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RULES OF GOVERNMENTAL AGENCIES

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INTRODUCTION

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

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

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

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

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2009

Issue #	Rules Due Date	Date of Issue
1	December 22, 2008	January 2, 2009
2	December 29, 2008	January 9, 2009
3	January 5, 2009	January 16, 2009
4	January 12, 2009	January 23, 2009
5	January 20, 2009	January 30, 2009
6	January 26, 2009	February 6, 2009
7	February 2, 2009	February 13, 2009
8	February 9, 2009	February 20, 2009
9	February 17, 2009	February 27, 2009
10	February 23, 2009	March 6, 2009
11	March 2, 2009	March 13, 2009
12	March 9, 2009	March 20, 2009
13	March 16, 2009	March 27, 2009
14	March 23, 2009	April 3, 2009
15	March 30, 2009	April 10, 2009
16	April 6, 2009	April 17, 2009
17	April 13, 2009	April 24, 2009
18	April 20, 2009	May 1, 2009
19	April 27, 2009	May 8, 2009
20	May 4, 2009	May 15, 2009
21	May 11, 2009	May 22, 2009
22	May 18, 2009	May 29, 2009

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

Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from May11 to July 1, 2009.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Home Inspector License Act

2) Code Citation: 68 Ill. Adm. Code 1410

3)

Section Numbers:	Proposed Action:
1410.10	Amendment
1410.100	Amendment
1410.110	Amendment
1410.120	Amendment
1410.140	Amendment
1410.150	Amendment
1410.160	Amendment
1410.170	Amendment
1410.180	Repealed
1410.200	Amendment
1410.210	Amendment
1410.220	Amendment
1410.230	Amendment
1410.300	Amendment
1410.310	Amendment
1410.320	Amendment
1410.330	Amendment
1410.340	Amendment
1410.350	Amendment
1410.400	Amendment
1410.410	Amendment
1410.420	Amendment
1410.500	Amendment
1410.510	Amendment
1410.520	Amendment
1410.530	Amendment
1410.540	Amendment
1410.550	Amendment
1410.560	Amendment
1410.570	Amendment
1410.580	Amendment

4) Statutory Authority: Home Inspector License Act [225 ILCS 441]

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

5) A Complete Description of the Subjects and Issues Involved: The proposed amendments are intended to further clarify various aspects of the original rules, including: Standards of Practice, Grounds for Discipline, Education Provider Application; Requirements, and Pre-License Course Curriculum. Section 1410.10 is amended by adding additional definitions pertaining to education. Section 1410.100 was made consistent with the operation for other agency professions and the Licensing Division relating to exam time frames being only 1 year to make application after examination. Section 1410.160 is amended to provide mandatory courses and elective courses for continuing education practices. Section 1410.200, Standards of Practice, is amended for clarification purposes regarding residential components of inspections. Section 1410.300 was amended for the safety of the general public by allowing a Licensee to share any crucial information stemming from a home inspection that may pose a danger. The amendments also include numerous non-substantive changes, including changing references throughout the entire Part from "OBRE" to "IDFPR" "OBRE" to "Division" and "Commissioner" to "Director" 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 amendments pending on these Parts? No

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

12) Time, Place and Manner in which interested persons may comment on this rulemaking: Interested persons may submit written comments to:

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

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

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

13) Initial Regulatory Flexibility Analysis:

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

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

C) Types of professional skills necessary for compliance: Home inspector skills are necessary for licensure.

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

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VIII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION~~OFFICE OF BANKS AND REAL ESTATE~~

PART 1410
HOME INSPECTOR LICENSE ACT

SUBPART A: DEFINITIONS AND APPLICABILITY OF THIS PART

Section
1410.10 Definitions
1410.20 Applicability of this Part

SUBPART B: LICENSING EDUCATION REQUIREMENTS

Section
1410.100 Application for a Home Inspector
1410.110 Application for a Home Inspector Entity License
1410.120 Application for Non-Resident Home Inspector License by Reciprocity
1410.130 Expiration of Home Inspector Licenses
1410.140 Renewal of Home Inspector Licenses
1410.150 Pre-License Education Requirements
1410.160 Continuing Education Requirements
1410.170 Issuance of Certificate of Licensure
1410.180 Exemptions (Repealed)

SUBPART C: STANDARDS OF PRACTICE AND BUSINESS REQUIREMENTS

Section
1410.200 Standards of Practice
1410.210 Notification of Name Change
1410.220 Assumed Name
1410.230 Address Change; Street Address
1410.240 Work Log of Inspections
1410.250 Entities must Utilize Licensed Home Inspectors
1410.260 Disclosure of a Conflict of Interest

SUBPART D: ENFORCEMENT PROVISIONS

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Section
1410.300 Grounds for Discipline
1410.310 Felony Convictions; Discipline of Other Professional License; Notification
1410.320 Cooperation Required with the Division~~OBRE~~
1410.330 Administrative Warning Letter
1410.340 Additional Education; Reporting Requirements
1410.350 Suspension or Denial for Failure to Pay Taxes, Child Support or any Illinois-Guaranteed Student Loan

SUBPART E: ADMINISTRATIVE PROVISIONS

Section
1410.400 Fees
1410.410 Duties of the Liaison
1410.420 Granting of Variances

SUBPART F: EDUCATION PROVIDER AND COURSE REQUIREMENTS

Section
1410.500 Education Provider Application; Requirements
1410.510 Pre-License Education Course Requirements of Education Providers
1410.520 Pre-License Course Curriculum
1410.530 Example of Acceptable Pre-License Education Program
1410.540 Continuing Education Course Requirements of Education Providers
1410.550 Curriculum for Continuing Education Courses; Continuing Education Credit for Participation other than as a Student
1410.560 Distance Education
1410.570 Expiration Date and Renewal for Education Providers and Pre-License and Continuing Education Courses
1410.580 Continuing Education Reporting
1410.590 Transcript or Certificate of Completion

SUBPART G: HEARINGS

Section
1410.600 Hearings

AUTHORITY: Implementing and authorized by the Home Inspector License Act [225 ILCS 441].

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

SOURCE**:** Emergency rules adopted at 26 Ill. Reg. 13317, effective August 22, 2002, for a maximum of 150 days; adopted at 27 Ill. Reg. 1513, effective January 17, 2003; amended at 27 Ill. Reg. 14180, effective August 15, 2003; amended at 33 Ill. Reg. _____, effective _____.

SUBPART A: DEFINITIONS AND APPLICABILITY OF THIS PART

Section 1410.10 Definitions

Unless otherwise clarified by this Part, definitions set forth in the Act also apply for~~or~~ the purposes of this Part.

"Act" means the Home Inspector License Act [225 ILCS 441].

"Board" means the Home Inspector Advisory Board.

"Classroom Hour~~hour~~" or "Hour~~hour~~" ~~as it pertains to the education requirements~~ means classroom attendance for a minimum of 50 minutes of lecture or its equivalent through a distance-learning program approved by the Division~~OBRE~~.

"Compensation" means the valuable consideration or the intention or expectation of receiving valuable consideration given by one person or entity to another person or entity in exchange for the performance of some activity or service. Compensation shall include the transfer of valuable consideration, including without limitation the following:

commissions;

referral fees;

bonuses;

prizes;

merchandise;

finder fees;

performance of services;

coupons or gift certificates;

discounts;

rebates;

a chance to win a raffle, drawing, lottery, or similar game of chance not prohibited by any other law or statute;

retainer fee; or

salary.

"Department" means the Department of Financial and Professional Regulation.

"Director" means the Director of the Division of Professional Regulation, with the authority delegated by the Secretary.

"Division" means the Department of Financial and Professional Regulation-Division of Professional Regulation.

"Field Inspection Events" means an examination and evaluation of the exterior and interior components of an actual residential real property by a licensed home inspector with at least 5 years experience. A maximum of 5 candidates for State licensure will participate for the purpose of learning inspection methodology, techniques, communication and observation skills and describing observed conditions.

"License" means a certificate of authority, permit or registration issued by the Division~~OBRE~~.

"Licensee" means a person who has been issued a license under the Act or this Part.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

"Standards of Practice" or "Standards" means the guidelines for the appropriate conduct of home inspections described in Subpart C.

"Unprofessional Conduct" means to act or behave in a controlled manner uncharacteristic of the profession of home inspection. A home inspector's unprofessional conduct includes, but is not limited to:

Not adhering to guidelines of the Act and this Part;

Not applying the same rigor and integrity in describing observed conditions in all home inspection reports;

Not adhering to a request made by contracted parties;

Causing physical damage to property; and

Failing to properly document findings or items left uninspected.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART B: LICENSING AND EDUCATION REQUIREMENTS

Section 1410.100 Application for a Home Inspector License

Each initial applicant for a Home Inspector License shall submit to the Division~~OBRE~~:

a) An application, provided by the Division~~OBRE~~, that is signed and fully completed by the applicant and is submitted to the Division no longer than one year after the date of the State examination;

b) The required fee set forth in Section 1410.400~~as provided by this Part~~;

c) Proof of successful completion of the pre-license education requirements, as provided by the Act and this Part~~ or has verified meeting the waiver requirements provided by Section 5-15 of the Act~~; and

d) Proof~~proof~~ of successful completion of the examination authorized by the Division~~OBRE~~.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1410.110 Application for a Home Inspector Entity License

An entity who desires to practice as a home inspector or provide home inspections in the State of Illinois in the form of a corporation, limited liability company~~Limited Liability Company~~ or ~~a~~ legally formed partnership shall submit to the Division~~OBRE~~:

a) An application, provided by the Division~~OBRE~~, that is signed and fully completed by the applicant;

b) The required fee set forth in Section 1410.400~~as provided by this Part~~;

c) A list of all owners, partners, officers, members, managers or directors of the entity; and

d) Articles of Incorporation, Articles of Organization or other evidence of legal formation or authority.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1410.120 Application for Non-Resident Home Inspector License by Reciprocity

An initial applicant who desires a Home Inspector License by reciprocity and holds a valid Home Inspector License issued by a proper licensing authority of another jurisdiction with which~~, that~~ the Division~~OBRE~~ has a valid reciprocal agreement shall submit to the Division~~OBRE~~:

a) An application, provided by the Division~~OBRE~~, that is signed and fully completed by the applicant;

b) The required fee set forth in Section 1410.400~~as provided by this Part~~; and

c) A certificate of good standing from the applicant's licensing authority.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1410.140 Renewal of Home Inspector Licenses

a) Each applicant for renewal of a Home Inspector License issued pursuant to Sections 1410.100~~100~~ and 1410.120~~120~~ of this Part shall submit to the Division~~OBRE~~:

1) A renewal~~An~~ application, provided by the Division~~OBRE~~, that is signed and fully completed by the applicant;

2) The required fee set forth in Section 1410.400~~as provided by this part~~; and

3) Proof of successful completion of the continuing education requirements of Section 1410.160~~as provided by this Part~~.

b) Each applicant for renewal of a home inspector entity license issued pursuant to Section 1410.110~~110 of this Part~~ shall:

1) submit to the Division~~OBRE~~:

A~~1~~) A renewal~~An~~ application, provided by the Division~~OBRE~~, that is signed and fully completed by the applicant; and

~~2) A certificate of good standing or authorization to conduct business in Illinois from the Secretary of State of Illinois; and~~

B~~3~~) The fee as provided by this Part.

2) The licensed entity shall be in good standing and comply with all requirements of the Secretary of State of Illinois.

c) Any person who fails to ~~submit a renewal application and~~ renew his or her license by the expiration date of the license may renew the~~his or her~~ license for a period of 2 years following the expiration date of the~~his or her~~ license by submitting to the Division~~OBRE~~:

1) A renewal~~An~~ application, provided by the Division~~OBRE~~, that is signed and fully completed by the applicant;

2) The fee required and late penalty set forth in Section 1410.400~~as provided by this Part~~; and

3) Proof~~proof~~ of successful completion of the continuing education requirements of Section 1410.160~~as provided by this Part~~.

d) Any person who fails to submit a renewal application within 2 years after~~of~~ the expiration date shall not be eligible to renew his or her license, and must meet the requirements of a new applicant~~ as required by the Act and this Part~~.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1410.150 Pre-License Education Requirements

~~a)~~Any person who makes application for a Home Inspector License shall be required, as a pre-requisite to examination, to have successfully completed 60 ~~classroom~~ hours of pre-license instruction in a course of study pursuant to Subpart F~~ of this Part~~. Pre-license education requirements shall only be accepted from education providers and courses approved by the Division~~OBRE, except as provided in subparagraph (b) of this Section~~.

~~b) OBRE may accept evidence of successful completion of pre-license education credit or partial credit from courses taken after January 1, 2001 and prior to January 1, 2003. An applicant who wishes to obtain credit for pre-license education courses not licensed by OBRE shall submit to OBRE prior to June 30, 2003:~~

~~1) An application, provided by OBRE, to request approval for pre-license education credit signed and fully completed by the applicant;~~

~~2) A certificate of successful completion provided by the education provider or any other evidence to be considered by OBRE; and~~

~~3) The fee as provided in Section 1410.400.~~

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1410.160 Continuing Education Requirements

a) A home inspector who makes application to renew his or her Home Inspector License shall successfully complete the equivalent of 6 hours per year of approved continuing education pursuant to Subpart F, preceding the renewal; for example, a total of 12 hours of approved continuing education must be completed

during each~~for a~~ 2 year renewal cycle. A minimum of 6 hours of continuing education must be approved as mandatory courses, as defined by Subpart F ~~Continuing education may be obtained anytime during the pre-renewal period~~.

b) If a home inspector was issued an initial license for less than one year prior to the expiration of the license, ~~then~~ no continuing education is required for that renewal. If a home inspector has held a license for more than one year prior to the expiration, but less than two years, ~~then~~ 6 hours of approved continuing education is required. A minimum of 3 hours of continuing education must be approved as mandatory courses, as defined by Subpart F.

c) Continuing education may be obtained anytime during the pre-renewal period.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1410.170 Issuance of Certificate of Licensure

The Division~~OBRE~~ shall issue a certificate of licensure and a pocket card to all home inspectors approved for licensure under the~~this~~ Act and this Part. The certificate shall include the name and license number of the home inspector or home inspector entity, address, and the date of expiration.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1410.180 Exemptions (Repealed)

~~As set forth in Section 5-5(c)(2) of the Act, nothing in the Home Inspector License Act or this Part shall limit or prohibit a person who has been issued a valid license, registration, certification or other credential by a regulatory authority of the State of Illinois that authorizes a person to engage in a practice or hold oneself out to engage in an activity or use any title for which such a license, registration, certification or credentials were issued.~~

(Source: Repealed at 33 Ill. Reg. _____, effective _____)

SUBPART C: STANDARDS OF PRACTICE AND BUSINESS REQUIREMENTS

Section 1410.200 Standards of Practice

a) Definitions~~For the purposes of this Section, the terms listed below shall mean:~~

1) Alarm Systems: Warning devices, installed or free-standing, including but not limited to: carbon monoxide detectors, flue gas and other spillage detectors, security equipment, ejector pumps and smoke alarms.

2) Automatic safety controls: Devices designed and installed to protect systems and components from unsafe conditions.

3) Client: A person or person who engages or seeks to engage the services of a home inspector for an inspection assignment.

4~~3~~) Component: A part of a system.

5~~4~~) Decorative: Ornamental; not required for the operation of the essential systems and components of a home.

6~~5~~) Describe: To report a system or component by its type or other observed, significant characteristics to distinguish it from other systems or components.

7) Dismantle: To take apart or remove any component, device or piece of equipment that would not be taken apart or removed by a homeowner in the course of normal and routine home owner maintenance.

8) Further Evaluation: Examination and analysis by a qualified professional, tradesperson or service technician beyond that provided by the home inspection.

9~~6~~) Home Inspection: As defined in Section 1-10 of the Act.

10~~7~~) Home Inspection Report: A written evaluation prepared and issued by a home inspector, upon completion of a home inspection, that meets the standards of practice ~~as~~ established by this Subpart~~OBRE~~.

11) Household Appliances: Kitchen, laundry and similar appliances, whether installed or free-standing.

12~~8~~) Inspect: To visually examine readily accessible systems and components of a building in accordance with this Subpart~~these Standards of Practice~~,

using normal operating controls and opening readily accessible access panels.

13) Installed: Attached in such a manner that removal requires tools.

14) Normal Operating Controls: Devices such as, but not limited to, thermostats, switches or faucets intended to be operated by the homeowner.

15) Readily Accessible: Available for visual inspection without requiring moving of personal property, dismantling, destructive measures, or any action that will likely involve risk to persons or property.

16) Readily Operable Access Panel: A panel provided for homeowner inspection and maintenance that is within normal reach, can be removed by one person, and is not sealed in place.

17) Recreational Facilities: Spas, saunas, steam baths, swimming pools, and exercise, entertainment, athletic, playground or other similar equipment and associated accessories.

18) Report: To communicate in writing.

19) Representative Number: One component per room for multiple similar interior components, such as windows, doors and electric outlets, and one component on each side of the building for multiple similar exterior components.

20~~9~~) Roof Drainage Systems: Components used to carry water off a roof and away from a building.

21~~10~~) Significantly Deficient: Unsafe or not functioning.

22) Shut Down: A state in which a system or component cannot be operated by normal controls.

23~~11~~) Solid Fuel Burning Appliances: A hearth and fire chamber or similar prepared place in which a fire may be built and that~~which~~ is built in conjunction with a chimney; or a listed assembly of a fire chamber, its

chimney and related factory-made parts designed for unit assembly without requiring field construction.

24~~12~~) Structural Component: A component that supports non-variable forces or weights (dead loads) and variable forces or weights (live loads).

25~~13~~) System: A combination of interacting or interdependent components, assembled to carry out one or more functions.

26) Technically Exhaustive Inspection: An investigation that involves dismantling or the extensive use of advance techniques, measurements, instruments, testing, calculations or other means.

27~~14~~) Under-floor~~Under Floor~~ Crawl Space: The area within the confines of the foundation and between the ground and the underside of the floor.

28~~15~~) Unsafe: A condition in a system or component that poses~~is~~ a significant risk of personal injury or property damage during normal, day-to-day use. The risk may be due to damage, deterioration, improper installation or a change in accepted residential construction standards.

29) Wiring Methods: Includes identification of electrical conductors or wires such as, but not limited to, non-metallic sheathed cable (Romex), armored cable (BX) or knob and tube.

b) This Subpart defines~~These Standards of Practice define~~ the practice of home inspection in the State of Illinois and~~ shall~~:

1) Provides~~Provide~~ home inspection guidelines; and

2) Defines~~Define~~ certain terms relating to ~~these~~ home inspections.

c) The purpose of this Subpart~~these standards of practice~~ is to establish a minimum and uniform standard for licensed home inspectors to provide the client with information regarding the condition of the systems and components of the home as inspected at the time of the home inspection. The home inspectors shall observe readily visible and accessible installed systems and components listed as part of a home inspection, unless the system or component is limited and/or excluded under the signed written agreement with the client.

d) Home inspectors or home inspector entities shall enter into a written agreement with the client or duly authorized representative prior to the home inspection that includes at a minimum:

1) The purpose of the inspection;

2) The date of the inspection;

3) The name, address and license numbers~~number~~ of the home inspector and~~or~~ home inspector entity;

4) The fee for services performed;

5) A statement that the inspection will be performed in accordance with these Standards;

6) A list of the systems and components to be inspected;

7) Limitations or exclusions of systems or components being inspected; and

8) The signature of the client or his or her duly authorized representative, and the signature of the home inspector or the duly authorized representative of a home inspector entity.

e) At the conclusion of the home inspection, a home inspector shall submit a written report, which can be in electronic format (including electronic signature), to the client or duly authorized representative within 2 business days (Monday through Friday, excluding legal holidays)~~48 hours~~ that includes the home inspector's signature and license number and license expiration date and shall:

1) Describe the systems and components that were inspected;

2) Report on those systems and components inspected that, in the opinion of the inspector, are significantly deficient including:~~; and~~

A) A reason why, if not self evident, the system or component is significantly deficient.

B) The inspector's recommendations to correct or monitor the reported deficiency.

C) Disclosure of~~Disclose~~ any systems or components designated for inspection~~,~~ that were present at the time of the home inspection~~,~~ but were not inspected with~~and~~ a reason why they were not inspected.

f) These Standards are not intended to limit home inspectors from:

1) Including other inspection services, systems or components in addition to those defined in these Standards~~standards of practice~~;~~ and~~

2) Specifying repairs, provided the inspector is appropriately qualified and willing to do so; and

3) Excluding systems and components ~~in the written agreement~~ from the inspection if the exclusion is specified in the written agreement.

g) When, pursuant to written agreement with a client, the structural system/ foundation is inspected, the home inspector shall:

1) Inspect the structural components, including the foundation and framing; ~~and~~

2) Describe the foundation and report the methods used to inspect the under-floor crawl space~~,~~ or basement area, floor, wall, ceiling, roof and~~,~~ structures~~structure~~ and report the methods used to inspect the attic; and~~.~~

3) Report visible signs of water and moisture penetration into the building or signs of condensation on building components.

h) When, pursuant to the written agreement with a client, the exterior is inspected, the home inspector shall:

1) Inspect the exterior wall covering;~~,~~ flashing and~~,~~ trim;~~,~~ all exterior doors;~~,~~ attached decks, balconies, stoops, steps, porches~~,~~ and their associated railings;~~,~~ the eaves, soffits~~,~~ and fascias if~~where~~ accessible from the ground level;~~,~~ the vegetation, grading, surface drainage~~,~~ and retaining walls on the

property when any of these are likely to adversely affect the building;~~,~~ walkways;~~,~~ patios;~~,~~ and driveways leading to dwelling entrances; and

2) Describe the exterior wall covering.

i) When, pursuant to the written agreement with a client, the roof system is inspected, the home inspector shall:

1) Inspect the roof covering, ~~the~~ roof drainage systems, ~~the~~ flashings, ~~the~~ skylights, chimneys, and roof penetrations; and

2) Describe the roof covering and report the methods used to inspect the roof.

j) When, pursuant to the written agreement with a client, the plumbing system is observed, the home inspector shall describe in detail the interior water supply and distribution systems, including ~~all~~ fixtures and faucets, drains, waste and vent systems; ~~including all fixtures, the~~ water heating equipment and~~, the~~ vent systems;~~,~~ flues~~,~~ and chimneys;~~, the~~ fuel storage and fuel distribution systems;~~, the~~ drainage sumps, sump pumps~~,~~ and related piping;~~,~~ and ~~the~~ location of main water and main fuel shut-off valves.

k) When, pursuant to the written agreement with a client, the electrical system is inspected, the home inspector shall:

1) Inspect the service drop;~~, the~~ service entrance conductors, cables~~,~~ and raceways;~~, the~~ service equipment and main disconnects;~~, the~~ service grounding;~~, the~~ interior components of service panels and subpanels;~~, the~~ conductors; overcurrent~~, the over-current~~ protection devices;~~,~~ a representative number of installed lighting fixtures, switches~~,~~ and receptacles; and~~, the~~ ground fault circuit interrupters;

2) Describe the amperage and voltage rating of the service, the location of main disconnects and subpanels and~~,~~ the wiring methods; and

3) Report on the presence of solid conductor aluminum branch circuit wiring and on the absence of smoke detectors.

l) When, pursuant to the written agreement with a client, the heating system is inspected, the home inspector shall:

1) Inspect the permanently installed heating equipment, including fans, pumps, ducts and piping; their supports, registers, radiators and convectors; and~~, the~~ visible vent systems, flues~~,~~ and chimneys; and

2) Describe the energy source~~,~~ and the heating method by their~~its~~ distinguishing characteristics.

m) When, pursuant to the written agreement with a client, the cooling system is inspected, the home inspector shall:

1) inspect the permanently installed central and through-wall cooling equipment; and

2) describe the energy source~~,~~ and the cooling method by their~~its~~ distinguishing characteristics.

n) When, pursuant to the written agreement with a client, the interior is inspected, the home inspector shall:

1) Inspect~~inspect~~ the walls, ceilings~~,~~ and floors;~~, the~~ steps, stairways, balconies and their railings;~~, the~~ countertops, installed cabinets, doors and windows;~~,~~ and garage doors and garage door operators; and~~.~~

2) Report visible signs of water and moisture penetration into the building or signs of condensation on building components.

o) When, pursuant to the written agreement with a client, the insulation and ventilation are inspected, the home inspector shall:

1) inspect the insulation and vapor retarders in unfinished spaces, the ventilation of attics and foundation areas, and the mechanical ventilation systems in attics, kitchens, bathrooms and laundry; and

2) describe the insulation and vapor retarders in unfinished spaces and~~,~~ the absence of insulation in unfinished spaces at conditioned surfaces.

p) When, pursuant to the written agreement with a client, the fireplaces and solid fuel burning appliances are inspected, the home inspector shall:

1) Inspect the system components, ~~the~~ vent systems, flues~~,~~ and chimneys; and

2) Describe the fireplaces, solid fuel burning appliances, and ~~the~~ chimneys.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1410.210 Notification of Name Change

It is the responsibility of each licensee ~~issued a license under this Act~~ to notify the Division~~,OBRE~~ in writing, within ~~fifteen (~~15~~)~~ days after~~of~~ any change of name. For example, if the licensee has had a name change either by court order or due to a change in marital status, the licensee shall notify the Division~~OBRE~~ of the name change, together with a certified copy of the marriage certificate or portions of the court order relating to the name change, and indicate ~~under~~ the name under which the license should~~shall~~ be issued.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1410.220 Assumed Name

If a licensee operates under any name other than that appearing on his or her license, he or she shall submit to the Division~~OBRE~~ a certified copy of his or her registration under the Assumed Business Name Act [805 ILCS 405] at the time of application or within 30 days after the registration.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1410.230 Address Change; Street Address

It is the responsibility of each licensee to notify the Division~~,OBRE~~ in writing, of a change of address within ~~fifteen (~~15~~)~~ days after the~~of such~~ change. A licensee may use a Post Office Box number (for example, P.O. Box 1001)~~,~~ as a mailing address, but must additionally notify the Division~~OBRE~~ of a street address of the licensee's residence or business location.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART D: ENFORCEMENT PROVISIONS

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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Section 1410.300 Grounds for Discipline

A rebutable presumption of dishonest, unethical or unprofessional conduct shall arise whenever a home inspector, while performing a home inspection or developing a home inspection report, commits one or more of the following acts or omissions and fails to provide a credible explanation upon request:

a) The licensee expresses an opinion not~~without being~~ based on practical experience or education and honest conviction.

b) The licensee fails to act in good faith in dealing with a client.

c) The licensee discloses any information concerning the results of a home inspection without the approval of the client, unless conditions that threaten health, safety or welfare exist that require emergency action. If any dangerous situations exist, the home inspector is required to report those findings to the home owner.

d) The licensee accepts compensation from more than one interested party for the same service without the consent of all interested parties.

e) The licensee offers or accepts commissions or allowances, directly or indirectly, from other parties dealing with a client while providing a home inspection.

f) The licensee fails to promptly disclose in writing to a client any interest in a business or the subject property that may affect or have the potential to affect the client.

g) The licensee allows an interest in any business to affect the quality of the results of a home inspection.

h) The licensee fails to disclose in writing to the client prior to the home inspection any limitations or exclusions of systems or components being inspected.

i) The licensee aids or assists another in the violation of the Act or this Part.

j) The licensee fails to satisfy a material term of a consent to administrative supervision order or consent order.

k) The licensee aids, assists~~,~~ or facilitates another to use or appropriate credentials or a license for the purpose of preparing a home inspection report knowing that~~such~~ person to be unlicensed.

l) The licensee advises a client as to whether the client should or should not engage in a real estate transaction or provides an opinion of value regarding the residential real property that is the subject of the home inspection.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1410.310 Felony Convictions; Discipline of Other Professional License; Notification

a) A licensee ~~who holds a valid license issued under the Act~~ shall notify the Division~~OBRE~~ in writing within 30 days from the date of conviction of any crime described in Section 15-10(a)(4) of the Act. In addition to the notice, the licensee shall provide to the Division~~OBRE~~ all court records, including but not limited to indictments, information, plea agreements, pre-trial sentencing motions, investigations and orders, as well as judgment and sentencing orders, or other information as required by the Division~~OBRE~~ to determine fitness for licensure.

b) A licensee ~~who holds a valid license issued under the Act~~ who has had another professional license disciplined as described in Section 15-10(a)(9) of the Act shall notify the Division~~OBRE~~ in writing within 30 days after any adverse temporary or final order. In addition to the notice, the licensee shall provide all adverse orders, whether by consent or otherwise, plea agreements, motions or pleadings in which~~wherein~~ a licensee has made a written statement or admission of culpability in the violation of a professional regulation or standard, or other information as required by the Division~~OBRE~~ to determine fitness for licensure.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1410.320 Cooperation Required with the Division~~OBRE~~

Pursuant to Section 15-10(a)(16) of the Act, all licensees are required to fully cooperate with any audit, investigation, interrogatory, examination or request for information regarding any aspect of the licensee's home inspection practice or application for licensure. Full cooperation includes, but is not necessarily limited to:

a) Providing to the Division~~OBRE~~ a complete copy of a signed home inspection report as it was transmitted to the client, including file memoranda, work files and~~,~~ supporting and/or verification documentation ~~that are~~ required to be maintained by the Act;

b) Providing to the Division~~OBRE~~ continuing education certificates or work logs ~~that are~~ required to be maintained by the Act or this Part; or

c) Providing to the Division~~OBRE~~ a complete response to any written interrogatory or request for clarification submitted to a licensee or applicant.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1410.330 Administrative Warning Letter

The Division~~OBRE~~ may issue an administrative warning letter with or without a compliance agreement that may include a fee required under Section 1410.400~~pursuant to this Part~~. A compliance agreement may include conditions in order to maintain the Standards of Practice~~standards of professional conduct~~, the competency of a licensee, and the protection of the public. Administrative warning letters with or without a compliance agreement are not considered to be discipline and are not subject to the Freedom of Information Act [5 ILCS 140].

