

2006

# ILLINOIS

REGISTER RULES  
OF GOVERNMENTAL  
AGENCIES



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## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Professional Land Surveyor Act of 1989
- 2) Code Citation: 68 Ill. Adm. Code 1270
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1270.5	Amendment
1270.10	Amendment
1270.20	Amendment
1270.30	Amendment
1270.35	Amendment
1270.40	Amendment
1270.45	Amendment
1270.50	Amendment
1270.52	Amendment
1270.55	Amendment
1270.56	Amendment
1270.57	Amendment
1270.60	Amendment
1270.APPENDIX A	Amendment
- 4) Statutory Authority: Illinois Professional Land Surveyor Act of 1989 [225 ILCS 330].
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking updates information pertaining to the Test of English as a Foreign Language (TOEFL) and defines topographic survey under Section 1270.56. Makes various non-substantive changes, including changing references throughout the entire Part from "Department" to "Division" to reflect the consolidation of agencies into the Department of Financial and Professional Regulation and the creation of the Division of Professional Regulation.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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- 11) Statement of Statewide Policy Objectives: This rulemaking has no impact on local governments.
- 12) 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

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing the services of land surveyors
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: Land surveying skills are required for licensure
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2006

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

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## TITLE 68: PROFESSIONS AND OCCUPATIONS

## CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1270

## ILLINOIS PROFESSIONAL LAND SURVEYOR ACT OF 1989

## Section

1270.5	Application for Licensure as a Professional Land Surveyor-in-Training by Examination
1270.10	Application for Licensure as a Professional Land Surveyor by Examination
1270.13	Experience
1270.15	Definition of Related Science
1270.20	Examinations
1270.30	Endorsement
1270.35	Inactive Status
1270.40	Restoration
1270.45	Professional Design Firm
1270.50	Renewals
1270.52	Fees
1270.55	Land Surveyor Complaint Committee
1270.56	Minimum Standards of Practice
1270.57	Standards of Professional Conduct
1270.58	Seal and Signature Requirements
1270.60	Granting Variances
1270.65	Professional Development
1270.APPENDIX A	Rules for the Perpetuation of Monuments Under the Land Survey Monuments Act

**AUTHORITY:** Implementing the Illinois Professional Land Surveyor Act of 1989 [225 ILCS 330] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

**SOURCE:** Rules and Regulations Promulgated for the Administration of the Illinois Land Surveyors Act, effective April 27, 1967; 2 Ill. Reg. No. 50, page 64, effective December 11, 1978; codified and amended at 5 Ill. Reg. 11039; 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; emergency amendment at 8 Ill. Reg. 5365, effective April 12, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15485, effective August 10, 1984; amended at 11 Ill. Reg. 1615, effective January 6, 1987; amended at 11 Ill.

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Reg. 4763, effective March 10, 1987; recodified from Chapter I, 68 Ill. Adm. Code 270 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1270 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2950; amended at 15 Ill. Reg. 5258, effective April 2, 1991; amended at 16 Ill. Reg. 15548, effective September 28, 1992; amended at 18 Ill. Reg. 5900, effective April 5, 1994; amended at 18 Ill. Reg. 14730, effective September 19, 1994; amended at 19 Ill. Reg. 16071, effective November 17, 1995; amended at 20 Ill. Reg. 5852, effective April 3, 1996; amended at 21 Ill. Reg. 14252, effective October 15, 1997; amended at 24 Ill. Reg. 576, effective December 31, 1999; amended at 24 Ill. Reg. 13719, effective August 28, 2000; amended at 24 Ill. Reg. 17548, effective November 20, 2000; amended at 25 Ill. Reg. 3865, effective March 1, 2001; amended at 26 Ill. Reg. 12263, effective July 24, 2002; amended at 28 Ill. Reg. 2228, effective January 23, 2004; amended at 28 Ill. Reg. 15297, effective November 10, 2004; amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1270.5 Application for Licensure as a Professional Land Surveyor-in-Training by Examination**

An applicant for licensure as a Professional Land Surveyor-in-Training under the Illinois Professional Land Surveyor Act of 1989 (the Act) [225 ILCS 330] shall file an application, on forms supplied by the Department of Financial and Professional Regulation-Division of Professional Regulation (Division), by November 15 for the spring examination and May 15 for the fall examination. The application shall include the following:

- a) Certification of education, completed by the educational institution attended, for one of the following:
  - 1) A baccalaureate degree in land surveying from an accredited college or university; or
  - 2) A baccalaureate degree from an accredited college or university in a related science, as defined in Section 1270.15, including 24 semester hours of land surveying courses.
- b) ~~A complete work history indicating all employment since fulfillment of the educational requirements set forth in subsection (a), if applicable.~~ c) The required fee specified in Section 1270.52 of this Part
- ~~c~~d) Proof of passage of the Test of English as a Foreign Language Internet Based Test (TOEFL-iBT) with a minimum score of 26 on the speaking module and a total minimum integrated score of 88 or the Test of English as a Foreign Language

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(TOEFL) with a minimum score of 550 or 213 on the computer-based test and the Test of Spoken English (TSE) with a minimum score of 50, for applicants who apply after January 1, 1997, who graduated from a land surveyor program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the land surveyor program from which the applicant graduated was taught in English.

- de)** Applicants who received their education in a foreign country shall have the education evaluated at their expense. Applicants shall obtain the forms from the American Association of Collegiate Registrars and Officers (AACRAO), 1 Dupont Circle, N.W., Suite 370, Washington, D.C. 20036-1110, or other evaluator approved by the Board. The Land Surveyors Licensing Board (the Board) will review all transcripts and the evaluation submitted to the Division to determine if the education meets the requirements set forth in this Section and Section 1270.15.

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

**Section 1270.10 Application for Licensure as a Professional Land Surveyor by Examination**

An applicant for licensure as a Professional Land Surveyor shall file an application, on forms supplied by the Division, by November 15 for the spring examination and May 15 for the fall examination. The application shall include the following:

- a) Verification of education.
- b) Proof of holding a license as a Professional Land Surveyor-in-Training.
- c) Certification, on forms provided by the Division, from the state or territory of the United States in which the applicant was originally licensed as a Surveyor-in-Training and/or Land Surveyor and the state in which the applicant predominantly practices and is currently licensed, if applicable, stating:
  - 1) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
  - 2) A description of the examination in that jurisdiction; and

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- 3) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- d) Verification of experience form, completed by a professional licensed land surveyor who was in direct supervision and control of his or her activities, indicating at least 4 years of responsible charge experience in land surveying as set forth in Section 1270.13.
- e) ~~A complete work history indicating all employment since passage of the Fundamentals of Surveying examination.~~ f) The required fee specified in Section 1270.52.
- g) Proof of passage of the Test of English as a Foreign Language Internet Based Test (TOEFL-iBT) with a minimum score of 26 on the speaking module and a total minimum integrated score of 88 or the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer-based test and the Test of Spoken English (TSE) with a minimum score of 50, for applicants who apply after January 1, 1997, who graduated from a land surveyor program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the land surveyor program from which the applicant graduated was taught in English.
- gh) Applicants who received their education in a foreign country shall have the education evaluated at their expense. Applicants may obtain forms from the American Association of Collegiate Registrars and Officers (AACRAO), 1 Dupont Circle, N.W., Suite 370, Washington, D.C. 20036-1110 or other entity approved by the Board to evaluate educational programs. The Board will review all transcripts and the evaluation submitted to the Division to determine if the education meets the requirements set forth in this Section and Section 1270.15.

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

**Section 1270.20 Examinations**

- a) An applicant for licensure as a Professional Land Surveyor-in-Training shall pass the National Council of Examiners for Engineering and Surveying (NCEES) Fundamentals of Land Surveying Examination.
- b) An applicant for licensure as a Professional Land Surveyor who is licensed as a

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Professional Land Surveyor-in-Training shall pass the following examinations:

- 1) NCEES Principles and Practice of Land Surveying Examination; and
  - 2) Illinois Jurisdictional Examination.
- c) The scoring of the NCEES Fundamentals of Land Surveying Examination and the NCEES Principles and Practice of Land Surveying Examination and the determination of scores shall be as approved by NCEES. Separate scores shall be given for each examination and the scores shall be reported as pass/fail.
- d) The Illinois Jurisdictional Examination shall be reported as pass/fail. The Jurisdictional Examination shall include, but not be limited to, the following areas:
- 1) History of the public land surveying system in Illinois;
  - 2) Jurisdictional Standards and Ethics (knowledge of prevailing professional standards and ethics specific to Illinois);
  - 3) Jurisdictional Legal Precedent and Principles (knowledge of legal principles and requirements specific to Illinois);
  - 4) Jurisdictional Field Techniques (knowledge of field research techniques specific to Illinois); and
  - 5) Jurisdictional Record Sources (knowledge of sources of records and information specific to Illinois).
- e) Retake of examination.
- 1) Applicants who do not pass the NCEES Fundamentals of Land Surveying Examination, the NCEES Principles and Practice of Land Surveying Examination or the Illinois Jurisdictional Examination will be required to retake only the examinations failed.
  - 2) *If an applicant neglects, fails, or refuses to take an examination for registration under this Act within 3 years after filing his or her application, the application fee shall be forfeited to the Department and the application denied. However, the applicant may thereafter make a*

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*new application for examination, accompanied by the required fee.*

(Section 11 of the Act) New applications shall include proof of meeting the qualifications for examination in effect at the time of such new application with the exception provided in subsection (e)(3).

- 3) Scores from examinations already passed under a previous application shall be carried over and applied to subsequent applications.
- f) Candidates who fail an examination may not review their examination booklet or the associated answer sheets. Rescoring of the examination or any individual problem is not permitted; however, a retabulation of the numerical score will be permitted.

