1778.15(b).

5) The Department has made an assessment of the probable cumulative impacts of all anticipated coal mining on the hydrologic balance in the cumulative impact area, in accordance with 62 Ill. Adm. Code 1780 and 1784 and has determined that the proposed operation has been designed to prevent material damage to the hydrologic balance outside the permit area.

6) The applicant has demonstrated that any existing structure will comply with 62 Ill. Adm. Code 1700.11(d).

7) The applicant has paid all reclamation fees from previous and existing operations as required by 30 CFR 870.

8) The applicant has satisfied the applicable requirements of 62 Ill. Adm. Code 1785.

9) The applicant has, if applicable, satisfied the requirements for approval of a long-term, intensive agricultural post-mining land use, in accordance with the requirements of 62 Ill. Adm. Code 1816.111(d) and 1817.111(d).

10) The operation would not affect the continued existence of endangered or threatened species or result in destruction or adverse modification of their critical habitats, as determined under the Endangered Species Act of 1973 (16 USC 1531 et seq.).

11) For a proposed remining operation where the applicant intends to reclaim in accordance with the requirements of 62 Ill. Adm. Code 1816.106 or 1817.106, the site of the operation is a previously mined area as defined in 62 Ill. Adm. Code 1701.Appendix A.

12) The Department has taken into account the effect of the proposed permitting action on properties listed on and eligible for listing on the National Register of Historic Places. This finding may be supported in part by inclusion of appropriate permit conditions or changes in the operation plan protecting historic resources, or a documented decision that
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the Department has determined that no additional measures are necessary.

13) For a proposed remining operation where the applicant intends to reclaim in accordance with the requirements of 62 Ill. Adm. Code 1816.116(a)(2)(B) or 1817.116(a)(2)(B), the site of the operation is land eligible for remining as defined in 62 Ill. Adm. Code 1701.Appendix A.

d) Expiration of findings.
Written findings issued by the Department approving a permit application shall expire within one year from the date of issuance if the permit has not been issued based upon the applicant's failure to submit permit fees in accordance with 62 Ill. Adm. Code 1777.17 or a performance bond in accordance with 62 Ill. Adm. Code 1800.11. When written findings expire, the Department will take no further action on the permit application. Should the applicant choose to resume permitting activity for the area in question, a new permit application must be submitted in accordance with the requirements of this Part.

e) Final compliance review.
After an application is approved, but before the permit is issued, the Department shall reconsider its decision to approve the application, based on the compliance review required by subsection (b)(1), in light of any new information submitted under 62 Ill. Adm. Code 1778.13(i) and 1778.14(e).

(Source: Amended at 29 Ill. Reg. 8355, effective May 27, 2005)
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1) Heading of the Part: Hospital Services

2) Code Citation: 89 Ill. Adm. Code 148

3) Section Numbers: Adopted Action:
   148.85   Amendment
   148.90   Amendment
   148.95   Amendment
   148.100 Amendment
   148.103 Amendment
   148.110 Amendment
   148.112 Amendment


5) Effective Date of Amendments: June 1, 2005

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendments, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: February 4, 2005; 29 Ill. Reg. 1782

10) Has JCAR issued a Statement of Objection to this rulemaking? No


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

13) Will this rulemaking replace any emergency amendments currently in effect? Yes

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

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

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

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

   Joanne Scattoloni  
   Office of the General Counsel, Rules Section  
   Illinois Department of Public Aid  
   201 South Grand Avenue East, Third Floor  
   Springfield, Illinois  62763-0002

   (217) 524-0081

The full text of the Adopted Amendments begins on the next page:
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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 148
HOSPITAL SERVICES

SUBPART A: GENERAL PROVISIONS

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

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section 148.80 Organ Transplants Services Covered Under Medicaid (Repealed)
148.82 Organ Transplant Services
148.85 Supplemental Tertiary Care Adjustment Payments
148.90 Medicaid Inpatient Utilization Rate (MIUR) Adjustment Payments
148.95 Medicaid Outpatient Utilization Rate (MOUR) Adjustment Payments
148.100 Outpatient Rural Hospital Adjustment Payments
148.103 Outpatient Service Adjustment Payments
148.105 Psychiatric Adjustment Payments
148.110 Psychiatric Base Rate Adjustment Payments
148.112 High Volume Adjustment Payments
148.115 Rural Adjustment Payments
148.120 Disproportionate Share Hospital (DSH) Adjustments
148.122 Medicaid Percentage Adjustments
148.126 Safety Net Adjustment Payments
148.130 Outlier Adjustments for Exceptionally Costly Stays
148.140 Hospital Outpatient and Clinic Services
148.150 Public Law 103-66 Requirements
148.160 Payment Methodology for County-Owned Hospitals in an Illinois County with a
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148.170 Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
148.175 Supplemental Disproportionate Share Payment Methodology for Hospitals Organized Under the Town Hospital Act
148.180 Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
148.190 Copayments
148.200 Alternate Reimbursement Systems
148.210 Filing Cost Reports
148.220 Pre September 1, 1991, Admissions
148.230 Admissions Occurring on or after September 1, 1991
148.240 Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
148.250 Determination of Alternate Payment Rates to Certain Exempt Hospitals
148.260 Calculation and Definitions of Inpatient Per Diem Rates
148.270 Determination of Alternate Cost Per Diem Rates For All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
148.280 Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
148.285 Excellence in Academic Medicine Payments
148.290 Adjustments and Reductions to Total Payments
148.295 Critical Hospital Adjustment Payments (CHAP)
148.296 Tertiary Care Adjustment Payments
148.297 Pediatric Outpatient Adjustment Payments
148.298 Pediatric Inpatient Adjustment Payments
148.300 Payment
148.310 Review Procedure
148.320 Alternatives
148.330 Exemptions
148.340 Subacute Alcoholism and Substance Abuse Treatment Services
148.350 Definitions (Repealed)
148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
148.368 Volume Adjustment (Repealed)
148.370 Payment for Subacute Alcoholism and Substance Abuse Treatment Services
148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services (Repealed)
148.390 Hearings
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148.400 Special Hospital Reporting Requirements

SUBPART C: SEXUAL ASSAULT EMERGENCY TREATMENT PROGRAM

Section
148.500 Definitions
148.510 Reimbursement

SUBPART D: STATE CHRONIC RENAL DISEASE PROGRAM

Section
148.600 Definitions
148.610 Scope of the Program
148.620 Assistance Level and Reimbursement
148.630 Criteria and Information Required to Establish Eligibility
148.640 Covered Services

148.TABLE A Renal Participation Fee Worksheet
148.TABLE B Bureau of Labor Statistics Equivalence
148.TABLE C List of Metropolitan Counties by SMSA Definition


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

SUBPART B: REIMBURSEMENT AND RELATED PROVISIONS

Section 148.85 Supplemental Tertiary Care Adjustment Payments

a) Qualifying Criteria. Supplemental Tertiary Care Adjustment Payments, as described in subsection (b) of this Section, shall be made to all qualifying Illinois hospitals. An Illinois hospital shall qualify for payment if it was deemed eligible for payments under the Tertiary Care Adjustment Payments for State fiscal year 2003, as described in Section 148.296, excluding:

1) County-owned hospitals as described in Section 148.25(b)(1)(A).

2) Hospitals organized under the University of Illinois Hospital Act [110 ILCS 330], as described in Section 148.25(b)(1)(B).

3) A hospital owned or operated by a State agency, as described in Section 148.25(b)(6).

b) Supplemental Tertiary Care Adjustment Payments

1) For the supplemental tertiary care adjustment period occurring in State fiscal year 2004, total payments will equal the State fiscal year 2003 tertiary care adjustment payment, as defined in Section 148.296, multiplied by the proration factor and shall be paid to the hospital within 75 days after the conditions described in subsection (d) of this Section have been met on or before June 15, 2004.