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1410.340 Additional Education; Reporting Requirements

The Division~~OBRE~~ may require a licensee, pursuant to a compliance agreement or order, to complete remedial education, additional continuing education or pre-license education coursework, provide any reports, records or other documents pertaining to home inspection practice that the Division~~OBRE~~ may deem necessary to maintain the Standards of Practice and~~standards of professional conduct,~~ the competency of a licensee, and for the protection of the public.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1410.350 Suspension or Denial for Failure to Pay Taxes, Child Support or any Illinois-Guaranteed Student Loan

a) If the Division~~OBRE~~ receives certification that a licensee is in violation of Section 15-40, 15-45 or 15-50 of the Act, the Division~~OBRE~~ shall notify the licensee, by certified or registered mail, return receipt requested, or other signature restricted delivery, that the licensee may be refused renewal of the license at its expiration date, unless the licensee provides to the Division~~OBRE~~ certification that the licensee has eliminated the arrearage or has arranged for payment of the obligations in a manner satisfactory to the appropriate administering agency.

b) If the Division~~OBRE~~ receives certification that an applicant is in violation of Section 15-40, 15-45 or 15-50 of the Act, the Division~~OBRE~~ shall notify the~~such~~ applicant, by certified or registered mail, return receipt requested, or other signature restricted delivery, of its intent to deny the applicant a license under the Act, unless the applicant provides to the Division~~OBRE~~ proof that the applicant has eliminated the arrearage or has arranged for payment of the obligations in a manner satisfactory to the appropriate administering agency.

c) For the purposes of this Section, "certification" shall mean:

1) a verified statement by the appropriate administering agency of the~~such~~ delinquency, failure to file or failure to pay; or

2) a finding by an administrative body, after notice to the licensee or applicant, of evidentiary proceedings or a court of competent jurisdiction that the licensee or applicant is delinquent in child support or is liable to pay a certain amount for Illinois taxes or is delinquent or has defaulted on an Illinois-guaranteed student loan obligation.

d) A licensee or applicant may participate in a hearing, but the basis for the hearing shall only be for the purpose of proving that the petitioner is not the person for which ~~such~~ failure to pay or arrearage information was received, that the petitioner has executed a formal, written payment plan with the appropriate administering agency, signed by both parties, or that the petitioner has satisfied the outstanding debt. Collateral attack of the certification is not permitted.

e) A license will be eligible for reinstatement, renewal or issuance upon a showing that the certified failure to file, failure to pay delinquency or default has been satisfied, and by completing the appropriate application and paying the~~any~~ fees required by Section 1410.400~~provided in this Part~~.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART E: ADMINISTRATIVE PROVISIONS

Section 1410.400 Fees

a) Initial application fee for a Home Inspector License pursuant to Sections 5-10 and 5-12 of the Act and Sections 1410.100, 1410.110, 1410.120 and 1410.130 of this Part.

1) The application fee for an initial license as a home inspector shall be $250.

2) The application fee for an initial license as a home inspector entity shall be $250.

b) Renewal application fee for a Home Inspector License pursuant to Sections 5-16 and 5-17 of the Act and Section 1410.130 of this Part.

1) The application fee to renew a license as a home inspector shall be calculated at $200 per year, for a total of $400 per renewal.

2) The application to renew a home inspector entity license shall be calculated at $200 per year, for a total of $400 per renewal.

3) The application fee to renew a home inspector or home inspector entity license~~,~~ that has expired~~, as a home inspector or a home inspector entity~~ shall be the sum of all lapsed renewal fees, plus a $50 late fee.

c) Initial application fee for a license as an education provider, a pre-license course, and a continuing education course.

1) The application fee for a license as an education provider pursuant to Section 20-5 of the Act and Section 1410.570 of this Part shall be $1,000, plus course application fees.

2) The application fee for a certificate of approval~~license~~ for a pre-license course pursuant to Section 20-10 of the Act and Section 1410.570 of this Part shall be $100.

3) The application fee for a certificate of approval~~license~~ for a continuing education course pursuant to Section 20-10 of the Act and Section 1410.570 of this Part shall be $50.

d) Application fee to renew a license as an education provider~~,~~ or a certificate of approval for a pre-license course or~~, and~~ a continuing education course.

1) The application fee to renew a license as an education provider shall be calculated at $500 per year, for a total of $1,000 per renewal.

2) The application fee to renew an education provider~~a~~ license~~,~~ that has expired~~, as an education provider~~ shall be the sum of all lapsed renewal fees, plus a $50 late fee.

3) The application fee to renew a certificate of approval for a pre-license course~~license as a pre-license course~~ shall be calculated at $50 per year, for a total of $100 per renewal.

4) The application fee to renew an~~a license that has~~ expired certificate of approval for~~, as~~ a pre-license course shall be the sum of all lapsed renewal fees, plus a $50 late fee.

5) The application fee to renew ~~a license as~~ a certificate of approval for a continuing education course shall be calculated at $25 per year, for a total of $50 per renewal.

6) The application fee to renew an~~a license, that has~~ expired certificate of approval for~~, as~~ a continuing education course shall be the sum of all lapsed renewal fees, plus a $50 late fee.

e) For the purposes of determining if a license has expired under this Section, the Division~~OBRE~~ shall consider the license expired, if the postmark~~post-mark~~ on the renewal application is a date later than the expiration date, or, if delivered other than by mail, the license shall be considered expired~~,~~ if the renewal application is received by the Division~~OBRE~~ on a date after the expiration date.

f) General

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1) All fees paid pursuant to the Act and this Part are non-refundable.

2) The fee for the issuance of a duplicate license certificate or pocket card, for the issuance of a replacement license certificate or pocket card~~,~~ that has been lost or destroyed, or for the issuance of a license certificate or pocket card with a name or address change, other than during the renewal period, shall be $25.

3) The fee for a certification of a licensee's record for any purpose shall be $25.

4) The fee for a decorative wall license showing registration shall be the cost of producing the license.

5) The fee for a roster of persons licensed under the Act shall be the cost of producing the roster.

6) The fee for an applicant to take the examination for a Home Inspector License shall be the cost of providing the examination. If a designated testing service is utilized for the examination, the fee shall be paid directly to the designated testing service. 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, shall result in the forfeiture of the examination fee.

7) The fee for requesting a waiver of any education requirement provided by the Act and this Part shall be $50.

8) The fee for a copy of the transcript of any proceeding under the Act shall be the cost to produce the~~such~~ copy.

9) The fee for certifying any record, for example, a copy of a disciplinary order or application, shall be $1 per page.

10) The Division~~OBRE~~ may charge an administrative fee not to exceed $2,000 as a part of a compliance agreement issued with an administrative warning letter pursuant to Section 1410.330~~ of this Part~~.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

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Section 1410.410 Duties of the Liaison

a) The Director~~Commissioner~~ may delegate the authority of the Division~~OBRE and the Commissioner~~ to the liaison to the Home Inspector Advisory Board, as provided in Section 25-15 of the Act. The liaison may excuse responsibilities that~~Such delegation may~~ include, but are~~is~~ not limited to, the following:

1) Determine the course of an investigation based upon his or her knowledge, training and experience;

2) Determine whether a complaint shall be closed without an investigation, given the allegations~~,~~ or evidence of a violation of the Act and this Part;

3) Close a complaint without any action;

4) Issue an administrative warning letter or~~,~~ cease and desist letter, or request that an attorney issue those~~such~~ letters;

5) Enter into compliance agreements;

6) Refer a complaint for prosecution; or

7) Act upon a request for a variance from this Part.

b) The authority, once delegated, shall continue until ~~such time as~~ it is amended or withdrawn.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1410.420 Granting of Variances

The Director~~Commissioner of the Office of Banks and Real Estate~~ may grant variances from this Part~~these rules~~ in individual cases in which~~where~~ he or she finds:

a) the provision from which~~that~~ the variance is granted is not statutorily mandated;

b) the granting of the variance would not be contrary to the public welfare; and

c) the rule from that the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART F: EDUCATION PROVIDER AND COURSE REQUIREMENTS

Section 1410.500 Education Provider Application; Requirements

a) In accordance with Section 20-5 of the Act, any person or entity seeking approval to provide pre-license and/or continuing education courses shall submit an application, on forms provided by the Division~~OBRE~~, that is signed by the applicant and fully completed, along with the appropriate fee required by Section 1410.400~~this Part~~.

b) The program of pre-license and/or continuing education delivered by~~for~~ a licensed education provider shall:

1) be approved by the provider's governing and/or supervising body;

2) utilize qualified instructors; and

3) offer courses that are approved by the Division~~and licensed,~~ and conform to the standards established in this Subpart.

c) Facilities

1) An education provider must provide an office for the maintenance of all records, office equipment and office space necessary for customer service.

2) The premises, equipment and facilities of the education provider shall comply with applicable community, state or federal fire codes, building codes, and health and safety standards.

3) The education provider is subject to inspection prior to approval or at any time thereafter by authorized representatives of the Division~~OBRE~~. Inspections shall be conducted during regular business hours, without prior notice, to ensure proper methods of instruction are being used and to

confirm the content of approved courses being taught~~, with at least 48 hours advance notice~~.

4) No education provider shall maintain an office~~,~~ or conduct education courses in a private residence, except field inspection events ~~practical lab instruction~~ may be conducted~~given~~ in a private residence or similar structure.

5) An education provider shall only conduct ~~education~~ courses in locations that are conducive to learning.

d) Administration

1) No licensed education provider shall advertise that it is endorsed, recommended~~,~~ or accredited by the Division~~OBRE~~. The education provider may indicate that it is licensed by and the course of study has been approved ~~and licensed~~ by the Division~~OBRE~~.

2) Each education provider shall provide a prospective student, prior to enrollment, with information that specifies the course of study to be offered, the tuition, the provider's policy regarding refunds~~refund policies~~, any additional fee for supplies, materials or books, and other matters that are material to the relationship between the provider and the student.

3) Each education provider shall maintain for each student a record that includes~~shall include~~ the course of study undertaken, dates of attendance, and a transcript of courses satisfactorily completed. All records shall be maintained by the education provider for ~~a period of~~ 5 years and shall be made available to the student or to the Division,~~OBRE~~ upon request, during regular business hours. An education provider may charge a student the cost of reproducing copies of a transcript.

4) Each education provider shall, upon request by the Division~~OBRE~~, provide evidence of financial resources available to equip and maintain its program, as documented by, for example, a current balance sheet or an income statement.

5) Any out-of-state education providers shall reimburse the Division~~OBRE~~ for all reasonable expenses incurred by the Division~~OBRE~~ while inspecting its facilities.

6) Each education provider shall notify the Division~~OBRE~~ of all proposed changes in its ownership ~~of the education provider~~ at least 30 days prior to the change in ownership.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1410.510 Pre-License Education Course Requirements of Education Providers

a) For the purposes of this Section~~section~~, a course shall be defined as a course of instruction~~,~~ that meets the curriculum requirements of this Part, and shall be at least 15 hours in length.

b) Each course shall conform with~~meet~~ the appropriate course curriculum prescribed by Section 1410.520~~this Part~~.

c) Each course shall include an examination of a minimum of 25 questions for each 15 hours of instruction;~~,~~ for example, a 15 hour course would require a 25 question examination and~~,~~ a 30 hour course would require a 50 question examination. The questions shall be either multiple choice or true/false or a combination of multiple choice and true/false~~the same~~. Open book examinations shall not be accepted. No student shall be deemed to have successfully completed the course~~,~~ unless he or she has scored a minimum of 70% on the course examination.

d) The Division~~OBRE~~ shall only grant approval for courses~~, and~~ that are ~~a~~ part of an overall pre-license education program for a Home Inspector License. An education provider must have a complete 60 hour pre-license program approved by the Division~~OBRE~~.

e) Each education provider who seeks approval of a course shall submit to the Division~~OBRE~~ an application, on forms provided by the Division~~OBRE~~, that is signed by the applicant and fully completed. The application~~, and~~ shall include, but is not ~~be~~ limited to, an outline and course description for each course, materials to be used in instruction, an examination with answer key, and the appropriate fee required by Section 1410.400~~pursuant to this Part~~.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1410.520 Pre-License Course Curriculum

a) Pre-license education course work to obtain a license as a home inspector shall consist of a minimum of 60 hours of instruction and a minimum of 5 field inspection events~~, of which no less than 40 hours shall be classroom instruction and no less than 10 hours shall be practical lab instruction~~. The content for pre-license instruction courses shall not be repetitive and shall represent a progression of instruction in that the student's~~home inspector's~~ knowledge is increased in topics that include,~~the following topics, including~~ but are not limited to:

1) Exteriors: Exterior study must contain the following, at~~as~~ a minimum.

A) Identification and inspection of exposed foundations.

B) Identification and inspection of siding and exterior wall covering material, flashing~~,~~ and trim, including: aluminum~~Aluminum~~, brick, vinyl, steel asphalt~~Asphalt~~, hardboard, stucco, wood and~~,~~ exterior insulation finish system.

C) Identification and inspection of gutter and drainage control systems.

D) Inspection of porches, steps and railings,~~rails~~ including the structural composition.

E) Identification and implications of~~on~~ vegetation, grading and surface drainage, including: retaining walls, walkways and driveways leading to a dwelling entrance.

2) Interiors: Interior study must contain the following, at~~as~~ a minimum:

A) Identification and inspection of wall, ceiling and floor defects.

B) Identification and inspection of step, stair and railing defects.

C) Identification and inspection of countertop, cabinet and island defects, as they pertain~~it pertains~~ to a kitchen or other type room.

D) Identification and inspection of interior and exterior door defects.

E) Identification and inspection of window defects and operation.

F) Identification and inspection of garage door defects, garage door opener defects, and garage structure defects, including fire safety and habitability.

3) Roofing: Roofing study must contain the following, at~~as~~ a minimum:

A) Identification of the types~~type~~ and styles~~style~~ of roofs.

B) Identification and inspection of the roofing materials used, including: asphalt, cedar shake, cedar shingle, tar, residential rolled roofing, clay or~~and~~ concrete tiles, slate, metal~~,~~ and asbestos.

C) Identification and inspection of skylights and flashing.

D) Identification of chimneys and other penetrations, including proper height and composition.

4) Plumbing: Plumbing study must contain the following, at~~as~~ a minimum:

A) Identification and description of the main distribution system, including all fixtures, ~~and~~ faucets and materials.

B) Identification and description of all drain, waste and vent systems, including all fixtures and materials.

C) Identification and description of water heating systems.

D) Identification and description of fuel distribution systems and materials.

E) Description and identification of all drainage control devices, including sump pumps, ejector pumps or other related piping.

F) Identification of water source and sewer distribution.

5) Electrical: Electrical study must contain the following, at~~as~~ a minimum:

A) Identification and inspection of the main service, including the size, location, overcurrent protection~~,~~ such as a breaker or a fuse, service, entrance conductors, cables~~,~~ and raceways.

B) Identification and inspection of the branch distribution, including fuse boxes, breaker boxes~~,~~ and subpanels~~sub-panels~~.

C) Identification and inspection of all overcurrent protection devices and wire type identification.

D) Identification and inspection of installed lighting fixtures, switches~~,~~ and receptacles.

E) Identification and inspection of safety devices, including ground fault circuit interrupters.

6) Heating, ventilation and air conditioning (HVAC): HVAC study must include the following, at~~as~~ a minimum:

A) Identification and inspection of the installed heating equipment, including: gas forced air, fuel oil forced air, heat pumps, electric forced air, and hydronic heating equipment, as well as~~and~~ the distribution related to the various types.

B) Identification and inspection of fuel sources and distribution.

C) Identification and inspection of flue pipes and spent gas removal systems.

D) Identification and inspection of all related safety devices.

E) Identification and inspection of installed cooling systems, including central and window mounted systems.

7) Structural: Structural study must contain the following, at~~as~~ a minimum:

A) Identification and inspection of all structural components, including floor and wall framing.

B) Identification and inspection of all foundation support systems, including~~:~~ poured concrete, concrete block, brick, stone and~~,~~ wood, and all related perimeter footing systems.

C) Identification and inspection of water related or seepage related sources.

D) Identification and inspection of flood control devices.

E) Identification and inspection of roof structure and systems related to composition.

F) Identification and inspection of under-roof and under-floor ventilation.

G) Identification and inspection of insulation and vapor protection systems.

8) Miscellaneous Appliances: Appliance study must contain the following, at~~as~~ a minimum:

A) Identification of all fireplaces, solid fuel burning appliances, chimneys and vents.

B) Identification and inspection of all major appliances, including~~,~~ but not limited to range, stove, oven, refrigerator, window air conditioner, washer, dryer~~drier~~, trash compactor~~,~~ and garbage disposal, and other appliances that may be ~~a~~ part of a transaction.

9) Applicable Laws~~laws~~: Illinois specific law study must contain, at a minimum:

A) Specific knowledge and understanding of the Illinois Home Inspector License Act and this Part~~Administrative Rule~~.

B) General knowledge and understanding of Illinois Human Rights Act [775 ILCS 5].

C) General knowledge and understanding of contract law.

10) Standards of Practice: Standards of practice study must contain the following, at~~as~~ a minimum:

A) Required disclosures to a client.

B) Required report content.

C) Competent report writing.

D) Specific knowledge of business practices and standards of practice.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1410.530 Example of Acceptable Pre-License Education Program

Examples of an acceptable pre-license education program and courses are:

a) 15 hour course of classroom instruction.

1) Exteriors;

2) Interiors; and

3) Roofing.

b) 15 hour course of classroom instruction.

1) Plumbing;

2) Electrical; and

3) HVAC.

c) 15 hour course of classroom instruction.

1) Structural;

2) Miscellaneous Appliances;

3) Applicable Laws; and

4) Standards of Practice.

d) 5 field inspection events in residential real property~~15 hour practical lab instruction~~.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1410.540 Continuing Education Course Requirements of Education Providers

a) A continuing education course shall be at least 3 hours in length and shall meet the course curriculum prescribed in Section 1410.550~~ of this Subpart~~.

b) Each education provider who seeks approval of a continuing education course shall submit to the Division~~OBRE~~ an application, on forms provided by the Division~~OBRE~~, that is signed by the applicant and fully completed. The application~~, and~~ shall include, but is not ~~be~~ limited to, a course outline and description of the course, a minimum 25 question exam with answer key, the number of hours sought, and the appropriate fee required by Section 1410.400~~pursuant to this Part~~.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1410.550 Curriculum for Continuing Education Courses; Continuing Education Credit for Participation other than as a Student

a) Continuing education courses for a home inspector shall include course work designed to~~that shall~~ increase the home inspector's~~his or her~~ skill, knowledge and competency in home inspections and shall cover topics such as, but not limited to:

1) Mandatory courses, including, but not limited to:

A) Identifying and inspecting the following components and systems:

i~~A~~) Exteriors;

ii~~B~~) Interiors;

iii~~C~~) Roofing;

iv~~D~~) Plumbing;

v~~E~~) Electrical;

vi~~F~~) HVAC;

vii~~G~~) Structural; ~~and~~

viii~~H~~) Miscellaneous appliances; and

ix) Solid fuel burning appliances; and

B~~2~~) Applicable laws and standards of practice.

2) Elective courses include, but are not limited to:

A) Business concepts and marketing techniques;

B) Report writing/customer relations overview;

C) Radon assessment/overview;

D) Commercial inspection procedures;

E) Mold assessment/overview;

F) Asbestos assessment/overview;

G) Disaster housing certification; and

H) Building codes.

b) Continuing education credit may also be granted by the Division~~OBRE~~ for participation, other than as a student, in home inspection educational processes and programs. Examples of activities for which credit may be granted are teaching, program development, or authorship of textbooks. A home inspector who wishes to obtain continuing education credit for these activities shall submit to the Division~~OBRE~~:

1) An application, on forms provided by the Division~~OBRE~~, that is signed by the applicant and fully completed; and

2) The fee required by Section 1410.400~~provided for by this Part~~.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1410.560 Distance Education

a) For pre-license education or continuing education, distance education is defined as any educational process based on the geographical separation of instructor and student, for example, instruction through CD ROM, on-line learning, correspondence courses, video conferencing, etc.

b) Distance education courses may be approved ~~and licensed~~ by the Division~~OBRE~~, if:

1) the education provider is ~~approved and~~ licensed by the Division~~OBRE~~;

2) the distance education course meets the requirements for pre-license education and continuing education, as provided in the Act and this Part; and

3) the education provider establishes a mechanism for proctored examinations~~examination~~ approved by the Division~~OBRE~~.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1410.570 Expiration Date and Renewal for Education Providers and Pre- License and Continuing Education Courses

a) All education provider licenses and pre-license and continuing education course certificates of approval~~licenses shall~~ expire on December 31 of odd-numbered years.

b) Education providers~~Every education provider~~ who wishes to renew their~~his, her or its~~ license and pre-license and continuing education course certificates of approval~~licenses~~ shall submit to the Division~~OBRE~~:

1) an application, provided by the Division~~OBRE~~, that is signed and fully completed;

2) any course materials requested by the Division~~OBRE~~ during the renewal application process; and

3) the fees ~~as~~ required by Section 1410.400~~this Part~~.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1410.580 Continuing Education Reporting

Each licensed education provider, pursuant to Section 20-5(e) of the Act, licensed~~approved~~ to offer approved continuing education courses shall submit to the Division,~~OBRE~~ on or before the 15th of each month, a report of those licensees successfully completing the continuing education courses offered by the provider during the preceding calendar month.

a) The monthly reports shall include, but not be limited to, the following information for each home inspection licensee:

1) the licensed home inspector's~~licensee's~~ name, address, ~~social security number,~~ and license number;

2) the education provider's name and license number; and

3) the continuing education course name and certificate of approval~~license~~ number.

b) If a~~an education~~ provider, during the preceding calendar month, offered no continuing education courses, the provider shall so report on forms provided by the Division~~OBRE~~.