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

**Section 1270.30 Endorsement**

- a) An applicant who is licensed or registered to practice Land Surveying as a Professional Land Surveyor or a Professional Land Surveyor-in-Training under the laws of another state or territory of the United States who desires to become licensed by endorsement shall file an application with the Division together with:
  - 1) Proof that the applicant has met the requirements substantially equivalent to those in force in this state for a Licensed Professional Land Surveyor at the time of original or subsequent licensure by examination in the other state or territory, including certification of education, and verification of experience as appropriate;
  - 2) A certification by the state or territory of original licensure and certification from the state or territory of predominant active practice, including the following:
    - A) The time during which the applicant was licensed in that state or territory, including the date of the original issuance of the license;
    - B) The basis of licensure and a description of all examinations by which the applicant was licensed in that state or territory and the date of passage of any such examinations; and
    - C) Whether the records of the licensing authority contain any record

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of disciplinary action taken or pending against the applicant;

- 3) ~~A complete work history indicating all employment since fulfillment of educational requirements;~~ 4) The required fee specified in Section 1270.52;
  - 45) Applicants who received a license after January 1, 1997 and who received their education in a foreign country shall have the education evaluated at their expense. Applicants may obtain forms from the American Association of Collegiate Registrars and Officers (AACRAO), 1 Dupont Circle, N.W., Suite 370, Washington, D.C. 20036-1110 or other entity approved by the Board to evaluate educational programs. The Board will review all transcripts and the evaluation submitted to the Division to determine if the education meets the requirements set forth in this Section and Section 1270.15;
  - 56) Proof of passage of the Test of English as a Foreign Language Internet Based Test (TOEFL-iBT) with a minimum score of 26 on the speaking module and a total minimum integrated score of 88 or the Test of English as a Foreign Language (TOEFL) with a minimum score of 550 or 213 on the computer-based test and the Test of Spoken English (TSE) with a minimum score of 50, for applicants who were licensed after January 1, 1997, who graduated from a land surveyor program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the land surveyor program from which the applicant graduated was taught in English.
- b) An applicant for licensure under this Section shall be required to appear before the Board for an oral interview if the Division has questions about the applicant's application, because of discrepancies or conflicts in information, information needing further clarification and/or missing information.
  - c) Applicants for licensure on the basis of endorsement shall successfully complete the Illinois Jurisdictional Examination as set forth in Section 1270.20.
  - d) The Division shall examine each endorsement application to determine whether the requirements in the state or territory of original licensure were substantially equivalent to the requirements then in force in the State of Illinois. The Division shall either issue a license by endorsement to the applicant or notify the applicant in writing of the reason for the denial of such application.

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

**Section 1270.35 Inactive Status**

- a) Any Licensed Professional Land Surveyor who notifies the ~~Division~~Department in writing, on forms prescribed by the ~~Division~~Department, may elect to place his or her license on inactive status and shall be excused from the payment of renewal fees until he or she notifies the ~~Division~~Department in writing of his or her desire to resume active status.
- b) Any licensee seeking restoration from inactive status shall do so in accordance with Section 1270.40 of this Part.
- c) Any Licensed Professional Land Surveyor whose license is on inactive status shall not practice land surveying in the State of Illinois. Practicing or offering to practice on a license which is on inactive status shall be grounds for discipline under Section 27 of the Act.

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

**Section 1270.40 Restoration**

- a) A licensee seeking restoration of a license which has expired for less than 5 years shall have the license restored upon payment of \$20 plus all lapsed renewal fees specified by Section 1270.52 and proof of 20 professional development hours completed in accordance with Section 1270.65 within 2 years prior to the restoration application.
- b) A licensee seeking restoration of a license which has been placed on inactive status for less than 5 years shall have his or her license restored upon payment of the current renewal fee specified by Section 1270.52 and proof of 20 professional development hours completed in accordance with Section 1270.65 within 2 years prior to the restoration application.
- c) A licensee seeking restoration of a license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the ~~Division~~Department, for review by the Board, together with proof of successful completion of 20 professional development hours completed in accordance with Section 1270.65 within 2 years prior to the restoration

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application and the fee specified by Section 1270.52. The licensee shall also submit:

- 1) Certification of active practice for at least the last 2 years in another jurisdiction. Such certification shall include a statement from the appropriate board or licensing authority in the jurisdiction that the licensee was authorized to practice during the term of said active practice;
  - 2) An affidavit attesting to military service as provided in Section 16 of the Act;
  - 3) Proof of passage of the Illinois Jurisdictional Examination and/or the NCEES examination within one year after application; or
  - 4) Other evidence of continued competence in land surveying. Other evidence shall include, but not be limited to:
    - A) Employment in a responsible capacity by a licensed land surveyor, for at least the last 2 years, as determined by the Board;
    - B) Lawfully practicing land surveying as an employee of a governmental agency;
    - C) Teaching land surveying in a college or university or other educational programs; or
    - D) Attendance at educational programs in land surveying.
- d) Any person restoring a license within 2 years after discharge from military service pursuant to Section 16 of the Act will be required to pay only the current renewal fee.
- e) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is questioned by the [Division](#)~~Department~~ because of discrepancies or conflicts in information, information needing further clarification, or missing information, the licensee seeking restoration of his [or her](#) license shall be required to:
- 1) Provide such information as shall be necessary; and/or

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- 2) Explain such relevance or sufficiency during an oral interview; or
- 3) Appear for an oral interview before the Board, when the information available to the Board is insufficient to evaluate the individual's current competency to practice under the Act. Upon the recommendation of the Board, and approval by the Director [of the Division of Professional Regulation with the authority delegated by the Secretary \(Director\)](#), an applicant shall have his [or her](#) license restored or shall be notified in writing of the reason for the denial of such application for restoration.

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

**Section 1270.45 Professional Design Firm**

- a) Persons who desire to practice land surveying in the State of Illinois in the form of a corporation, professional service corporation, partnership, limited liability company or limited liability partnership or sole proprietorship (if the sole proprietorship is conducting or transacting business under an assumed name in accordance with the Assumed Business Name Act [805 ILCS 405]) pursuant to Section 25 of the Act, shall file an application with the [DivisionDepartment](#) on forms provided by the [DivisionDepartment](#), together with the following:
  - 1) For Corporations or Professional Service Corporations. (Registration as a professional design firm shall meet the registration requirements of Section 12 of the Professional Service Corporation Act [805 ILCS 10/12]).
    - A) The name of the corporation and its registered address, the names of all members of the board of directors and officers, and the name of the state and license number for each director who is a licensed design professional.
    - B) A copy of the Articles of Incorporation bearing the seal of the office, in the jurisdiction in which the corporation is organized, whose duty it is to register corporations under the laws of that jurisdiction. If it is a foreign corporation, a copy of the certificate of authority to transact business in the State of Illinois issued by the Secretary of State is also required. The purpose clause of the Articles of Incorporation or the certificate of authority shall designate that the corporation is authorized to provide land surveying services. Each corporation shall remain active and in

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good standing with the Secretary of State in order to maintain a professional design firm registration.

- C) A signed and dated resolution of the board of directors of the corporation designating a regular full-time employee of the corporation who is an Illinois licensed land surveyor as the managing agent in charge of the land surveying activities in Illinois. The Illinois license number of the land surveyor designated as the managing agent shall also be included in the resolution.
  - D) A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the corporation, if applicable.
  - E) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.
- 2) For Partnerships.
- A) General
    - i) A copy of the signed and dated partnership agreement authorizing the partnership to provide land surveying services. The partnership agreement shall contain the name of the partnership, its business address and the names of all partners. The name of the state in which each partner is licensed as a design professional and the license number shall be listed on the application.
    - ii) A signed and dated resolution adopted by the general partners designating a regular full-time employee of the partnership who is an Illinois licensed land surveyor as the managing agent in charge of the land surveying activities in this State. The Illinois license number of the land surveyor designated as the managing agent shall also be included in the resolution.
    - iii) A copy of the partnership documentation bearing the stamp of the county clerk where the partnership has been filed.

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- iv) A letter or certificate from the county clerk where an assumed name has been filed, if applicable.
- B) Limited Partnership
- i) A copy of the signed and dated partnership agreement indicating that it has been filed with the Secretary of State authorizing the partnership to provide land surveying services. The partnership agreement shall contain the name of the partnership, its business address and the names of all partners. The name of the state in which each partner is licensed as a design professional and the license number shall be listed on the application.
  - ii) A signed and dated resolution adopted by the partners designating a full-time employee of the partnership who is an Illinois licensed land surveyor in this State as the managing agent in charge of land surveying activities. The Illinois license number of the land surveyor designated as the managing agent shall also be included in the resolution.
  - iii) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.
  - iv) A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the partnership, if applicable.
- 3) For Limited Liability Companies or Limited Liability Partnerships.
- A) An application containing the name of the limited liability company or partnership, the business address and the members/partners of the company/partnership, the name of the state and the license number of each member/partner licensed as a design professional.
  - B) A signed and dated resolution of the members or partners designating a full-time employee who is an Illinois licensed land

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surveyor as the managing agent in charge of the land surveying activities in this State. The Illinois license number of the managing agent shall also be included in the resolution.

- C) A copy of the operating agreement or partnership agreement filed with the Secretary of State stating the company or partnership is authorized to offer land surveying services.
  - D) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.
  - E) A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the limited liability company or partnership, if applicable.
- 4) For Sole Proprietorships with an Assumed Name.
- A) An application containing the name of the sole proprietorship and its business address and the name and Illinois license number of the land surveyor who owns and operates the business.
  - B) A letter or certificate received from the county clerk where an assumed name has been filed.
- 5) A list of all office locations at which the corporation, professional service corporation, limited liability company/partnership, partnership or sole proprietorship provides land surveying services. *Any professional services corporation, sole proprietorship, or professional design firm offering land surveying services must have a resident land surveyor overseeing the land surveying practices in each location in which land surveying services are provided.* (Section 25(h) of the Act) A resident professional land surveyor shall be assigned to supervise land surveying operations in only one office. Each resident professional land surveyor shall conduct his or her daily business in his or her assigned office or field locations.
- 6) The fee required in Section 1270.52.
- b) A professional design firm may designate more than one managing agent in charge of land surveying activities.

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- c) Upon receipt of the above documents and review of the application, the ~~Division~~~~Department~~ shall issue a registration authorizing the corporation, professional service corporation, limited liability company/partnership, partnership or sole proprietorship to engage in the practice of land surveying or notify the applicant in writing of the reason for the denial of the application.
- d) Each corporation, professional service corporation, limited liability company/partnership, partnership or sole proprietorship with an assumed name shall be responsible for notifying the ~~Division~~~~Department~~ in writing within 30 days after any changes in:
- 1) The membership of the board of directors, members/partners of the limited liability company/partnership or the general partners;
  - 2) The licensure status of any of the general partners, members/partners of the limited liability company/partnership or any of the licensed design professional members of the board of directors; and
  - 3) An assumed name.
- e) Each corporation, professional service corporation, limited liability company/partnership or partnership shall be responsible for notifying the ~~Division~~~~Department~~ in writing, by certified mail, within 10 business days after the termination or change in status of the managing agent. Thereafter, the corporation, professional service corporation, limited liability company/partnership or partnership, if it has so informed the ~~Division~~~~Department~~, has 30 days to notify the ~~Division~~~~Department~~ of the name and license number of the land surveyor licensed in Illinois who is the newly designated managing agent.
- f) Any failure to notify the ~~Division~~~~Department~~ as required in subsections (d) and (e) ~~above~~ or any failure of the corporation, professional service corporation, limited liability company/partnership or partnership to continue to comply with the requirements of Section 25 of the Act will subject the corporation, limited liability company/partnership or partnership to the loss of its registration to practice land surveying in Illinois.
- g) Sole Proprietorships. Any sole proprietorship owned and operated by a land surveyor who has an active Illinois license is exempt from the registration

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requirement of a professional design firm. However, if the sole proprietorship operates under an assumed name, the sole proprietorship shall file an application in accordance with subsection (a)(4). Any sole proprietorship not owned and operated by an Illinois licensed land surveyor shall be prohibited from offering land surveying services to the public.