2) For the supplemental tertiary care adjustment period occurring in State fiscal year 2005, total payments will equal the State fiscal year 2003 tertiary care adjustment payment, as defined in Section 148.296 and shall be paid to the hospital in four equal installments on or before July 15, 2004, October 15, 2004, January 14, 2005 and April 15, 2005. The sum of the amounts, required prior to the conditions described in subsection (d) being met, shall be paid within 75 days after the conditions described in subsection (d) have been met.
3) If a hospital closes during the fiscal year, payments will be prorated based on the number of days the hospital was open during the fiscal year.

c) Definitions

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

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

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

1) the methodologies described in this Section receive federal approval from the Centers for Medicare and Medicaid Services in an appropriate State Plan Amendment;

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

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

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

Section 148.90 Medicaid Inpatient Utilization Rate (MIUR) Adjustment Payments

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

b) MIUR Adjustment Payments

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

   A) The quotient of:

      i) $57.25
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ii) divided by the greater of the hospital's MIUR or 1.6 percent, and  

B) The hospital's Medicaid inpatient days in the MIUR base period.  

2) For a hospital that files a combined Medicaid cost report with another hospital after January 1, 2001, and then subsequently closes, the payment described in subsection (b)(1) of this Section shall be multiplied by a fraction, the numerator of which is the number of occupied bed days attributable to the open hospital and the denominator of which is the sum of the occupied bed days of each open hospital and each closed hospital.  

3) Payments will be the lesser of the calculation described in subsection (b)(1) or (b)(2) of this Section or $10,500,000.  

c) Payment to a Qualifying Hospital  

1) For the MIUR adjustment period occurring in State fiscal year 2004, total payments will equal the methodologies described in subsection (b) of this Section multiplied by the proration factor and shall be paid to the hospital within 75 days after the conditions described in subsection (e) of this Section have been met on or before June 15, 2004.  

2) For the MIUR adjustment period occurring in State fiscal year 2005, total payments will equal the methodologies described in subsection (b) of this Section and shall be paid to the hospital in four equal installments on or before July 15, 2004, October 15, 2004, January 14, 2005 and April 15, 2005. The sum of the amounts, required prior to the conditions described in subsection (e) being met, shall be paid within 75 days after the conditions described in subsection (e) have been met.  

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

d) Definitions  

1) "MIUR base period" means the 12-month period beginning on July 1, 2000 and ending on June 30, 2001.
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2) "MIUR adjustment period" means, beginning June 1, 2004, the one month period beginning on June 1, 2004 and ending June 30, 2004, and beginning July 1, 2004, the 12 month period beginning July 1 of the year and ending June 30 of the following year.

3) "Medicaid inpatient days" means, for a given hospital, the sum of days of inpatient hospital service provided to recipients of medical assistance under Title XIX of the federal Social Security Act, excluding days for individuals eligible for Medicare under Title XVIII of that Act (Medicaid/Medicare crossover days), as tabulated from the Department's paid claims data for admissions occurring in the MIUR base period that were adjudicated by the Department through June 30, 2002.

4) "MIUR", for a given hospital, has the meaning as defined in Section 148.120(k)(4) and shall be determined in accordance with Section 148.120(c) and (f). For purposes of this Section, the MIUR determination that was used to determine a hospital's eligibility for Disproportionate Share Hospital Adjustment payments in rate year 2003 shall be the MIUR used in the MIUR adjustment.

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

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

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

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

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

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

Section 148.95 Medicaid Outpatient Utilization Rate (MOUR) Adjustment Payments

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

b) MOUR Adjustment Payments

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

A) The quotient of:

i) the hospital's Medicaid outpatient charges in the MOUR base period

ii) divided by the greater of the hospital's MOUR or 1.6 percent, and

B) 2.45 percent.

2) For a hospital that files a combined Medicaid cost report with another hospital after January 1, 2001, and then subsequently closes, the payment described in subsection (b)(1) of this Section shall be multiplied by a fraction, the numerator of which is the number of occupied bed days attributable to the open hospital and the denominator of which is the sum of the occupied bed days of each open hospital and each closed hospital.

3) Payments will be the lesser of the calculation described in subsection (b)(1) or (b)(2) of this Section or $6,750,000.

c) Payment to a Qualifying Hospital
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1) For the MOUR adjustment period occurring in State fiscal year 2004, total payments will equal the methodologies described in subsection (b) of this Section multiplied by the proration factor and shall be paid to the hospital within 75 days after the conditions described in subsection (e) of this Section have been met or before June 15, 2004.

2) For the MOUR adjustment period occurring in State fiscal year 2005, total payments will equal the methodologies described in subsection (b) of this Section and shall be paid to the hospital in four equal installments on or before July 15, 2004, October 15, 2004, January 14, 2005 and April 15, 2005. The sum of the amounts, required prior to the conditions described in subsection (e) being met, shall be paid within 75 days after the conditions in subsection (e) have been met.

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

d) Definitions

1) "Total outpatient charges" means, for a given hospital, the gross outpatient revenue as reported on form CMS 2552-96, Worksheet G-2, Part I, row 25, column 2, for hospital fiscal years ending in calendar year 2001 as filed in the March 2003 release of the Healthcare Cost Reporting Information System (HCRIS). If information was not available for hospitals on the HCRIS, the Department may obtain the gross outpatient charges from any source available, including, but not limited to, records maintained by the hospital provider, which may be inspected at all times during business hours of the day by the Department or its duly authorized agents and employees.

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

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

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

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

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

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

1) the methodologies described in this Section receive federal approval from the Centers for Medicare and Medicaid Services in an appropriate State Plan Amendment;

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

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

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

Section 148.100 Outpatient Rural Hospital Adjustment Payments
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a) Qualifying Criteria. Outpatient Rural Hospital Adjustment Payments, as described in subsection (b) of this Section, shall be made to qualifying Illinois rural hospitals, as described in Section 148.25(g)(3), excluding:

1) County-owned hospitals as described in Section 148.25(b)(1)(A).

2) Hospitals organized under the University of Illinois Hospital Act [110 ILCS 330], as described in Section 148.25(b)(1)(B).

3) A hospital owned or operated by a State agency, as described in Section 148.25(b)(6).

b) Outpatient Rural Hospital Adjustment Payments

1) Each qualifying hospital's outpatient services for the outpatient rural base period will be divided by the sum of all qualifying hospitals' outpatient services for the outpatient rural base period.

2) This ratio will be multiplied by $14,500,000 to determine the hospital's Outpatient Rural Hospital Adjustment Payment.

3) For a hospital that files a combined Medicaid cost report with another hospital after January 1, 2001, and then subsequently closes, the payment described in subsection (b)(2) of this Section shall be multiplied by a fraction, the numerator of which is the number of occupied bed days attributable to the open hospital and the denominator of which is the sum of the occupied bed days of each open hospital and each closed hospital.

c) Payment to a Qualifying Hospital

1) For the outpatient rural hospital adjustment period occurring in State fiscal year 2004, total payments will equal the methodologies described in subsection (b) of this Section multiplied by the proration factor and shall be paid to the hospital within 75 days after the conditions described in subsection (e) of this Section have been met on or before June 15, 2004.

2) For the outpatient rural hospital adjustment period occurring in State fiscal year 2005, total payments will equal the methodologies described in subsection (b) of this Section and shall be paid to the hospital in four equal installments on or before July 15, 2004, October 15, 2004, January 14,
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2005 and April 15, 2005. The sum of the amounts, required prior to the conditions described in subsection (e) being met, shall be paid within 75 days after the conditions described in subsection (e) have been met.

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

d) Definitions

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

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

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

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

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

e) Payment Limitations: Payments under this Section are not due and payable until:
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1) the methodologies described in this Section receive federal approval from the Centers for Medicare and Medicaid Services in an appropriate State Plan Amendment;

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

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

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

Section 148.103 Outpatient Service Adjustment Payments

a) Qualifying Criteria. Outpatient Service Adjustment Payments, as described in subsection (b) of this Section, shall be made to all Illinois hospitals excluding:

1) County-owned hospitals as described in Section 148.25(b)(1)(A).

2) Hospitals organized under the University of Illinois Hospital Act [110 ILCS 330], as described in Section 148.25(b)(1)(B).

3) A hospital owned or operated by a State agency, as described in Section 148.25(b)(6).

b) Outpatient Service Adjustment Payments

1) An average hospital specific outpatient service rate for the outpatient service base period will be calculated by taking the total payments for outpatient services divided by total outpatient services.