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NOTICE OF PROPOSED AMENDMENTS

c) The monthly reports shall be submitted in a computer readable format provided and specified by the Division~~OBRE~~.

d) There will be no processing fee for a monthly report submitted in the computer readable format provided and specified by the Division~~OBRE~~. Each monthly report submitted on paper or in a format other than the~~a~~ computer readable format provided and specified by the Division~~OBRE~~ shall be accompanied by a processing fee of $.50 per home inspection licensee, per course, listed on the report, payable by check to the Department~~OBRE~~.

e) A monthly report received by the Division~~OBRE~~ with a postmark after the day it is due (the 15th ~~day~~ of the month) shall be accompanied by an administrative late fee of $200, in addition to the fees set forth in subsection (d)~~above~~.

f) If an education provider fails to file monthly reports or a statement that no courses were offered, or fails to pay the required fees for 3~~three~~ consecutive months, the courses offered by that school may be disqualified pursuant to the procedures set forth in the Act and this Part until all delinquent reports, processing fees~~,~~ and administrative fees ~~as set forth in this Section~~ have been ~~submitted to and are~~ received by the Division~~OBRE~~. The Division~~OBRE~~ shall send notice to the education provider~~school~~ of an informal conference before the Board, and of pending disqualification pursuant to the Act or this Part, by certified or registered mail, return receipt requested, or by other signature restricted delivery service.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

ILLINOIS GAMING BOARD

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1) Heading of the Part: Riverboat Gambling

2) Code Citation: 86 Ill. Adm. Code 3000

3) Section Number: 3000.220 Proposed Action: Amendment

4) Statutory Authority: Authorized by the Riverboat Gambling Act [230 ILCS 10], specifically Sections 5 (c) (2), (3), and (7) of this Act [230 ILCS 10/5 (c) (2), (3), and (7)]

5) A Complete Description of the Subjects and Issues Involved: The purpose of the proposed rulemaking will be to amend Section 3000.220 (Applications) by providing that an application for approval as a Key Person under Section 3000.222 (Identification and Requirements of Key Persons) may be withdrawn without leave of the Illinois Gaming Board, if the Board receives a written notification of withdrawal before Board action on the application, and unless the intended withdrawal is objected to by the Administrator, in which case leave of the Board will be required.

Section 3000.220(e) already authorizes withdrawals of applications for owner's, supplier's or occupational licenses, if the Board receives written notification of withdrawal before it has taken action on the applications. The proposed rule change will add parallel provisions governing withdrawal of requests for certification as Key Persons.

6) Published studies and reports, and underlying sources of data, used to compose this rulemaking: None

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

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

9) Does this rulemaking contain incorporations by reference? No

10) Are there any other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate under 30 ILCS 805.

12) Time, place and manner in which interested persons may comment on this proposed rulemaking: Any interested person may submit comments in writing concerning this

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proposed rulemaking not later than 45 days after publication of this Notice in the *Illinois Register* to:

Michael Fries
Chief Counsel
Illinois Gaming Board
160 North LaSalle Street
Chicago, Illinois 60601

Fax No. 312/814-7253
mfries@revenue.state.il.us

13) Initial Regulatory Flexibility Analysis:

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

B) Reporting, bookkeeping or other procedures required for compliance: The proposed rulemaking will impose no additional requirements.

C) Types of professional skills necessary for compliance: The proposed rulemaking will impose no additional requirements.

14) Regulatory agenda on which this rulemaking was summarized: July 2009

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

ILLINOIS GAMING BOARD

NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE
CHAPTER IV: ILLINOIS GAMING BOARD

PART 3000
RIVERBOAT GAMBLING

SUBPART A: GENERAL PROVISIONS

Section
3000.100 Definitions
3000.101 Invalidity
3000.102 Public Inquiries
3000.103 Organization of the Illinois Gaming Board
3000.104 Rulemaking Procedures
3000.105 Board Meetings
3000.110 Disciplinary Actions
3000.115 Records Retention
3000.120 Place to Submit Materials
3000.130 No Opinion or Approval of the Board
3000.140 Duty to Disclose Changes in Information
3000.141 Applicant/Licensee Disclosure of Agents
3000.150 Owner's and Supplier's Duty to Investigate
3000.155 Investigatory Proceedings
3000.160 Duty to Report Misconduct
3000.161 Communication with Other Agencies
3000.165 Participation in Games by Owners, Directors, Officers, Key Persons or Gaming Employees
3000.170 Fair Market Value of Contracts
3000.180 Weapons on Riverboat

SUBPART B: LICENSES

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

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

SUBPART C: OWNER'S INTERNAL CONTROL SYSTEM

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

SUBPART D: HEARINGS ON NOTICE OF DENIAL,

ILLINOIS GAMING BOARD

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RESTRICTION OF LICENSE, PLACEMENT ON BOARD EXCLUSION LIST OR REMOVAL FROM BOARD EXCLUSION LIST OR SELF-EXCLUSION LIST

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

SUBPART E: CRUISING

Section
3000.500 Riverboat Cruises
3000.510 Cancelled or Disrupted Cruises

SUBPART F: CONDUCT OF GAMING

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

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3000.635 Issuance and Use of Tokens for Gaming
3000.636 Distribution of Coupons for Complimentary Chips, Tokens, Vouchers, ~~and~~ Cash and Electronic Credits
3000.640 Exchange of Chips, Tokens, and Vouchers
3000.645 Receipt of Gaming Chips or Tokens from Manufacturer or Distributor
3000.650 Inventory of Chips
3000.655 Destruction of Chips, Tokens, and Vouchers
3000.660 Minimum Standards for Electronic Gaming Devices
3000.661 Minimum Standards for Voucher Systems
3000.665 Integrity of Electronic Gaming Devices
3000.666 Bill Validator Requirements
3000.667 Integrity of Voucher Systems
3000.670 Computer Monitoring Requirements of Electronic Gaming Devices
3000.671 Computer Monitoring Requirements of Voucher Systems

SUBPART G: EXCLUSION OF PERSONS

Section
3000.700 Organization of Subpart
3000.701 Duty to Exclude
3000.705 Voluntary Self-Exclusion Policy (Repealed)
3000.710 Distribution and Availability of Board Exclusion List
3000.720 Criteria for Exclusion or Ejection and Placement on the Board Exclusion List
3000.725 Duty of Licensees
3000.730 Procedure for Entry of Names
3000.740 Petition for Removal from the Board Exclusion List
3000.745 Voluntary Self-Exclusion Policy
3000.750 Establishment of a Self-Exclusion List
3000.751 Locations to Execute Self-Exclusion Forms
3000.755 Information Required for Placement on the Self-Exclusion List
3000.756 Stipulated Sanctions for Failure to Adhere to Voluntary Self-Exclusion
3000.760 Distribution and Availability of Confidential Self-Exclusion List
3000.770 Duties of Licensees
3000.780 Request for Removal from the IGB Self-Exclusion List
3000.782 Required Information, Recommendations, Forms and Interviews
3000.785 Appeal of a Notice of Denial of Removal
3000.786 Duties of Owner Licensees to Persons Removed from the Self-Exclusion List
3000.787 Placement on the Self-Exclusion List Following Removal
3000.790 Duties of the Board

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SUBPART H: SURVEILLANCE AND SECURITY

Section
3000.800 Required Surveillance Equipment
3000.810 Riverboat and Board Surveillance Room Requirements
3000.820 Segregated Telephone Communication
3000.830 Surveillance Logs
3000.840 Storage and Retrieval
3000.850 Dock Site Board Facility
3000.860 Maintenance and Testing

SUBPART I: LIQUOR LICENSES

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

SUBPART J: OWNERSHIP AND ACCOUNTING RECORDS AND PROCEDURES

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

SUBPART K: SEIZURE AND DISCIPLINARY HEARINGS

Section
3000.1100 Coverage of Subpart

ILLINOIS GAMING BOARD

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3000.1105 Duty to Maintain Suitability
3000.1110 Board Action Against License or Licensee
3000.1115 Complaint
3000.1120 Appearances
3000.1125 Answer
3000.1126 Appointment of Hearing Officer
3000.1130 Discovery
3000.1135 Motions for Summary Disposition
3000.1139 Subpoena of Witnesses
3000.1140 Proceedings
3000.1145 Evidence
3000.1146 Prohibition of Ex Parte Communication
3000.1150 Sanctions and Penalties
3000.1155 Transmittal of Record and Recommendation to the Board

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

SOURCE: Emergency rule adopted at 15 Ill. Reg. 11252, effective August 5, 1991, for a maximum of 150 days; adopted at 15 Ill. Reg. 18263, effective December 10, 1991; amended at 16 Ill. Reg. 13310, effective August 17, 1992; amended at 17 Ill. Reg. 11510, effective July 9, 1993; amended at 20 Ill. Reg. 5814, effective April 9, 1996; amended at 20 Ill. Reg. 6280, effective April 22, 1996; emergency amendment at 20 Ill. Reg. 8051, effective June 3, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14765, effective October 31, 1996; amended at 21 Ill. Reg. 4642, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 14566, effective October 22, 1997, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 978, effective December 29, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4390, effective February 20, 1998; amended at 22 Ill. Reg. 10449, effective May 27, 1998; amended at 22 Ill. Reg. 17324, effective September 21, 1998; amended at 22 Ill. Reg. 19541, effective October 23, 1998; emergency amendment at 23 Ill. Reg. 8191, effective July 2, 1999 for a maximum of 150 days; emergency expired November 28, 1999; amended at 23 Ill. Reg. 8996, effective August 2, 1999; amended at 24 Ill. Reg. 1037, effective January 10, 2000; amended at 25 Ill. Reg. 94, effective January 8, 2001; amended at 25 Ill. Reg. 13292, effective October 5, 2001; proposed amended at 26 Ill. Reg. 9307, effective June 14, 2002; emergency amendment adopted at 26 Ill. Reg. 10984, effective July 1, 2002, for a maximum of 150 days; adopted at 26 Ill. Reg.15296, effective October 11, 2002; amended at 26 Ill. Reg. 17408, effective November 22, 2002; emergency amendment at 27 Ill. Reg. 10503, effective June 30, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 15793, effective September 25, 2003; amended at 27 Ill. Reg. 18595, effective November 25, 2003; amended at 28 Ill. Reg. 12824, effective August 31, 2004; amended at 31 Ill. Reg. 8098, effective June 14, 2007; amended at 32 Ill. Reg. 2967,

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effective February 15, 2008; amended at 32 Ill. Reg. 3275, effective February 19, 2008; amended at 32 Ill. Reg. 7357, effective April 28, 2008; amended at 32 Ill. Reg. 8592, effective May 29, 2008; amended at 32 Ill. Reg. 8931, effective June 4, 2008; amended at 32 Ill. Reg. 13200, effective July 22, 2008; amended at 32 Ill. Reg. 17418, effective October 23, 2008; amended at 32 Ill. Reg. 17759, effective October 28, 2008; amended at 32 Ill. Reg. 17946, effective November 5, 2008; amended at 33 Ill. Reg. _____, effective _____.

SUBPART B: LICENSES

Section 3000.220 Applications

a) Application Forms. Application forms shall be submitted by applicants as provided in this Section.

1) Owner's License. Owner's License Application Form and Business Entity Form or Individual Key Person Personal Disclosure Form~~1~~ for each of the applicant's Key Persons, or any other principal or investor as the Board may require.

2) Supplier's License. Supplier's License Application Form and Business Entity Form or Individual Key Person Personal Disclosure Form~~1~~ for each of the applicant's Key Persons, or any other principal or investor as the Board may require.

3) Occupation License, Level 1. Personal Disclosure Form 1. After the first year of licensure, applications for continuous renewal of Level 1 Occupational Licenses may include, in lieu of the Personal Disclosure Form 1, a disclosure affidavit, updated personal and background information, and updated tax and financial documents and information. The disclosure affidavit shall update and attest to the veracity of all required information.

4) Occupation License, Level 2. Personal Disclosure Form 2.

5) Occupation License, Level 3. Personal Disclosure Form 3.

b) Additional or Different Forms or Materials. An applicant may be required to submit forms or materials in addition to those listed in subsection (a).

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c) Application Procedures.

1) An applicant is seeking a privilege and assumes and accepts any and all risk of adverse publicity, notoriety, embarrassment, criticism or other action, or financial loss which may occur in connection with the application process.

2) Any misrepresentation or omission made with respect to an application may be grounds for denial of the application.

3) Application forms and requested materials shall be submitted in triplicate. Application forms and requested materials for Owner's and Supplier's licenses shall be submitted in bound form.

4) Applicants for Occupation licenses shall be photographed and fingerprinted at the time of application at a place designated by the Administrator.

5) An application shall be deemed filed when the completed application form, including all required documents and materials, and the application fee have been submitted.

d) Amendments and Incorporation by Reference.

1) An application may be amended only upon leave of the Board.

2) The Board may allow information, documents, or other materials submitted by an applicant to be incorporated by reference into a subsequent application.

e) Withdrawal of Applications.

1) An Owner's or Supplier's application may be withdrawn only upon leave of the Board.

A) A request for leave to withdraw an application for an Owner's license shall not be considered by the Board unless received prior to Board action regarding a finding of preliminary suitability under Section 3000.230(c). However, applicants who have been found

preliminarily suitable may seek leave to withdraw after such finding.

B) A request for leave to withdraw an application for a Supplier's license shall not be considered by the Board unless received prior to Board action on licensure under Section 3000.240.

C) The Board may deny leave to withdraw an Owner's or Supplier's application if it determines that withdrawal of the application would not be in the best interests of the public and the Gaming industry.

2) If an application for an Owner's or Supplier's license is withdrawn, the applicant may not reapply for a license within one year from the date withdrawal is granted, without leave of the Board.

3) Applications for Occupational licenses may be withdrawn without leave of the Board, if written notification of withdrawal is received prior to Board action on licensure under Section 3000.245 and unless the intended withdrawal is objected to by the Administrator, in which case leave of the Board is required.

4) An Individual Key Person Personal Disclosure Form or Business Entity Form, submitted in connection with a request for certification as a Key Person under Section 3000.222, may be withdrawn without leave of the Board, if written notification of withdrawal is received prior to Board action on licensure under Section 3000.245 and unless the intended withdrawal is objected to by the Administrator, in which case leave of the Board is required.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Hospital Licensing Requirements

2) Code Citation: 77 Ill. Adm. Code 250

3)

Section Numbers:	Proposed Action:
250.160	Amendment
250.1100	Amendment

4) Statutory Authority: Hospital Licensing Act [210 ILCS 85]

5) A Complete Description of the Subjects and Issues Involved: The Hospital Licensing Requirements establish minimum standards for hospitals in Illinois, including requirements for the control of infection from bacteria and other organisms. In 2007, the General Assembly passed Public Act 95-282, which added a new section to the Hospital Licensing Act that requires hospitals to develop and implement comprehensive policies for the prevention and control of multidrug-resistant organisms.

This proposed rulemaking adds statutory language from P.A. 95-282 to Section 250.1100 (Infection Control) and, as required by the Public Act, incorporates "guidelines of the U.S. Centers for Disease Control and Prevention for the management of MDROs in healthcare settings". Section 250.160 (Incorporated and Referenced Materials) is being amended by adding the CDC guidelines, "Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings 2007" and "Guidelines for Hand Hygiene in Health-Care Settings, October 25, 2002."

Also being added to Section 250.160 is the CDC guideline, "Guidelines for Disinfection and Sterilization in Healthcare Facilities", and the State statutes, the Hospital Report Card Act [210 ILCS 86] and the Illinois Adverse Health Care Events Reporting Law of 2005 [410 ILCS 522]. These three items are referenced in Part 250 in a separate rulemaking. The Department is adding them to Section 250.160 in this rulemaking to avoid the confusion of amending that Section in separate rulemakings.

A companion Public Act, P.A. 95-312, created the MRSA Screening and Reporting Act [210 ILCS 83], which requires every hospital to establish a methicillin-resistant Staphylococcus aureus (MRSA) control program. A new subsection being added to Section 250.1100 mandates hospitals to comply with its reporting requirements.

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

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

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None

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

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

9) Does this rulemaking contain incorporations by reference? Yes

10) Are there any other proposed rulemakings pending on this Part? No

11) Statement of Statewide Policy Objectives: This rulemaking may create a State Mandate.

12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

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

217/782-2043
e-mail: dph.rules@illinois.gov

13) Initial Regulatory Flexibility Analysis:

A) Type of small businesses, small municipalities and not-for-profit corporations affected: Hospitals, county hospitals

B) Reporting, bookkeeping or other procedures required for compliance: Infection control policies and training shall be documented.

C) Types of professional skills necessary for compliance: Nursing, medical

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NOTICE OF PROPOSED AMENDMENTS

14) Regulatory Agenda on which this rulemaking was summarized: January 2009

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 250
HOSPITAL LICENSING REQUIREMENTS

SUBPART A: GENERAL

Section
250.110 Application for and Issuance of Permit to Establish a Hospital
250.120 Application for and Issuance of a License to Operate a Hospital
250.130 Administration by the Department
250.140 Hearings
250.150 Definitions
250.160 Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION AND PLANNING

Section
250.210 The Governing Board
250.220 Accounting
250.230 Planning
250.240 Admission and Discharge
250.250 Visiting Rules
250.260 Patients' Rights
250.265 Language Assistance Services
250.270 Manuals of Procedure
250.280 Agreement with Designated Organ Procurement Agencies

SUBPART C: THE MEDICAL STAFF

Section
250.310 Organization
250.315 House Staff Members
250.320 Admission and Supervision of Patients
250.330 Orders for Medications and Treatments
250.340 Availability for Emergencies

DEPARTMENT OF PUBLIC HEALTH

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SUBPART D: PERSONNEL SERVICE

Section
250.410 Organization
250.420 Personnel Records
250.430 Duty Assignments
250.435 Health Care Worker Background Check
250.440 Education Programs
250.450 Personnel Health Requirements
250.460 Benefits

SUBPART E: LABORATORY

Section
250.510 Laboratory Services
250.520 Blood and Blood Components
250.525 Designated Blood Donor Program
250.530 Proficiency Survey Program (Repealed)
250.540 Laboratory Personnel (Repealed)
250.550 Western Blot Assay Testing Procedures (Repealed)

SUBPART F: RADIOLOGICAL SERVICES

Section
250.610 General Diagnostic Procedures and Treatments
250.620 Radioactive Isotopes
250.630 General Policies and Procedures Manual

SUBPART G: GENERAL HOSPITAL EMERGENCY SERVICE

Section
250.710 Classification of Emergency Services
250.720 General Requirements
250.725 Notification of Emergency Personnel
250.730 Community or Areawide Planning
250.740 Disaster and Mass Casualty Program
250.750 Emergency Services for Sexual Assault Victims

SUBPART H: RESTORATIVE AND REHABILITATION SERVICES

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section
250.810 Applicability of Other Parts of These Requirements
250.820 General
250.830 Classifications of Restorative and Rehabilitation Services
250.840 General Requirements for all Classifications
250.850 Specific Requirements for Comprehensive Physical Rehabilitation Services
250.860 Medical Direction
250.870 Nursing Care
250.880 Additional Allied Health Services
250.890 Animal-Assisted Therapy

SUBPART I: NURSING SERVICE AND ADMINISTRATION

Section
250.910 Nursing Services
250.920 Organizational Plan
250.930 Role in hospital planning
250.940 Job descriptions
250.950 Nursing committees
250.960 Specialized nursing services
250.970 Nursing Care Plans
250.980 Nursing Records and Reports
250.990 Unusual Incidents
250.1000 Meetings
250.1010 Education Programs
250.1020 Licensure
250.1030 Policies and Procedures
250.1035 Domestic Violence Standards
250.1040 Patient Care Units
250.1050 Equipment for Bedside Care
250.1060 Drug Services on Patient Unit
250.1070 Care of Patients
250.1075 Use of Restraints
250.1080 Admission Procedures Affecting Care
250.1090 Sterilization and Processing of Supplies
250.1100 Infection Control
250.1110 Mandatory Overtime Prohibition
250.1120 Staffing Levels

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

SUBPART J: SURGICAL AND RECOVERY ROOM SERVICES

Section
250.1210 Surgery
250.1220 Surgery Staff
250.1230 Policies & Procedures
250.1240 Surgical Privileges
250.1250 Surgical Emergency Care
250.1260 Operating Room Register and Records
250.1270 Surgical Patients
250.1280 Equipment
250.1290 Safety
250.1300 Operating Room
250.1305 Visitors in Operating Room
250.1310 Cleaning of Operating Room
250.1320 Postoperative Recovery Facilities

SUBPART K: ANESTHESIA SERVICES

Section
250.1410 Anesthesia Service

SUBPART L: RECORDS AND REPORTS

Section
250.1510 Medical Records
250.1520 Reports

SUBPART M: FOOD SERVICE

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250.APPENDIX A Codes and Standards (Repealed)
250.EXHIBIT A Codes (Repealed)
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AUTHORITY: Implementing and authorized by the Hospital Licensing Act [210 ILCS 85].

SOURCE: Rules repealed and new rules adopted August 27, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 49, effective May 16, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 45, p. 85, effective November 6, 1978; amended at 3 Ill. Reg. 17, p. 88, effective April 22, 1979; amended at 4 Ill. Reg. 22, p. 233, effective May 20, 1980; amended at 4 Ill. Reg. 25, p. 138, effective June 6, 1980; amended at 5 Ill. Reg. 507, effective December 29, 1980; amended at 6 Ill. Reg. 575, effective December 30, 1981; amended at 6 Ill. Reg. 1655, effective January 27, 1982; amended at 6 Ill. Reg. 3296, effective March 15, 1982; amended at 6 Ill. Reg. 7835 and 7838, effective June 17, 1982; amended at 7 Ill. Reg. 962, effective January 6, 1983; amended at 7 Ill. Reg. 5218 and 5221, effective April 4, 1983 and April 5, 1983; amended at 7 Ill. Reg. 6964, effective May 17, 1983; amended at 7 Ill. Reg. 8546, effective July 12, 1983; amended at 7 Ill. Reg. 9610, effective August 2, 1983; codified at 8 Ill. Reg. 19752; amended at 8 Ill. Reg. 24148, effective November 29, 1984; amended at 9 Ill. Reg. 4802, effective April 1, 1985; amended at 10 Ill. Reg. 11931, effective September 1, 1986; amended at 11 Ill. Reg. 10283, effective July 1, 1987; amended at 11 Ill. Reg. 10642, effective July 1, 1987; amended at 12 Ill. Reg. 15080, effective October 1, 1988; amended at 12 Ill. Reg. 16760, effective October 1, 1988; amended at 13 Ill. Reg. 13232, effective September 1, 1989; amended at 14 Ill. Reg. 2342, effective February 15, 1990; amended at 14 Ill. Reg. 13824, effective September 1, 1990; amended at 15 Ill. Reg. 5328, effective May 1, 1991; amended at 15 Ill. Reg. 13811, effective October 1, 1991; amended at 17 Ill. Reg. 1614, effective January 25, 1993; amended at 17 Ill. Reg. 17225, effective October 1, 1993; amended at 18 Ill. Reg. 11945, effective July 22, 1994; amended at 18 Ill. Reg. 15390, effective October 10, 1994; amended at 19 Ill. Reg. 13355, effective September 15, 1995; emergency amendment at 20 Ill. Reg. 474, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 3234, effective February 15, 1996; amended at 20 Ill. Reg. 10009, effective July 15, 1996; amended at 22 Ill. Reg. 3932,

effective February 13, 1998; amended at 22 Ill. Reg. 9342, effective May 20, 1998; amended at 23 Ill. Reg. 1007, effective January 15, 1999; emergency amendment at 23 Ill. Reg. 3508, effective March 4, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9513, effective August 1, 1999; amended at 23 Ill. Reg. 13913, effective November 15, 1999; amended at 24 Ill. Reg. 6572, effective April 11, 2000; amended at 24 Ill. Reg. 17196, effective November 1, 2000; amended at 25 Ill. Reg. 3241, effective February 15, 2001; amended at 27 Ill. Reg. 1547, effective January 15, 2003; amended at 27 Ill. Reg. 13467, effective July 25, 2003; amended at 28 Ill. Reg. 5880, effective March 29, 2004; amended at 28 Ill. Reg. 6579, effective April 15, 2004; amended at 29 Ill. Reg. 12489, effective July 27, 2005; amended at 31 Ill. Reg. 4245, effective February 20, 2007; amended at 31 Ill. Reg. 14530, effective October 3, 2007; amended at 32 Ill. Reg. 3756, effective February 27, 2008; amended at 32 Ill. Reg. 4213, effective March 10, 2008; amended at 32 Ill. Reg. 7932, effective May 12, 2008; amended at 32 Ill. Reg. 14336, effective August 12, 2008; amended at 33 Ill. Reg. 8306, effective June 2, 2009; amended at 33 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 250.160 Incorporated and Referenced Materials

a) The following regulations and standards are incorporated in this Part:

1) Private and professional association standards:

A) American Society for Testing and Materials (ASTM), Standard No. E90-99 (2002): Standard Test Method for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions and Elements, which may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959. (See Section 250.2420.)

B) The following standards of the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), which may be obtained from the American Society of Heating, Refrigerating, and Air-Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, Georgia~~GA~~ 30329: (See Section 250.2480.)

i) ASHRAE Handbook of Fundamentals (2005);

ii) ASHRAE Handbook for HVAC Systems and Equipment (2004~~1996~~);

iii) ASHRAE Handbook-HVAC Applications (2003~~1999~~).