- h) In addition to the seal requirements in Section 15 of the Act, all documents or technical submissions prepared by the professional design firm shall contain the professional design firm registration number issued by the [DivisionDepartment](#).

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

**Section 1270.50 Renewals**

- a) Every license as a Professional Land Surveyor issued under the Act shall expire on November 30 of each even numbered year. The holder of a license may renew such license during the month preceding the expiration date thereof by paying the fee specified in Section 1270.52 and meeting the professional development requirements set forth in Section 1270.65.
- b) It is the responsibility of each licensee to notify the [DivisionDepartment](#) in writing of any change of address. Failure to receive a renewal form from the [DivisionDepartment](#) shall not constitute an excuse for failure to pay the renewal fee and to renew one's license.
- c) *A license for a Land Surveyor-in-Training is valid for 10 years and may not be renewed* (Section 18 of the Act).
- d) Every license issued to a professional design firm under the Act shall expire on April 30 of each odd numbered year. The holder of such license may renew that license for a 2-year period during the month preceding the expiration date thereof by paying the fee specified in Section 1270.52 and submitting an annual report or certificate of good standing from the Secretary of State.
- e) Practicing or offering to practice on a license which has expired or been placed on inactive status shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 27 of the Act.

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

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**Section 1270.52 Fees**

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees.
  - 1) The fee for application for a license as a professional land surveyor is \$150. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.
  - 2) The application fee for a license as a land surveyor-in-training is \$70.
  - 3) The application fee for a certificate of registration as a professional design firm is \$75.
- b) Renewal Fees.
  - 1) The fee for the renewal of a license shall be calculated at the rate of \$30 per year.
  - 2) The fee for renewal of a certificate of registration as a professional design firm is \$75 for the renewal period (see Section 1270.50(d)).
- c) General Fees.
  - 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees.
  - 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license for a license that has been lost or destroyed, or for the issuance of a license with a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on [Division](#)~~Department~~ records when no duplicate license is issued.

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- 3) The fee for a certification of a licensee's record for any purpose is \$20.
- 4) The fee to have the scoring of an examination administered by the ~~Division~~[Department](#) reviewed and verified is \$20, plus any fee charge by the testing service.
- 5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
- 6) The fee for a roster of persons licensed as a land surveyor-in-training or professional land surveyor in this State shall be the actual cost of producing the roster.

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

**Section 1270.55 Land Surveyor Complaint Committee**

- a) The Land Surveyor Complaint Committee of the Land Surveyors Licensing Board authorized by Sections 8 and 29 of the Act shall be composed of 2 members of the Land Surveyors Licensing Board, a Supervisor over Design Investigations and Chief of Prosecutions over Design Prosecutions. The Director of Enforcement shall designate the Supervisor and Chief assigned to the Complaint Committee.
- b) The Complaint Committee shall meet at least once every 2 months to exercise its functions and duties set forth in subsection (c) ~~below~~. The Complaint Committee may meet concurrently with the Complaint Committees of the Architecture Licensing Board, the State Board of Professional Engineers and the Structural Engineering Board to discuss interrelated professional matters. The Complaint Committee shall make every effort to consider expeditiously and take prompt action on each item on its agenda.
- c) The Complaint Committee shall have the following duties and functions:
  - 1) To review investigative case files after an initial inquiry into the involved parties and their licensure status have been obtained. "Case file" means the allegation made against an involved party that resulted in a preliminary inquiry and other information being obtained in order to determine whether an investigation should be initiated or prosecution pursued. A "Formal Complaint" means the notice of allegations and charges or basis

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for licensure denial which begins the formal proceedings.

- 2) To refer the case file to the Supervisor over the Design Investigators for further action. The Complaint Committee shall give the Supervisor an indication as to the prosecutorial merit and relative severity of the allegations to aid in the prioritization of investigative activity.
  - 3) To recommend that a case file be closed.
  - 4) To recommend that an Administrative Warning Letter be issued and the case file closed.
  - 5) To refer the case file to Prosecutions for review and action.
  - 6) To report the actions of the Complaint Committee at each Board meeting and to present enforcement statistics such as the type of alleged violation.
- d) In determining what action to take or whether to proceed with investigation and prosecution of a case file, the Complaint Committee shall consider the following factors, but not be limited to: the effect on the public's health, safety and welfare; the sufficiency of the evidence presented; prosecutorial merit; and sufficient cooperation from complaining parties.
- e) At any time after referral to Prosecutions, the [DivisionDepartment](#) may enter into negotiations to resolve issues informally by way of a Consent Order. Factors to be considered in deciding whether to enter into settlement negotiations shall include, but not be limited to: the effect on the public's health, safety and welfare caused by the respondent's alleged conduct; sufficient investigation of the case; prosecutorial merit; relative severity of the respondent's alleged conduct; and past practices of the [DivisionDepartment](#).
- f) No file shall be closed nor Formal Complaint dismissed except upon recommendation of the Complaint Committee and/or approval by the Land Surveyors Licensing Board. Those case files that previously have been before the Board and are the subject of a Consent Order or Formal Order of the Director may be closed without further recommendation or approval of the Land Surveyors Licensing Board or the Complaint Committee.
- g) Disqualification of a Land Surveyors Licensing Board member.

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- 1) A Board member shall be recused from consideration of a case file or Formal Complaint when the Board member determines that a conflict of interest or prejudice would prevent that Board member from being fair and impartial.
  - 2) Participation in the initial stages of the handling of a case file, including participation on the Complaint Committee and in informal conferences, shall not bar a Board member from future participation or decision making relating to that case file.
- h) An informal conference is the procedure established by the ~~Division~~Department that may be used for compliance review, fact finding, discussion of the issues, resolving case files, licensing issues or conflicts prior to initiating any Formal Complaint or formal hearing. An informal conference may only be conducted upon agreement of both parties. Informal conferences shall be conducted by a ~~Division~~Department attorney and shall include members of the Board. Board members shall be scheduled for informal conferences on a rotating basis.

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

**Section 1270.56 Minimum Standards of Practice**

The minimum standards of practice set forth in this Section are intended to provide protection for the public by insuring that surveying services defined in this Section are completed in accordance with prevailing professional practices and current technological methods, and to provide a means by which professional performance of the individual practitioner can be assessed. These standards are to be binding upon every person and firm practicing land surveying in the State of Illinois, except where differing federal, State or local laws, ordinances or rules may be more stringent, or when special conditions exist that effectively prevent the survey from meeting these minimum standards. When special conditions exist any necessary deviations from the standards shall be noted on the plat of survey. It shall be a violation of this Part to use special conditions to circumvent the intent and purpose of the minimum standards. Any of the professional services set forth in this Section are greatly influenced by the evaluation of recorded information and field observations, and all those services shall be accomplished in compliance with these standards to ensure that they are located, described and platted in a professional manner. All terms used in these Minimum Standards of Practice shall be interpreted to agree with the definitions of those terms in the most current publication of Black's Law Dictionary, Definitions of Surveying and Associated Terms published by the American Congress on Surveying and Mapping (ACSM) and the American Society of Civil Engineers (ASCE), and Glossary of the Mapping Sciences published by American Society for Photogrammetry and

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Remote Sensing (ASPRS), ACSM and the ASCE.

a) ALTA/ACSM Land Title Survey.

- 1) An ALTA/ACSM land title survey is a specialized survey that meets the specific needs peculiar to title insurance purposes, to enable title insurance companies to insure title to land without exceptions as to survey matters.
- 2) All land title surveys shall be subject to the "[2005](#) Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys" ~~(1999)~~, published jointly by the American Land Title Association (ALTA), 1828 L. St., N.W., Suite 705, Washington, D.C. 20036; the American Congress on Surveying and Mapping (ACSM), 6 Montgomery Village Avenue, Suite #403, Gaithersburg MD 20879; and the National Society of Professional Surveyors (NSPS), 6 Montgomery Village Avenue, Suite #403, Gaithersburg MD 20879. This incorporation does not include any later amendments or editions.
- 3) All ALTA/ACSM land title surveys are to be performed to the current ALTA/ACSM Minimum Standard Detail Requirements. It is incumbent upon the licensed professional land surveyor to discuss with the client additional or optional requirements to be provided.

b) Boundary Survey.

- 1) A boundary survey is a land survey that requires study, investigation and evaluation of major factors affecting and influencing the location of boundary lines and that culminates in the deliberate location or relocation of the perimeters, division lines or boundaries of a certain lot, parcel or quantity of real estate, according to the record title description of the parcel or parent tract. This description should be furnished by the client, unless otherwise jointly agreed upon by the client and surveyor.
- 2) The purpose of a boundary survey is to establish or re-establish the extent of title lines, and to define and identify those lines so as to uniquely locate each lot, parcel or other specific land area in relation to well recognized and established points of reference, adjoining properties, and rights of way.
- 3) A boundary survey shall include, but not be limited to, the following:

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- A) Clear and legible field notes containing all pertinent information, measurements and observations made in the course of the field survey.
  - B) Unless requested otherwise by the client or his/her agent, a plat of survey.
  - C) A legal description for any parcel surveyed.
  - D) Unless requested otherwise by the client or his/her agent, monuments or witness points shall be set for all accessible corners of the survey.
- 4) Information Research Required. Sufficient information to perform the survey shall be either furnished by the client and/or his/her agent or obtained by the surveyor by agreement with the client. The following appropriate factors must be evaluated by the surveyor:
- A) A property description describing the subject parcel. If, in the opinion of the surveyor, the description furnished or obtained is insufficient to fully define the extent or location of the parcel to be surveyed due to ambiguity or calls for adjoining deeds, prior recorded survey plats, etc., it is the duty of the client (unless agreed upon otherwise) to furnish the additional information requested by the surveyor. This is not to be construed to indicate that the surveyor has an obligation to research the title of record.
  - B) A reproduction of the recorded subdivision plat that created the subject lot, block or parcel.
  - C) A reproduction of the Government Township Plat and pertinent Monument Records if the survey is of a section or aliquot part of a section.
  - D) Relevant data provided by the client regarding special circumstances, such as unrecorded easements, judgements or Court decrees that may influence the location of boundaries of the survey.