2) The average hospital specific outpatient service rate will be multiplied by 75.5 percent and then multiplied by the outpatient services.

3) For a hospital that files a combined Medicaid cost report with another hospital after January 1, 2001, and then subsequently closes, the payment described in subsection (b)(2) of this Section shall be multiplied by a fraction, the numerator of which is the number of occupied bed days attributable to the open hospital and the denominator of which is the sum of the occupied bed days of each open hospital and each closed hospital.
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4) Outpatient Service Adjustment Payments will be the lesser of the amount determined in subsection (b)(2) or (b)(3) of this Section or $3,000,000.

c) Payment to a Qualifying Hospital

1) For the outpatient service adjustment period occurring in State fiscal year 2004, total payments will equal the methodologies described in subsection (b) of this Section multiplied by the proration factor and shall be paid to the hospital within 75 days after the conditions in subsection (e) of this Section have been met or before June 15, 2004.

2) For the outpatient service adjustment period occurring in State fiscal year 2005, total annual payments will equal the methodologies described in subsection (b) of this Section and shall be paid to the hospital in four equal installments on or before July 15, 2004, October 15, 2004, January 14, 2005 and April 15, 2005. The sum of the amounts, required prior to the conditions in subsection (e) being met, shall be paid within 75 days after the conditions in subsection (e) have been met.

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

d) Definitions

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

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

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

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

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

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

1) the methodologies described in this Section receive federal approval from the Centers for Medicare and Medicaid Services in an appropriate State Plan Amendment;

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

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

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

Section 148.110 Psychiatric Base Rate Adjustment Payments

a) Qualifying Criteria

1) Psychiatric Base Rate Adjustment Payments, as described in subsection (b)(1) of this Section, shall be made to an Illinois general acute care hospital that has a distinct part psychiatric unit, excluding:

A) County-owned hospitals as described in Section 148.25(b)(1)(A).

B) Hospitals organized under the University of Illinois Hospital Act [110 ILCS 330], as described in Section 148.25(b)(1)(B).
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C) A hospital owned or operated by a State agency, as described in Section 148.25(b)(6).

2) Psychiatric Base Rate Adjustment Payments described in subsection (b)(2) of this Section shall be made to an Illinois general acute care hospital that has a distinct part psychiatric unit, excluding hospitals described in 89 Ill. Adm. Code 140.80(j).

b) Psychiatric Base Rate Adjustment Payments

1) For a hospital qualifying under subsection (a)(1) of this Section, the Department shall pay an amount equal to $400.00 less the hospital's per diem rate for Medicaid inpatient psychiatric services in effect on October 1, 2003, multiplied by the number of Medicaid inpatient psychiatric days provided in the psychiatric base rate period. In no event, however, shall that amount be less than zero.

2) For a hospital qualifying under subsection (a)(2) of this Section, whose inpatient psychiatric per diem rate in effect on October 1, 2003 is greater than $400.00, the Department shall pay an amount equal to $25.00 multiplied by the number of Medicaid inpatient psychiatric days provided in the psychiatric base rate period.

3) For a hospital that files a combined Medicaid cost report with another hospital after January 1, 2001, and then subsequently closes, the payment described in subsection (b)(1) or (b)(2) shall be multiplied by a fraction, the numerator of which is the number of occupied bed days attributable to the open hospital and the denominator of which is the sum of the occupied bed days of each open hospital and each closed hospital.

c) Payment to a Qualifying Hospital

1) For the psychiatric base rate adjustment period occurring in State fiscal year 2004, total payments will equal the methodologies described in subsection (b) of this Section multiplied by the proration factor and shall be paid to the hospital within 75 days after the conditions described in subsection (f) of this Section have been met on or before June 15, 2004.
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2) For the psychiatric base rate adjustment period occurring in State fiscal year 2005, total payments will equal the methodologies described in subsection (b) of this Section and shall be paid to the hospital in four equal installments on or before July 15, 2004, October 15, 2004, January 14, 2005 and April 15, 2005. The sum of the amounts, required prior to the conditions described in subsection (f) being met, shall be paid within 75 days after the conditions in subsection (f) have been met.

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

d) Limitations: Hospitals that qualify for Psychiatric Base Rate Adjustment Payments shall not be eligible for the total Psychiatric Base Rate Adjustment Payment if, during the psychiatric base rate adjustment period, the hospital no longer operates the psychiatric distinct part unit.

e) Definitions

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

2) "Psychiatric base rate adjustment period" means, beginning June 1, 2004, the one month period beginning on June 1, 2004 and ending June 30, 2004, and beginning July 1, 2004, the 12-month period beginning July 1 of the year and ending June 30 of the following year.

3) "Medicaid inpatient psychiatric days" means, for a given hospital, the sum of days of inpatient psychiatric hospital service provided to recipients of medical assistance under Title XIX of the federal Social Security Act, excluding days for individuals eligible for Medicare under Title XVIII of that Act (Medicaid/Medicare crossover days), as tabulated from the Department's paid claims data for admissions occurring in the psychiatric base period that were adjudicated by the Department through June 30, 2002.

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

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

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

1) the methodologies described in this Section receive federal approval from the Centers for Medicare and Medicaid Services in an appropriate State Plan Amendment;

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

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

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

Section 148.112 High Volume Adjustment Payments

a) Qualifying criteria. High Volume Adjustment Payments shall be made to a qualifying Illinois hospital as defined in this subsection (a). A hospital not otherwise excluded under subsection (b) of this Section shall qualify for payment if it did not qualify for disproportionate share adjustments as described in Section 148.120 for the rate year 2003 determination and provided more than 20,000 Medicaid inpatient days in the high volume base period.

b) The following classes of hospitals are ineligible for High Volume Adjustment Payments associated with the qualifying criteria listed in subsection (a) of this Section:

1) County-owned hospitals as described in Section 148.25(b)(1)(A).

2) Hospitals organized under the University of Illinois Hospital Act [110 ILCS 330], as described in Section 148.25(b)(1)(B).
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3) A hospital owned or operated by a State agency, as described in Section 148.25(b)(6).

c) High Volume Adjustment Payments

1) For a hospital qualifying under subsection (a) of this Section, the Department shall pay the product of $190.00 multiplied by the qualifying hospital’s Medicaid inpatient days.

2) For a hospital that files a combined Medicaid cost report with another hospital after January 1, 2001, and then subsequently closes, the payment described in subsection (c)(1) of this Section shall be multiplied by a fraction, the numerator of which is the number of occupied bed days attributable to the open hospital and the denominator of which is the sum of the occupied bed days of each open hospital and each closed hospital.

3) For hospitals qualifying under subsection (a) of this Section that provided fewer than 30,000 Medicaid inpatient days in the high volume base period, payments will be the lesser of the calculation described in subsection (c)(1) or (c)(2) of this Section or $3,500,000.

d) Payment to a Qualifying Hospital

1) For the high volume adjustment period occurring in State fiscal year 2004, total payments will equal the methodologies described in subsection (c) of this Section multiplied by the proration factor and shall be paid to the hospital within 75 days after the conditions described in subsection (f) of this Section have been met on or before June 15, 2004.

2) For the high volume adjustment period occurring in State fiscal year 2005, total payments will equal the methodologies described in subsection (c) of this Section and shall be paid to the hospital in four equal installments on or before July 15, 2004, October 15, 2004, January 14, 2005 and April 15, 2005. The sum of the amounts, required prior to the conditions in subsection (f) being met, shall be paid within 75 days after the conditions in subsection (f) have been met.

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

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

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

3) "Medicaid inpatient days" means, for a given hospital, the sum of days of inpatient hospital service provided to recipients of medical assistance under Title XIX of the federal Social Security Act, excluding days for individuals eligible for Medicare under Title XVIII of that Act (Medicaid/Medicare crossover days), as tabulated from the Department's paid claims data for admissions occurring in the high volume base period that were adjudicated by the Department through June 30, 2002.