C) The following standards of the National Fire Protection Association (NFPA), which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02169:

i) No. 101 (2000): Life Safety Code; (See Sections 250.2420, 250.2450, 250.2460, 250.2470, and 250.2490.)

ii) No. 10 (1998): Standards for Portable Fire Extinguishers; (See Section 250.1980.)

iii) No. 13 (1999): Standards for the Installation of Sprinkler Systems; (See Sections 250.2490 and 250.2670.)

iv) No. 14 (2000): Standard for the Installation of Standpipe, Private Hydrants and Hose Systems; (See Sections 250.2490 and 250.2670.)

v) No. 25 (1998): Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems;

vi) No. 30 (1996): Flammable and Combustible Liquids Code; (See Section 250.1980.)

vii) No. 45 (1996): Standard on Fire Protection for Laboratories Using Chemicals;

viii) No. 54 (1999): National Fuel Gas Code;

ix) No. 70 (1999): National Electrical Code; (See Sections 250.2440 and 250.2500.)

x) No. 72 (1999): National Fire Alarm Code;

xi) No. 80 (1999): Standard for Fire Doors and Fire Windows; (See Section 250.2450.)

xii) No. 82 (1999): Standard on Incinerators and Waste and Linen Handling Systems and Equipment; (See Section 250.2440.)

xiii) No. 90A (1999): Standard for Installation of Air Conditioning and Ventilating Systems; (See Sections 250.2480 and 250.2660.)

xiv) No. 96 (1998): Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations; (See Section 250.2660.)

xv) No. 99 (1999): Standard for Health Care Facilities; (See Sections 250.1410, 250.1910, 250.1980, 250.2460, 250.2480, 250.2490 and 250.2660.)

xvi) No. 101-A (2001): Guide on Alternative Approaches to Life Safety; (See Section 250.2620.)

xvii) No. 110 (1999): Standard for Emergency and Standby Power Systems;

xviii) No. 220 (1999): Standard on Types of Building Construction; (See Sections 250.2470 and 250.2620.)

xix) No. 221 (1997): Standard for Fire Walls and Fire Barrier Walls;

xx) No. 241 (1996): Standard for Safeguarding Construction, Alteration and Demolition Operations;

xxi) No. 255 and 258 (2000): Standard Method of Test of Surface Burning Characteristics of Building Materials, and Recommended Practice for Determining Smoke Generation of Solid Materials; (See Section 250.2480.)

xxii) No. 701 (1999): Standard Methods of Fire Tests for Flame Propagation of Textiles and Films. (See Sections 250.2460 and 250.2650.)

D) American Academy of Pediatrics and American College of Obstetricians and Gynecologists, Guidelines for Perinatal Care, Sixth~~Fifth~~ Edition (2007~~2002~~), which may be obtained from the American College of Obstetricians and Gynecologists Distribution Center, P.O. Box 933104, Atlanta, Georgia 31193-3104 (800-762-2264). (See Section 250.1820.)

E) American College of Obstetricians and Gynecologists, Guidelines for Women's Healthcare, Third ~~(Second~~ Edition (2007~~2002~~)~~)~~, which may be obtained from the American College of Obstetricians and Gynecologists Distribution Center, P.O. Box 933104, Atlanta, Georgia 31193-3104 (800-762-2264). (See Section 250.1820.)

F) National Council on Radiation Protection and Measurements (NCRP), Report No. 49: Structural Shielding Design and Evaluation for Medical Use of X-rays and Gamma Rays of Energies up to 10 MeV (1976) and NCRP Report No. 102: Medical X-Ray, Electron Beam and Gamma-Ray Protection for Energies Up to 50 MeV (Equipment Design, Performance and Use) (1989), which may be obtained from the National Council on Radiation Protection and Measurements, 7910 Woodmont Ave., Suite 800, Bethesda, Maryland 20814-3095. (See Sections 250.2440 and 250.2450.)

G) DOD Penetration Test Method MIL STD No. 282 (1995): Filter Units, Protective Clothing, Gas-mask Components and Related Products: Performance Test Methods, which may be obtained from Naval Publications and Form Center, 5801 Tabor Avenue, Philadelphia, Pennsylvania 19120. (See Section 250.2480.)

H) National Association of Plumbing-Heating-Cooling Contractors (PHCC), National Standard Plumbing Code (2003), which may be obtained from the National Association of Plumbing-Heating-Cooling Contractors, 180 S. Washington Street, P.O. Box 6808,

Falls Church, Virginia 22046 (703-237-8100).

I) The International Code Council, International Building Code (2000), which may be obtained from the International Code Council, 4051 Flossmoor Road, Country Club Hills, Illinois 60477-5795. (See Section 250.2420.)

J) American National Standards Institute, Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped (1968), which may be obtained from the American National Standards Institute, 25 West 433rd Street, 4th Floor, New York, New York 10036. (See Section 250.2420.)

K) Accreditation Council for Graduate Medical Education, Essentials of Accredited Residencies in Graduate Medical Education (1997), which may be obtained from the Accreditation Council for Graduate Medical Education, 515 North State Street, Suite 2000, Chicago, Illinois 60610. (See Section 250.315.)

L) Joint Commission on Accreditation of Healthcare Organizations, 2006 Hospital Accreditation Standards (HAS), Standard PC.3.10, which may be obtained from the Joint Commission on Accreditation of Healthcare Organizations, One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181. (See Section 250.1035.)

M) National Quality Forum, Safe Practices for Better Health Care (2009), which may be obtained from the National Quality Forum, 601 13th Street, NW, Suite 500 North, Washington DC 20005, or from www.qualityforum.org.

2) Federal Government Publications:

A) Department of Health and Human Services, United States Public Health Service, Centers for Disease Control and Prevention, "Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings 2007"~~"Isolation Precautions in Hospitals", February 18, 1997~~ and "Guidelines for Infection Control in Health Care Personnel", June 6, 2003~~, 1998~~,

which may be obtained from National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161. (See Section 250.1100.)

B) Department of Health and Human Services, United States Public Health Service, Centers for Disease Control and Prevention, "Guidelines for Environmental Infection Control in Health-Care Facilities: Recommendations − Animals in Health Care Facilities", "Morbidity and Mortality Weekly Report", June 6, 2003/Vol. 52/No. RR-10, which may be obtained from the Centers for Disease Control and Prevention, 1600 Clifton Road, MS K-95, Atlanta, Georgia~~GA~~ 30333.

C) Department of Health and Human Services, United States Public Health Services, Centers for Disease Control and Prevention, "Guidelines for Hand Hygiene in Health-Care Settings", October 25, 2002, which may be obtained from the National Technical Information Services (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

D) Department of Health and Human Services, United States Public Health Service, Centers for Disease Control and Prevention, "Guidelines for Disinfection and Sterilization in Healthcare Facilities, 2008", which may be obtained from the Centers for Disease Control and Prevention, 1600 Clifton Road, Atlanta, Georgia 30333.

b) All incorporations by reference of federal regulations and guidelines and the standards of nationally recognized organizations refer to the regulations, guidelines and standards on the date specified and do not include any editions or amendments subsequent to the date specified.

c) The following statutes and State regulations are referenced in this Part:

1) State of Illinois statutes:

A) Hospital Licensing Act [210 ILCS 85].

B) Illinois Health Facilities Planning Act [20 ILCS 3960].

C) Medical Practice Act of 1987 [225 ILCS 60].

D) Podiatric Medical Practice Act of 1987 [225 ILCS 100].

E) Pharmacy Practice Act of 1987 [225 ILCS 85].

F) Physicians Assistant Practice Act of 1987 [225 ILCS 95].

G) Illinois Clinical Laboratory and Blood Bank Act [210 ILCS 25].

H) X-ray Retention Act [210 ILCS 90].

I) Safety Glazing Materials Act [430 ILCS 60].

J) Mental Health and Developmental Disabilities Code [405 ILCS 5].

K) Nurse Practice Act [225 ILCS 65].

L) Health Care Worker Background Check Act [225 ILCS 46].

M) MRSA Screening and Reporting Act [210 ILCS 83].

N) Hospital Report Card Act [210 ILCS 88].

O) Illinois Adverse Health Care Events Reporting Law of 2005 [410 ILCS 522].

P) Smoke Free Illinois Act [410 ILCS 82].

2) State of Illinois rules:

A) Department of Public Health, Illinois Plumbing Code (77 Ill. Adm. Code 890).

B) Department of Public Health, Sexual Assault Survivors Emergency Treatment Code (77 Ill. Adm. Code 545).

C) Department of Public Health, Control of Communicable Diseases

Code (77 Ill. Adm. Code 690).

D) Department of Public Health, Food Service Sanitation Code (77 Ill. Adm. Code 750).

E) Department of Public Health, Public Area Sanitary Practice Code (77 Ill. Adm. Code 895).

F) Department of Public Health, Maternal Death Review (77 Ill. Adm. Code 657).

G) Department of Public Health, Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693).

H) Department of Public Health, Control of Tuberculosis Code (77 Ill. Adm. Code 696).

I)~~G)~~ Department of Public Health, Health Care Worker Background Check Code (77 Ill. Adm. Code 955).

J)~~H)~~ Department of Public Health, Language Assistance Services Code (77 Ill. Adm. Code 940).

K)~~I)~~ Capital Development Board, Illinois Accessibility Code (71 Ill. Adm. Code 400).

L)~~J)~~ State Fire Marshal, Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120).

M)~~K)~~ State Fire Marshal, Fire Prevention and Safety (41 Ill. Adm. Code 100).

N)~~L)~~ Illinois Emergency Management Agency, Standards for Protection Against Radiation (32 Ill. Adm. Code 340).

O)~~M)~~ Illinois Emergency Management Agency, Use of X-rays in the Healing Arts Including Medical, Dental, Podiatry, and Veterinary Medicine (32 Ill. Adm. Code 360).

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART I: NURSING SERVICE AND ADMINISTRATION

Section 250.1100 Infection Control

a) A hospital shall designate a person or persons as Infection Prevention and Control Professionals to develop and implement policies governing control of infections and communicable diseases. The Infection Prevention and Control Professionals shall be qualified through education, training, experience and/or certification, and the qualifications shall be documented.

b)~~a)~~ A~~There shall be a~~ multidisciplinary Infection Control Committee, composed at least of members of the medical staff and~~,~~ nursing staff, the Infection Prevention and Control Professionals, and the supervisor of Central Sterile Supply and administration, shall be responsible for~~charged with the responsibility of~~ investigations and recommendations for the prevention and control of infections within the hospital. This Committee shall *perform an annual facility-wide infection control risk assessment.* (Section 6.23 of the Act)

c)~~b)~~ Policies and procedures for ~~the~~ reporting ~~and care of~~ cases of communicable diseases and for the care of patients with communicable diseases shall be in accordance with ~~77 Ill. Adm. Code 690,~~ the Control of Communicable Diseases Code, the Control of Sexually Transmissible Diseases Code and the Control of Tuberculosis Code.

d) The hospital shall comply with the Centers for Disease Control and Prevention publication "Guidelines for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings 2007".

e)~~c)~~ When patients having a communicable disease, or presenting signs and symptoms suggestive of that~~such~~ diagnosis, are admitted, proper precautionary measures shall be taken to avoid cross-infection to personnel, other patients, or the public.

f)~~d)~~ The hospital shall provide facilities and equipment for the isolation of known or suspected cases of infectious disease.

g)~~e)~~ Policies and procedures for ~~the~~ handling ~~of~~ infectious cases shall include orders to the medical, nursing, and non-professional staffs providing for proper isolation

technique.

h)~~f)~~ All persons who care for patients with or suspected of having a communicable disease, or whose work brings them in contact with materials that are potential conveyors of communicable disease, shall take appropriate safeguards to avoid transmission of the disease agent.

i) *The hospital shall develop and implement comprehensive interventions to prevent and control multidrug-resistant organisms (MDROs), including methicillin-resistant Staphylococcus aureus (MRSA), vancomycin-resistant enterococci (VRE), and certain gram-negative bacilli (GNB), that take into consideration guidelines of the Centers for Disease Control and Prevention for the management of MDROs in healthcare settings*, including the "Guidelines for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings 2007" and "Guidelines for Hand Hygiene in Health-Care Settings". (Section 6.23 of the Act)

j) All hospitals shall comply with the Centers for Disease Control and Prevention publication "Guidelines for Hand Hygiene in Health-Care Settings".

k) The multidisciplinary Infection Control Committee shall be responsible for developing, implementing, monitoring, and enforcing a hand hygiene program in the hospital. For the purposes of this Section, "hand hygiene" is a general term that applies to hand washing with plain soap and water; antiseptic hand wash using soap containing antiseptic agents and water; antiseptic hand rub using a waterless antiseptic product, most often alcohol based, rubbed on the surface of the hands; or surgical hand antiseptic.

1) The Committee shall assess the current practices and compliance, assess hand hygiene products that are currently being used, solicit input from clinical staff, and develop a hand hygiene program for all staff.

2) All staff (including contractual and medical) shall be educated in the hand hygiene program during initial orientation and at least annually. This education shall be documented.

3) The program shall have clear written goals that require quantitative, time-specific improvement targets.

4) The Committee shall develop and implement measurement tools to be used to assure ongoing compliance with the program.

5) The program shall incorporate the requirements for hand hygiene in educational materials presented to all staff on an ongoing basis; engage patients and families in the hand hygiene efforts; monitor compliance of all staff with recommended measurement tools for hand hygiene, including immediate feedback to personnel; and track compliance over time.

6) The results of the monitoring shall be incorporated in the Quality Assurance/Quality Improvement Program.

l)~~g)~~ Contaminated~~The handling and disposal of contaminated~~ material shall be handled and disposed of in a manner designed to prevent the transmission of the infectious agent.

m)~~h)~~ Thorough hand hygiene~~handscrubbing~~ shall be required after touching any contaminated or infected material.

n)~~i)~~ Whenever the Control of Communicable Diseases Code and the Control of Tuberculosis Code require~~requires~~ the submission of laboratory specimens for the release of a patient from isolation or quarantine and the hospital laboratory is not approved by the Department for the performance of the specific tests, ~~then~~ the specimens shall be submitted to the laboratories of the Illinois Department of Public Health or other laboratory licensed by the Department for the specific tests required.

o)~~j)~~ The hospital shall establish a systematic plan of checking and recording cases of infection, known or suspected, that~~which~~ develop in the institution; these~~such~~ cases shall be reported to the Infection Control Committee~~infection committee~~ and hospital administration. The Committee~~committee~~ shall be empowered and directed to investigate health care-associated~~nosocomial~~ infections to determine the causative organism and its possible sources. The findings and recommendations of the Infection Control Committee~~infection committee~~ shall be reported to the medical staff and~~/or~~ administration for corrective action.

p)~~k)~~ Policies~~There shall be policies~~ and procedures related to this Section~~the above~~ and to the following items shall be developed~~but not limited thereto~~:

1) The admission and isolation of patients with specific and/or suspected infectious diseases, and protective isolation of appropriate patients.

2) In-service education programs on the control of infectious diseases.

3) Policies and procedures for isolation techniques appropriate to the working diagnosis of the patient, and protective routines for personnel and visitors.

4) The recording and reporting of all infections of clean surgical cases to the Infection Control Committee, and procedures for the investigation of those~~such~~ cases.

q) *In order to improve the prevention of hospital-associated bloodstream infections due to methicillin-resistant Staphylococcus aureaus (MRSA), every hospital shall establish an MRSA control program that requires:*

1) *Identification of all MRSA-colonized patients in all intensive care units, and other at-risk patients identified by the hospital, through active surveillance testing.*

2) *Isolation of identified MRSA-colonized or MRSA-infected patients in an appropriate manner.*

3) *Monitoring and strict enforcement of hand hygiene requirements.*

4) *Maintenance of records and reporting of cases under Section 10 of* the *Act*. (Section 5 of the MRSA Screening and Reporting Act)

(Source: Amended at 33 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Licensing Standards for Foster Family Homes

2) Code Citation: 89 Ill. Adm. Code 402

3)

Section Numbers:	Adopted Action:
402.1	Amended
402.2	Amended
402.5	Amended
402.7	Amended
402.8	Amended
402.14	Amended
402.27	Amended
402.APPENDIX A	Amended

4) Statutory Authority: Child Care Act of 1969 [225 ILCS 10]

5) Effective Date of Rulemaking: August 1, 2009

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

7) Does this rulemaking contain incorporations by reference? No

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

9) Notice of Proposal Published in Illinois Register: August 8, 2008; 32 Ill. Reg. 13104

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

11) Differences between proposal and final version: The only changes made were non-substantive editing and formatting changes recommended by the Joint Committee on Administrative Rules. Those changes, and only those changes, will be made by the Department in the adopted rule.

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

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

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

15) Summary and Purpose of Rulemaking: The Department is amending Part 402 to improve the care and well being of children in foster family homes by: (1) requiring that homes comply with current laws regarding smoking, carbon monoxide detectors, and offenses which are an absolute bar to licensure; (2) requiring pool enclosures in foster homes; and (3) increasing resources for monitoring foster homes by allowing the Department and POS agencies to suspend monitoring of licensed foster homes that do not have foster children.

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

Jeff Osowski
Office of Child and Family Policy
Department of Children and Family Services
406 E. Monroe, Station #65
Springfield, Illinois 62703-1498

Telephone: 217/524-1983
TDD: 217/524-3715
E-Mail: cfpolicy@idcfs.state.il.us

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 402
LICENSING STANDARDS FOR FOSTER FAMILY HOMES

Section

402.1 Purpose
402.2 Definitions
402.3 Effective Date of Standards (Repealed)
402.4 Application for License
402.5 Application for Renewal of License
402.6 Provisions Pertaining to Permits
402.7 Provisions Pertaining to the License
402.8 General Requirements for the Foster Home
402.9 Requirements for Sleeping Arrangements
402.10 Nutrition and Meals
402.11 Business and Employment of Foster Family
402.12 Qualifications of Foster Parents
402.13 Background Inquiry
402.14 Health of Foster Family
402.15 Number and Ages of Children Served
402.16 Meeting Basic Needs of Children
402.17 Health Care of Children
402.18 Religion
402.19 Recreation and Leisure Time
402.20 Education
402.21 Discipline of Children
402.22 Emergency Care of Children
402.23 Release of Children
402.24 Confidentiality of Information
402.25 Required Written Consents
402.26 Records to be Maintained
402.27 Licensing Supervision
402.28 Adoptive Homes
402.29 Director's Waivers
402.30 Severability of This Part
402.APPENDIX A Criminal Convictions That Prevent Licensure

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

402.APPENDIX B	Number and Ages of Children in Foster Family Home: No Child Requires Specialized Care
402.APPENDIX C	Number and Ages of Children in Foster Family Home: Child Requires Specialized Care

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10].

SOURCE: Adopted and codified at 5 Ill. Reg. 9548, effective October 1, 1981; emergency amendment at 6 Ill. Reg. 15580, effective December 15, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 3439, effective April 4, 1983; amended at 7 Ill. Reg. 13858, effective November 1, 1983; amended at 8 Ill. Reg. 23197, effective December 3, 1984; amended at 11 Ill. Reg. 4292, effective March 1, 1987; emergency amendment at 16 Ill. Reg. 11879, effective July 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 267, effective December 21, 1992; emergency amendment at 18 Ill. Reg. 8481, effective May 20, 1994, for a maximum of 150 days; emergency expired on October 17, 1994; amended at 19 Ill. Reg. 1801, effective February 1, 1995; amended at 19 Ill. Reg. 9463, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10743, effective July 1, 1995, for a maximum of 150 days; emergency expired November 27, 1995; amended at 20 Ill. Reg. 1589, effective January 10, 1996; emergency amendment at 20 Ill. Reg. 3954, effective February 16, 1996, for a maximum of 150 days; emergency expired July 15, 1996; amended at 21 Ill. Reg. 4548, effective April 1, 1997; amended at 22 Ill. Reg. 205, effective December 19, 1997; amended at 23 Ill. Reg. 7877, effective July 15, 1999; emergency amendment at 24 Ill. Reg. 6417, effective March 27, 2000, for a maximum of 150 days; emergency expired August 23, 2000; amended at 24 Ill. Reg. 17052, effective November 1, 2000; amended at 26 Ill. Reg. 2624, effective February 11, 2002; amended at 26 Ill. Reg. 11796, effective August 1, 2002; amended at 30 Ill. Reg. 6321, effective March 31, 2006; amended at 33 Ill. Reg. 11441, effective August 1, 2009.

Section 402.1 Purpose

a) The purpose of this Part~~part~~ is to prescribe the standards for licensure as a foster family home and to describe how to apply for a license.

b) The licensing standards set forth in this Part~~part~~ are applicable to foster family homes as defined in the Child Care Act, as well as to those foster family homes operated or supervised by the Department and by agencies exempt from licensing as identified in 89 Ill. Adm. Code 382~~,~~ (Agencies Exempt from Licensing).

c) The Central Office of Licensing shall ensure that these licensing standards are reviewed every 3 years to determine whether the licensing standards, as written,

are appropriate.

(Source: Amended at 33 Ill. Reg. 11441, effective August 1, 2009)

Section 402.2 Definitions

"Adoptive placement" means a living arrangement with a family that is directed toward establishing that family as the child's new legal parents. To be considered an adoptive placement, the child must be placed in a licensed foster family home or license exempt relative home for purposes of adoption and:

- be legally free (parental rights have been terminated or both parents have surrendered their parental rights); or

- be placed in a legal risk adoptive placement that has passed legal screening as described in 89 Ill. Adm. Code 309 (Adoption Services for Children for Whom the Department of Children and Family Services is Legally Responsible).

"Approved smoke detector" or "detector" means a smoke detector of the ionization or~~of~~ photoelectric type that complies with all the requirements of the rules and regulations of the Illinois State Fire Marshal. (Section 2 of the Smoke Detector Act [425 ILCS 60/2])

"Approved in-service training" means:

- Foster PRIDE module or other Department approved training;

- foster parent conferences sponsored by the Department;

- other conferences approved by the Department;

- training provided under the auspices of a licensed child welfare agency when the agency's foster care program has been accredited by the Council on Accreditation of Services for Families and Children, Inc., 520 Eighth Avenue, Suite 2202B, New York~~,~~ NY 10018;

- materials borrowed from the Department's Foster/Adoptive Parent Lending Libraries;

- training toward first-aid, Heimlich maneuver, and/or cardiopulmonary resuscitation (CPR) certification; or

- other training, substantially meeting the Department's Foster PRIDE/Adopt PRIDE training, approved in writing by the Department of Children and Family Services.

"Background check" means:

Individuals 17~~18~~ years of age or older:

- a criminal history check via fingerprints that are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate; and

Individuals 13 years of age or older:

- a check of the Statewide Automated Child Welfare Information System (SACWIS)~~Child Abuse and Neglect Tracking System (CANTS)~~ and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and

- a check of the Statewide Child Sex Offender Registry.

"CANTS" means the Child Abuse and Neglect Tracking System, which has been replaced by SACWIS~~operated and maintained by the Illinois Department of Children and Family Services~~.

"Child" means any person under 18 years of age. [225 ILCS 10/2.01]

"Child care assistant" means an adult, 18 years of age or older, (whether a volunteer or an employee) who assists a licensed foster parent in the care of children within the foster home.

"Child care facility" means any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or

arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in the Child Care Act~~ of 1969~~, established and maintained for the care of children. Child care facility includes a relative who is licensed as a foster family home pursuant to Section 4 of the Child Care Act~~ of 1969~~. [225 ILCS 10/2.05]

"Classifiable fingerprints" means fingerprints ~~have been~~ obtained through an electronic or ink printing process that~~which~~ were determined to provide sufficiently clear impressions to identify the individual from whom the prints were obtained.

"Common parentage" means having the same biological or adoptive father, the same biological or adoptive mother, or the same biological or adoptive father and mother.

"Complete application for foster family home license" means *a completed written* application *form; written authorization by the applicant and all adult members of the household to conduct a criminal background investigation; medical evidence in the form of a medical report, on forms prescribed by the Department, that the applicant and all members of the household are free from communicable diseases or physical and mental conditions that affect their ability to provide care for the child or children; the names and addresses of at least 3 persons not related to the applicant who can attest to the applicant's moral character; and fingerprints submitted by the applicant and all adult members of the applicant's household.* [225 ILCS 10/4]

"Corporal punishment" means "hitting, spanking, beating, shaking, pinching, and other measures that produce physical pain". ~~(National Health and Safety Performance Standards, Guidelines for Out-Of-Home Child Care Programs, American Public Health Association and American Academy of Pediatrics, 1992, no later amendments or editions are included)~~

"Department" means the Illinois Department of Children and Family Services. [225 ILCS 10/2.02]

"Discipline" means the process of helping children to develop inner controls so that they can manage their own behavior in socially acceptable ways. Discipline does not include the use of corporal punishment as defined in this Part.

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"Educational advocacy training" means the 6-hour training that prepares foster parents to effectively advocate for the special educational needs of the children in their care by providing information on children's educational rights and foster parents' responsibility to protect those rights.

"Expanded capacity license" means the foster family home has been issued a license from the Department authorizing the foster family to accept more than six children for care (including the family's own children under age 18 and all other children under age 18 receiving full-time care) as permitted in Section 402.15(c) (for foster care placements) or (e) (for adoptive placements).

"Foster family home" means a facility for child care in residences of families who receive no more than 8 children unrelated or related *to them, unless all the children are of common parentage, or residences of relatives who receive no more than 8 related* or unrelated *children placed by the Department, unless the children are of common parentage, for the purpose of providing family care and training for the children on a full-time basis, except the Director of Children and Family Services, pursuant to Department regulations, may waive the limit of 8 children unrelated to an adoptive family for good cause to facilitate an adoptive placement. The family's or relative's own children, under 18 years of age, shall be included in determining the maximum number of children served.* [225 ILCS 10/2.17] The Department requires foster family homes to receive an expanded capacity license allowing them to receive more than six children, including their own children under age 18 and all other children under the age of 18 receiving full-time care.

"Full-time care" means the child is a resident of the household, whether on a temporary, emergency, or permanent basis, and is receiving family care usually provided by a parent or guardian.

"Godparent" is a person who sponsors a child at baptism or one in whom the parents have entrusted a special duty that includes assisting in raising the child if the parent cannot raise the child. The worker shall verify the godparent/godchild relationship by contacting the parents to confirm the fact that they did, in fact, designate the person as the godparent. If the parents are unavailable, the worker should contact other close family members to verify the relationship. If the person is considered to be the child's godparent, in order for placement to occur, the same placement selection criteria as contained in 89 Ill. Adm. Code 302.60

(Placement Selection) must be met. If the godparent is not a licensed foster parent, all the conditions currently in effect for placement with relatives in 89 Ill. Adm. Code 301.80 must be met.

"In-service training" means approved training provided to currently licensed foster parents.

"License" means a document issued by the Department of Children and Family Services that authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act.

"License applicant" means the operator or person with direct responsibility for daily operation of the facility to be licensed. (Section 4.4 of the Child Care Act ~~of 1969~~)

"Licensed physician" means a person licensed to practice medicine in the State of Illinois.

"Licensee" means those individuals, agencies, or organizations who hold a license or permit issued by the Department of Children and Family Services.

"Licensing representative" means persons authorized by the Department under the Child Care Act ~~of 1969~~ to perform licensing activities.