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- 5) Monuments. Monuments set or called for, whether artificial or natural, bear witness to the footsteps of a surveyor and his/her professional opinion as to the proper marking of a desired position. Monumentation for public land survey systems corners shall be in accordance with the Land Survey Monuments Act. The following shall be considered acceptable types of artificial monuments for all other corners:

A) Types.

- i) Iron bars or rods shall be a minimum of ½" in diameter by 24" in length. Iron pipes shall be a minimum of ½" in diameter by 24" in length, with a minimum wall thickness of ⅛". Where rocky soils prevent specified lengths, the bar, rod or pipe should be driven to refusal at depths where it will remain stable.
- ii) Concrete monuments shall be a minimum size of 5" in diameter by 24" in length, or 4" square by 24" in length, and shall have a precise corner mark and shall be reinforced by at least a ¼" re-bar or ½" or larger iron pipe.
- iii) Stone monuments shall be a minimum size of 4" square by 24" in length and shall have a precise corner mark.
- iv) Commercial cast iron or aluminum survey markers no less than 24" in length. Non-ferrous markers shall have ceramic magnets attached to aid in recovery.
- v) Other monuments, such as drill holes, chiseled marks in stone, concrete or steel, punch marks, precast bronze discs, nails or spikes, etc., shall be of sufficient size, diameter or depth to be definitive, stable and readily identified as a survey marker. Objects upon which the marks or markers are placed shall be of a stable and permanent nature.

B) Requirements.

- i) Where placement of corner monuments is a condition of the survey and it is physically impossible or impractical to set a monument at the corner, a witness corner or corners

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will be set, or noted if existing witness corners are found. Witness corners shall be referenced to the survey corner or survey lines.

- ii) Monuments must be set to a sufficient depth so as to retain a stable and distinctive location. Material and size for monuments shall be chosen in regard to the terrain and situation that exists at the site of the survey. All monuments shall be set vertically whenever possible.
- 6) Plats. On all boundary surveys the completed plat shall be drawn on a stable and durable medium with a minimum size of 8½" by 11" and shall contain the following:
- A) Firm name, address and registration number.
  - B) Professional land surveyor seal, signature, date of signing, and license expiration date. Rubber-stamp signatures, computer generated signatures or other reproduced signatures are prohibited.
  - C) Client's name.
  - D) North arrow.
  - E) Scale-written or graphic.
  - F) Date of completion of field work.
  - G) Legal description of the property.
  - H) Legend for all symbols and abbreviations used on the plat.
  - I) Monuments or witness corners, whether set or found, intended to represent or reference corners of the survey, shall be shown and described as to size, shape and material, and their positions noted in relation to the survey corners.
  - J) Sufficient angles, bearings or azimuths, linear dimensions and curve data must be shown on the plat to provide a mathematically closed figure for the exterior of the survey. Where record angular

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dimensions, bearings or azimuths, linear dimensions or curve data exist, such data shall be shown on the plat and distinguished from measured dimensions or data. Area of the survey is to be shown on the face of the plat unless otherwise requested by the client.

- K) Where bearing, azimuth or coordinate systems are used, the basis or proper names of the system shall be noted on the plat.
  - L) If the survey is a parcel in a recorded subdivision, any adjacent rights of way or easements and setback lines shown on the recorded plat that affect the subject parcel are to be shown and dimensioned.
  - M) Visible physical evidence of possession or occupation either way from the exterior lines of the survey shall be shown and dimensioned.
  - N) Show visible evidence of improvements, rights of way, easements, or use when requested by the client.
  - O) Exculpatory statements that attempt to restrict the uses of boundary surveys shall not be affixed to any plat.
  - P) The following statement shall be placed near the professional land surveyor seal and signature: "This professional service conforms to the current Illinois minimum standards for a boundary survey."
- 7) Field Procedures. All field work shall be performed by a professional land surveyor or a person under his/her direct control and supervision in accordance with accepted methods of surveying theory, practice and procedures. It is the responsibility of the professional land surveyor to insure conformance with the following specific requirements:
- A) All surveying instruments shall be kept in proper adjustment and calibration.
  - B) All corners or monuments called for in the information provided or obtained under subsection (b)(4) that affect the location of the boundaries of the land to be surveyed shall be physically searched for in a methodical and meticulous fashion. Each corner or

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monument recovered shall be evaluated as to its agreement by description and location with the information in subsection (b)(4).

- C) Other evidence that could influence the location of the lines or corners of the survey shall be located and evaluated.
  - D) When the survey is of an aliquot or divisional part of a larger tract, sufficient field work must be performed to ensure that the existence of excess or deficiency, if any, in the parent tract can be determined and distributed by the professional judgment of the surveyor.
  - E) All field data, including electronic field notes, shall be retained in a legible and orderly fashion that will be understandable to other surveyors.
- 8) It shall be the responsibility of each professional land surveyor to monitor his/her work and that of those working under his/her supervision, so that the methods used to perform the survey and produce the plat and/or report will be of such quality that the accuracy, precision and positional tolerance of the final product delivered to his/her client will equal or exceed that which would be provided by another competent surveyor under similar circumstances.
- c) **Condominium Surveys.** Condominium surveys are a specialized class of boundary surveys and are governed by the Condominium Property Act [765 ILCS 605]. The plat requirements referred to in Section 5 of that Act must be the result of actual field measurements and are not to be transcribed from plans or other informational materials. The exterior boundaries of a condominium parcel shall be monumented as required by the Plat Act [765 ILCS 205]. Notes on the condominium plat must indicate whether the interior measurements shown are referring to finished or unfinished surfaces or planes and what data was used for any elevations depicted on the plat.
  - d) **Subdivision Surveys.**
    - 1) Subdivision surveys are properly included in the boundary survey category and are primarily governed by the Plat Act. Subdivision surveys differ from the typical boundary survey in that monumentation for subdivision surveys is mandatory according to the statute. All exterior

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corners of the subdivision must be monumented prior to recordation of the subdivision plat. If, in the opinion of the subdividing surveyor, a disproportionate number of interior monuments would be destroyed by grading, utility installation, etc., monumentation of the interior corners may be delayed unless local regulations or ordinances specify otherwise. Interior corners of the subdivision must be monumented prior to the conveyance of any lot, block, parcel or unit within the subdivision and in all cases the monumentation must be in place within 12 months after the recording date of the subdivision plat. All of the interior corners subject to delayed staking shall be denoted on the record plat as "to be set", either by labeling or appropriate symbols. Upon completion of the monumentation the subdividing surveyor shall file an affidavit with the Recorder of the county in which the subdivision is located certifying that the monumentation of the subdivision has been completed. The affidavit shall include the name of the subdivision, date of plat recording and recording location information (book and page and/or document number).

- 2) Vertical subdivisions, i.e., subdivisions that divide property by horizontal, vertical, and oblique planes, require that all exterior boundary corners of the subdivision be monumented at its ground elevation prior to recordation of the subdivision plat. The physical features, if any, controlling the limits of the subdivided property must be defined on the subdivision plat. The datum used to control the dividing horizontal planes must be defined on the subdivision plat together with the benchmark used to determine the elevations of these planes. The interior corners or any lot or block corners other than those that are required for monumenting the exterior boundary corners do not require monumentation.
- e) **Mortgage Inspection.** A Mortgage Inspection does not approach the standards of other survey categories, though by the provisions of Section 5 of the Illinois Professional Land Survey Act of 1989 [225 ILCS 330/5] the services of an Illinois Professional Land Surveyor are required. A mortgage inspection is not a type of boundary survey or ALTA/ACSM survey and does not constitute a boundary survey of the subject real property. A mortgage inspection includes field investigation, measurements and graphic representation of improvements.
- 1) **Purpose.** The mortgage inspection is intended for use by a mortgage lender and/or title insurer and is only a professional opinion of the relationship of improvements with respect to the deed lines and the existence, location and type of building on the property, the intent of

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which is to assist in the determination of the property's suitability to serve as collateral for a mortgage. It is not an opinion as to deed, title or platted lines. It is not to be used in matters of boundary disputes, legal actions between landowners, or for construction purposes. No new legal descriptions can be created from a mortgage inspection.

- 2) Product. A complete mortgage inspection will produce a drawing entitled "Mortgage Inspection" and, if required, a written report of the surveyor's findings and determinations.
- 3) Information.
  - A) The following information shall be furnished by the client and/or his/her agent:
    - i) Legal description and address for the tract of land.
    - ii) Copy of commitment of title insurance for the tract of land, if possible.
  - B) The following information shall be obtained by the surveyor:
    - i) Copy of recorded subdivision plats (if applicable).
    - ii) Recorded section corner tie monuments and original government surveys (if applicable).
    - iii) Other necessary surveying information.
- 4) Monuments. No monuments shall be set.
- 5) Tolerances. Tolerances cannot be mandated for a mortgage inspection since the very nature of recovering deed lines and other information for that purpose precludes a rigid adherence to any standard value.
- 6) Field Procedures. The following procedures should generally be considered as minimum, but deviations as dictated by specific conditions shall be allowed:
  - A) Preliminary search and recovery of existing monument evidence.

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- B) Field location of tract through measurement from some controlling locations, such as: street intersection, subdivision corner, section corners, etc., sufficient to eliminate the possibility of gross error in location of the premises.
  - C) Through field measurements, locate and dimension relevant improvements.
  - D) If evidence of deed lines does not exist, the surveyor is obligated to refuse to perform a mortgage inspection until satisfactory evidence is obtained, either through a boundary survey or a land title survey.
  - E) If evidence exists of the possibility that the improvements on the subject property or adjoining property are on or very near the apparent deed lines, the surveyor is obligated to note his/her findings and recommend that a boundary survey or land title survey be performed.
- 7) Drawing.
- A) Minimum size: 8½" x 11".
  - B) The drawing shall be entitled:

## MORTGAGE INSPECTION

## THIS DOES NOT CONSTITUTE A BOUNDARY SURVEY

(The above two lines shall be of the same letter size and shall be twice the letter size of all other lettering on the drawing.)