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

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

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

1) the methodologies described in this Section receive federal approval from the Centers for Medicare and Medicaid Services in an appropriate State Plan Amendment;

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

(Source: Amended at 29 Ill. Reg. 8363, effective June 1, 2005)
ILLINOIS REGISTER 8388

05

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Definitions

2) Code Citation: 11 Ill. Adm. Code 210

3) Section Number: Adopted Action:
   210.10 Amend

4) Statutory Authority: 230 ILCS 5/9(b)

5) Effective Date of Rulemaking: June 1, 2005

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency’s central office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: February 4, 2005; 29 Ill. Reg. 1843

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version: None

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

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

14) Are there any other proposed amendments pending in this Part? No

15) Summary and purpose of Rulemaking: To be consistent with current legislative changes, this rulemaking amends the definition of “minor.” The definitions of “Length of Race” and “Racing Day” were deleted and the definitions of “Age”, “Entry” and “Paddock” were updated.

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

   Illinois Racing Board
   100 West Randolph
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Suite 7-701
Chicago, Illinois 60601
Attn: Mickey Ezzo
(312) 814-5017

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

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

PART 210
DEFINITIONS

Section 210.10 Definitions

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


Section 210.10 Definitions


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

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

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

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

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

"Allowance Race" – A race, other than a claiming race, for which certain
conditions of eligibility are established.

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

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

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

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

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

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

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

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

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

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

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

"Board" – Illinois Racing Board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Console" – The totalizator status monitor that displays current race pool status information.
"Contest" – A competitive racing event on which pari-mutuel wagering is conducted.

"Contestant" – An individual participant in a contest.

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

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

"Dam" – The female parent.

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

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

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

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

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

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

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

"Early Closing Race" – A harness race into which entries close at least six weeks preceding the race.
"Eligible to Race" – Refers to a horse whose trainer: has been granted stall space on association grounds; or has been approved to stable elsewhere and to ship in to race at a specific race meeting.

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

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

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

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

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

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

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

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

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

"Financial Interest" – An interest that could result in directly or indirectly receiving a pecuniary gain or sustaining a pecuniary loss as a result of ownership
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or interest in a horse or business entity, or as a result of salary, gratuity or other compensation or remuneration from any person. The lessee and lessor of a horse have financial interests.

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

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

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

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

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

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

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

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

"Gelding" – A castrated horse.

"Gender and Number" – Pronouns of one gender include the other and singular words include the plural and vice versa, unless the context clearly indicates otherwise.
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"Gimmick Race" – A race on which a form of multiple wagering is conducted, such as Daily Double, Quinella, Exacta, Perfecta, Trifecta, etc.

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

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

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

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

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

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

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

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

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

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

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

"Illinois Foaled" – A horse dropped in Illinois.

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

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

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

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

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

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

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

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

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

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

"Length of Race" – Races shall be run at the stated distance in units not shorter
than a sixteenth of a mile.

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

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

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

"Maiden Race" – A contest restricted to nonwinners.

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

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

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

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

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

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

"Month" – A calendar month.

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

"Mutuel Manager" – The racing official designated by the organization licensee to
supervise its pari-mutuel department.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Person" – Any individual, partnership, corporation or other association or entity.
"Pharmaceutical Aids" – Polyethylene glycol, polyoxyethylene glycol, polyalkylene glycol, polyoxyalkylene glycol, polysorborates, sorbitans and their analogues and derivatives.

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

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

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

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

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

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

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

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

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

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

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

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

"Qualifying Race" – A race for the purpose of viewing horses for speed, racing manners and competitiveness in which no purse money is offered and on which no pari-mutuel wagering is conducted.
"Quarter Horse" – A horse registered with the American Quarter Horse Association of Amarillo, Texas.

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

"Race Course" – The actual racing surface.

"Race on the Flat" – (see Flat Race)

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

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

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

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

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

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

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

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

"Recognized Meeting" – Any race meeting with regularly scheduled races
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licensed by and conducted under rules promulgated by a governmental regulatory body, including meetings in foreign countries.

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

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

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

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

"Ruled Off" – Synonymous with suspended or excluded.

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

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

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

"Scoring" – Preliminary warm-ups by horses.

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

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

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

"Single Price Pool" – An equal distribution of profit to winning betting interests or winning betting combinations through a single payoff price.
"Stable Name" – The assumed name or nom de course under which a person or stable races horses.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Trial Race" – Part of a series of contests in which horses participate for the purpose of determining eligibility for a subsequent contest.
"Uplink" – An earth station broadcasting facility, whether mobile or fixed, that is used to transmit audio-visual signals and/or data on FCC-controlled frequencies, and includes any electronic transfer of audio-visual signals from within a racing enclosure to the location of the transmitter at the uplink.

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

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

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

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

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

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

"Week" – A calendar week.

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

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

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

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

NOTICE OF ADOPTED AMENDMENT

heat for first, those horses shall be considered winners.

"Wire" – See Finish line.

"Year" – A calendar year.

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

NOTICE OF ADOPTED AMENDMENT

1) **Heading of the Part**: Prohibited Conduct

2) **Code Citation**: 11 Ill. Adm. Code 423

3) **Section Number**: Adopted Action:
   423.30   New Section

4) **Statutory Authority**: 230 ILCS 5/9(b)

5) **Effective Date of Rulemaking**: June 1, 2005

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this amendment contain incorporations by reference?** No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency’s central office and is available for public inspection.

9) **Notice of Proposal Published in Illinois Register**: February 4, 2005; 29 Ill. Reg. 1864

10) **Has JCAR issued a Statement of Objection to this rulemaking?** No

11) **Differences between proposal and final version**: None

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

13) **Will this amendment replace any emergency amendment currently in effect?** No

14) **Are there any other proposed amendments pending in this Part?** No

15) **Summary and purpose of rulemaking**: This rulemaking mirrors the language found in Section 24(f) of the Illinois Horse Racing Act of 1975. This rulemaking prohibits an officer, director or holder or controller of 5% or more interest in an organization licensee or concession from making a contribution to any person who is a public official, or a candidate or nominee for public office.

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

   Illinois Racing Board
ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

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

(312) 814-5017

The full text of the Adopted Amendment begins on the next page:
NOTICE OF ADOPTED AMENDMENT

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

PART 423
PROHIBITED CONDUCT

Section 423.20  Sale of Products

Section 423.30  Political Contributions

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


Section 423.30  Political Contributions

No organization licensee or concessionaire or officer, director or holder or controller of 5% or more legal or beneficial interest in any organization licensee or concession shall make any sort of gift or contribution of any kind or pay or give any money or other thing of value to any person...
who is a public official, or a candidate or nominee for public office. [230 ILCS 5/24] Violation of this Section shall be grounds for revocation or suspension of license, revocation or denial of racing dates, or any other appropriate remedy.

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

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Race Track Operators and Their Duties

2) Code Citation: 11 Ill. Adm. Code 1305

3) Section Number: Adopted Action:
   1305.70 Repeal

4) Statutory Authority: 230 ILCS 5/9(b)

5) Effective Date of Rulemaking: June 1, 2005

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency’s central office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: February 4, 2005; 29 Ill. Reg. 1867

10) Has JCAR issued a Statement of Objection to this rulemaking? No

11) Differences between proposal and final version: None

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

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

14) Are there any other proposed amendments pending in this Part? No

15) Summary and purpose of rulemaking: The Section being repealed in this rulemaking can be found slightly modified in Section 423.30 of Part 423.

16) Information and questions regarding this adopted amendment shall be directed to:
   Illinois Racing Board
   100 West Randolph, Suite 7-701 (312) 814-5017
   Chicago, Illinois 60601
   Attn: Mickey Ezzo

The full text of the Adopted Amendment begins on the next page:
## ILLINOIS RACING BOARD

### NOTICE OF ADOPTED AMENDMENT

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

**PART 1305**  
**RACE TRACK OPERATORS AND THEIR DUTIES**

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

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


Section 1305.70  Political Contributions (Repealed)

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

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

1) **Heading of the Part:** Disclosure Rules

2) **Code Citation:** 11 Ill. Adm. Code 1437

3) **Section Number:** 1437.70  
   **Adopted Action:** Repeal

4) **Statutory Authority:** 230 ILCS 5/9(b)

5) **Effective Date of Rulemaking:** June 1, 2005

6) **Does this rulemaking contain an automatic repeal date?** No

7) **Does this amendment contain incorporations by reference?** No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency’s central office and is available for public inspection.