"Licensing study" means a written review and assessment of an application for license, on-site visits, interviews, and the collection and review of supporting documents to determine compliance with the Child Care Act of 1969 and the standards prescribed by this Part.

"Member of the household" means a person who resides in a family home as evidenced by factors including, but not limited to, maintaining clothing and personal effects at the household address, or receiving mail at the household address, or using identification with the household address.

"Minor traffic violation" means a traffic violation under the laws of the State of Illinois or any municipal authority therein or another state or municipal authority which is punishable solely by fines as a petty offense. [625 ILCS 5/6-601]

"Multi-purpose room" means a room in the foster family home that has been

designed for several purposes. A multi-purpose room that is temporarily converted into a bedroom may only be a pass through room in the home if the privacy of the children using the room for a bedroom can be ensured. Activities within the room shall be normal bedroom activities such as sleeping, dressing and playing while used as a bedroom.

"Non-active status" means a licensed foster home has no foster placements and maintains continuous compliance with this Part that, by mutual written agreement with the Department, does not receive regular licensing monitoring visits by the Department or supervising agency.

"Permit" means a one-time only document issued by the Department of Children and Family Services for a two month period to allow the individuals to become eligible for an initial foster family home license.

"Petty offense" means any offense for which a sentence to a fine only is provided. [730 ILCS 5/5-1-17]

"Relative~~,~~", for purposes of placement of children for whom the Department is legally responsible*, means any person, 21 years of age or over, other than the parent, who:*

- is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, first cousin once removed (children of one's first cousin to oneself), second cousin (children of first cousins are second cousins to each other), godparent (as defined in this Section~~above~~), great-uncle or great-aunt, or

- *is the spouse of such a relative, or*

- *is the child's step-father, step-mother, or adult step-brother or step-sister.*

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. [20 ILCS 505/7(b)]

"Reputable character" means there is satisfactory evidence that the moral character of the applicant is trustworthy.

"Respite foster care" means temporary (not to exceed 30 days), full-time care in a licensed foster family home, group home, or child care institution, or in a license exempt relative home, when such temporary, full-time care is provided to foster children. Respite foster care is provided to foster children in order to give the full-time caregivers a rest from caregiving responsibilities.

"Responsible" means trustworthy performance of expected duties that~~which~~ serves the best interests of the foster children as evidenced by established child welfare standards, State and federal law, and the rules of the Department.

"SACWIS" means the Statewide Automated Child Welfare Information System operated by the Illinois Department of Children and Family Services that replaced the Child Abuse and Neglect Tracking System (CANTS).

"Specialized care" means care provided to a child who has developmental, emotional, behavioral, or medical needs and who has been determined to require specialized care. The need for specialized care shall be redetermined once every six months.

"Supervising agency", for the purpose of this Part~~part~~, means a licensed child welfare agency, a license-exempt agency, or the Department of Children and Family Services.

"Universal precautions" means an approach to infection control. According to the concept of universal precautions, all human blood and certain body fluids are treated as if known to be infectious for HIV, HBV, and other blood-borne pathogens.

(Source: Amended at 33 Ill. Reg. 11441, effective August 1, 2009)

Section 402.5 Application for Renewal of License

a) Application forms for license renewal shall be mailed to foster parent licensees by the supervising agency at least three months prior to the expiration date of the license.

b) The completed, signed application for renewal of the license shall be received by the supervising agency no later than 60~~30~~ days after the date the application forms

for license renewal were mailed to the licensee.

c) Upon receipt of the application for license renewal, the supervising agency shall conduct a license study in order to determine that the foster home continues to meet licensing standards. The licensing study shall be in writing and shall be reviewed and signed by the supervisor and signed by the worker performing the study.

d) *When a licensee has made timely and sufficient application for the renewal of a license and the Department fails to render a decision on the application for renewal of the license prior to the expiration date of the license, the existing license shall continue in full force and effect for up to 30 days until the final Department decision has been made. The Department may further extend the period in which such decision must be made in individual cases for up to 30 days, but such extensions shall be only upon good cause shown.* [225 ILCS 10/5(d)]~~*or a new license with reference to any activity of a continuing nature, the existing license shall continue in full force and effect until the final agency decision on the application has been made unless a later date is fixed by order of a reviewing court.* (Section 10-65(b) of the Illinois Administrative Procedure Act [5 ILCS 100/10-65(b)])~~

e) As part of the renewal application, each foster family home applicant and ~~adult~~ member of the household 17 and older shall authorize criminal background checks in accordance with 89 Ill. Adm. Code 385 (Background Checks) and shall submit to fingerprinting, if fingerprints are not already on file with the Department, to determine if the individual has ever been charged with a crime and, if so, the disposition of the charges. In addition, members of the household ages 13 through 16~~17~~ must authorize a SACWIS~~CANTS~~ check and a check of the Child Sex Offender Registry.

(Source: Amended at 33 Ill. Reg. 11441, effective August 1, 2009)

Section 402.7 Provisions Pertaining to the License

a) A foster family home license is valid for four years unless revoked by the Department or voluntarily given up by the licensee.

b) The number of children cared for in the foster family home shall not exceed the license capacity and must conform with the requirements for the number and ages

of children specified on the license.

c) The foster parents' biological and adopted children under 18 years of age and all other children under 18 years of age receiving full-time care shall be counted when determining license capacity.

d) The license shall not be transferred to another person or other legal entity.

e) The license shall not be valid for a name or an address other than the name and address on the license.

f) A current license shall be available in the foster home at all times.

g) There shall be no fee or charge for the license.

h) The foster family shall adhere to the provisions or restrictions specified on the license.

i) Non-active License Status

1) The Department may place a foster family home license in non-active status when the licensee agrees in writing:

A) that the home has no foster placements and will not accept foster placements while in non-active status;

B) to maintain compliance with current and ongoing licensing standards as they are put into effect; and

C) to have the license moved to non-active status.

2) A home in non-active status shall continue to be subject to Department and supervising agency involvement. The foster family home may be returned to active status upon any occurrence that may make the home inappropriate for non-active status, including but not limited to:

A) a licensing complaint;

B) a child abuse or neglect report;

C) SACWIS or criminal activity.

3) The foster family may request that the Department move its license back to active status by written notification to the home's licensing representative. Before the foster family home is returned to active status, the licensing representative shall complete an onsite monitoring visit, reassess the household composition to determine if any adult or child has moved into or out of the residence, update background checks for new household members, reassess the physical structure of the residence, reassess the medical and physical capacity of each foster parent, and reassess the licensed capacity of the home.

4) A non-active status foster family home license is valid and may remain in non-active status until its renewal date; however, the licensee must submit a complete renewal application, and complete the renewal study process, within the timeframes and guidelines of Section 402.5 (Application for Renewal of License) for the license to be renewed. Upon the foster family home's request, the Department may move the license back into non-active status anytime after renewal, if it meets the aforementioned conditions for non-active status.

(Source: Amended at 33 Ill. Reg. 11441, effective August 1, 2009)

Section 402.8 General Requirements for the Foster Home

a) The foster home shall be clean, well ventilated, free from observable hazards, properly lighted and heated, and free of fire hazards.

b) The foster home may not use or have on the premises~~, on or after July 1, 2000,~~ any unsafe children's product as described in the Children's Product Safety Act [430 ILCS 125] and 89 Ill. Adm. Code 386 (Children's Product Safety).

c) The water supply of the foster family home shall comply with the requirements of the local and State~~state~~ health departments. If the foster family home accepts children under age ten or who are developmentally disabled, the maximum hot water temperature from all showers and bathtubs shall be no more than 115° Fahrenheit. If well water is used, a copy of the Inspection Report and Compliance with Regulations shall be on file with the supervising agency.

d) Water Hazards Protection

1) All in-ground swimming pools located in areas accessible to children shall be fenced. The fence shall be at least 5 feet in height and secured by a locked gate.

2) All above-ground pools shall have non-climbable sidewalls that are at least 4 feet high or shall be enclosed with a 5-foot fence that is at least 36 inches away from the pool's side wall and secured with a locked gate. When the pool is not in use, pool's steps shall be removed or the pool shall be otherwise protected to insure the pool cannot be accessed.

3) Any hot tub not enclosed with a 5-foot fence shall have a securely locked cover.

4) Any portable wading pool not enclosed with a 5-foot fence shall be emptied daily.

5) Licensees in foster family homes with pools, hot tubs, ponds, outdoor fountains, decorative water ponds, fishponds, or the like must have current CPR certification.

6) Foster homes shall come into compliance with the above water hazard requirements by January 1, 2010. Foster homes that have a license or a permit on January 1, 2009 and have had a fence with a minimum height of 3½ foot shall be considered in compliance with the fence requirement.

e) No person shall smoke tobacco in a foster family home, open or enclosed motor *vehicle* while transporting a foster child, or *within 15 feet of entrances, exits, windows that open, and ventilation intakes that serve* the foster family home. [410 ILCS 82/10 and 70] This subsection does not prohibit smoking in a licensed foster home that does not have foster children in placement.

f)~~d)~~ Portable space heaters may be used as a supplementary source of heat if they have an ~~meet safety approval standards (~~Underwriters Laboratories~~)~~ sticker attached and are used in accordance with local and State building and fire codes. Portable space heaters may not be used in rooms where children are sleeping. Portable and fixed space heaters in areas occupied by children shall be separated by fire

resistant partitions or barriers to prevent contact with the heater.

g)~~e)~~ Dangerous household supplies and dangerous tools shall be kept in a safe place inaccessible to children under 12 years of age. These items shall remain inaccessible to children during disposal.

h)~~f)~~ When not being dispensed or immediately accessible due to medical necessity, prescription and nonprescription drugs shall be kept in places that are not readily accessible to children under 12 years of age. Expired or unused medications, syringes, medical waste, or medication shall remain inaccessible to children during disposal.

i)~~g)~~ Any and all firearms and ammunition shall be locked up at all times and kept in places inaccessible to children. No firearms possessed in violation of a State or federal law or a local government ordinance shall be present in the home at any time. Loaded guns shall not be kept in a foster home unless required by law enforcement officers and in accordance with their law enforcement agency's safety procedures.

j)~~h)~~ The foster home shall comply with all requirements of the State laws and municipal codes for household pets. Certificates of inoculation for rabies shall be available for inspection.

k)~~i)~~ The foster home shall have an operating telephone on the premises unless the supervising agency has approved a written plan detailing the immediate and unrestricted access to a telephone~~such an instrument~~.

l)~~j)~~ The foster home shall have fire and emergency evacuation plans that are to be discussed and rehearsed quarterly with the children.

m)~~k)~~ The foster home shall be equipped with a minimum of one approved smoke detector in operating condition on every floor level, including basements and occupied attics, in accordance with Section 3 of the Smoke Detector Act [425 ILCS 60/3].

n) A foster home that is not exempted by Section 20 of the Carbon Monoxide Alarm Detector Act [430 ILCS 135] shall be equipped with a minimum of one approved carbon monoxide detector within 15 feet of every sleeping room, in accordance with Section 10 of that Act.

o)~~l)~~ Adequate closet and dresser space comparable to that provided to the other children of the household shall be provided for each foster child to accommodate personal belongings.

p)~~m)~~ Foster parents shall respect children's rights to privacy while sleeping, bathing, toileting, and dressing.

(Source: Amended at 33 Ill. Reg. 11441, effective August 1, 2009)

Section 402.14 Health of Foster Family

a) Foster parents and all members of the household shall provide medical evidence that they are free of communicable diseases or physical and mental conditions that affect the ability of the family to provide care.

b) Before licensing, the foster parents shall furnish the supervising agency with a medical report on forms provided by the agency for each member of the household. A medical report shall be obtained for the foster parents, their children, other persons residing in the foster home, and child care assistants. The medical reports shall not be more than one year old. Copies of medical examinations of school age children who are members of the household that were completed in accordance with the requirements of the ~~Illinois~~ School Code [105 ILCS 5/27-8.1] are acceptable provided copies of the medical examinations are on file with the supervising agency.

c) If there is a question regarding the mental or emotional health of the foster parent applicant or other adult members of the household, clinical reports and evaluations may be required by the supervising agency.

d) Medical re-examinations of the foster parents and other members of the household shall be required at least once every four years or upon licensing renewal, whichever comes first. Copies of medical re-examinations of school age children who are members of the household that were completed in accordance with the requirements of the ~~Illinois~~ School Code [105 ILCS 5/27-8.1] are deemed to be in compliance with this requirement provided copies of the re-examinations are on file with the supervising agency. A medical re-examination of foster parents and other members of the household shall be required at an earlier date when, through personal observation of, or notification from the foster

family, it becomes evident to the supervising agency or the physician has reason to believe that the foster parents or a member of the household has a communicable disease or other physical impairment.

(Source: Amended at 33 Ill. Reg. 11441, effective August 1, 2009)

Section 402.27 Licensing Supervision

Foster parents shall cooperate with the supervising agency to assure continuing compliance with licensing requirements. Each licensed facility supervised by the Department or a private child welfare agency shall be visited by the licensing worker of the Department or the agency at least semiannually to ensure that the standards for licensing continue to be met.

(Source: Amended at 33 Ill. Reg. 11441, effective August 1, 2009)

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Section 402.APPENDIX A Criminal Convictions That Prevent Licensure

If the foster parent applicants or any adult member of the household has been declared a sexually dangerous person under the Sexually Dangerous Persons Act [725 ILCS 205], or convicted of committing or attempting to commit one or more of the following serious criminal offenses under the Criminal Code of 1961 [720 ILCS 5], or under any earlier Illinois criminal law or code or an offense in another state, the elements of which are similar and bear a substantial relation to any of the criminal offenses specified below, this will serve as a bar to receiving a foster home license or permit.

OFFENSES DIRECTED AGAINST THE PERSON

HOMICIDE

Murder
Solicitation of murder
Solicitation of murder for hire
Intentional homicide of an unborn child
Voluntary manslaughter of an unborn child
Involuntary manslaughter
Reckless homicide
Concealment of a homicidal death
Involuntary manslaughter of an unborn child
Reckless homicide of an unborn child
Drug induced homicide

KIDNAPPING AND RELATED OFFENSES

Kidnapping
Aggravated kidnapping
Aggravated unlawful restraint
Forcible detention
Child abduction
Aiding and abetting child abduction
Harboring a runaway

SEX OFFENSES

Indecent solicitation of a child

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Indecent solicitation of an adult
Public indecency
Sexual exploitation of a child
Custodial sexual assault
Sexual relations within families
Prostitution
Soliciting for a prostitute
Soliciting for a juvenile prostitute
Solicitation of a sexual act
Pandering
Keeping a place of prostitution
Keeping a place of juvenile prostitution
Patronizing a prostitute
Patronizing a juvenile prostitute
Pimping
Juvenile pimping
Exploitation of a child
Obscenity
Child pornography
Harmful material
Tie in sales of obscene publication to distributors
Posting of identifying information on a pornographic Internet site

BODILY HARM

Aggravated battery of a child
Tampering with food, drugs, or cosmetics
Drug induced infliction of great bodily harm
Hate crime
Stalking
Aggravated stalking
Threatening public officials
Home invasion
Vehicular invasion
Criminal sexual assault
Aggravated criminal sexual assault
Predatory criminal sexual assault of a child
Criminal sexual abuse
Aggravated sexual abuse

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Criminal transmission of HIV
Criminal neglect of an elderly or disabled person
Child abandonment
Endangering the life or health of a child
Ritual mutilation
Ritualized abuse of a child

If the foster parent applicants or any adult member of the household has been convicted of committing or attempting to commit one or more of the following serious criminal offenses under the Criminal Code of 1961 [720 ILCS 5], Cannabis Control Act [720 ILCS 550] or the Illinois Controlled Substances Act [720 ILCS 570], or under any earlier Illinois criminal law or code or an offense in another state, the elements of which are similar and bear a substantial relation to any of the criminal offenses specified below, this conviction will serve as a bar to receiving a foster home license or permit, unless all of the following requirements are met:

1. *The relevant criminal offense or offenses occurred more than 10 years prior to the date of application or renewal.*

2. *The applicant had previously disclosed the conviction or convictions to the Department for the purposes of a background check.*

3. *After the disclosure, the Department either placed a child in the home or the foster family home license was issued.*

4. *During the background check, the Department had assessed and waived the conviction in compliance with the existing statutes and rules in effect at the time of the waiver.*

5. *The applicant meets all other requirements and qualifications to be licensed as a foster family home under the Child Care Act and the Department's administrative rules.*

6. *The applicant has a history of providing a safe, stable home environment and appears able to continue to provide a safe, stable home environment.* (Section 4.2 of the Child Care Act)

OFFENSES DIRECTED AGAINST THE PERSON

KIDNAPPING AND RELATED OFFENSES

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Unlawful restraint

BODILY HARM

Felony aggravated assault
Vehicular endangerment
Felony domestic battery
Aggravated battery
Heinous battery
Aggravated battery with a firearm
Aggravated battery of an unborn child
Aggravated battery of a senior citizen
Intimidation
Compelling organization membership of persons
Abuse and gross neglect of a long term care facility resident
Felony violation of an order of protection

OFFENSES DIRECTED AGAINST PROPERTY

Felony theft
Robbery
Armed robbery
Aggravated robbery
Vehicular hijacking
Aggravated vehicular hijacking
Burglary
Possession of burglary tools
Residential burglary
Criminal fortification of a residence or building
Arson
Aggravated arson
Possession of explosive or explosive incendiary devices

OFFENSES AFFECTING PUBLIC HEALTH, SAFETY AND DECENCY

Felony unlawful use of weapons
Aggravated discharge of a firearm
Reckless discharge of a firearm

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Unlawful use of metal piercing bullets
Unlawful sale or delivery of firearms on the premises of any school
Disarming a police officer
Obstructing justice
Concealing or aiding a fugitive
Armed violence
Felony contributing to the criminal delinquency of a juvenile

DRUG OFFENSES

Possession of more than thirty grams of cannabis
Manufacture of more than 10 grams of cannabis
Cannabis trafficking
Delivery of cannabis on school grounds
Unauthorized production of more than five cannabis sativae plants
Calculated criminal cannabis conspiracy
Unauthorized manufacture or delivery of controlled substances
Controlled substance trafficking
Manufacture, distribution, advertisement of look-alike substances
Calculated criminal drug conspiracy
Street gang criminal drug conspiracy
Permitting unlawful use of a building
Delivery of controlled, counterfeit or look-alike substances to persons under age 18, or at truck stops, rest stops, safety rest areas, or on school property
Using, engaging, or employing persons under 18 to deliver controlled, counterfeit or look-alike substances
Delivery of controlled substances
Sale or delivery of drug paraphernalia
Felony possession, sale or exchange of instruments adapted for use of controlled substance or cannabis by subcutaneous injection

Final approval for licensure *shall not be granted if the record check reveals a felony conviction for child abuse or neglect, for spousal abuse, for a crime against children, or for a crime involving violence, including rape, sexual assault or homicide, but not including other physical assault or battery or if there is a felony conviction for physical assault, battery or a drug-related offense committed within the past 5 years.* [20 ILCS 505/5(v-1) and (v-2)]

(Source: Amended at 33 Ill. Reg. 11441, effective August 1, 2009)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Fees For Construction Permits Required Under Section 12(b) of the Illinois Environmental Protection Act

2) Code Citation: 35 Ill. Adm. Code 320

3)

Section Numbers:	Adopted Action:
320.101	Amendment
320.102	Amendment
320.103	Amendment
320.104	Amendment
320.201	Amendment
320.202	Amendment
320.301	Amendment
320.302	Amendment

4) Statutory Authority: Implementing and authorized by Section 12.2 of the Environmental Protection Act. [415 ILCS 5/12.2]

5) Effective Date of Amendments: July 22, 2009

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

7) Does this rulemaking contain incorporations by reference? No

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

9) Notice of Proposal Published in the Illinois Register: February 27, 2009; 33 Ill. Reg. 3576

10) Has JCAR issued a Statement of Objection to this rulemaking? No, however Illinois EPA has responded to the recommendation that Illinois EPA be more timely in updating its rules to reflect statutory changes.

11) Differences between proposal and final version: The following changes were made in response to comments and suggestions of the JCAR:

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

In Section 320.101(b)(6), "*Act and regulations*" was changed to "*Act* (33 USC 1362(18)) *and regulations*".

In the first sentence of Section 320.101(b)(12), "*Act and regulations*" was changed to read "*Act* (33 USC 1362(13)) *and regulations*".

In the second sentence of Section 320.101(b)(12), "Clean Water Act or in 40 CFR 122.21, Appendix D." was changed to read "Clean Water Act (33 USC 1317(a)(1)) or in 40 CFR 122, appendix D (2007).".

Section 320.103(b)(1) through 320.103(b)(3) was italicized to denote statutory language.

In Section 320.103(b)(3), after the period, "Section 12.2(a) of the Act" was added.

In Section 320.201(b)(4) "of" was deleted after "population".

Section 320.201(b)(1) through 320.201(d) was italicized to denote statutory language.

In the last sentence of Section 320.301(e), "If the modifications cause such an increase or change, the fee category additional fees" was changed to read "If the modifications cause such an increase, or change the fee category, additional fees".

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

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

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

15) Summary and Purpose of Amendments: This rulemaking will update the procedures the Agency uses to collect permit fees under Part 320 and the amounts of those fees in response to changes to Section 12.2 of the Environmental Protection Act.

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

Deborah J. Williams, Assistant Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19726

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

Springfield, Illinois 62794-9276

217/782-5544

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

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE C: WATER POLLUTION
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 320
~~PERMIT~~ FEES FOR CONSTRUCTION PERMITS REQUIRED UNDER SECTION 12(b) OF THE ILLINOIS ENVIRONMENTAL PROTECTION ACT~~INSTALLING OR EXTENDING SEWERS~~

SUBPART A: GENERAL

Section
320.101 Definitions
320.102 Purpose
320.103 Applicability
320.104 Relation to Other Fee Systems
320.105 Severability

SUBPART B: PROCEDURES FOR DETERMINATION AND PAYMENT OF FEES

Section
320.201 Amount of the Fee
320.202 Manner of Payment
320.203 Prohibition Against Refund
320.204 Audit and Access to Records

SUBPART C: PROCEDURES FOR PROCESSING PERMIT APPLICATIONS

Section
320.301 Permit Applications Containing the Entire Fee
320.302 Permit Applications Not Containing the Entire Fee

AUTHORITY: Implementing and authorized by Section 12.2 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1012.2) [415 ILCS 5/12.2].

SOURCE: Adopted at 17 Ill. Reg. 11461, effective July 8, 1993; amended at 33 Ill. Reg. 11464, effective July 22, 2009.

SUBPART A: GENERAL

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

Section 320.101 Definitions

a) Unless specified otherwise, all terms shall have the meaning set forth in the Act.

b) For purposes of this Part, the following definitions apply:

1) "Act" means the Environmental Protection Act ~~(Ill. Rev. Stat. 1991, ch. 111½, pars. 1001 et seq.)~~ [415 ILCS 5].

2) "Agency" means the Illinois Environmental Protection Agency.

3) "Applicant" means a person who applies for a construction permit to install or extend sewers, treatment works, industrial pretreatment works, or industrial wastewater source, pursuant to Title III of the Act or 35 Ill. Adm. Code~~:~~.Subtitle C or D.

4) "Design Population" means:

A) for purposes of new sewer systems, wasteload in terms of population equivalents contained within the proposed service area covered by the construction permit application;

B) for purposes of sewer extensions or connections, additional wasteload in terms of population equivalents contained within the service area added by the entire sewer proposed in the construction permit application.

5) "Fee" means the fee prescribed by Section 12.2 of the Act.

6) *"Industrial" refers to those industrial users referenced in* section 502(18) *of the federal Clean Water Act* (33 USC 1362(18)) *and regulations adopted pursuant to that Act.* (Section 12.2(h) of the Act)

7) "NPDES Permit" means National Pollutant Discharge Elimination System Permit.

8)~~6)~~ "Population Equivalent" means that one population equivalent is 100 gallons of sewage per day, containing 0.17 pounds of BOD5 (five day

biochemical oxygen demand) and 0.20 pounds of suspended solids, on the basis of the highest individual value of the three parameters.

9) *"Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing those pollutants into a publicly owned treatment works or publicly regulated treatment works.* (Section 12.2(h) of the Act)

10)~~7)~~ "Sewage" means water-carried human and related wastes from any source (35 Ill. Adm. Code 301.385).

11)~~8)~~ "Sewer" means a stationary means of transport, excluding natural waterways, constructed and operated primarily for the purpose of collecting and transporting sewage.

12) *"Toxic pollutants" means those pollutants defined in section 502(13) of the federal Clean Water Act* (33 USC 1362(13)) *and regulations adopted pursuant to that Act* (Section 12.2(h) of the Act). For purposes of this Part, this definition is limited to any pollutant listed as toxic pursuant to section 307(a)(1) of the Clean Water Act (33 USC 1317(a)(1)) or in 40 CFR 122, appendix D (2007).

(Source: Amended at 33 Ill. Reg. 11464, effective July 22, 2009)

Section 320.102 Purpose

The purpose of this Part is to establish procedures for collecting fees from applicants for construction permits required~~collection of fees for construction permits from applicants for sewer construction permits~~ under ~~paragraph (b) of~~ Section 12(b) of the ~~Environmental Protection~~ Act.