- C) A North arrow, scale of drawing, date and drawing legend shall be included.
- D) Building dimensions and type of structure shall be shown.
- E) Boundary dimensions shown shall be based on the public record or description provided; field measurements do not need to be shown.
- F) No dimensional ties from structures or other improvements to

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apparent deed lines are required.

- G) The legal description of the tract shall be given on the face of the drawing.
- H) Use of the word "survey" in the title, or any implication in a certification that this drawing represents a "survey", is prohibited.
- I) Professional land surveyor seal, signature, date of signing, and license expiration date. Rubber-stamp signatures, computer-generated signatures or other reproduced signatures are prohibited.
- J) Address of the tract.
- K) No found corner, boundary line or other survey monumentation shall be shown on the drawing.
- L) Preceding the legal description and in the same size letters as the legal description the following statement shall appear:

"This mortgage inspection and drawing is not a boundary survey or plat of survey. This mortgage inspection was prepared to assist the mortgage company and title insurance company and is not to be used for any purposes of boundary disputes, location of actual deed, title or platted lines, or for construction of new improvements. Graphic representation shall be deemed approximate and no reliance should be placed on the scale of the drawing."

- M) The following statement shall be placed immediately above the signature of the surveyor and in the same size letters as the legal description:

"This professional service conforms to the current Illinois minimum standards of practice for a mortgage inspection and is not a boundary survey."

f) [Topographic Survey.](#)

1) [Topographic Survey. A topographic survey is the delineation of](#)

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horizontal and/or vertical locations of the existing natural or man-made features of a portion of the earth's surface, subsurface or airspace and the graphic representation of the results of such delineation. Topographic surveys that also depict land boundaries shall be entitled "Boundary and Topographic Survey" or "ALTA/ACSM Land Title and Topographic Survey", and shall be subject to the current minimum standards established for the ALTA/ACSM Land Title Surveys or Boundary Surveys by this Part, except where differing federal, State or local laws, ordinances or rules may be more stringent. When the position and/or extent of a topographic survey is not defined by land boundaries, enough information must be shown on the survey to enable the client to locate the survey on the ground.

- 2) Information Research Required. Sufficient information to perform the survey shall be furnished by the client or his/her agent or obtained by the surveyor by agreement with the client. The following appropriate factors must be evaluated by the surveyor.
  - A) A specific description of the survey site, along with designated areas outside the actual survey site where topographic information is required.
  - B) The location, description, datum and elevation of all benchmarks to be used for the survey. The datum should be based on a nationally accepted datum whenever practical, unless instructed otherwise by the client or as mandated by a governmental organization having jurisdiction in the area the survey is located.
  - C) The location and description of all horizontal control points to be used for the survey.
  - D) If contour lines are required by the client, the contour interval should be agreed upon by the surveyor and client.
  - E) Location and elevations of utilities is often an important part of a topographic survey. The surveyor and client must have a clear understanding of which utilities are to be located and what information on each utility is to be shown.
  - F) The surveyor shall be furnished a clear, concise description of the

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intended use of the survey.

- 3) Field Requirements.
  - A) All surveying instruments shall be kept in proper adjustment and calibration.
  - B) The surveyor may apply procedures that most efficiently meet the requirements of the client without sacrificing the accuracy of the acquired information.
  - C) All field data, including electronic field notes, shall be retained in a legible and orderly fashion that will be understandable to other surveyors.
  
- 4) Plats. On all topographic surveys, the completed plat shall be drawn on a stable and durable medium with a minimum size of 8½" by 11" and shall contain the following:
  - A) Firm name, address and registration number.
  - B) Professional land surveyor seal, signature, date of signing, and license expiration date.
  - C) "This professional service conforms to the current Illinois minimum standards for topographic surveys." This statement shall be placed near the professional land surveyor seal and signature.
  - D) Client's name.
  - E) North arrow.
  - F) Date of completion of field work.
  - G) Scale as agreed upon by surveyor and client.
  - H) Location and elevation of benchmarks at or near the survey shall be shown, and the datum noted.
  - I) Legend for all symbols and abbreviations used on the plat.

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- J) If elevation points are to be shown, such elevations shall be shown to the nearest one-hundredth of a foot on hard surfaces and to the nearest tenth of a foot elsewhere, unless requested otherwise by the client.
- K) Description of horizontal control points used in the survey, which shall be noted and shall be shown on the plat if possible.
- L) The location of permanent structures, including buildings, retaining walls, bridges, culverts, street or road paving and sidewalks.
- M) Existing contour lines indicating the relief of the entire parcel, unless required otherwise by the client. Elevation points, if shown, may be in a grid pattern or at high points, low points and grade changes, a combination of both methods, or at locations requested by the client.
- N) Location and water surface elevations of lakes, rivers, streams and drainage courses on or near the surveyed parcel, and direction of flow if any.
- O) If boundary line information is shown on the plat, the source of the boundary line information.
- P) If topographic information is to be delivered via electronic media, a suitable format shall be agreed upon. In every case, the surveyor shall also provide a signed and sealed hard copy drawing or representation of the survey. This drawing shall be the official survey and shall be deemed to be correct and superior to the electronic data.

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

**Section 1270.57 Standards of Professional Conduct**

In order to safeguard life, health and property, to promote the public welfare, and to establish and maintain a high standard of integrity in the practice of professional land surveying, the following Standards of Professional Conduct shall be binding on every person holding a license as a land

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surveyor and on all professional design firms authorized to practice land surveying in this State.

- a) The land surveyor shall at all times recognize the primary obligation to protect the safety, health, and welfare of the public in the performance of professional duties. If the land surveyor's professional judgment is overruled under circumstances where the safety, health, and welfare of the public are endangered, the land surveyor shall inform the land surveyor's employer of the possible consequences and notify other proper authority of the situation, as may be appropriate.
- b) The land surveyor shall undertake to perform land surveying assignments only when qualified by education or experience in the specific technical field of land surveying involved.
- c) The land surveyor may accept an assignment requiring education or experience outside of the land surveyor's field of competence, but only to the extent that services are restricted to those phases of the project in which the land surveyor is qualified. All other phases of the project shall be performed by qualified associates, consultants, or employees.
- d) The land surveyor shall not affix a signature and/or seal to any land surveying plat or document dealing with subject matter in which the land surveyor lacks competence by virtue of insufficient education or experience.
- e) The land surveyor shall be completely objective and truthful in all professional reports, statements, or testimony. The land surveyor shall include all relevant and pertinent information in the reports, statements, or testimony.
- f) The land surveyor, when serving as an expert or technical witness before any court, commission, or other tribunal, shall express an opinion only when it is founded upon adequate knowledge of the facts in issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of the land surveyor's testimony.
- g) The land surveyor will issue no statement, criticism, or argument on land surveying matters connected with public policy that are inspired or paid for by an interested party, or parties, unless the land surveyor has prefaced the comment:
  - 1) by explicitly identifying himself or herself;
  - 2) by disclosing the identities of the party or parties on whose behalf the land

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surveyor is speaking; and

- 3) by revealing the existence of any pecuniary interest the land surveyor may have in the instant matters.
- h) The land surveyor shall conscientiously avoid conflicts of interest with an employer or client, but, when unavoidable, the land surveyor shall forthwith disclose the circumstances to the employer or client.
- i) The land surveyor shall avoid all known conflicts of interest with an employer or client and shall promptly inform the employer or client of any business association, interest, or circumstances that could influence judgment or quality of services.
- j) The land surveyor shall not accept compensation, financial or otherwise, from more than one party for services on the same project, unless the circumstances are fully disclosed to, and agreed to by, all interested parties.
- k) The land surveyor shall not solicit or accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with the client or employer in connection with work for which the land surveyor is responsible.
- l) The land surveyor shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products.
- m) When in public service as a member, advisor, or employee of a governmental body or department, the land surveyor shall not participate in considerations or actions with respect to services provided by the land surveyor or the land surveyor's organizations in private land surveying practices.
- n) The land surveyor shall not solicit or accept a land surveying contract from a governmental body on which a principal or officer of the land surveyor's organization serves as a member.
- o) The land surveyor shall not offer to pay, either directly or indirectly, any commission, political contribution, gift, or other consideration in order to secure work, exclusive of securing a salaried position through employment agencies.
- p) The land surveyor shall seek professional employment on the basis of qualification and competence in the proper accomplishment of similar work.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- q) The land surveyor shall not falsify or permit misrepresentation of the land surveyor's or the land surveyor's associates' academic or professional qualifications. The land surveyor shall not misrepresent or exaggerate the degree of responsibility in or for the subject matter of prior assignments. Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures or their past accomplishments, or the land surveyor's past accomplishments, with the intent and purpose of enhancing the land surveyor's qualifications and work.
- r) The land surveyor shall not knowingly associate with or permit the use of the land surveyor's name or firm name in a business venture by any person or firm the land surveyor knows, or has reason to believe, is engaging in business or professional practices of a fraudulent or dishonest nature.
- s) If the land surveyor has knowledge or reason to believe that another person or firm may be in violation of the Act or this Part, the land surveyor shall present that information to the [DivisionDepartment](#) in writing and shall cooperate with the [DivisionDepartment](#) in furnishing further information or assistance as may be required by the [DivisionDepartment](#).
- t) Conviction of a crime shall be deemed incompetent practice if the acts that resulted in the conviction have a direct bearing on whether the applicant should be entrusted to serve the public as a licensed land surveyor.
- u) The revocation or suspension of a registered land surveyor's license by another jurisdiction, if for a cause that in the State of Illinois would constitute a violation of this Part, shall be grounds for a charge of violation.
- v) Corporations, partnerships and firms maintaining any place of business in the State of Illinois for the purpose of providing or offering to provide land surveying to the public shall have in responsible charge of land surveying service at any and each location a licensed land surveyor who shall be employed full-time at that location.

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

**Section 1270.60 Granting Variances**

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- a) The Director ~~of Professional Regulation~~ may grant variances from ~~this Part~~ these rules in individual cases ~~when~~ where he ~~or she~~ finds that:
- 1) the provision from which the variance is granted is not statutorily mandated;
  - 2) no party will be injured by the granting of the variance; and
  - 3) the rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the Board of the granting of such variance, and the reasons ~~for granting the variance~~ therefor, at the next meeting of the Board.