9) **Notice of Proposal Published in Illinois Register:** February 4, 2005; 29 Ill. Reg. 1871

10) **Has JCAR issued a Statement of Objection to this rulemaking?** No

11) **Differences between proposal and final version:** None

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

13) **Will this amendment replace any emergency amendment currently in effect?** No

14) **Are there any other proposed amendments pending in this Part?** No

15) **Summary and purpose of rulemaking:** The Section being repealed in this rulemaking can be found slightly modified in Section 423.30 of Part 423.

16) **Information and questions regarding this adopted amendment shall be directed to:**  
   Illinois Racing Board  
   100 West Randolph, Suite 7-701  
   Chicago, Illinois 60601  
   Attn: Mickey Ezzo  
   (312) 814-5017

   The full text of the Adopted Amendment begins on the next page:
Section 1437.70  Political Contributions (Repealed)

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

(Source: Repealed at 29 Ill. Reg. 8416, effective June 1, 2005)
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

1) **Heading of the Part:** Pay Plan

2) **Code Citation:** 80 Ill. Adm. Code 310

3) **Section Number:** 310.Appendix A Table W  **Peremptory Action:** Amendment

4) **Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking:** The Department of Central Management Services is amending the Pay Plan (80 Ill. Adm. Code 310.Appendix A, Table W) to reflect the newly established classification of Capital Development Board Art in Architecture Technician, which is represented by the American Federation of State, County and Municipal Employees (AFSCME). Effective June 1, 2005, the Civil Service Commission approved the establishment of the Capital Development Board Art in Architecture Technician title. Effective October 29, 2003, certain non-Personnel Code positions in the Capital Development Board are certified as being included under RC-062, reclassified into the Capital Development Board Art in Architecture Technician title, and assigned the salary grade of RC-062-12, as provided in the Memorandum of Understanding between the Department of Central Management Services and AFSCME signed November 1, 2004.

5) **Statutory Authority:** Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 20 ILCS 415/8a].

6) **Effective Date:** June 1, 2005

7) **A Complete Description of the Subjects and Issues Involved:** Section 310.Appendix A Table W is amended to reflect the AFSCME representation of the Capital Development Board Art in Architecture Technician title. The Capital Development Board Art in Architecture Technician title is listed with its title code of 06533 and salary grade of RC-062-12.

8) **Does this rulemaking contain an automatic repeal date?** No

9) **Date filed with the Index Department:** May 25, 2005

10) **This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.**
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act?
   Yes.

12) Are there any other proposed amendments pending on this Part?

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### DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

**NOTICE OF PEREMPTORY AMENDMENT**

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

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

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

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

The full text of the Peremptory Amendment begins on the next page:
NOTICE OF PEREMPTORY AMENDMENT

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

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

SUBPART B: SCHEDULE OF RATES

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

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

SUBPART C: MERIT COMPENSATION SYSTEM

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

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

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<td>AB</td>
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APPENDIX B Schedule of Salary Grades – Monthly Rates of Pay for Fiscal Year 2005
APPENDIX C Medical Administrator Rates for Fiscal Year 2005
APPENDIX D Merit Compensation System Salary Schedule for Fiscal Year 2005
APPENDIX E Teaching Salary Schedule (Repealed)
APPENDIX F Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX G Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2005

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

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

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Section 310.APPENDIX A  Negotiated Rates of Pay

Section 310.TABLE W   RC-062 (Technical Employees, AFSCME)

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Capital Development Board Art in Architecture Technician