(Source: Amended at 33 Ill. Reg. 11464, effective July 22, 2009)

Section 320.103 Applicability

a) Except as provided otherwise in subsection (c)~~(b) below~~, this Part applies to each applicant for a construction permit required under Title III of the Act, or 35 Ill. Adm. Code~~:~~ Subtitle C, to install or extend sewers.

b) Except as provided otherwise in subsection (c), this Part applies to each applicant for a construction permit required under Title III of the Act, or 35 Ill. Adm. Code.Subtitle C or D, to install or extend any treatment works, industrial pretreatment works, or industrial wastewater source. No fee shall be assessed under this Section if:

1) *A treatment works or wastewater source is directly covered and authorized under an NPDES permit issued by the Agency;*

2) *A treatment works, industrial pretreatment works, or industrial wastewater source is under or pending construction authorized by a valid construction permit issued by the Agency prior to July 1, 2003 during the term of that construction permit; or*

3) *A treatment works, industrial pretreatment works, or industrial wastewater source for which a completed construction permit application has been received by the Agency prior to July 1, 2003 with respect to the permit issued under that application.* (Section 12.2(a) of the Act)

c~~b~~) Pursuant to Section 12.2(e) of the Act, this~~This~~ Part does not apply to:

1) Any *department~~Any Department~~, agency or unit of State government for installing or extending a sewer*;

2) Any~~Any~~ *unit of local government with which the Agency has entered into a written delegation agreement under* Section 4 of the Act~~*of the Act*~~ *which allows such unit to issue construction permits under* Title III of the Act,~~*Title III of the Act,*~~ *or regulations adopted thereunder, for installing or extending a sewer; or*

3) Any~~Any~~ *unit of local government or school district for installing or extending a sewer where both of the following conditions are met*:

A) The~~*The*~~ *cost of the installation or extension is paid wholly from monies of the unit of local government or school district, State grants or loans, federal grants or loans, or any combination thereof; and*

B) The~~*The*~~ *unit of local government or school district is not given monies, reimbursed or paid, either in whole or in part, by another person (except for State grants or loans or federal grants or loans) for the installation or extension.* (Section 12.2(e) of the Act)

(Source: Amended at 33 Ill. Reg. 11464, effective July 22, 2009)

Section 320.104 Relation to Other Fee Systems

Except as provided otherwise in Section 320.103(b) and (c), the~~The~~ fees collected pursuant to this Part, and the fee collection procedures set forth in this Part, are separate from and in addition to all other fees and fee systems established by law.

(Source: Amended at 33 Ill. Reg. 11464, effective July 22, 2009)

SUBPART B: PROCEDURES FOR DETERMINATION AND PAYMENT OF FEES

Section 320.201 Amount of the Fee

a) Each applicant or person required to pay a fee under~~subject to~~ this Part pursuant to Section 320.103~~320.102~~ shall pay a fee to be submitted with the permit application. See 35 Ill. Adm. Code 370.Appendix A and 35 Ill. Adm. Code 370.Appendix B for guidance in determining design population.

b) The amount of fee for domestic sewer extensions is as follows:~~*The amount of fee is as follows:*~~

1) *$100 for any domestic sewer constructed to serve a design population of 1;*

2) *$400 for any domestic sewer constructed to serve a design population of 2 to 20;*

3) *$800 for any domestic sewer constructed to serve a design population greater than 20 but less than 101;*

4) *$1,200 for any domestic sewer constructed to serve a design population greater than 100 but less than 500; and*

5) *$2,400 for any domestic sewer constructed to serve a design population of 500 or more.*

c) *The amount of the fee for sources other than domestic sewer extensions is as follows:*

1) *$1,000 for any industrial wastewater source that does not require pretreatment of the wastewater prior to discharge to the publicly owned treatment works or publicly regulated treatment works;*

2) *$3,000 for any industrial wastewater source that requires pretreatment of the wastewater for non-toxic pollutants prior to discharge to the publicly owned treatment works or publicly regulated treatment works;*

3) *$6,000 for any industrial wastewater source that requires pretreatment of the wastewater for toxic pollutants prior to discharge to the publicly owned treatment works or publicly regulated treatment works; and*

4) *$2,500 for construction relating to land application of industrial sludge or spray irrigation of industrial wastewater.*

~~1) *$50 for any sewer constructed to serve a design population of 1.*~~

~~2) *$200 for any sewer constructed to serve a design population of 2 to 20.*~~

~~3) *$400 for any sewer constructed to serve a design population greater than 20 but less than 100.*~~

~~4) *$600 for any sewer constructed to serve a design population of greater than 100 but less than 500.*~~

~~5) *$1,200 for any sewer constructed to serve a design population of 500 or more.*~~

d) *The Agency shall deny any construction permit application that does not contain the appropriate fee as required in subsection (b) or (c).*

e) *All fees collected by the Agency under this* Part *shall be deposited into the Environmental Protection Permit and Inspection Fund in accordance with Section 22.8* of the Act. (Section 12.2(c) of the Act)

(Source: Amended at 33 Ill. Reg. 11464, effective July 22, 2009)

Section 320.202 Manner of Payment

a) Payment of the fee must be by certified or cashiers check for each permit application payable to "Treasurer, State of Illinois", designated to the Environmental Protection Permit and Inspection Fund with the applicant's Federal Employer~~Employee~~ Identification Number (FEIN) or Social Security number appearing on the face of the check and shall be submitted along with the permit application to:

Illinois Environmental Protection Agency
Division of Water Pollution Control
1021 North Grand Avenue East~~2200 Churchill Road~~
Post Office Box 19276
Springfield, Illinois 62794-9276

b) Payment shall not include any fees due to the Agency for any purpose other than the fee due under Section 320.201~~ of this Part~~.

(Source: Amended at 33 Ill. Reg. 11464, effective July 22, 2009)

SUBPART C: PROCEDURES FOR PROCESSING PERMIT APPLICATIONS

Section 320.301 Permit Applications Containing the Entire Fee

a) Applications received by the Agency will be logged in and assigned a receipt date and number. The application shall be accepted if the following conditions are met:

1) The application is complete in accordance with Title III of the Act and regulations adopted thereunder; and

2) The entire fee due under Section 320.201~~ of this Part~~ is included with the application.

b) The~~*The*~~ *Agency shall, not later than 45 days following the receipt* date assigned under subsection (a)~~*of both an application for a construction permit and the fee required by this* Part~~, *either approve that application and issue a permit or tender to the applicant a written statement setting forth with specificity the reasons for the disapproval of the application and denial of a permit* in accordance with Sections 12.2 and 39(a) of the Act. *If the Agency takes* ~~*If there is*~~ *no final action* ~~*by the Agency*~~ *within 45 days after the filing of the application for a permit, the applicant may deem the permit issued*. (Section 12.2(g) of the Act) This 45 day deadline for Agency action may be waived by the applicant in writing.

c) *Prior to a final Agency decision on a permit application for which a fee has been paid under this* Part, *the applicant may propose modification to the application in accordance with* the~~*the*~~ *Act and regulations adopted* under the Act~~*thereunder*~~ *without any additional fee becoming due*, *unless the proposed modifications cause an increase in the design population served by the sewer specified in the permit application before the modifications* *or the modifications cause a change in the applicable fee category stated in* Section 320.201. *If the modifications cause such an increase* *or change the fee category* *and the increase results in additional fees being due under* Section 320.201~~ of this Part~~, *the applicant shall submit the additional fee to the Agency with the proposed modifications*. (Section 12.2(d) of the Act) If the applicant proposes a modification prior to a final Agency decision on the permit application, the 45 day review period described in subsection ~~Subsection 320.301~~(b)~~ above~~ shall commence on the date that the~~such~~ modification and any required fee pursuant to the modification, as provided in this subsection, is received.

d) If modifications to the permit application are received by the Agency from the applicant within 90 days after the date of permit denial in accordance with subsection (b)~~ of this Section~~, and if the~~such~~ modifications would allow approval of the application, a permit will be issued without additional fees becoming due under this Part, unless the proposed modifications cause an increase in the design population served by the sewer specified in the permit application before the modifications or the modifications cause a change in the applicable fee category stated in Section 320.201. If the modifications cause such an increase or change the fee category~~and the increase results in~~ additional fees will be~~being~~ due under Section 320.201~~ of this Part~~, and the applicant shall submit the additional fee to the Agency with the modifications.

e) If modifications to an existing permit are proposed before the date specified in the permit for completion of construction in accordance with the Act and regulations adopted under the Act~~thereunder~~, or before the expiration of the time limits provided in 35 Ill. Adm. Code 309.242(a) or 35 Ill. Adm. Code 404.109 if not specified in the permit, and if the~~such~~ modifications would allow approval of the application, a permit will be issued without additional fees becoming due under this Part, unless the proposed modifications cause an increase in the design population served by the sewer specified in the permit application before the modifications or the modifications cause a change in the applicable fee category stated in Section 320.201. If the modifications cause such an increase, or change the fee category, additional fees will be due under Section 320.201~~ of this Part~~, and the applicant shall submit the additional fee to the Agency with the modifications.

f) Requests for extensions of permit expiration dates or requests for modifications to an existing permit other than those specified in this Section shall be considered new applications subject to the fees specified in Section 320.201~~ of this Part~~.

g) Except in those cases in which~~where~~ permit denial has been appealed to the Illinois Pollution Control Board in accordance with Section 40 of the Act, submissions received by the Agency more than 90 days after the date of permit denial in accordance with subsection (b) shall be considered new applications subject to the fees specified in Section 320.201~~ of this Part~~.

(Source: Amended at 33 Ill. Reg. 11464, effective July 22, 2009)

Section 320.302 Permit Applications Not Containing the Entire Fee

Applications not containing the entire fee shall be considered incomplete. The Agency shall take the following actions in response to such applications:

a) The Agency shall deposit any fees submitted along with the application and shall notify the applicant of the fee deficiency. Within 30 days after this notification, the applicant must submit the balance of the fee that is due.

1) If the entire fee due is received by the Agency within 30 days after issuance of the notice under subsection (a), the Agency shall accept the application in accordance with Section 320.301~~ of this Part~~.

2) If the required fee is not received within 30 days after the notice of deficiency, the permit shall be considered denied.

b) The 45 day review period described in Section 320.301(b)~~ of this Part~~ shall commence on the date of acceptance assigned in accordance with Section 320.301(a)~~ of this Part~~.

(Source: Amended at 33 Ill. Reg. 11464, effective July 22, 2009)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Illinois Architecture Practice Act of 1989

2) Code Citation: 68 Ill. Adm. Code 1150

3)

Section Numbers:	Adopted Action:
1150.10	Amendment
1150.30	Amendment
1150.40	Amendment
1150.50	Amendment
1150.60	Amendment
1150.65	Amendment
1150.70	Amendment
1150.75	Amendment
1150.80	Amendment
1150.85	Amendment
1150.90	Amendment
1150.95	Amendment
1150.100	Amendment
1150.105	Amendment
1150.110	Amendment
1150.APPENDIX B	Amendment
1150.APPENDIX C	Amendment
1150.ILLUSTRATION A	Amendment

4) Statutory Authority: The Illinois Architecture Practice Act of 1989 [225 ILCS 305]

5) Effective Date of Amendments: July 22, 2009

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

7) Does this rulemaking contain incorporations by reference? No

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

9) Date Notice of Proposal Published in Illinois Register: April 10, 2009; 33 Ill. Reg. 5081

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

11) Differences between proposal and final version: In Section 1150.10 b) 1), the "2009" effective date added for NCARB IDP guidelines and the incorporation by reference language "no later additions or amendments included" (NCARB IDP guidelines) was reinstated.

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 rulemaking currently in effect? No

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

15) Summary and Purpose of Amendments: This rulemaking implements changes that have been adopted nationally by the National Council of Architectural Registration Boards (NCARB), including statutory changes contained in Public Act 94-543 regarding the requirement of a professional/non-professional degree. It also clarifies requirements for the Intern Development Program (IDP) and the Architecture Registration Exams (ARE) as they relate to NCARB requirements. The Test of English as a Foreign Language Internet Based Test (TOEFL-iBT) has been added as an acceptable alternative for applicants educated in a foreign country. The historical requirements for licensure contained in Appendix B and Appendix C have been updated. Various non-substantive changes are also made, 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. Obsolete language is also removed and other technical changes are made.

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

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

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

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1150
ILLINOIS ARCHITECTURE PRACTICE ACT OF 1989

Section

1150.10 Education Requirements and Diversified Professional Training Requirements
1150.20 Category II – Education Requirements and Diversified Professional Training Requirements for Individuals Whose Education Was Initiated Prior to January 1, 1990 (Repealed)
1150.30 Application for Licensure by Examination/Acceptance of Examination
1150.40 Examination
1150.50 Approved Architecture Programs
1150.60 Licensure by Endorsement
1150.65 Inactive Status
1150.70 Restoration
1150.75 Fees
1150.80 Professional Design Firm
1150.85 Acts Constituting the Practice of Architecture Pursuant to Section 5 of the Act
1150.90 Standards of Professional Conduct
1150.95 Architecture Complaint Committee
1150.100 Renewals
1150.105 Continuing Education Requirements
1150.110 Granting Variances
1150.APPENDIX A Categories of Diversified Professional Training (Repealed)
1150.APPENDIX B Historical Summary of Minimum Requirements to Qualify for Examination for Licensure as an Architect in Illinois
1150.APPENDIX C Historical Summary of Examination Requirements
1150.ILLUSTRATION A Architect Seal Requirements

AUTHORITY: Implementing the Illinois Architecture Practice Act of 1989 [225 ILCS 305] 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 Architecture Act, effective May 29, 1975; amended May 12, 1977; codified at 5 Ill. Reg. 11019; 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; amended at 7 Ill. Reg. 7658, effective June 15, 1983; amended at 9 Ill. Reg. 5691, effective April 16, 1985; amended at 11 Ill. Reg. 14077, effective August 5, 1987; transferred from Chapter I, 68 Ill. Adm. Code 150 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1150 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2933; amended at 16 Ill. Reg. 3143, effective February 14, 1992; amended at 17 Ill. Reg. 1554, effective January 25, 1993; amended at 18 Ill. Reg. 10736, effective June 27, 1994; amended at 19 Ill. Reg. 16066, effective November 17, 1995; amended at 20 Ill. Reg. 7873, effective May 30, 1996; amended at 21 Ill. Reg. 5928, effective April 24, 1997; amended at 22 Ill. Reg. 15324, effective August 10, 1998; amended at 24 Ill. Reg. 559, effective December 31, 1999; amended at 24 Ill. Reg. 13710, effective August 28, 2000; amended at 25 Ill. Reg. 1754, effective January 8, 2001; amended at 26 Ill. Reg. 4667, effective March 11, 2002; amended at 26 Ill. Reg. 16954, effective November 12, 2002; amended at 27 Ill. Reg. 15468, effective September 19, 2003; amended at 28 Ill. Reg. 14424, effective October 20, 2004; amended at 33 Ill. Reg. 11477, effective July 22, 2009.

Section 1150.10 Education Requirements and Diversified Professional Training Requirements

The education and diversified professional training required ~~for examination~~ for licensure under the Illinois Architecture Practice Act [225 ILCS 305] (the Act) are set forth in this Section. Applicants shall meet the requirements set forth in this Section.

a) Education Requirements

1) Applicants with a professional degree from a program accredited by the National Architectural Accrediting Board (NAAB) or the Canadian Architectural Certification Board (CACB) not later than 2 years after termination of an applicant's enrollment, or with a professional degree in architecture from a Canadian university certified as accredited by CACB:

A) Bachelor of Architecture degree; or

B) Master of Architecture degree.

2) Until January 1, 2014, applicants~~Applicants~~ with a degree from a program not accredited by the NAAB or CACB:

A) A pre-professional 4 year baccalaureate degree program in architecture approved by the Board in accordance with Section

1150.50 of this Part, which is accepted for direct entry into a professional Master of Architecture degree program accredited by the NAAB or the CACB; or

B) Completion of the education requirements as specified in the National Council of Architectural Registration Boards (NCARB) Education Standard. This includes the requirement that applicants with a degree from a program not accredited by the NAAB or the CACB must obtain an EESA-NCARB Evaluation Report prepared by the Education Evaluation Services for Architects (EESA), which is administered by NAAB. Applicants may request the report from the National Architectural Accrediting Board, 1735 New York Avenue, NW, 3rd Floor, Washington, D.C. 20006; phone (202) 783-2007; or www.naab.org.

b) Diversified Professional Training Requirements

1) An applicant must complete the Intern Development Program (IDP) of the National Council of Architectural Registration Boards (NCARB), 1801 K Street, NW, Suite 1100, Washington, D.C. 20006-1310, as set forth in the NCARB IDP Guidelines (2009~~July 1, 2003 to June 30, 2004~~, no later additions or amendments included). (A copy of these Guidelines is available from ~~the Department or~~ NCARB.)

2) To satisfy diversified professional training requirements, each applicant must acquire a minimum number of training units (TUs) based on the education requirements set forth in subsection (b)(3). One TU equals 8~~eight~~ hours of acceptable activity. Acceptable activities and conditions affecting training are set forth in the IDP Guidelines.

3) TUs shall be acquired in prescribed categories and areas and under requirements set forth in the NCARB IDP Training Requirements included in the IDP Guidelines. The required number of TUs will vary according to the following educational requirements:

A) Applicants who meet the educational requirements set forth in subsections (a)(1) and (a)(2)(B) shall complete 700 TUs pursuant to the IDP Training Requirement.

B) Until January 1, 2014, applicants~~Applicants~~ with a pre-professional 4 year baccalaureate degree set forth in subsection (a)(2)(A) shall complete 1170 TUs pursuant to the IDP Training Requirements; ~~where~~ twice the listed minimum TUs required for each training category and area shall be acquired.

4) The required minimums in IDP Training Categories A, B, C and D total 465 TUs for the education requirements set forth in subsections (a)(1) and (a)(2)(B) and 930 TUs for the education requirements set forth in subsection (a)(2)(A), allowing for the additional TUs to be acquired in any of the listed categories.

5) To satisfy the Illinois Diversified Professional Training requirements, an applicant must have satisfied the training requirements in accordance with the NCARB IDP Training Requirements and subsection (b)(3)(A) or (B). An applicant who has satisfied the training requirements is expected to have been exposed to the comprehensive practice of architecture. Accordingly, each applicant must demonstrate that his or her training has been sufficiently diversified as to include exposure to each of the training areas set forth in the IDP Training Requirement. (An applicant with the required number of TUs may nonetheless be denied approval of training if that training is not diversified.)

6) The training settings in which TUs may be acquired, and the maximum TUs allowed to be acquired in each training setting, are set forth in the NCARB IDP Guidelines and shall apply to all applicants.

7) Program Requirements

A) No TUs may be earned prior to satisfactory completion of:

i) Three years in an NAAB-accredited professional degree program; or

ii) The third year of a 4 year pre-professional degree program in architecture accepted for direct entry to an NAAB-accredited professional master's degree program; or

iii) One year in an NAAB-accredited professional master's

degree program following receipt of a non-professional undergraduate degree; or

iv) 96 semester credit hours as evaluated by Education Evaluation Services for Architects (EESA) in accordance with NCARB Education Standard, of which no more than 60 hours can be in the general education category.

B) No experience used to meet education requirements described in subsection (a) of this Section may be used to earn TUs.

C) To earn TUs in IDP Training Settings A, B, C, D and E, an applicant must work at least 35 hours per week for a minimum period of 10 consecutive weeks or at least 20 hours per week for a minimum period of 6 consecutive months.

D) To earn TUs in IDP Training Setting F, the applicant must be employed on a full-time basis.

E) A "licensed architect" is a person licensed to practice architecture in the jurisdiction in which he or she practices.

F) A person practices as a "principal" by being:

i) A licensed architect; and

ii) The person in charge of the organization's architectural practice, either alone or with other licensed architects.

G) A person who has completed the education requirements, is actively participating in the diversified professional training and maintains in good standing a training record as required by this Section may use the title "architectural intern", but may not engage in the practice of architecture.

8) Explanation of Requirements

A) TUs may be acquired only if the applicant meets the time requirements of Section 1150.10(b)(7)(C). Full TU credit is

earned for acceptable full-time and part-time employment in the training settings described in Section 1150.10(b)(5).

B) No TUs may be acquired prior to meeting the requirements of Section 1150.10(b)(7)(A).

C) Applicants with a post-professional degree in architecture may qualify for TU credit as set forth in the IDP Guidelines.

D) An applicant may earn TUs by completing Board-approved supplementary education programs. Supplementary education cannot be used to satisfy the minimum TU requirements. No TUs may be earned for supplementary education unless the applicant is employed in a recognized training setting (refer to IDP Guidelines). Credit for supplementary education activities may not exceed 235 TUs.

E) To satisfy Category A of the IDP Training Requirements, TUs (including TUs earned from supplementary education) in those categories must be acquired when employed in the training settings described in Section 1150.10(b)(6). A minimum of 235 TUs must be acquired in Training Setting A.

F) For a detailed description of the IDP training categories, settings and conditions and supplementary education requirements, see IDP Guidelines.

c) All applicants shall utilize NCARB to collect, evaluate and certify all training data and records required for compliance with this Part.

d) The verification of training shall be submitted to the Department of Financial and Professional Regulation-Division of Professional Regulation (Division) at the time of application.

e) If the accuracy of any submitted documentation or the relevance or sufficiency of the training is questioned by the Division or the Architecture Licensing Board (the Board) because of discrepancies or conflicts in information, a need for additional information or clarification, the applicant will be requested to provide such information as is necessary.

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(Source: Amended at 33 Ill. Reg. 11477, effective July 22, 2009)

Section 1150.30 Application for Licensure by Examination/Acceptance of Examination

An applicant for licensure as an architect shall file an application on forms supplied by the Division~~Department~~. The application shall include:

a) Proof of successful completion of the examination set forth in Section 1150.40;

b) Proof of having completed the necessary education and training, as required by Section 1150.10.

1) The proof shall be in the form of certifications of education completed by the school, college or university attended, and certification of completion of the training requirements.

2) Applicants who received their education in a foreign country shall have the education comprehensively evaluated, at their expense. Applicants shall obtain an EESA-NCARB Evaluation Report prepared by the Education Evaluation Services for Architects (EESA), which is administered by NAAB. Applicants may request the report from the National Architectural Accrediting Board, 1735 New York Avenue, NW, 3rd Floor, Washington, D.C. 20006; phone (202) 783-2007; or www.naab.org. The Board will review all transcripts and the comprehensive evaluation submitted to the Division~~Department~~ to determine if the education meets the requirements set forth in Sections 1150.10 and 1150.20;

c) ~~A complete work history, on forms provided by the Department, indicating all professional architectural experience since completion of the Diversified Professional Training Requirements set forth in Section 1150.10(b); d)~~Certification from the jurisdiction of original licensure and certification from the jurisdiction of predominant active practice including the following, if the applicant has ever been licensed in another jurisdiction:

1) The date of issuance of the applicant's license and the current status of the~~such~~ license;

2) Whether the records of the licensing authority contain any record of disciplinary action taken ~~or pending~~ against the applicant;

d~~e~~) A signed and dated affidavit attesting the applicant has read and understands the Act and this Part;

e~~f~~) The required fee; and

f~~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 for 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 an architectural 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 architectural program from which the applicant graduated was taught in English.

(Source: Amended at 33 Ill. Reg. 11477, effective July 22, 2009)

Section 1150.40 Examination

a) The examination for licensure as an architect is a computer based examination prepared by the National Council of Architectural Registration Boards (NCARB).

1) An applicant who has an NAAB accredited professional degree may begin taking the NCARB Architecture Registration Exams (ARE) after successful completion of the professional degree and with concurrent enrollment in the IDP.

2) An applicant who has a pre-professional degree will not be approved to take ARE prior to completion of the required training units of the IDP as stated in Section 1150.10(b)(3)(B).

b) The examination shall consist of the following divisions:

1) Pre-Design;

2) Site Planning;

3) Building Planning;

4) Building Technology;

5) General Structures;

6) Lateral Forces;

7) Mechanical and Electrical Systems;

8) Building Design/Materials and Methods; and

9) Construction Documents and Services.

c) Site Planning, Building Planning and Building Technology are graphic design problems, with all other divisions being a multiple-choice format. All divisions are graded with a score of pass or fail. To pass the examination, the applicant must achieve a passing grade on each division of the examination.

d) An applicant failing a division may repeat that division test 6 months after his or her unsuccessful attempt.

e) All applicants who are in the process of taking the examination formerly administered by the Division shall receive credit for previous NCARB examinations passed with transfer credit to the Architect Registration Examination (ARE) divisions in Appendix C.

f) If an applicant fails to pass an examination for licensure under the Act within 3 years after filing an application, the application shall expire and be denied. The applicant may, however, make a new application for examination accompanied by the required fee, and must furnish proof of meeting the qualifications for examination in effect at the time of new application. Scores from divisions of the examination already passed under a previous application shall be carried over and applied to subsequent applications. After January 1, 2006, the Department will hold scores of examinations passed as valid for a period of 5 years in compliance with the NCARB "5-year Rolling Clock". All scores of previously passed examinations prior to January 1, 2006 will be valid permanently.

g) Applicants who fail to achieve the required passing score in any division of the examination will be afforded unlimited opportunities to repeat the failed parts of the examination.

h) The provisions of this Section shall be waived for an applicant for licensure as an architect who makes application in form and substance satisfactory to the Division pursuant to the standards set forth in Section 1150.30 and causes to be filed with the Division, in addition to his/her application, proof of successful completion of the NCARB examination administered pursuant to the standards outlined above in another jurisdiction. The~~Such~~ proof of successful completion must be forwarded directly to the Division from the jurisdiction in which the examination was taken.

i) Divisions of the examination passed in another jurisdiction will be accepted toward licensure in this State if the division was not subsequently failed.

(Source: Amended at 33 Ill. Reg. 11477, effective July 22, 2009)

Section 1150.50 Approved Architecture Programs

a) An architecture program, upon recommendation of the Board, shall be approved by the Division~~Department~~ if it meets the following minimum criteria:

1) The educational institution is legally recognized and authorized by the academic jurisdiction in which it is located to confer any of the degrees required for licensure in accordance with Section 1150.20(a).

2) Has a faculty that~~which~~ comprises a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have demonstrated competence in their area of teaching as evidenced by appropriate degrees from reputable professional colleges or institutions; and

3) Maintains permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.