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

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

**Section 1270.APPENDIX A Rules for the Perpetuation of Monuments Under the Land Survey Monuments Act**

- a) The Land Survey Monuments Act [765 ILCS 220] requires a licensed land surveyor to record a monument record when he/she conducts a survey that uses as a control corner any public land survey monument, or when he/she establishes, re-establishes, restores or rehabilitates any public land survey monument, except when there exists a monument record and the monument is found as described in the record. All licensed land surveyors who conduct surveys pursuant to the Land Survey Monuments Act shall comply with standards set forth in this Section. Violation of the Land Survey Monuments Act shall be considered a Class A misdemeanor pursuant to Section 11 of the Act.
- b) Every section corner and quarter section corner is a public land survey monument. The monumentation of other points resulting from the subdivision of a section is not a requirement of the Act. Only when a public land survey monument is used for making a survey is recording of a monument record a requirement of the Act. The licensed land surveyor may utilize information from previous surveys providing it is sufficient to locate, establish or re-establish the public land survey monument and is adequate for preparing the monument record.
- c) A monument record means a written and illustrated document describing the physical appearance of a survey monument and its accessories. The monument record shall be presented and recorded in accordance with the following specifications:
  - 1) It shall have an overall width of 8½ inches and an overall length of 11 inches.
  - 2) It shall have a clear one-half inch border on the top, bottom and both sides.
  - 3) A 3" x 5" block in the upper right corner shall be reserved for the use of the County Recorder of Deeds.
  - 4) Paper on which the form is printed shall have a minimum rag content of 25 percent and shall be 20 pound weight.
  - 5) The height of lettering or typing shall be one tenth of an inch and shall have a clarity suitable for microfilming and reproducing. A maximum of 4 sheets may be used as one document.

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- 6) There shall be no more than 4 monuments shown on each record and all monuments must be for a common section.
  - 7) The surveyor may show geodetic position or other information at his/her option, providing it does not detract from the clarity of the requirements of the monument record.
  - 8) The drawing shall be orientated with North at the top of the form.
  - 9) The monument record shall be recorded at the time of recording the survey if the survey is placed on record, but in no case more than 40 days after the survey is completed.
  - 10) Each monument record shall describe at least 3 accessories or reference points.
  - 11) All monument records shall be signed by a licensed land surveyor or by the chief of a survey party in an agency of the United States government.
- d) It is recommended that, in addition to the monument record requirements set forth above, additional data to add to the monument record to aid in future recovery may include the following:
- 1) the company's job number of the survey project;
  - 2) the date the survey plat was completed;
  - 3) the name of the firm, surveyor's name and field book with page number;
  - 4) distances and bearings to the nearest quarter or section corner monument;
  - 5) general location of ties (i.e., in ditch line, 5' east of edge of pavement, etc.);
  - 6) the amount of cover, if any, over the monument;
  - 7) the proper or government township name;
  - 8) that distances are slope or horizontal;

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- 9) any known history of the monument (e.g., the monument was shown on a plat of survey by Super Surveyors, Inc., dated August 16, 1937, and recorded in Surveyors Book 2, page 29, in the County Recorder's Office).
- e) The Land Survey Monuments Act states that a monument shall be in such a physical condition that it remains as permanent a monument as is reasonably possible and, if practical, the Illinois license number of the land surveyor who records the monument record shall be affixed securely to the top of the monument at the public land survey corner. When it is not practical to affix the land surveyor's Illinois license number on the monument, the number may be affixed to one of the reference points.
- f) As a minimum the monument must be a standard weight steel pipe, one-half inch diameter, 30 inches long or a solid steel rod one-half inch diameter, 30 inches long.
- g) Should the monument fall on a concrete surface, a survey marker permanently anchored into the concrete is acceptable. Should a stone be found and the size is such to make it reasonably permanent, it should remain and ferrous material be placed over or adjacent to the monument to facilitate its recovery.
- h) Pursuant to Section 3.04 of the Land Survey Monuments Act, "accessory" is defined as *any physical evidence in the vicinity of a survey monument or position thereof, the relative position of which is of public record and which is used to perpetuate the location of the monument....* Ties are considered accessories.
  - 1) If monument record ties are found to have a questionable future, make an effort to establish permanent ties and file a new monument record.
  - 2) In an area void of nearby physical tie points, resort to angular ties such as building corners, the centers or faces of chimneys, steeples, water towers or other structures.
  - 3) A description of a tie point shall be as specific as possible and may include such things as:
    - A) The exact location on a right of way marker or other square shaped tie, such as apex, northeast corner or center of east face at ground level;

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENTS

- B) Chiseled cross on northwest cap bolt of hydrant;
  - C) Back of concrete curb at joint of radius return;
  - D) Chiseled cross on south side of rim on sanitary sewer manhole;
  - E) Southwest corner of concrete foundation; or
  - F) Punch mark on top of west end of 15 inch corrugated metal pipe culvert.
- i) Other considerations when conducting a survey to establish a monument record:
- 1) Lower the monument if it appears to be in danger of being destroyed due to grading, road improvement, cultivation, etc.
  - 2) Make an attempt to contact adjoining property owners to ascertain if the monument is generally recognized and accepted to be the corner in question.
  - 3) Make an attempt to show the adjoining property owners, road commissioner or highway official the location of the monument and supply them with a copy of the monument record for future use.
  - 4) Maintain respect for private property. Do not paint or put nails in or survey ribbon on private property without permission.
- j) The ~~Division~~Department is cognizant of the long range public benefit derived by the perpetuation of the public land survey monuments. The Act has no provision that would exempt a particular type of survey from complying with the Act if a public land survey monument is used. Therefore, strict adherence is a legal requirement.

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

## PROPERTY TAX APPEAL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Practice and Procedure for Appeals Before the Property Tax Appeal Board
- 2) Code Citation: 86 Ill. Adm. Code 1910
- 3) Section Numbers:  
1910.79  
1910.95
- Proposed Action:  
New Section  
Amended
- 4) Statutory Authority: 35 ILCS 200/Art. 7 and 16-180 through 16-195
- 5) A Complete Description of the Subjects and Issues Involved:  
  
Section 1910.79 – Policy on Discovery: This new Section is added to state the Board's policy on discovery in any pending appeal.  
  
Section 1910.95 – Service of Documents in Certain Cases: This Section is renamed and amended to provide for the service of documents among the parties in any appeal where a change in assessed valuation of \$1 million or more is sought before the Board.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
1910.20	Amended	30 Ill. Reg. 5499; 3/24/06
1910.30	Amended	30 Ill. Reg. 5499; 3/24/06
1910.67	Amended	30 Ill. Reg. 7844; 4/28/06
1910.88	New Section	30 Ill. Reg. 5499; 3/24/06
1910.90	Amended	30 Ill. Reg. 7844; 4/28/06
1910.99	New Section	30 Ill. Reg. 7844; 4/28/06

## PROPERTY TAX APPEAL BOARD

## NOTICE OF PROPOSED AMENDMENTS

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

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

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

- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations affected: All small businesses owning taxable real property in Illinois.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2006

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

## PROPERTY TAX APPEAL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 86: REVENUE

## CHAPTER II: PROPERTY TAX APPEAL BOARD

## PART 1910

PRACTICE AND PROCEDURE FOR APPEALS  
BEFORE THE PROPERTY TAX APPEAL BOARD

## Section

1910.5	Construction and Definitions
1910.10	Statement of Policy
1910.11	Rules of Order
1910.20	Correspondence
1910.25	Computing Time Limits
1910.30	Petitions – Application
1910.31	Amendments
1910.40	Board of Review Response to Petition Application
1910.50	Determination of Appealed Assessment
1910.55	Stipulations
1910.60	Interested Parties – Intervention
1910.63	Burdens of Proof
1910.64	Motion Practice – Service of Papers
1910.65	Documentary Evidence
1910.66	Rebuttal Evidence
1910.67	Hearings
1910.68	Subpoenas
1910.69	Sanctions
1910.70	Representation at Hearings
1910.71	Ex Parte Communications
1910.72	Informal Settlement Conference
1910.73	Pre-hearing Conference – Formal Settlement Conference
1910.74	Administrative Review
1910.75	Access to Board Records – Freedom of Information Procedures
1910.76	Board Publications-Distribution
1910.77	Withdrawals and Substitutions of Attorneys
1910.78	Consolidation of Appeals
1910.79	<u>Policy on Discovery</u>
1910.80	Forms
1910.90	Practice Rules
1910.91	Business Records
1910.92	Rules of Pleading, Practice and Evidence

## PROPERTY TAX APPEAL BOARD

## NOTICE OF PROPOSED AMENDMENTS

1910.93	Request for Witnesses
1910.94	Inspection of Subject Property – Effect of Denial by Taxpayer or Property Owner
1910.95	<u>Service of Documents in Certain Cases</u> <del>Separability (Renumbered)</del>
1910.96	Evidence Depositions
1910.98	Transcription of Hearings – Official Record
1910.100	Severability

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

SOURCE: Adopted at 4 Ill. Reg. 23, p. 106, effective May 27, 1980; codified at 8 Ill. Reg. 19475; amended at 13 Ill. Reg. 16454, effective January 1, 1990; amended at 21 Ill. Reg. 3706, effective March 6, 1997; amended at 21 Ill. Reg. 11949, effective August 13, 1997; amended at 21 Ill. Reg. 14551, effective October 27, 1997; amended at 22 Ill. Reg. 957, effective December 19, 1997; amended at 22 Ill. Reg. 16533, effective September 2, 1998; amended at 24 Ill. Reg. 1233, effective January 5, 2000; amended at 29 Ill. Reg. 13574, effective August 19, 2005; amended at 29 Ill. Reg. 21046, effective December 16, 2005; amended at 30 Ill. Reg. 1419, effective January 20, 2006; amended at 30 Ill. Reg. 2640, effective February 15, 2006; amended at 30 Ill. Reg. 7965, effective April 14, 2006; amended at 30 Ill. Reg. 10103, effective May 16, 2006; amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 1910.79 Policy on Discovery**

- a) It is the policy of the Property Tax Appeal Board to obtain full disclosure of all relevant and material facts prior to hearing.
- b) It is the policy of the Board to encourage voluntary exchange by the parties of all relevant and material facts prior to hearing through the use of requests for documents and information. When less formal procedures have proven to be unsuccessful, formal discovery by means available under this Part will be allowed.

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

**Section 1910.95 Service of Documents in Certain Cases**~~Separability (Renumbered)~~

- a) Service Requirements and Application. Except as otherwise provided, this Section contains the Property Tax Appeal Board's service requirements for documents submitted by a party in support of an issue pending in any appeal where a change in assessed valuation of \$1 million or more is sought before the

## PROPERTY TAX APPEAL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Board. Service of documents shall commence after the contesting party has initiated a petition for appeal with the Board and after notice has been given to the board of review of the appeal filing as provided in Section 1910.40(a) of this Part. Requests and motions for extensions of time made pursuant to Sections 1910.30(g), 1910.40(d), and 1910.60(f) of this Part are not subject to this Section. All other motions made by the parties shall be governed by Section 1910.64 of this Part.