RC-062-12 06533

Chemist I

RC-062-16 06941

Chemist II

RC-062-19 06942

Chemist III

RC-062-21 06943

Child Protection Advanced Specialist

RC-062-19 07161

Child Protection Associate Specialist

RC-062-16 07162

Child Protection Specialist

RC-062-18 07163

Child Welfare Associate Specialist

RC-062-16 07216

Child Welfare Staff Development Coordinator I

RC-062-17 07201

Child Welfare Staff Development Coordinator II

RC-062-19 07202

Child Welfare Staff Development Coordinator III

RC-062-20 07203

Child Welfare Staff Development Coordinator IV

RC-062-22 07204

Children and Family Service Intern – Option 1

RC-062-12 07241

Children and Family Service Intern – Option 2

RC-062-15 07242

Clinical Laboratory Technologist I

RC-062-18 08220

Clinical Laboratory Technologist II

RC-062-19 08221

Clinical Laboratory Technologist Trainee

RC-062-14 08229

Communications Systems Specialist

RC-062-23 08860

Community Management Specialist I

RC-062-15 08891

Community Management Specialist II

RC-062-17 08892

Community Management Specialist III

RC-062-19 08893

Community Planner I

RC-062-15 08901

Community Planner II

RC-062-17 08902

Community Planner III

RC-062-19 08903

Conservation Education Representative

RC-062-12 09300

Conservation Grant Administrator I

RC-062-18 09311

Conservation Grant Administrator II

RC-062-20 09312

Conservation Grant Administrator III

RC-062-22 09313

Construction Program Assistant

RC-062-12 09525

Correctional Counselor I

RC-062-15 09661

Correctional Counselor II

RC-062-17 09662

Correctional Counselor III

RC-062-19 09663

Corrections Academy Trainer

RC-062-17 09732

Corrections Apprehension Specialist

RC-062-19 09750

Corrections Industries Marketing Representative

RC-062-17 09803

Corrections Leisure Activities Specialist I

RC-062-15 09811

Corrections Leisure Activities Specialist II

RC-062-17 09812

Corrections Leisure Activities Specialist III

RC-062-19 09813

Corrections Parole Agent

RC-062-17 09842
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

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Financial Institutions Examiner I RC-062-16 14971
Financial Institutions Examiner II RC-062-19 14972
Financial Institutions Examiner III RC-062-22 14973
Financial Institutions Examiner Trainee RC-062-13 14978
Flight Safety Coordinator RC-062-21 15640
Forensic Scientist I RC-062-18 15891
Forensic Scientist II RC-062-20 15892
Forensic Scientist III RC-062-22 15893
Forensic Scientist Trainee RC-062-15 15897
Guardianship Representative RC-062-17 17710
Habilitation Program Coordinator RC-062-17 17960
Handicapped Services Representative I RC-062-11 17981
Health Facilities Surveyor I RC-062-16 18011
Health Facilities Surveyor II RC-062-19 18012
Health Facilities Surveyor III RC-062-20 18013
Health Planning Specialist I RC-062-19 18154
Health Planning Specialist II RC-062-22 18155
Health Services Investigator I – Opt. A RC-062-19 18181
Health Services Investigator I – Opt. B RC-062-20 18182
Health Services Investigator II – Opt. A RC-062-22 18185
Health Services Investigator II – Opt. C RC-062-25 18187
Health Services Investigator II – Opt. D RC-062-25 18188
Historical Documents Conservator I RC-062-13 18981
Historical Exhibits Designer RC-062-15 18985
Historical Research Editor II RC-062-14 19002
Human Relations Representative RC-062-16 19670
Human Rights Investigator I RC-062-15 19774
Human Rights Investigator II RC-062-17 19775
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Human Rights Specialist I RC-062-14 19778
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Human Services Caseworker RC-062-16 19785
Human Services Grants Coordinator I RC-062-14 19791
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Human Services Grants Coordinator III RC-062-20 19793
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Human Services Sign Language Interpreter RC-062-16 19810
Iconographer RC-062-12 19880
Industrial Services Consultant I RC-062-14 21121
Industrial Services Consultant II RC-062-16 21122
Industrial Services Consultant Trainee RC-062-11 21125
Industrial Services Hygienist RC-062-19 21127
Industrial Services Hygienist Technician RC-062-16 21130
Industrial Services Hygienist Trainee RC-062-12 21133
Information Technology/Communications Systems Specialist I RC-062-19 21216
Information Technology/Communications Systems Specialist II RC-062-24 21217
Instrument Designer RC-062-18 21500
Insurance Analyst III RC-062-14 21563
Insurance Analyst IV RC-062-16 21564
Insurance Company Claims Examiner II RC-062-19 21602
Insurance Company Field Staff Examiner RC-062-16 21608
Insurance Company Financial Examiner Trainee RC-062-13 21610
Insurance Performance Examiner I RC-062-14 21671
Insurance Performance Examiner II RC-062-16 21672
Insurance Performance Examiner III RC-062-20 21673
Intermittent Unemployment Insurance Representative RC-062-12H 21689
Internal Auditor I RC-062-17 21721
Labor Conciliator RC-062-20 22750
Laboratory Equipment Specialist RC-062-18 22990
Laboratory Quality Specialist I RC-062-19 23021
Laboratory Quality Specialist II RC-062-21 23022
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Laboratory Research Specialist II RC-062-21 23028
Land Acquisition Agent I RC-062-15 23091
Land Acquisition Agent II RC-062-18 23092
Land Acquisition Agent III RC-062-21 23093
Land Reclamation Specialist I RC-062-14 23131
Land Reclamation Specialist II RC-062-17 23132
Liability Claims Adjuster I RC-062-14 23371
Library Associate RC-062-12 23430
Life Sciences Career Trainee RC-062-12 23600
Liquor Control Special Agent II RC-062-15 23752
Local Historical Services Representative RC-062-17 24000
Local Housing Advisor I RC-062-14 24031
Local Housing Advisor II RC-062-16 24032
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Local Housing Advisor III RC-062-18 24033
Local Revenue and Fiscal Advisor I RC-062-15 24101
Local Revenue and Fiscal Advisor II RC-062-17 24102
Local Revenue and Fiscal Advisor III RC-062-19 24103
Lottery Sales Representative RC-062-16 24515
Management Operations Analyst I RC-062-18 25541
Management Operations Analyst II RC-062-20 25542
Manpower Planner I RC-062-14 25591
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Manpower Planner III RC-062-20 25593
Manpower Planner Trainee RC-062-12 25597
Medical Assistance Consultant I RC-062-13 26501
Medical Assistance Consultant II RC-062-16 26502
Medical Assistance Consultant III RC-062-19 26503
Mental Health Specialist I RC-062-12 26924
Mental Health Specialist II RC-062-14 26925
Mental Health Specialist III RC-062-16 26926
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Meteorologist RC-062-18 27120
Methods and Procedures Advisor I RC-062-14 27131
Methods and Procedures Advisor II RC-062-16 27132
Methods and Procedures Career Associate I RC-062-11 27135
Methods and Procedures Career Associate II RC-062-12 27136
Methods and Procedures Career Associate Trainee RC-062-09 27137
Metrologist Associate RC-062-15 27146
Microbiologist I RC-062-16 27151
Microbiologist II RC-062-19 27152
Natural Resources Advanced Specialist RC-062-20 28833
Natural Resources Coordinator RC-062-15 28831
Natural Resources Specialist RC-062-18 28832
Paralegal Assistant RC-062-14 30860
Police Training Specialist RC-062-17 32990
Program Integrity Auditor I RC-062-16 34631
Program Integrity Auditor II RC-062-19 34632
Program Integrity Auditor Trainee RC-062-12 34635
Property Consultant RC-062-15 34900
Property Tax Analyst I RC-062-12 34921
Property Tax Analyst II RC-062-14 34922
Public Aid Appeals Advisor RC-062-18 35750
Public Aid Family Support Specialist I RC-062-17 35841
DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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

Effective July 1, 2003

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| RC-062-16 | 2808 2883 2963 3047 3184 3324 3463 3607 3751 3973 4052 4092 |
| RC-062-16Q | 2883 2963 3047 3136 3276 3424 3568 3714 3864 4092 4174 4215 |
| RC-062-16S | 2939 3020 3105 3193 3335 3484 3628 3774 3924 4151 4234 4276 |
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| RC-062-18Q | 3171 3262 3359 3460 3630 3797 3970 4133 4297 4553 4644 4690 |
# DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF PEREMPTORY AMENDMENT

| RC-062-18S | 3228 3320 3420 3518 3689 3857 4029 4192 4358 4612 4704 4750 |
| RC-062-19 | 3244 3338 3437 3541 3722 3897 4079 4249 4427 4695 4789 4836 |
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| RC-062-20 | 3425 3529 3634 3742 3931 4114 4309 4496 4681 4967 5066 5116 |
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| RC-062-20S | 3587 3694 3802 3914 4108 4297 4498 4690 4882 5175 5279 5330 |
| RC-062-21 | 3616 3725 3837 3950 4153 4354 4558 4766 4964 5273 5378 5431 |
| RC-062-21Q | 3725 3837 3950 4068 4279 4484 4695 4908 5113 5432 5541 5595 |
| RC-062-21S | 3785 3897 4010 4130 4338 4544 4755 4968 5172 5491 5601 5656 |
| RC-062-22 | 3822 3937 4056 4177 4394 4609 4827 5050 5261 5587 5699 5755 |
| RC-062-22Q | 3937 4056 4177 4302 4526 4748 4971 5201 5419 5755 5870 5928 |
| RC-062-22S | 3997 4114 4237 4363 4584 4808 5029 5260 5480 5815 5931 5989 |
| RC-062-23 | 4056 4177 4302 4430 4665 4904 5137 5374 5608 5959 6078 6138 |
| RC-062-23Q | 4177 4302 4430 4565 4806 5052 5290 5534 5775 6137 6260 6321 |
| RC-062-23S | 4237 4363 4491 4624 4865 5111 5350 5594 5835 6197 6321 6383 |
| RC-062-24 | 4315 4444 4577 4715 4966 5225 5476 5729 5988 6363 6490 6554 |
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| RC-062-25 | 4599 4737 4879 5025 5301 5580 5858 6137 6416 6828 6965 7033 |
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| RC-062-25S | 4798 4938 5086 5235 5520 5805 6093 6381 6667 7092 7234 7305 |

Effective December 2, 2004

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Effective January 1, 2005

RC-062

STEPS
## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

**NOTICE OF PEREMPTORY AMENDMENT**

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENT

26  4958  5107  5262  5472  5770  6075  6384  6681  6981  7433  7656

27  5241  5398  5561  5839  6157  6482  6812  7129  7449  7931  8169

(Source: Peremptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005)
NOTICES: The scheduled date and time for the JCAR meeting are subject to change. Due to Register submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting and items from the list can be postponed to future meetings.

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

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

RULEMAKINGS CURRENTLY BEFORE JCAR

Attorney General

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

   -First Notice Published: 29 Ill. Reg. 4543 – 4/1/05
   -Expiration of Second Notice: 7/6/05

Board of Examiners

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

Central Management Services
JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

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

4. Merit and Fitness (80 Ill. Adm. Code 302)
   -First Notice Published: 28 Ill. Reg. 9808 – 7/16/04
   -Expiration of Second Notice: 7/6/05

5. Pay Plan (80 Ill. Adm. Code 310)
   -First Notice Published: 29 Ill. Reg. 4186 – 3/18/05
   -Expiration of Second Notice: 6/18/05

Commerce and Economic Opportunity

   -First Notice Published: 29 Ill. Reg. 3411 – 3/11/05
   -Expiration of Second Notice: 7/3/05

7. Industrial Training Program (56 Ill. Adm. Code 2650)
   -First Notice Published: 28 Ill. Reg. 14309 – 11/5/04
   -Expiration of Second Notice: 6/22/05

Commerce Commission

   -First Notice Published: 29 Ill. Reg. 2139 – 2/14/05
   -Expiration of Second Notice: 7/10/05

Education

   -First Notice Published: 29 Ill. Reg. 3414 – 3/11/05
   -Expiration of Second Notice: 7/6/05

JOINT COMMITTEE ON ADMINISTRATIVE RULES

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CHICAGO, ILLINOIS
10:30 A.M.
JUNE 14, 2005

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

11. Dismissal of Tenured Teachers (23 Ill. Adm. Code 51)
   -First Notice Published: 29 Ill. Reg. 3459 – 3/11/05
   -Expiration of Second Notice: 7/6/05

12. Dismissal of Tenured Teachers and Civil Service Employees Under Article 34 (Repealer) (23 Ill. Adm. Code 52)
   -First Notice Published: 29 Ill. Reg. 3474 – 3/11/05
   -Expiration of Second Notice: 7/6/05