4) Has a curriculum:

A) That~~Which~~ confers a first professional degree in architecture and is accredited by the NAAB;

B) That~~Which~~ confers a pre-professional 4 year degree accepted for direct entry into a professional master of architecture degree program; or

C) Until January 1, 1996, for applicants who have completed their education prior to January 1, 1990, that~~which~~ is at least 4 academic years and provides educational experience directed toward the development of the ability to apply knowledge to the identification and solution of practical problems and that~~which~~ encompasses the following:

i) Basic sciences including physics, chemistry and subjects from the other areas of life and earth sciences;

ii) Architectural science courses in building technology that~~which~~ assist the student to develop capabilities for recognition of problems through to formulation of creative solutions;

iii) Architectural design courses that~~which~~ foster the development of critical awareness and responsibility to protect the public health, safety and welfare;

iv) Appropriate studio and laboratory experience as determined by the college or institution shall be included in the program of each student; and

v) The overall curriculum shall include a minimum of 120 semester hours or the equivalent and shall include at least the following subjects:

Advanced Mathematics – including calculus and analytical geometry – 8 hours

Basic Sciences – 8 hours

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Architectural Sciences – 16 hours

Architectural Design – 18 hours – which may include up to 6 hours of art or freehand drawing

Humanities/Social Studies – 12 hours

History of Architecture – 12 hours

b) In determining whether a program should be approved, the Division~~Department~~ shall take into consideration but not be bound by accreditation by the National Architectural Accrediting Board (NAAB).

c) All architecture programs accredited by the NAAB as of January 1, 1991 meet the minimum criteria set forth in subsection (a)~~, above,~~ for an approved architecture program and are, therefore, approved.

d) Each architectural program, other than a program referred to in subsection (c) ~~above,~~ from which graduates have been issued permanent licensure in Illinois since July 1, 1975, is deemed an approved architectural program for purposes of meeting the minimum criteria set forth in subsection (a)~~ above,~~ retrospectively and until such time as the Division~~Department~~, upon the recommendation of the Board, determines that the program should be considered disapproved.

e) Reevaluation

1) Any program disapproved for failure to satisfy the minimum requirements set forth in subsection (a) may be reevaluated by the Board upon the request of an applicant for a period of time previously evaluated only for good cause shown. In determining the existence of good cause, the Board shall consider whether the applicant raised an issue as to whether incorrect or insufficient information was provided during the original evaluation. If the program was disapproved based on the fact that the Board has not received sufficient information concerning the program, it shall be reevaluated upon the request of any applicant who can present evidence that sufficient information for evaluation is now available.

2) The applicant for whom a reevaluation is conducted shall be required to submit ~~such~~ documentation ~~as is~~ deemed necessary to substantiate that

program's assertions. In addition, the Board may request clarification or amplification of any documentation so submitted when additional clarification will aid in the reevaluation decision. Unless the Board at its discretion grants an extension of time on its own motion or at the request of the applicant, it shall, no later than 6~~six~~ months from the date of the request for reevaluation, either approve the program, disapprove the program for failure to satisfy the minimum requirements of subsection (a), or disapprove the program based on the fact that the Board has not received sufficient information concerning the program. An extension of time will be granted when ~~such~~ an extension is necessary in order to effect a fair, equitable and complete evaluation.

f) The Board shall maintain a list of all programs approved as of July 1 of that year.

g) Reevaluation of An Approved Program

1) Notwithstanding any other provision of this Section, the Board may reevaluate any approved architectural program at any time if it has reason to believe that the program has failed to continue to satisfy the minimum requirements of subsection (a) or that its decision was based upon false, deceptive or incomplete information.

2) If the Board has reason to believe there has been any fraud or dishonesty in the furnishing of any documentation for the evaluation of a program, it shall refer the~~such~~ matter to appropriate Division~~Department~~ personnel for any disciplinary action that~~which~~ might be appropriate under the Act.

3) An architectural program whose approval is being reevaluated by the Division~~Department~~ shall be given at least 15 days written notice prior to any recommendation by the Board and may either submit written comments or request a hearing before the Board in accordance with 68 Ill. Adm. Code 1110.

(Source: Amended at 33 Ill. Reg. 11477, effective July 22, 2009)

Section 1150.60 Licensure by Endorsement

a) An applicant who holds an active license or registration to practice architecture under the laws of another state or territory and who desires to become licensed by

endorsement shall file an application with the Division together with:

1) Either:

A) Council Certification, issued by and forwarded directly to the Division by the NCARB; or

B) Other Proof of Qualifications and Licensure

i) Proof that the applicant has met requirements substantially equivalent to those in force in this State at the time of original or subsequent licensure by written examination in the other state or territory, including certification of education, and affidavits of training;

ii) A certification by the state or territory of original licensure and any other jurisdiction in which the applicant is or has ever been licensed, including the date of issuance of the applicant's license and the current status of each license; 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 whether the records of the licensing authority contain any record of disciplinary action taken ~~or pending~~ against the applicant;

iii) A compete work history since graduation from an architecture program;

2) The required fee as set forth in Section 1150.75;

3) A signed and dated affidavit attesting the applicant has read and understands the Act and this Part.~~;~~

b) Applicants filing an application under subsection (a)(1)(B) are subject to the following requirements and provisions:

1) Applicants who received their education in a foreign country shall have the education comprehensively evaluated, at their expense. Applicants

shall obtain an EESA-NCARB Evaluation Report prepared by the Education Evaluation Services for Architects (EESA), which is administered by NAAB. Applicants may request the report from the National Architectural Accrediting Board, 1735 New York Avenue, NW, 3rd Floor, Washington, D.C. 20006; phone (202) 783-2007; or www.naab.org. The Board will review all transcripts and the evaluation submitted to the Division to determine if the education meets the requirements set forth in Sections 1150.10 and 1150.20; and

2) 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 for 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 an architectural 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 architectural program from which the applicant graduated was taught in English.

3) The Division shall examine each endorsement application to determine whether the requirements in the state or territory of original or subsequent licensure were substantially equivalent to the requirements then in force in this State. 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 the application.

4) The Division shall, in individual cases, upon recommendation of the Board, waive passage of one or more parts of the examination upon proof that the applicant has been lawfully engaged in the practice of architecture in another jurisdiction for a minimum of 5~~five~~ years and has provided evidence demonstrating competence in the area or areas of the examination being considered for waiver (i.e., architectural education, training and experience). If an applicant has previously failed to pass a part or parts of the examination, the applicant shall not be granted a waiver for that part or parts pursuant to this provision.

c) When the accuracy of any submitted documentation or the relevance or

sufficiency of the course work or experience is questioned by the Division or the Board because of a lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant shall be requested to:

1) Provide ~~such~~ information as may be necessary; and/or

2) Appear for an interview before the Board to explain the~~such~~ relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

(Source: Amended at 33 Ill. Reg. 11477, effective July 22, 2009)

Section 1150.65 Inactive Status

a) Any licensed architect who notifies the Division~~Department~~ in writing on forms prescribed by the Division~~Department~~ may elect to place his/her license on inactive status and shall be excused from the payment of renewal fees until he/she notifies the Division~~Department~~ in writing of the desire to resume active status.

b) Any licensee seeking restoration from inactive status shall do so in accordance with Section 1150.70 of this Part.

c) Any licensed architect whose license is on inactive status shall not practice architecture in the State of Illinois. Practicing or offering to practice architecture on a license which is on inactive status shall be grounds for discipline pursuant to Section 22 of the Act.

(Source: Amended at 33 Ill. Reg. 11477, effective July 22, 2009)

Section 1150.70 Restoration

a) A licensee seeking restoration of a license that~~which~~ has expired for less than 3 years shall have the license restored upon payment of $20 plus the lapsed renewal fee required by Section 1150.75 and proof of 24 hours of continuing education completed in accordance with Section 1150.105 and within 2 years prior to application.

b) A licensee seeking restoration of a license that~~which~~ has been placed on inactive status for less than 3 years shall have the license restored upon payment of the

current renewal fee as specified by Section 1150.75 and proof of 24 hours of continuing education completed in accordance with Section 1150.105 and within 2 years prior to application.

c) A licensee seeking restoration of a license after it has expired or been placed on inactive status for more than 3 years shall file an application, on forms supplied by the Division~~Department~~, for review by the Board, together with the fee required by Section 1150.75 and proof of 24 hours of continuing education completed in accordance with Section 1150.105 and within 2 years prior to application. The licensee shall also submit either:

1) Sworn evidence of active practice in another jurisdiction. The~~Such~~ evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or

2) An affidavit attesting to military service as provided in Section 16 of the Act; or

3) Other evidence of continued active practice of architecture for at least the last 3 years. Other evidence shall include, but not be limited to:

A) Employment in a responsible capacity under the direct supervision and control of a licensed architect; or

B) Lawfully practicing architecture as an employee of a governmental agency; or

C) Teaching architecture in a college or university program accredited by the NAAB; or

D) Attendance during the past 3 years at educational programs conducted by an approved architecture program or a professional architectural association or similar program approved by the Division~~Department~~ upon recommendation of the Board.

d) Any person seeking restoration of 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) A signed and dated affidavit attesting the applicant has read and understands the Act and this Part.

f) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Division~~Department~~ or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking restoration shall be requested to:

1) Provide ~~such~~ information as may be necessary; and/or

2) Appear for an interview before the Board to explain the~~such~~ relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information. Upon the recommendation of the Board and approval by the Director of the Department of Financial and Professional Regulation-Division of Professional Regulation (Director), an applicant shall have the license restored or will be notified in writing of the reason for the denial of the application.

(Source: Amended at 33 Ill. Reg. 11477, effective July 22, 2009)

Section 1150.75 Fees

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

a) Application Fees.

1) The fee for application for a license as an architect is $100. In addition, applicants for an examination shall be required to pay, either to the Division~~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 Division~~Department~~ or the designated testing service, shall result in the forfeiture of the examination fee.

2) 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 1150.100(c)).

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.

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 architects in this State shall be the actual cost of producing the roster.

(Source: Amended at 33 Ill. Reg. 11477, effective July 22, 2009)

Section 1150.80 Professional Design Firm

a) Persons who desire to practice architecture in this State in the form of a

corporation, professional service corporation, partnership, limited liability company, 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]) shall, in accordance with Section 21 of the Act, file an application with the Division~~Department~~, on forms provided by the Division~~Department~~, 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 the name of the state and license number for each director who is licensed as an architect, structural engineer, professional engineer or land surveyor. To qualify under Section 21 of the Act, at least two-thirds of the board of directors shall be licensed design professionals and at least one shall be an Illinois licensed architect;

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 this State 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 architectural services. Each corporation shall remain active and in good standing with the Secretary of State in order to maintain a professional design firm registration;

C) A signed and dated resolution adopted by the board of directors designating a member of the board of directors who is an Illinois licensed architect and full-time employee of the corporation as the managing agent in charge of the architectural activities in this State. The Illinois license number of the architect 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; and

E) A certificate of good standing from the Secretary of State and copy of the latest annual report, if applicable.

2) For Partnerships.

A) General

i) A copy of the signed and dated partnership agreement containing the name of the partnership, its business address and the names of all general partners. The name of the state in which each partner is licensed and the license number of each general partner who is licensed as an architect, structural engineer, professional engineer or land surveyor shall be listed on the application. To qualify under Section 21 of the Act, two-thirds of the general partners shall be licensed in any state or territory and at least one partner shall be an Illinois licensed architect.

ii) A signed and dated resolution adopted by the general partners designating the general partner who is an Illinois licensed architect and a regular full-time employee of the partnership as the managing agent in charge of the architectural activities in this State. The Illinois license number of the architect 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.

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 it has been filed with the Secretary of State authorizing the partnership to provide architectural 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 and the license number shall be listed on the application. To qualify under Section 21 of the Act, at least two-thirds of the board of directors shall be licensed design professionals and at least one shall be an Illinois licensed architect.

ii) A signed and dated resolution adopted by the general partners designating the general partner who is an Illinois licensed architect and a full-time employee of the partnership as the managing agent in charge of the architectural activities in this State. The Illinois license number of the architect designated as the managing agent shall also be included in the resolution.

iii) 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.

iv) A certificate of good standing from the Secretary of State and a copy of the latest annual report, 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 or partners of the company/partnership, the name of the state in which each is licensed and the license number of each member/partner. To qualify under Section 21 of the Act, at least two-thirds of the members or general partners shall be licensed in any state or territory and at least one shall be an Illinois licensed architect.

B) A signed and dated resolution of the members or partners designating a member of the company/partnership who is an

Illinois licensed architect and a regular full-time employee as the managing agent in charge of the architectural activities in this State. The license number shall 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 architectural services.

D) For any assumed name, a copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State.

E) A certificate of good standing from the Secretary of State and a copy of the latest annual report, if applicable.

4) For Sole Proprietorships with an Assumed Name. (A sole proprietorship operating under the name of the licensee is not required to register as a professional design firm.)

A) An application containing the name of the sole proprietorship and its business address and the name and license number of the architect 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 in Illinois at which the corporation, professional service corporation, limited liability company/partnership, partnership or sole proprietorship provides architectural services. Each individual architectural office maintained for the preparation of drawings, specifications, reports or other professional work shall have a resident architect, licensed in Illinois and regularly employed in that office full-time who shall be responsible for overseeing professional work, and who shall serve as resident architect for that office only. Nothing in this Section shall relieve the managing agent in charge of architectural activities in this State of any legal responsibility for the overall supervision of the individual architectural offices.

6) A list of all assumed names used by the corporation, limited liability

company, partnership or sole proprietorship.

7) The fee required in Section 1150.75.

b) A professional design firm may designate more than one managing agent in charge of architectural activities. However, a licensee designated as managing agent may not serve as managing agent for more than one corporation, professional service corporation, limited liability company/partnership or partnership doing business in Illinois.

c) Upon receipt of a completed 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 architecture 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 shall be responsible for notifying the Division~~Department~~ within 30 days after any changes in:

1) The membership of the board of directors, members/partners of the limited liability company/partnership or of 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 design professional members of the board or partners; 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 architect licensed in Illinois who is the newly designated managing agent.

f) Failure to notify the Division~~Department~~ as required in subsections (c) and (d) or

any failure of the corporation, professional service corporation, limited liability company or partnership to continue to comply with the requirements of Section 21 of the Act will subject the corporation or partnership to the loss of its registration to practice architecture in Illinois.

g) Sole Proprietorships. Any sole proprietorship owned and operated by an architect who has an active Illinois license is exempt from the registration requirement of a professional design firm. However, if the sole proprietorship operates under an assumed name, the sole proprietor shall file an application in accordance with subsection (a)(4) as a professional design firm with the Division~~Department~~ indicating all assumed names utilized. A sole proprietorship shall notify the Division~~Department~~ of any assumed name changes. Any sole proprietorship not owned and operated by an Illinois licensed architect shall be prohibited from offering architectural services to the public.

h) In addition to the seal requirements in Section 14~~12~~ of the Act, all documents or technical submissions prepared by the design firm shall contain the design firm registration number issued by the Division~~Department~~.

(Source: Amended at 33 Ill. Reg. 11477, effective July 22, 2009)

Section 1150.85 Acts Constituting the Practice of Architecture Pursuant to Section 5 of the Act

a) Design/Build

1) The design/build project delivery process is a process characterized for its single point of responsibility in managing, directing and coordinating the design and construction of a project whereby an entity signs a single contract with a client to provide a combination of services that includes architectural and construction services. Design, as used in the term design/build identifying the project delivery process, shall mean architectural services.

2) The design/build entity will not be required to register as a professional design firm pursuant to Section 21 of the Act and Section 1150.80 of this Part only if the architectural services in the design/build project delivery process are provided by the entity in accordance with the following:

A) An Illinois licensed architect practicing as a sole proprietorship or a professional design firm registered in Illinois to offer the practice of architecture, as set forth in Section 21 of the Act and Section 1150.80 of this Part, independently contracts with the entity and participates substantially in all material aspects of the offering and providing of architectural services relating to any bid process, contract negotiations, design, consultation, development, preparation and coordination of technical submissions, and verification of adherence to technical submissions and completion.

B) At the time of offering services, a written disclosure shall be given to the client by the entity identifying the architect who will be engaged by and is contractually responsible to the entity offering design/build project services.

C) The entity agrees that the architect will have direct supervision of the architectural work and the architect's services will not be terminated on the project without the immediate replacement by another architect mutually agreed to by the client and the entity.

3) A design/build entity shall not offer to provide or provide architectural services, unless the design/build entity is an Illinois licensed architect practicing as a sole proprietorship or registered professional design firm offering architectural services. Offering to provide architectural services shall include, but shall not necessarily be limited to, any tender of architectural services either independently or in combination with construction services by any sign, card, advertisement or other device that~~which~~ might indicate to the public that the entity is entitled to provide architectural services. However, an entity that is not an Illinois licensed architect practicing as a sole proprietorship or registered professional design firm offering architectural services may advertise the design/build project delivery process provided the advertisement does not imply to the public that the entity by itself is either entitled or qualified to offer or provide design services.

b) Architectural Competitions

1) Participants in architectural competitions in Illinois shall comply with the Act. All services, such as preliminary design and design development, are

to be prepared by or under the direct supervision and control of an Illinois licensed architect.

2) If an architectural competition is conducted in an academic setting or the project is fictitious and will not be constructed, a person/professional design firm is not required to be licensed in Illinois.

c) Use of Title

1) A person, sole proprietorship, professional service corporation, limited liability company, corporation or partnership, or other entity practicing pursuant to an exemption from licensure contained in Section 3 of the Act shall not use the title "architect" or any of its derivations unless the person or other entity holds an active license as an architect or registration as a professional design firm in this State.

2) No person, sole proprietorship, professional service corporation, limited liability company, corporation or partnership, or other entity that~~which~~ practices architecture shall advertise or display any sign or card or other device that might indicate to the public that the person or entity is entitled to practice as an architect or use the title "architect" or any of its derivations unless the person or other entity holds an active license as an architect or registration as a professional design firm in this State.

3) No person, without possessing a valid license as an architect issued by the Division~~Department~~, shall in any manner hold himself or herself out to the public as an architect, attach the title "architect" or any of its derivations, or offer to render or render to individuals, corporations, or the public any architectural services as defined in the Act if the word "architect" or any of its derivations are used to describe the person offering to render or rendering them or describe the services rendered or offered to be rendered.

d) Prototypical Documents

1) "Prototypical documents" consist of drawings or specifications that are not intended as final and complete technical submissions for a building project, but rather are to serve as a prototype for a building or buildings to be constructed in more than one location, with minimal design changes or additions, except those required to adapt the prototype building or

buildings to each particular site and to the regulations and codes that apply. Prototypical documents may or may not be premised upon laws, rules and regulations, or an adopted building code of a particular state, county or municipality, but shall be adaptable to the regulations or codes of each applicable construction location. Prototypical documents are generally not designated for a specific climate, weather, topography, soil, or other site-specific conditions or requirements, but are intended to be adapted to those and other site-specific conditions.

2) Prototypical documents shall be prepared by an architect licensed in any jurisdiction. Technical submissions for the construction of the project shall be prepared by or under the responsible control of an Illinois licensed architect.

3) The documents shall be identified as "prototypical documents". The name, address and seal of the architect who prepared the prototypical documents, and the date the documents were prepared, shall be provided on the first sheet of any bound set or loose sheets of documents utilized as prototypical documents.

4) Nothing in this Part precludes the use of prototypical documents, provided the Illinois licensed architect:

A) Obtains written permission from the architect who prepared or sealed the prototypical documents, and from the legal owner of the prototypical documents, to use, revise, amend and otherwise adapt the prototypical documents;

B) Thoroughly analyzes the prototypical documents, makes necessary revisions, and adds all required elements and design information (including the design services of engineering consultants, if warranted), so that the prototypical documents become suitable complete technical submissions, in full compliance with applicable codes, regulations, and site-specific requirements;

C) Independently performs and maintains on file the necessary calculations and analysis to verify the public health and safety suitability of all elements or features portrayed by the original prototypical documents; and

D) After analyzing, calculating and making revisions and additions, issues the technical submissions with his or her title block, Illinois seal and design firm registration number, as required (including the seals and design firm registration numbers of engineering consultants, as applicable), and maintains control over the use of the final adapted documents as if they were his or her original design, assuming full responsibility as the architect of record.

(Source: Amended at 33 Ill. Reg. 11477, effective July 22, 2009)

Section 1150.90 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 architecture, the following Standards of Professional Conduct shall be binding on every person applying for or holding a license as an architect and on all partnerships and corporations authorized to practice architecture in this State.

a) Competence

1) An architect shall undertake to perform professional services only when the architect, together with those whom the architect may engage as consultants, are qualified by education and training in the specific technical areas involved.

2) An architect engaging in the practice of architecture shall act with reasonable care and competence, and shall apply the technical knowledge and skill that~~which~~ are ordinarily applied by licensed architects of good standing, practicing in the same locality.

3) An architect in designing a project shall take into account all applicable State and municipal building laws and regulations (e.g., the Illinois Environmental Barriers Act [225 ILCS 75]). While an architect may rely on the advice of other professionals, attorneys, engineers and other qualified persons (i.e., building code officials, authorized governmental officials) as to the intent and meaning of the~~such~~ regulations, once having obtained the~~such~~ advice, an architect shall not knowingly design a project in violation of those~~such~~ laws and regulations.

b) Conflict of Interest

1) An architect shall not accept compensation for his/her services from more than one party on a project unless the circumstances are fully disclosed and agreed to in writing by all interested parties.

2) If an architect has any business association or direct or indirect financial interest that~~which~~ is substantial enough to influence the architect's judgment in connection with the architect's performance of professional services, the architect shall fully disclose in writing to the architect's client or employer the nature of the business association or financial interest, and if the client or employer objects to that~~such~~ association or interest, the architect will either terminate the~~such~~ association or interest or offer to give up the commission or employment.

3) An architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.

4) When acting as the interpreter of building contract documents and the judge of contract performance, an architect shall render decisions impartially, favoring neither party to the contract.

c) Full Disclosure

1) An architect, making public statements on architectural questions, shall disclose when he/she is being compensated for making those~~such~~ statements.

2) An architect shall accurately represent to a prospective or existing client or employer the architect's qualifications and the scope of the architect's responsibility in connection with work for which the architect is claiming credit.

3) If, in the course of the architect's work on a project, an architect becomes aware of a decision taken by the architect's employer or client, against the~~such~~ architect's advice, that~~which~~ violates applicable State or municipal building laws and regulations and that~~which~~ will, in the architect's judgment, materially and adversely affect the safety to the public of the finished project, the architect shall:

A) Report the decision to the local building inspector or other public official charged with the enforcement of the applicable State or municipal building laws and regulations;

B) Refuse to consent to the decision; and

C) In circumstances in which~~where~~ the architect reasonably believes that other such decisions will be taken, notwithstanding his or her objection, terminate the architect's services with respect to the project. In the case of a termination in accordance with this clause, the architect shall have no liability to the architect's client or employer on account of the~~such~~ termination.

d) Compliance with Laws

1) An architect shall not, in the conduct of his/her architectural practice, knowingly violate any state or federal criminal law of a state or territory of the U.S.

2) An architect shall comply with the licensing and registration laws and regulations governing architectural practice in any state or territory of the U.S. in which the architect is practicing or offering to practice architecture.

3) An architect shall neither offer nor make any payment or gift to a government official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which the architect is interested.

4) An architect shall not knowingly make a materially false statement or fail deliberately to disclose a material fact requested in connection with his or her application for a license or renewal thereof.

5) An architect shall not assist the application for a license of an individual known by the architect to be unqualified in respect to education, training or character.

6) An architect possessing knowledge of a violation of the provisions set

forth in Sections 22, 23 and 23.5 of the Act by another architect shall report that~~such~~ knowledge to the Division~~Department~~.

e) Professional Conduct

1) An architect shall not sign or seal drawings, specifications, reports or other professional work for which the architect has not exercised responsible control as set forth in Section 14 of the Act; provided, however, that in the case of the portions of the~~such~~ professional work prepared by the architect's consultants, licensed under another professional licensure law of this jurisdiction, the architect may sign and seal that portion of the professional work if the architect has reviewed the~~such~~ portion, has coordinated its preparation and intends to be responsible for its adequacy pursuant to Section 14(2) of the Act. The signing and sealing of the work of a consultant by the architect does not exempt the consultant from signing and sealing professional work prepared by the consultant as required by the Act or by another licensure law of this jurisdiction.

2) When~~Where~~ an architect signs and seals technical submissions not prepared by the architect, but prepared under the architect's responsible control by persons not regularly employed in the office where the architect is resident, those~~such~~ persons shall meet the requirements for licensure as an architect and professional design firm registration to offer or provide architectural services as set forth in the Act and this Part.

3) In the event of the death or incapacity of the architect, a subsequent architect may utilize the drawings, specifications, reports or other professional work produced by the deceased or incapacitated architect, after independent review, in order to complete the project.

4) An architect shall neither offer nor make any payment or gift, other than gifts of nominal value (including, but not necessarily limited to reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the architect is interested.

5) An architect shall not engage in conduct involving fraud or wanton disregard of the rights of others.

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(Source: Amended at 33 Ill. Reg. 11477, effective July 22, 2009)

Section 1150.95 Architecture Complaint Committee

a) The Architecture Complaint Committee of the Architecture Licensing Board, authorized by Sections 10 and 24 of the Act, shall be composed of at least 2 members of the Architecture Licensing Board, a Supervisor over Design Investigations and a 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 Land Surveyors Examining 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 for licensure denial that~~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 Division~~Department~~ 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 Division~~Department~~.

f) No file shall be closed nor Formal Complaint dismissed except upon recommendation of the Complaint Committee and/or approval by the Architecture 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 Architecture Licensing Board or the Complaint Committee.

g) Complaints Involving Imminent Danger to the Public

1) When a complaint is made to the Division~~Department~~ that alleges that a building, or other structure that requires the involvement of an architect in its design, is under construction, construction is imminent, or construction has been completed, and an architect is not or was not involved in its design, the investigation of that complaint shall be expedited to ensure the health and safety of the public. This investigation will be referred to as an "Emergency Investigation".

2) An Emergency Investigation will be given priority attention and assigned to an investigator as soon as possible.

3) Once assigned to an investigator, the Division~~Department~~, through its investigator, will convene a meeting of the Complaint Committee by teleconference to determine if the complaint shall continue to be treated as an Emergency Investigation. Such meetings will be deemed an emergency and notice of the meeting shall be provided in accordance with the Open Meetings Act.

4) Upon determination by the Complaint Committee that the complaint should be treated as an Emergency Investigation, the complaint will be investigated as soon as possible.