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

(Source: Section 1910.95 renumbered to Section 1910.100 at 30 Ill. Reg. 1419, effective January 20, 2006; Section 1910.95 amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Race Officials
- 2) Code Citation: 11 Ill. Adm. Code 1306
- 3) Section Number: 1306.110                      Proposed Action:  
Amend
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking will allow the Stewards to declare a race void, and order all wagers refunded, in the event of an unavoidable cause. A similar rule currently exists in the thoroughbred Section of the Board's rules.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending in this Part? No
- 11) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this Notice, to:  
  
Mickey Ezzo  
Illinois Racing Board  
100 West Randolph  
Suite 7-701  
Chicago, Illinois 60601  
  
(312) 814-5017
- 13) Initial Regulatory Flexibility Analysis:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

- A) Types of small business affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on the 2006 Regulatory Agenda because it was not anticipated.

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

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED 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 1306  
RACE OFFICIALS

Section	
1306.10	State Steward
1306.20	Additional Steward
1306.30	Judges
1306.50	Disqualification to Act as Official
1306.70	Participation Forbidden
1306.80	Judges' Stand Occupants
1306.90	Improper Conduct
1306.100	Presiding Judge
1306.110	Powers of the State Steward and Judges
1306.120	Duties of the Judges and State Steward
1306.130	Procedures of the Judges and State Steward
1306.140	Patrol Judge
1306.160	Starting Judges
1306.170	Duties of Starter
1306.180	Clerk of the Course
1306.190	Timers
1306.200	Paddock Judge
1306.210	Program Director
1306.220	Horse Identifier
1306.230	State Veterinarian
1306.240	Bribes Forbidden
1306.250	Drinking of Intoxicating Liquor Prohibited
1306.260	Arrival Time (Repealed)

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

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication; codified at 5 Ill. Reg. 10926; amended at 10 Ill. Reg. 10147, effective May 27, 1986; amended at 30 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_).

## ILLINOIS RACING BOARD

## NOTICE OF PROPOSED AMENDMENT

**Section 1306.110 Powers of the State Steward and Judges**

The ~~State Steward~~~~state steward~~ and the judges shall have the following powers:

- a) Inflict fines and penalties, as prescribed by ~~this Part~~~~these rules~~.
- b) Determine all questions of fact relating to the race.
- c) Decide any differences between parties to the race. Should any case occur that may or may not be covered by the Rules and Regulations, it shall be determined by the officials. When no penalty is provided, the ~~State Steward~~~~state steward~~ and judges shall have the authority to impose stated penalties as they think just, recommending to the Board more severe penalties if they think fit.
- d) Declare pools and bets "off" in the case of fraud, no appeal to be allowed from their decision in that respect. All pools and bets follow the decision of the judges. Such a decision in respect to pools and bets, shall be made at the conclusion of the race upon the observations of the judges and upon such facts as an immediate investigation shall develop. A reversal or change of decision after the official placing at the conclusion of the heat or dash shall not affect the distribution of betting pools made upon such official placing. When pools and bets are declared off for fraud, the guilty parties shall be fined, suspended and/or expelled.
- e) Control the horses, drivers and assistants and punish by a fine not exceeding \$500- or by suspension or expulsion, any person who shall fail to obey their orders or the rules. In no case shall there be any compromise or change on the part of the judges of punishment prescribed in the rules, but the same shall be strictly enforced.
- f) Conduct an inquiry into a violation of any rule and take such action as may be appropriate and render their report to the Board. Any action, as a result of such inquiry, must be concurred in by the majority of the judges. Any person required to appear before the judges for a hearing or examination who shall fail to appear after due notice in writing shall be penalized.
- g) Consider complaints of foul from the patrols, owners or drivers in the race and no others.
- h) Declare a race void and order all wagers refunded in the event of unfavorable weather or other unavoidable cause.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENT

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

## DEPARTMENT OF STATE POLICE MERIT BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Procedures of the Department of State Police Merit Board
- 2) Code Citation: 80 Ill. Adm. Code 150
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
150.210	Amendment
150.430	Amendment
- 4) Statutory Authority: [20 ILCS 2610/9 and 2610/10]
- 5) Effective Date of Amendments: June 2, 2006
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date filed in agency's principal office: June 2, 2006
- 9) Date notices of Proposal published in Illinois Register: February 17, 2006; 30 Ill. Reg. 2109
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposed and final version: Grammatical changes only.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of Rulemaking:

Section 150.210 – This amendment is not a substantive change to the rule but rather simply adds verbiage to clarify the education requirement.

Section 150.430 – This amendment will add another component, an assessment exercise, to the promotional process for Sergeants testing to Master Sergeant.

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF ADOPTED AMENDMENTS

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

James E. Seiber, Executive Director  
3180 Adloff Lane, Suite 100  
Springfield IL 62703

217/786-6240

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

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS  
CHAPTER IV: DEPARTMENT OF STATE POLICE MERIT BOARD

PART 150  
PROCEDURES OF THE DEPARTMENT OF STATE POLICE MERIT BOARD

SUBPART A: DEFINITIONS

Section  
150.10 Definitions

SUBPART B: CERTIFICATION FOR APPOINTMENT

Section  
150.210 Qualifications  
150.220 Selection Procedures  
150.230 Recertification  
150.240 Probationary Period

SUBPART C: CLASSIFICATION OF RANKS

Section  
150.310 Ranks  
150.320 Interdivisional Transfers

SUBPART D: CERTIFICATION FOR PROMOTION

Section  
150.410 Board Responsibilities  
150.420 Eligibility  
150.430 Procedures  
150.440 Promotion Probationary Period (Repealed)

SUBPART E: DISCIPLINARY ACTION

Section  
150.510 Merit Board Jurisdiction  
150.520 Discipline Afforded the Deputy Director  
150.530 Notification to Suspended Officer

## DEPARTMENT OF STATE POLICE MERIT BOARD

## NOTICE OF ADOPTED AMENDMENTS

150.540	Petition for Review
150.550	Form and Content of Petition for Review
150.560	Filing Procedures
150.565	Procedure for Processing Petition for Review
150.570	Director's Review
150.575	Discipline Afforded the Director
150.580	Complaint Procedures
150.585	Scheduling the Hearing
150.590	Notification to Officer

## SUBPART F: HEARINGS

Section	
150.610	Board Docket
150.620	Hearing Officer
150.630	Pre-hearing Conferences
150.640	Motions
150.650	Subpoenas
150.655	Request for Witnesses or Documents
150.660	Evidence Depositions
150.665	Hearing Procedures
150.670	Continuances and Extensions of Time
150.675	Computation of Time
150.680	Decisions of the Board
150.685	Service and Form of Papers
150.APPENDIX A	Vision Standards (Repealed)
150.APPENDIX B	Physical Fitness Standards

AUTHORITY: Implementing Sections 3 through 14 and authorized by Section 8 of the State Police Act [20 ILCS 2610/3 through 14].

SOURCE: Emergency rule adopted at 2 Ill. Reg. 10, p. 206, effective February 24, 1978, for a maximum of 150 days; emergency amendment at 2 Ill. Reg. 32, p. 37, effective July 27, 1978, for a maximum of 150 days; emergency amendment at 2 Ill. Reg. 51, p. 100, effective December 7, 1978, for a maximum of 150 days; adopted at 2 Ill. Reg. 52, p. 422, effective December 25, 1978; amended at 3 Ill. Reg. 47, p. 86, effective November 12, 1979; emergency amendment at 4 Ill. Reg. 6, p. 284, effective February 1, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 2739, effective March 2, 1981; amended at 6 Ill. Reg. 10954, effective August 31, 1982; codified at 7 Ill. Reg. 9900; amended at 7 Ill. Reg. 15018, effective November 2, 1983;

## DEPARTMENT OF STATE POLICE MERIT BOARD

## NOTICE OF ADOPTED AMENDMENTS

emergency amendment at 8 Ill. Reg. 379, effective December 27, 1983, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 3038, effective February 23, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7894, effective May 23, 1984; amended at 9 Ill. Reg. 3721, effective March 13, 1985; amended at 9 Ill. Reg. 14328, effective September 6, 1985; recodified from the Department of Law Enforcement Merit Board to the Department of State Police Merit Board pursuant to Executive Order 85-3, effective July 1, 1985, at 10 Ill. Reg. 3283; amended at 10 Ill. Reg. 17752, effective October 1, 1986; amended at 11 Ill. Reg. 7760, effective April 14, 1987; amended at 11 Ill. Reg. 18303, effective October 26, 1987; amended at 12 Ill. Reg. 1118, effective December 24, 1987; amended at 12 Ill. Reg. 10736, effective June 13, 1988; amended at 13 Ill. Reg. 5201, effective April 3, 1989; emergency amendment at 13 Ill. Reg. 16607, effective September 29, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 19592, effective December 1, 1989; amended at 14 Ill. Reg. 3679, effective February 23, 1990; amended at 15 Ill. Reg. 11007, effective July 15, 1991; amended at 16 Ill. Reg. 11835, effective July 13, 1992; emergency amendment at 16 Ill. Reg. 17372, effective October 29, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 9716, effective June 10, 1993; expedited correction at 17 Ill. Reg. 14684, effective June 10, 1993; amended at 17 Ill. Reg. 21079, effective November 22, 1993; amended at 19 Ill. Reg. 6679, effective May 1, 1995; amended at 19 Ill. Reg. 7970, effective June 1, 1995; amended at 20 Ill. Reg. 404, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 8062, effective June 4, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 13663, effective October 3, 1996; amended at 20 Ill. Reg. 14640, effective October 25, 1996; amended at 21 Ill. Reg. 14262, effective October 17, 1997; amended at 22 Ill. Reg. 5092, effective February 26, 1998; amended 22 Ill. Reg. 18076, effective September 28, 1998; amended at 24 Ill. Reg. 1276, effective January 5, 2000; emergency amendment at 24 Ill. Reg. 16103, effective October 12, 2000, for a maximum of 150 days; emergency expired March 11, 2001; amended at 25 Ill. Reg. 10853, effective August 10, 2001; amended at 26 Ill. Reg. 9968, effective June 19, 2002; amended at 26 Ill. Reg. 14694, effective September 23, 2002; amended at 27 Ill. Reg. 19038, effective December 3, 2003; amended at 29 Ill. Reg. 6084, effective April 15, 2005; amended at 30 Ill. Reg. 10609, effective June 2, 2006.