   -First Notice Published: 29 Ill. Reg. 3849 – 3/11/05
   -Expiration of Second Notice: 7/6/05

14. Electronic Transfer of Funds (23 Ill. Adm. Code 155)
   -First Notice Published: 29 Ill. Reg. 3494 – 3/11/05
   -Expiration of Second Notice: 7/6/05

15. Secular Textbook Loan (23 Ill. Adm. Code 350)
   -First Notice Published: 29 Ill. Reg. 3049 – 3/4/05
   -Expiration of Second Notice: 7/6/05

16. Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475)
   -First Notice Published: 29 Ill. Reg. 3504 – 3/11/05
   -Expiration of Second Notice: 7/6/05

17. Hearings Before the State Teacher Certification Board (Repealer) (23 Ill. Adm. Code 480)
   -First Notice Published: 29 Ill. Reg. 3527 – 3/11/05
   -Expiration of Second Notice: 7/6/05

Elevator Safety Review Board
JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

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

   -First Notice Published: 29 Ill. Reg. 1101 – 11/21/05
   -Expiration of Second Notice: 6/15/05

   Environmental Protection Agency

   -First Notice Published: 29 Ill. Reg. 2593 – 2/18/05
   -Expiration of Second Notice: 7/3/05

   -First Notice Published: 28 Ill. Reg. 10486 – 7/30/04
   -Expiration of Second Notice: 6/23/05

   Executive Ethics Commission

   -First Notice Published: 29 Ill. Reg. 3189 – 3/4/05
   -Expiration of Second Notice: 7/3/05

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

   Financial and Professional Regulation

23. Illinois Credit Union Act (38 Ill. Adm. Code 190)
   -First Notice Published: 29 Ill. Reg. 4431 – 3/25/05
   -Expiration of Second Notice: 6/26/05

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

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

Code 2001)
-First Notice Published: 29 Ill. Reg. 2101 – 2/14/05
-Expiration of Second Notice: 7/7/05

-First Notice Published: 29 Ill. Reg. 1460 – 1/28/05
-Expiration of Second Notice: 7/9/05

Gaming Board

-First Notice Published: 28 Ill. Reg. 13149 – 10/1/04
-Expiration of Second Notice: 6/24/05

Natural Resources

27. Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, Beaver and Woodchuck (Groundhog) Trapping (17 Ill. Adm. Code 570)
-First Notice Published: 29 Ill. Reg. 4570 – 4/1/05
-Expiration of Second Notice: 7/6/05

-First Notice Published: 29 Ill. Reg. 4581 – 4/1/05
-Expiration of Second Notice: 7/6/05

29. White-Tailed Deer Hunting by Use of Firearms (17 Ill. Adm. Code 650)
-First Notice Published: 29 Ill. Reg. 2919 – 2/25/05
-Expiration of Second Notice: 6/24/05

-First Notice Published: 29 Ill. Reg. 2946 – 2/25/05
-Expiration of Second Notice: 6/24/05

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

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

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

32. Squirrel Hunting (17 Ill. Adm. Code 690)
   -First Notice Published: 29 Ill. Reg. 4651 – 4/1/05
   -Expiration of Second Notice: 7/6/05

33. Dove Hunting (17 Ill. Adm. Code 730)
   -First Notice Published: 29 Ill. Reg. 4662 – 4/1/05
   -Expiration of Second Notice: 7/6/05

34. Crow, Woodchuck, Snipe, Rail and Teal Hunting (17 Ill. Adm. Code 740)
   -First Notice Published: 29 Ill. Reg. 4897 – 4/8/05
   -Expiration of Second Notice: 7/8/05

   -First Notice Published: 29 Ill. Reg. 1710 – 2/4/05
   -Expiration of Second Notice: 7/3/05

   -First Notice Published: 29 Ill. Reg. 1755 – 2/4/05
   -Expiration of Second Notice: 7/3/05

   -First Notice Published: 29 Ill. Reg. 1775 – 2/4/05
   -Expiration of Second Notice: 7/3/05

Public Aid

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

SCHEDULED MEETING:

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

Expiration of Second Notice: 6/18/05

   -First Notice Published: 29 Ill. Reg. 2675 – 2/18/05
   -Expiration of Second Notice: 6/18/05

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

Public Health

41. Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)
   -First Notice Published: 28 Ill. Reg. 10895 – 8/6/04
   -Expiration of Second Notice: 7/10/05

42. Sheltered Care Facilities Code (77 Ill. Adm. Code 330)
   -First Notice Published: 28 Ill. Reg. 10934 – 8/6/04
   -Expiration of Second Notice: 7/10/05

   -First Notice Published: 28 Ill. Reg. 10969 – 8/6/04
   -Expiration of Second Notice: 7/10/05

44. Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)
   -First Notice Published: 28 Ill. Reg. 10998 – 8/6/04
   -Expiration of Second Notice: 7/10/05

45. Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)
   -First Notice Published: 28 Ill. Reg. 11035 – 8/6/04
   -Expiration of Second Notice: 7/10/05
JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

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

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

Racing Board

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

Revenue

48. Income Tax (86 Ill. Adm. Code 100)
   -First Notice Published: 29 Ill. Reg. 2988 – 2/25/05
   -Expiration of Second Notice: 6/24/05

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

Secretary of State

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

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

State Universities Retirement System

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

SCHEDULED MEETING:

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

-Expiry of Second Notice: 6/15/05

Teachers Retirement System

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

EMERGENCY RULEMAKINGS

Employment Security

   -Notice Published: 29 Ill. Reg. 6783 – 5/6/05

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

Public Health

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

Transportation

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

PEREMPTORY RULEMAKINGS

Central Management Services
JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

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

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

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

EXEMPT RULEMAKINGS

Pollution Control Board

60. Sewer Discharge Criteria (35 Ill. Adm. Code 307)
    -Proposed Date: 2/18/05
    -Adopted Date: 5/13/05

    -Proposed Date: 3/18/05
    -Adopted Date: 6/3/05

AGENCY RESPONSE

Public Aid

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

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JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF PUBLICATION ERROR

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

1) **Heading of the Part:** Pay Plan

2) **Code Citation:** 80 Ill. Adm. Code 310

3) **Register citation of peremptory rulemaking:** 29 Ill. Reg. 7217

4) **Explanation:** The Department of Central Management Services (CMS) adopted these peremptory amendments to the Pay Plan to reflect 2 memoranda of understanding between CMS and the Illinois Federation of Public Employees' Local 4408. One was signed on April 20, 2005 and became effective January 1, 2005, while the other was signed on April 7, 2005 and became effective April 1, 2005. When this Notice was published in the May 27, 2005 *Illinois Register*, JCAR mistakenly published that both of these memoranda of understanding became effective April 1, 2005, which, in one case, would have violated the 30 day timeline for use of peremptory rulemaking.
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of $2,500 against South Suburban Mortgage Corporation, License No. MB.0004619 of Flossmoor, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective May 20, 2005. For further reference link to: http://www.obre.state.il.us/
Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of $10,000 against Greenwood Pratt & Sloan Financial Services, License No. MB.0005970 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective May 20, 2005. For further reference link to: http://www.obre.state.il.us/
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF REVOCATION IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

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

NOTICE OF SUSPENSION IMPOSED UNDER

THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

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

2005-199

SENIOR RESOURCE DAY

WHEREAS the bringing together of resources helps to restore the community and the visible connection between state services and the people served; and
WHEREAS the State of Illinois responds to its citizens, encouraging ordinary people and civic leaders to call upon state resources to form a united service resource; and
WHEREAS Senior Resource Day will grow and become a valuable, dependable community foundation of response to the needs of our seniors; and
WHEREAS, Senior Resource Day symbolizes the respect that this community and this state holds for each and every senior; and
WHEREAS, Senior Resource Day will continue to show seniors respect for yesterday, support for today and a plan for tomorrow; and
WHEREAS, the first Senior Resource Conference is the result of cooperation between citizens in need, civic activists, religious leaders and the responsiveness of state agencies:
THEREFORE, I Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 25, 2005 as SENIOR RESOURCE DAY in Illinois, in recognition of the cooperation and valuable role that state resources play in the lives of elderly citizens of this State.