## SUBPART B: CERTIFICATION FOR APPOINTMENT

**Section 150.210 Qualifications**

- a) The Board shall certify to the Director in writing qualified applicants for appointment as sworn officers to the Department. Qualified applicants shall:
  - 1) Be at least 21 years of age. Persons 20 years of age may be certified if they have successfully completed 2 years (60 semester hours, 90 quarter hours) of law enforcement studies at an accredited college or university.

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- 2) Have completed, one of the education options listed below, with an average grade of C or better, from an accredited college or university, as certified by the registrar of the college or university.
  - A) Options
    - i) Option 1: An Associate of Arts Degree or equivalent general education course work (see subsection (a)(2)(B) of this Section) and meet one of the following two job experience requirements: 3 years of continuous, full time service as a police officer with the same police agency or 3 years of active military duty.
    - ii) Option 2: An Associate of Science Degree or equivalent general education course work (see subsection (a)(2)(B) of this Section) and meet one of the following two job experience requirements: 3 years of continuous, full time service as a police officer with the same police agency or 3 years of active military duty.
    - iii) Option 3: An Associate of Applied Science Degree, only if the degree is in Law Enforcement, and meet one of the following two job experience requirements: 3 years of continuous, full time service as a police officer with the same police agency or 3 years of active military duty.
    - iv) Option 4: A Bachelor's Degree.
  - B) General Education Course Work consists of:
    - i) 9 semester hours in Communication studies;
    - ii) 9 semester hours in Social Science studies;
    - iii) 6 semester hours in Natural Science studies;
    - iv) 3 semester hours in Math studies;
    - v) 9 semester hours in Humanity studies;

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- vi) 24 semester hours in any other elective.
- C) The college or university must be accredited by one of the following associations:
  - i) Middle States Association of Colleges and Schools;
  - ii) North Central Association of Colleges and Schools;
  - iii) New England Association of Schools and Colleges;
  - iv) Northwest Association of Schools and Colleges;
  - v) Southern Association of Colleges and Schools;
  - vi) Western Association of Schools and Colleges.
- 3) Be a citizen of the United States with no felony convictions.
- 4) Accept assignment anywhere in the State.
- 5) Possess a valid driver's license.
- 6) Successfully complete mental and physical tests and a background investigation as prescribed by the Board. (See Section 150. Appendix A and B of this Part.)
- b) The Board may certify more applicants than there are vacant positions at the time of certification. Such certified applicants shall be eligible for appointment for a period of time designated by the Board.

(Source: Amended at 30 Ill. Reg. 10609, effective June 2, 2006)

## SUBPART D: CERTIFICATION FOR PROMOTION

**Section 150.430 Procedures**

- a) The Board will provide each officer with official notification announcing the examination and requesting a written response respecting the officer's intention to participate.

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- b) Candidates for promotion must complete examinations at the time designated by the Board in the official notification. No exceptions will be allowed.
- c) Such candidates must have taken the most recent examination offered by the Board to be eligible for certification for promotion. All candidates taking the examination for each rank will be advised of their total promotional score and standing.
- d) Promotional Process Components

The total promotional score will consist of combined standardized scores or respective percentage weights of the components designated for each rank:

Components	
<del>Sergeant and Master Sergeant:</del>	
Job Knowledge Test	50%
Performance Appraisal	45%
Seniority in Rank	Up to 5 points
<u>Master Sergeant</u> , Lieutenant and Captain:	
Job Knowledge Test, Performance Appraisal and Assessment Exercise, combined	95%
Seniority in Rank	Up to 5 points

- e) Candidates for the ranks of Master Sergeant, Lieutenant and Captain will participate in a written examination and an assessment exercise, as well as receive a performance appraisal and a seniority score. The combined score will be standardized to a 100 point scale. The top 65% of all Sergeants, Master Sergeants and Lieutenants participating in the total promotional process will be certified by the Board. All candidates competing for the ranks of Lieutenant and Captain must possess a Bachelor's Degree. Those candidates hired before 1999 will be granted 10 years to complete a Bachelor's Degree. The 10 year period will begin on January 1, 2003 and end on December 31, 2013. Candidates must have graduated with a "C" average or better from an accredited college or university, as

## DEPARTMENT OF STATE POLICE MERIT BOARD

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certified by the registrar of the college or university. The college or university must be accredited by one of the following associations:

- 1) Middle States Association of Colleges and Schools;
  - 2) North Central Association of Colleges and Schools;
  - 3) New England Association of Schools and Colleges;
  - 4) Northwest Association of Schools and Colleges;
  - 5) Southern Association of Colleges and Schools;
  - 6) Western Association of Schools and Colleges.
- f) The Board will certify to the Director the top 65% of those Troopers, and Special Agents and Sergeants participating in the total promotional process.
- g) There will be a statewide certification list for the rank of Captain. The certification lists for Sergeant and Master Sergeant will be according to Districts and the certification lists for Lieutenant will be according to Regions, as defined jointly by the Illinois State Police and the Illinois State Police Merit Board for promotional purposes.
- h) The top 10 candidates on each certification list for all ranks are equally eligible for promotion by the Director; however, in the event of a tied score, all candidates obtaining such score shall be equally eligible for promotional consideration. The Director may promote accordingly any one of the eligible candidates in accordance with Equal Employment Opportunity Commission regulations (29 CFR 1600 et seq. (July 1, 1982)) and Illinois Department of Human Rights guidelines.
- 1) As promotions are accepted or waived, that candidate with the next highest total promotional score on the list becomes equally eligible for promotion; however, in the event of a tied score, all candidates obtaining such score shall be equally eligible for promotional consideration;
  - 2) Eligible candidates on the certification list may decline an offer of promotion without losing position on the certification list. In the event of declination, that candidate with the next highest total promotional score

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becomes equally eligible for promotion; however, in the event of a tied score, all candidates obtaining such score shall be equally eligible for promotional consideration.

- i) Upon written notification from the Department to the Board that a candidate on the certification list has been suspended, is on leave of absence, or has applied for disability benefits, the Board will remove the candidate's name from the certification list. The candidate's name will be restored on the list in a position in proper relation to the total promotional scores remaining when the suspension or leave of absence terminates or the disability is removed.
- j) The certification list shall remain in force until the new certification list has been established; however, in the event that a certification list becomes exhausted, the Director will file a written request with the Board asking for the certification of additional names on any one list if necessary to fill vacant positions.
- k) Candidates for the rank of Major will be nominated to the Board by written request from the Illinois State Police. The Board will review the position requirements, candidate information and any written/oral examinations necessary to determine if the candidate will be certified for promotion.

(Source: Amended at 30 Ill. Reg. 10609, effective June 2, 2006)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of May 30, 2006 through June 5, 2006 and have been scheduled for review by the Committee at its July 11, 2006 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
7/13/06	<u>Department of Transportation</u> , Control of Outdoor Advertising Adjacent to Primary and Interstate Highways (92 Ill. Adm. Code 522)	4/7/06 30 Ill. Reg. 6125	7/11/06
7/15/06	<u>Department of Revenue</u> , Income Tax (86 Ill. Adm. Code 100)	4/14/06 30 Ill. Reg. 6303	7/11/06
7/16/06	<u>Department of Financial and Professional Regulation</u> , Respiratory Care Practice Act (68 Ill. Adm. Code 1456)	4/7/06 30 Ill. Reg. 6059	7/11/06
7/19/06	<u>Environmental Protection Agency</u> , Procedures for Issuing Loans From the Water Pollution Control Revolving Fund (35 Ill. Adm. Code 365)	2/17/06 30 Ill. Reg. 2002	7/11/06

## PROCLAMATIONS

**2006-208****FRIEND FAMILY HEALTH CENTER**

WHEREAS, the Friend Family Health Center (FFHC) provides numerous services to people in the Chicagoland area, including: primary care related to pediatrics, internal medicine, adolescents, OB/GYN, and lab services. Additionally, they offer social services specific to family case management, social work, community outreach and specialty programs, as well as health education, ophthalmology, immunization programs, dental services, pharmacy assistance and women, infant & children (WIC) nutritional services; and

WHEREAS, in 2005, FFHC had over 50,000 medical visits and over 4,400 social service visits, including family case management, nutritional and other social services; and

WHEREAS, with 64 percent of their patients under the age of 13, FFHC ensures that children are properly immunized and treated for other childhood illnesses such as asthma and developmental delays; and

WHEREAS, eighty-nine percent of FFHC's patients live at or below 200% of the federal poverty level and 77% live at or below 100% of the Federal Poverty Level. In order to meet its financial obligations, FFHS relies on third party payers with many patients using State sponsored programs as their medical insurance providers; and

WHEREAS, the FFHC is a Federally Qualified Health Center providing medical services to patients regardless of their inability to pay, and they continually strive to eliminate health disparities in our State:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby recognize and commend the **FRIEND FAMILY HEALTH CENTER** for their tireless commitment to providing medical services in the state of Illinois.

Issued by the Governor on May 31, 2006.

Filed by the Secretary of State June 2, 2006.

**2006-209****UNITED STATES ARMY DAY**

WHEREAS, the United States Army is the branch of the United States Armed Forces that has primary responsibility for land-based military operations; and

## PROCLAMATIONS

WHEREAS, the United States Army can trace its origins to the Continental Army, which was formed on June 14, 1775, before the establishment of the United States, to meet the demands of the American Revolutionary War; and

WHEREAS, Congress created the United States Army on June 3, 1784 after the end of the American Revolutionary War, to replace the disbanded Continental Army. However, the US Army considers itself to be an evolution of the Continental Army, and thus dates its inception from the origins of the Continental Army; and

WHEREAS, as of this year, there are over 700,000 soldiers currently enlisted in the army risking what our founders called "their lives, their fortune, and their sacred honor," and there are millions more that have served this great Country since the Army's inception; and

WHEREAS, the United States Army will celebrate its 231<sup>st</sup> birthday on June 14, 2006:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 14, 2006 as **UNITED STATES ARMY DAY** in Illinois, and encourage all citizens to join in recognizing the United States Army, and the noble men and women who serve this branch, for their 231 years of protecting our freedoms in this country.

Issued by the Governor on June 1, 2006.

Filed by the Secretary of State June 2, 2006.

# ILLINOIS ADMINISTRATIVE CODE Issue Index - With Effective Dates

Rules acted upon in Volume 30, 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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