Issued by the Governor May 24, 2005.
Filed by the Secretary of State May 24, 2005.

2005-200

DYSTONIA AWARENESS WEEK

WHEREAS, Dystonia is a neurological movement disorder characterized by involuntary muscle contractions which force certain parts of the body into abnormal, sometimes painful movements or postures; and
WHEREAS, Dystonia can affect any part of the body including the arms, legs, trunk, neck, eyelids, face and vocal cords; and
WHEREAS, although Dystonia affects approximately 300,000 people in North America, little is known about the disorder, and to date, there is still no cure, nor any known cause; and
WHEREAS, the Dystonia Medical Research Foundation exists to support Dystonia patients and their loved ones, as well as to serve as a powerful informational resource about the disorder; and
WHEREAS, providing better information about recognizing and understanding Dystonia to Illinois citizens and medical professionals will provide countless benefits to those who are affected by the disorder:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 4 - 11, 2005 as DYSTONIA AWARENESS WEEK in Illinois, and urge all
citizens to be aware of the causes and effects of Dystonia and to support those who are currently suffering from the disorder.
Issued by the Governor May 24, 2005.
Filed by the Secretary of State May 24, 2005.

2005-201
SPECIALTY CROPS MONTH

WHEREAS, direct marketing of farm products through farmers markets continues to be an important sales outlet for agricultural producers nationwide, with approximately 19,000 farmers selling their produce only at these venues; and
WHEREAS, farmers markets are a vital part of the urban/farm connection, providing fresh, affordable foods and promoting nutrition education; and
WHEREAS, there are more than 3,700 farmers markets in the United States and more than one hundred in Illinois, providing Illinois citizens with nutritious, fresh, locally produced fruits and vegetables; and
WHEREAS, there are more than 117,000 acres in Illinois devoted to the production of fresh and processed specialty crops, which result in $136,664,000 in specialty crop sales for Illinois farmers; and
WHEREAS, farmers markets support economic development in villages, towns and cities throughout the State:
THEREFORE, I Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 2005 as SPECIALTY CROPS MONTH in Illinois, and encourage all citizens to visit their local farmers markets and support the State’s specialty crop growers by “Buying Fresh & Buying Local.”
Issued by the Governor May 24, 2005.
Filed by the Secretary of State May 24, 2005.

2005-202
MEMORIAL DAY 2005

WHEREAS, throughout the history of this great country, millions of brave men and women have answered their call to duty and served in the United States Armed Forces in times of war and peace. Sadly, many of those soldiers have paid the ultimate sacrifice; and
WHEREAS, it is a great tragedy when a member of the Armed Forces is killed in the line of duty; and
WHEREAS, in May of each year, a commemoration of Memorial Day gives Americans the opportunity to remember the soldiers that have lost their lives in the name of freedom and democracy; and
WHEREAS, through every American conflict, Illinoisans have served in the Armed Forces with great honor and distinction. Those who have died will be forever remembered as
true American Heroes, and Illinois is proud to recognize each and every one of those individuals on this Memorial Day 2005:

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

Issued by the Governor May 27, 2005.
Filed by the Secretary of State May 27, 2005.

2005-203
SLOVENIAN DAY

WHEREAS, the Slovenian culture has existed for over 1500 years, persisting through the rule of numerous European empires and conquerors; and
WHEREAS, Slovenians fought bravely for their independence against both the Axis powers during World War II and Slobodan Milosevic’s Yugoslavia in 1991; and
WHEREAS, the Republic of Slovenia gained its independence from Yugoslavia on July 17, 1991; and
WHEREAS, thousands of Slovenian Americans live in Illinois and have contributed much to the progress and development of the state; and
WHEREAS, on June 11th of this year, Slovenians in Illinois and around the world will commemorate the 14th anniversary of independence by celebrating Slovenian Day, which highlights Slovenian literature, artists, folklore, singing, dancing, music, and crafts:
THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 11, 2005 as SLOVENIAN DAY in Illinois, and encourage all citizens to join in celebration of the rich Slovenian culture and heritage.

Issued by the Governor May 27, 2005.
Filed by the Secretary of State May 27, 2005.

2005-204
NATIONAL GARDEN WEEK

WHEREAS, the Garden Clubs of Illinois, in cooperation with the National Garden Clubs, Inc., is promoting National Garden Week in Illinois; and
WHEREAS, Garden Week involves setting aside a special week to strengthen communities by encouraging citizens of all ages to work toward common goals; and
WHEREAS, among Garden Week activities are educational programs, environmental cleanup, community beautification, flower shows, garden walks, youth activities and workshops; and
WHEREAS, the Garden Clubs of Illinois is a non-profit organization with more than 9,500 members and 195 clubs throughout Illinois; and
WHEREAS, the members are concerned citizens willing to devote their time and talents to the conservation, preservation, and beautification of our state’s natural treasurers and to expand and share our knowledge for the betterment of the environment:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 5 – 11, 2005 as NATIONAL GARDEN WEEK in Illinois, and encourage all citizens to recognize and celebrate the importance of our state’s natural wonders.

Issued by the Governor May 27, 2005.

Filed by the Secretary of State May 27, 2005.

2005-205

PEORIA FALL FESTIVAL AND RIBFEST ILLINOIS STATE CHAMPIONSHIP DAYS

WHEREAS, on September 9 and 10, 2005, the Peoria Area Community Events (PACE) will sponsor eight city-wide events, which includes the “Fall Festival and Ribfest”; and

WHEREAS, 25 years ago, this Ribfest started in the City Hall parking lot with six competitors. Last year, this event grew to more than 50 teams, comprised of local and Kansas City Barbecue Society (KCBS) teams, competing on the riverfront; and

WHEREAS, the Peoria Fall Festival and Ribfest, as an Illinois State Championship, allows teams to qualify for the KCBS Invitational BBQ Competition, which only invites teams that have won a state championship; and

WHEREAS, the festival will provide entertainment and music, including the United States Air Force Band, local bands, and the Blooze Brothers, who will perform “A Tribute to the Blues Brothers”; and

WHEREAS, the State of Illinois is proud to recognize the many talented individuals who are putting their barbeque grilling skills to the test during this two-day event:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 9 – 10, 2005 as the PEORIA FALL FESTIVAL AND RIBFEST ILLINOIS STATE CHAMPIONSHIP DAYS in Illinois, and encourage all citizens to recognize and participate in this entertaining event that will undoubtedly showcase a variety of tasty barbeque recipes.

Issued by the Governor May 27, 2005.

Filed by the Secretary of State May 27, 2005.
ILLINOIS ADMINISTRATIVE CODE  
Issue Index - With Effective Dates

Rules acted upon in Volume 29, Issue 24 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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<tr>
<th>Item</th>
<th>New</th>
<th>Renewal</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subscription to the Illinois Register (52 Issues)</td>
<td></td>
<td></td>
<td>$290.00</td>
</tr>
<tr>
<td>Electronic Version of the Illinois Register (E-mail Address Required)</td>
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<td></td>
<td>$290.00</td>
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<tr>
<td>Back Issues of the Illinois Register (Current Year Only)</td>
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<td>$10.00</td>
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<tr>
<td>Microfiche sets of the Illinois Register 1977 – 2001</td>
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<td>$200.00</td>
</tr>
<tr>
<td>Cumulative/Sections Affected Indices 1990 - 2002</td>
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<td></td>
<td>$5.00</td>
</tr>
</tbody>
</table>

(Processing fee for credit cards purchases, if applicable.) $1.50

**TOTAL AMOUNT OF ORDER** $ ___________

☐ Check   Make Checks Payable To: Secretary of State

☐ VISA  ☐ Master Card  ☐ Discover  (There is a $1.50 processing fee for credit card purchases.)

Card #: ___________________________ Expiration Date: _______

Signature: ___________________________

Send Payment To: Secretary of State  Fax Order To: (217) 524-0308
Department of Index
Administrative Code Division
111 E. Monroe
Springfield, IL 62756

Name:  Attention:  ID #:
Address:  
City:  State:  Zip Code:  
Phone:  Fax:  E-Mail:  

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