5) Upon completion of the Emergency Investigation, the investigator will again convene a meeting of the Complaint Committee by teleconference. This meeting shall also be considered an emergency and notice of the meeting shall be provided in accordance with the Open Meetings Act. The Complaint Committee will then decide whether to recommend to the Division~~Department~~ that the complaint be referred to the Attorney General to seek a temporary restraining order and permanent injunction against the start or further construction of the project or, when~~where~~ the project has already been completed, to enjoin the use of the building or structure. The Complaint Committee will recommend that the case be referred to the Attorney General only upon a finding that the facts alleged in the complaint are credible and constitute an imminent danger to the public.

h) Disqualification of an Architecture Licensing Board member.

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.

i) 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 a member or members of the Board. Board members shall be scheduled for informal conferences on a rotating basis.

(Source: Amended at 33 Ill. Reg. 11477, effective July 22, 2009)

Section 1150.100 Renewals

a) Every license issued to an individual under the Act shall expire on November 30 of each even numbered year. The holder of a license may renew the~~such~~ license during the month preceding the expiration date thereof by paying the fee required by Section 1150.75 and meeting the continuing education requirements set forth in Section 1150.105.

b) It is the responsibility of each licensee to notify the Division~~Department~~ of any change of address. Failure to receive a renewal form from the Division~~Department~~ shall not constitute an excuse for failure to pay the renewal fee and to renew one's license.

c) Every license issued to a professional design firm under the Act shall expire on April 30 of each odd numbered year. The holder of the~~such~~ license may renew that license for a two-year period during the month preceding the expiration date thereof by paying the fee specified in Section 1150.75.

d) Practicing or operating 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 22 of the Act.

(Source: Amended at 33 Ill. Reg. 11477, effective July 22, 2009)

Section 1150.105 Continuing Education Requirements

The continuing education required as a condition for license renewal under the Architecture Practice Act is set forth in this Section. All architects shall meet these requirements.

a) Beginning with the November 30, 2004 renewal (for the period from December 1, 2002 through November 30, 2004) and every renewal thereafter, in addition to

other requirements, an architect must have acquired continuing education for each 24-month period since the architect's last renewal of licensure, or be exempt from the continuing education requirements, as provided in subsection (h). Failure to comply with these requirements may result in non-renewal of the architect's license or other disciplinary action, or both.

b) Renewal Period: Within any 24-month biennial renewal period during which 24 contact hours must be acquired, at least 16 contact hours must be public protection subjects, which are relevant to safeguarding public health, safety and welfare, and acquired in structured educational activities. A maximum of 8 contact hours may be in related practice subjects acquired either in structured educational activities or individually planned educational activities. Hours acquired in any 24-month period may not be carried over to a subsequent 24-month period. Continuing education hours need not be acquired within this jurisdiction, but may be acquired at any location.

c) Restored Licensees: In addition to other requirements as set forth in Sections 16 and 17 of the Act and Sections 1150.65 and 1150.70 of this Part, a licensee who has placed his or her license on inactive status or has allowed a license to lapse for reasons other than active duty in the military service of the United States, as set forth in Section 16 of the Act, and desires to have the license restored shall evidence completion of all continuing education hours that would have been required in order to maintain the license in an active status, not to exceed 24 contact hours.

d) Reporting and Record Keeping

1) Each renewal applicant shall certify, on the renewal application, to full compliance with the continuing education requirements set forth in this Section.

2) The Division~~Department~~ may require evidence demonstrating compliance with the continuing education requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of ~~such~~ compliance. The evidence shall be retained for at least 4 years following the renewal period for which the continuing education was taken. The~~Such~~ evidence may include, but not be limited to the following:

A) Certificate of attendance;

B) Signed attendance receipts;

C) Sponsor's list of attendees (signed by a person in responsible charge of the activity);

D) Records showing activity claimed, sponsoring organization, location, duration, etc.;

E) A log of learning that may consist of diaries, summary of activities, photographs, public or organization records, receipts, etc.; or

F) Transcripts or records of continuing education credits maintained by an acceptable provider of continuing education as defined by subsection (f).

3) The Division~~Department~~ may conduct random audits to verify compliance with continuing education requirements.

4) If the Division~~Department~~ disallows any continuing education hours, unless the Division~~Department~~ finds, following notice and hearing, that the licensee willfully disregarded these requirements, then the licensee shall have 6~~six~~ months from notice of the~~such~~ disallowance to make up the deficiency by acquiring the required number of contact hours. Those~~Such~~ contact hours shall not be used again for the next renewal.

5) When~~Where~~ it is determined by the Division~~Department~~ that the licensee has willfully disregarded these requirements, the licensee may be subject to discipline as set forth in Section 22 of the Act.

e) Acceptable Activities

1) The following types of activities may qualify to fulfill the requirement for a minimum of 16 contact hours to be acquired in structured educational activities (all 24 hours may be acquired in these~~such~~ activities):

A) Contact hours in attendance at short courses or seminars, dealing with architectural subjects and sponsored by colleges or

universities.

B) Contact hours in attendance at presentations on architectural subjects that are held in conjunction with meetings, conferences or conventions of architect professional organizations recognized by the Division~~Department~~ to the extent that contact hours are credited only to that portion of the meeting, conference or convention that comprises the educational program.

C) Contact hours in attendance at short courses or seminars, relating to professional practice or new technology and offered by colleges, universities, professional organizations or system suppliers.

D) Teaching or instructing an architectural course, seminar, lecture, presentation or workshop shall constitute 3 contact hours for each hour spent in the actual presentation. Teaching credit shall be valid for the initial presentation only. Teaching credit shall not apply to faculty teaching regularly scheduled curriculum courses at a college, university or other educational institution.

E) Contact hours spent in architectural research that is published or is formally presented to the profession or public.

F) Successfully completing structured architectural self-study courses, presented by correspondence, Internet, television, video or audio, ending with examination or other verification processes. The contact hours acquired for this activity shall be as recommended by the program sponsor.

G) College or university credit courses dealing with architectural subjects or business practice. Each semester hour shall equal 15 contact hours. A quarter hour shall equal 10 contact hours.

H) Contact hours spent in educational tours of architecturally significant projects, when~~where~~ the tour is sponsored by a college, university or professional organization.

I) Authoring published papers, articles or books. A maximum of 12 contact hours may be acquired in this activity.

2) The following types of activities may qualify for the maximum of 8 contact hours allowed to be acquired in individually planned educational activities that are self-directed:

A) Contact hours spent in professional service to the public that draws upon the licensee's professional expertise on boards and commissions, such as: serving on planning commissions, building code advisory boards, urban renewal boards, code study committees or regulatory boards.

B) Contact hours for serving as a mentor or supervisor for the Intern Development Program (IDP) required to satisfy the diversified professional training requirements pursuant to Section 1150.10. This~~Such~~ service to an intern, or interns, shall be consistent with the responsibilities set forth in the current edition of the NCARB IDP Guidelines for an intern's mentor and supervisor.

C) Contact hours spent in planned activities, such as business and practice efficiency, business development, personal improvement, new skills and general education related to the practice of architecture.

D) Contact hours spent in unstructured self-study tours of architecturally significant projects when~~where~~ there is a clear objective to maintain and strengthen competency in a design or technical field.

E) Actively participating in a technical or professional society or organization shall be the equivalent of 2 contact hours. An individual shall serve as an officer or actively participate in a committee of the organization to receive credit for this activity. Contact hours shall be limited to 2 per organization and shall not be acquired until the completion of each year of service.

3) The content of public protection subjects acceptable for purposes of continuing education under subsection (e)(1) shall be limited to:

A) Codes, statutes and administrative regulations governing the

practice of architecture.

B) Environmental issues.

C) Professional ethics.

D) State licensing law.

E) Design proficiency.

F) Interface with other design disciplines (e.g., planners, consultants, specialists and financiers) other than through normal day-to-day contact.

G) Legal aspects of contracts, documents, insurance, bonds, project administration, etc.

H) Specialization in preservation, adaptive reuse or building types.

I) Construction documents and services.

J) Materials and methods.

K) Mechanical, plumbing, electrical and life safety.

L) Structural technology.

M) Energy efficiency.

N) Project Administration.

O) Accessibility issues.

P) New technical/professional skills.

f) Acceptable providers for structured educational activities shall include, but not be limited to:

1) American Institute of Architects (AIA).

2) National Council of Architectural Registration Boards (NCARB).

3) Construction Specifications Institute (CSI).

4) Association of Licensed Architects (ALA).

5) Colleges, universities or other educational institutions.

6) Other technical or professional societies or organizations.

g) The Division will~~Department shall~~ not pre-approve individual courses or programs.

h) Exemptions: A licensee may be exempt from the foregoing continuing education requirements if~~where~~ one of the following situations occurs. If~~Where~~ an exemption is claimed, it is required that the renewal fee and any documentation needed to support the exemption be submitted for renewal of a license.

1) A licensee shall not be required to report continuing education hours during the first biennial renewal period in which the licensee obtained initial licensure in Illinois, but shall be subject to the continuing education requirements for all subsequent biennial renewal periods.

2) A licensee who is on full-time active duty in the military service of the United States, or is a licensee who is called to temporary active duty in the military service or Armed Forces of the United States for a period of time exceeding 120 consecutive days during the renewal period, when that ~~where such~~ activity restricts participation in a continuing education program.

3) A licensee who demonstrates to the satisfaction of the Division~~Department~~ that meeting these requirements would work an undue hardship by reason of disability, illness or other clearly mitigating circumstances. The~~Such~~ supporting documentation shall be in the form of a sworn statement by the licensee, a statement from a physician, or medical records that show that the disability, illness, or circumstance prevented the licensee's participation in the continuing education program during a substantial part of the renewal period. If the Division~~Department~~ finds from the~~such~~

evidence that good cause has been shown for non-compliance, the Division~~Department~~ shall waive enforcement, extend the time within which the applicant shall comply, or establish a particular program or schedule of continuing education for the renewal period in which the undue hardship existed.

i) Definitions

1) "Contact Hour" means one 60 minute clock hour of an educational activity with no less than 50 minutes of instructional content within the hour. Credit shall be granted in half-hour increments. A qualifying activity of 30 to 49 minutes would be reported as 0.5 contact hours and an activity of 50 to 60 minutes would be reported as 1.0 contact hour.

2) "Individually Planned Educational Activities" means educational activities in which the teaching methodology primarily consists of the architect himself or herself addressing public protection subjects or related practice subjects that~~, which~~ are not systematically presented by others, including the study of such related subjects, rendering service to the public and advancing the profession's and public's understanding of the practice of architecture.

3) "Structured Educational Activities" means educational activities in which the teaching methodology consists primarily of the systematic presentation of public protection subjects by qualified individuals or organizations, including monographs, course of study taught in person or by correspondence, organized lectures, presentations or workshops and other means through which identifiable technical and professional subjects are presented in a planned manner. To qualify as a Structured Educational Activity, continuing education credit shall be awarded by the sponsor upon completion of the activity.

(Source: Amended at 33 Ill. Reg. 11477, effective July 22, 2009)

Section 1150.110 Granting Variances

a) The Director may grant variances from this Part~~these rules~~ in individual cases when~~where~~ he/she finds that:

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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 in writing of the granting of a~~such~~ variance, and the reasons for granting the variance~~therefor~~, at the next meeting of the Board.

(Source: Amended at 33 Ill. Reg. 11477, effective July 22, 2009)

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Section 1150.APPENDIX B Historical Summary of Minimum Requirements to Qualify for Examination for Licensure as an Architect in Illinois

(For specific details refer to the Rules for the Administration of the Illinois Architecture Practice Act of 1989 that were in effect for the appropriate time period specified in this Appendix B~~below~~)

a) July 1, 1897 through June 30, 1919: Applicants who are 21 years old and have made payment of $15 fee to take examination. Any person who is shown by affidavit to have been engaged in the practice of architecture on July 1, 1897 shall be entitled to a license without examination; provided that the application is made within 6~~six~~ months after~~of the~~ passage of the Act.

b) July 1, 1919 through July 10, 1957: 21 years old; citizen of U.S. Applicants who are graduates of a high school or secondary school approved by the Department of Registration and Education and 3 years of experience in the office of a reputable architect.

c) July 11, 1957 through September 30, 1977: 21 years old; citizen of U.S. Applicants who are graduates of a high school or secondary school approved by the Department of Registration and Education and 8 years of experience in the office of a registered architect. Applicants with up to 5 years of architectural study in an approved school of architecture and additional years experience in the office of a registered architect that~~which~~ total 8 years of experience and study.

d) October 1, 1977 through December 31, 1984: 21 years old; citizen of U.S. Applicant with a professional degree from an accredited school of architecture were eligible to take Phase I and upon completion of 3 years practical experience could take Phase II. Applicants who are graduates of an approved high school and 8 years of experience.

e) January 1, 1985 through December 31, 1995: The following education and architectural experience under the direct supervision of a U.S. licensed architect qualified for examination/licensure:

1) Applicants with a professional degree from a program accredited by NAAB:

A) 6-year professional degree (M/Arch) and 2 years of architectural

experience;

B) 5-year professional degree (B/Arch) and 3 years of architectural experience;

2) Applicants with a degree in architecture from a Board-approved program not accredited by NAAB:

A) Master's degree and 4 years of architectural experience;

B) 5-year bachelor's degree and 4.5 years of architectural experience;

C) 4-year bachelor's degree and 5 years of architectural experience;

D) 4-year degree in architecture-related field or program as listed below and 6 years of architectural experience:

landscape architecture;

interior design;

building technology;

construction management;

urban and regional planning;

historic preservation;

architectural, civil, mechanical, structural, general or electrical engineering;

E) 4-year or more degree in any field and 7 years of architectural experience.

f) January 1, 1996 through August 9, 1998: The following education and architectural experience under the direct supervision of a U.S. licensed architect qualified for examination/licensure:

1) 6-year professional degree (M/Arch) in architecture from a program accredited by NAAB and 2 years (or 465 Intern Development Program Training Units (IDP TU's)) of architectural experience;

2) 5-year professional degree (B/Arch) in architecture from a program accredited by NAAB and 3 years (or 700 IDP TU's) of architectural experience;

3) Pre-professional 4-year baccalaureate degree in architecture from a program acceptable for direct entry into a first professional master of architecture degree program accredited by NAAB and 5 years (or 1170 IDP TU's) of architectural experience.

g) August 10 through December 31, 1998: An NCARB IDP Record certifying to the completion of the following education and indicated minimum number of acceptable TU's is required for examination/licensure:

1) 6-year professional degree (M/Arch) in architecture from a program accredited by NAAB and 465 TU's;

2) 5-year professional degree (B/Arch) in architecture from a program accredited by NAAB and 700 TU's;

3) Pre-professional 4-year baccalaureate degree in architecture from a program acceptable for direct entry into a first professional master of architecture degree program accredited by NAAB and 1170 TU's.

h) After December 31, 1998: An NCARB IDP Record certifying to the completion of the following education and indicated minimum number of acceptable TU's is required for examination/licensure:

1) 6-year professional degree (M/Arch) in architecture from a program accredited by NAAB and 700 TU's;

2) 5-year professional degree (B/Arch) in architecture from a program accredited by NAAB and 700 TU's;

3) Pre-professional 4-year baccalaureate degree in architecture from a program acceptable for direct entry into a first professional master of

architecture degree program accredited by NAAB and 1170 TU's.

i) January 1, 2000: Section 16.5 of the Act required continuing education. November 12, 2002, Section 1150.105 of the Administrative Rules was approved, requiring the CE for the 2002-2004 renewal and all renewals thereafter.

j) September 2002: Illinois became a "Direct Registration Program" participant with NCARB. Subsequent to that date, all applicants applied directly through NCARB for IDP and approval to take the ARE. Applicants who were previously approved for testing through Continental Testing Services, Inc. before that date continued testing through CTS. Applicants who completed the IDP and ARE through NCARB then were required to submit an application for "Acceptance of Exam" to the Division.

k) October 20, 2004: Section 1150.60 was amended to allow licensure by endorsement based upon the NCARB Council Record.

l) Pursuant to Public Act 94-0543, effective July 1, 2005, the Act changed. The Division will no longer accept pre-professional degrees for licensure after January 1, 2014.

m) January 1, 2006: NCARB "5-year Rolling Clock" for ARE was accepted. All scores prior to January 1, 2006 will be kept indefinitely. After January 1, 2006, all portions of the ARE must be completed within 5 years. If all exams are not passed within the 5-year period, the earliest score is voided and the exam must be retaken.

(Source: Amended at 33 Ill. Reg. 11477, effective July 22, 2009)

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Section 1150.APPENDIX C Historical Summary of Examination Requirements

a) Pre-Design is satisfied by one of the following:

1) Examination Syllabus C (1954-1973)

2) Equivalency Examination I (1973-1977, or Qualifying Test – Section A (1977-1978), and Professional Examination – Parts I and II (1973-1978), or Professional Examination – Section B, Parts I and II (1979-1982) – see subsection (h) ~~below~~

3) Division A of the ARE (1983-1996)

4) Pre-Design (PD) of the ARE 3.1 (1996-2009)

5) Programming Planning & Practice (PP) of the ARE 4.0 (2008-)

b) Site Planning is satisfied by one of the following:

1) Examination Syllabus D (1954-1973)

2) Equivalency Examination III (1973-1977)

3) Qualifying Test – Sections E, F (1977-1978)

4) Professional Examination – Section A (1979-1982)

5) Division B of the ARE (1983-1987)

6) Division B (Written and Graphic of the ARE (1988-1996))

7) Site Planning (SP) of the ARE 3.1 (1996-2009)

8) Programming Planning & Practice (PP) and Site Planning & Practice (SPD) of the ARE 4.0 (2008-)

c) Building Planning and Building Technology are satisfied by one of the following:

1) Examination Syllabus E (1954-1973)

2) Equivalency Examination III (1973-1977)

3) Qualifying Test – Sections E, F (1977-1978)

4) Professional Examination – Section A (1979-1982)

5) Division C of the ARE (1983-1996)

6) Building Planning (BP) & Building Technology (BT) of the ARE 3.1 (1996-2009)

7) Schematic Design (SD), Building Design & Construction Systems (BD), Building Systems (BS), Construction Documents & Service (CDS), and Structural Systems (SS) of the ARE 4.0 (2008-)

d) General Structures is satisfied by one of the following:

1) Examination Syllabus G (1954-1973)

2) Equivalency Examination II (1973-1977) – see subsection (i) ~~below~~

3) Qualifying Test – Section B (1977-1982) – see subsection (i) ~~below~~

4) Professional Examination Part III (1973-1978) – see subsection (i) ~~below~~

5) Professional Examination – Section B, Part III (1979-1982) – see subsection (i) ~~below~~

6) Divisions D and F of the ARE (1983-1996)

7) Divisions D/F of the ARE (1988-1996)

8) General Structures (GS) of the ARE 3.1 (1996-2009)

9) Structural Systems (SS) of the ARE 4.0 (2008-)

e) Lateral Forces is satisfied by one of the following:

1) Examination Syllabus G (1954-1973)

2) Equivalency Examination II (1973-1977) – see subsection (i) ~~below~~

3) Qualifying Test – Section B (1977-1982) – see subsection (i) ~~below~~

4) Professional Examination Part III (1973-1978) – see subsection (i) ~~below~~

5) Professional Examination – Section B, Part III (1979-1982) – see subsection (i) ~~below~~

6) Division E of the ARE (1983-1996)

7) Lateral Forces (LF) of the ARE 3.1 (1996-2009)

8) Structural Systems (SS) of the ARE 4.0 (2008-)

f) Mechanical & Electrical Systems is satisfied by one of the following:

1) Examination Syllabus I (1954-1973)

2) Equivalency Examination II (1973-1977) – see subsection (i) ~~below~~

3) Qualifying Test – Section D (1977-1982) – see subsection (i) ~~below~~

4) Professional Examination Part III (1973-1978) – see subsection (i) ~~below~~

5) Professional Examination – Section B, Part III (1979-1982) – see subsection (i) ~~below~~

6) Division G of the ARE (1983-1996)

7) Mechanical & Electrical Systems (ME) of the ARE 3.1 (1996-2009)

8) Building Systems (BS) of the ARE 4.0 (2008-)

g) Materials & Methods is satisfied by one of the following:

1) Examination Syllabus F (1954-1973)

2) Equivalency Examination II (1973-1977) – see subsection (i) ~~below~~

3) Qualifying Test – Section C (1977-1982) – see subsection (i) ~~below~~

4) Professional Examination Part III (1973-1978) - see subsection (i) ~~below~~

5) Professional Examination – Section B, Part III (1979-1982) – see subsection (i) ~~below~~

6) Division H~~G~~ of the ARE (1983-1996)

7) Materials & Methods (MM) of the ARE 3.1 (1996-2009)

8) Building Design & Construction Systems (BD) of the ARE 4.0 (2008-)

h) Construction Documents & Services is satisfied by one of the following:

1) Examination Syllabus H (1954-1973)

2) Professional Examination Part IV (1973-1977)

3) Professional Examination – Section B, Part IV (1978-1982)

4) Division I of the ARE (1983-1996)

5) Construction Documents & Services (CD) of the ARE 3.1 (1996-2009)

6) Construction Documents & Services (CDS) of the ARE 4.0 (2008-)

i) Since the history and theory of architecture are incorporated into all Divisions of the ARE, no credit will be given for only having passed the Qualifying Test – Section A, History.

j) In order to be eligible for transfer credits for any part of the Professional Examination-Section B, the candidate must have passed three parts of the examination in one sitting, on or after December 1980.

k) Applicants shall, in all cases, pass the Pre-Design Division of the ARE if they

have not passed the Equivalency Examination I or Section A of the Qualifying Test even though the applicant may have passed the Professional Examination-Section B, Parts I and II.

l) Applicants without an NAAB-accredited degree must, in all cases, pass the General Structures, Lateral Forces, Mechanical & Electrical Systems and Materials & Methods divisions of the ARE if they have not passed the Equivalency Examination II or equivalent portions of the Qualifying Test, even though the applicant may have passed the Professional Examination-Section B, Part III.

m) After January 1, 2006, the Division will hold scores of examinations passed as valid for a period of 5 years reflecting the NCARB "5-year Rolling Clock". All scores of previously passed examinations prior to January 1, 2006 will be valid permanently.

(Source: Amended at 33 Ill. Reg. 11477, effective July 22, 2009)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

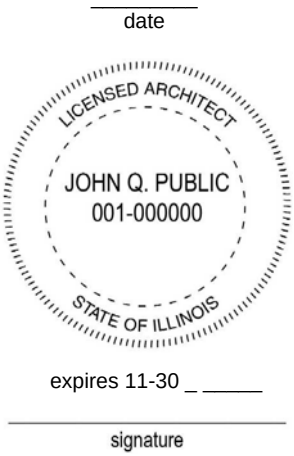
NOTICE OF ADOPTED AMENDMENTS

Section 1150.ILLUSTRATION A Architect Seal Requirements

a) Every licensed architect shall have a reproducible seal, or facsimile, the print of which shall contain the name of the architect, the license number, and words "Licensed Architect, State of Illinois". The licensed architect shall affix the signature, current date, date of license expiration and seal to the first sheet of any bound set or loose sheets of technical submissions utilized as contract documents between the parties to the contract or contracts or prepared for the review and approval of any governmental or public authority having jurisdiction by that licensed architect or under that licensed architect's responsible control. The seal and dates may be electronically affixed. The signature generated by computer or reproduced by other means shall not be permitted on these~~such~~ documents. The sheet of technical submissions on which the seal is affixed shall indicate those documents or parts thereof for which the seal shall apply (Section 14 of the Act).

b) Partnerships may utilize a reproducible seal or facsimile that~~which~~ contains all partners names and license numbers, provided that the partner~~partner(s)~~ responsible for the technical submissions for the building shall sign and seal in the manner prescribed in subsection (a)~~ above~~. All construction documents issued by an architectural firm, corporation, limited liability company or partnership are required to bear the corporate or assumed business name and design firm registration number, in addition to the seal requirements.

c) The following is a suggested facsimile of the design and lettering of the seal:



DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 33 Ill. Reg. 11477, effective July 22, 2009)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: White-Tailed Deer Hunting By Use of Firearms

2) Code Citation: 17 Ill. Adm. Code 650

3)

Section Numbers:	Adopted Action:
650.20	Amendment
650.22	Amendment
650.40	Amendment
650.60	Amendment
650.66	New Section
650.67	Amendment

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36]

5) Effective Date of Amendments: July 27, 2009

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

7) Does this rulemaking contain incorporations by reference? No

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

9) Notice of Proposal Published in Illinois Register: May 8, 2009; 33 Ill. Reg. 6409

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

11) Differences between proposal and final version: In Section 650.20(g), "working day" was changed to "weekday". Names of sites were updated to indicate what type of site they are (State Wildlife Management Area, State Habitat Area, State Natural Area, State Fish and Wildlife Area, State Nature Preserve, State Conservation Area or State Park).

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

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

15) Summary and Purpose of Rulemaking: These amendments were proposed pursuant to biological surveys and at the recommendation of the Joint Task Force on Deer Population Control. Amendments make statewide program changes allowing for sale of permits remaining after random daily draws through the DNR Point of Sale System at license vendors throughout the State, open and close State-owned or –managed sites, and amend procedures at State sites.

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

Mitchell Cohen, General Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

PART 650
WHITE-TAILED DEER HUNTING BY USE OF FIREARMS

Section
650.10 Statewide Season and Permit Quotas
650.20 Statewide Deer Permit Requirements
650.21 Deer Permit Requirements – Landowner/Tenant Permits
650.22 Deer Permit Requirements – Special Hunts
650.23 Deer Permit Requirements – Group Hunt
650.30 Statewide Firearms Requirements
650.40 Statewide Deer Hunting Rules
650.45 Reporting Harvest
650.50 Rejection of Application/Revocation of Permits
650.60 Regulations at Various Department-Owned or -Managed Sites
650.65 Youth Hunt (Repealed)
650.66 Special Hunts for Young Hunters
650.67 Special Hunts for Disabled Hunters
650.70 Special Extended Season Firearm Deer Hunt (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

SOURCE: Adopted at 5 Ill. Reg. 9771, effective September 17, 1981; codified at 5 Ill. Reg. 10640; amended at 6 Ill. Reg. 10730, effective August 20, 1982; amended at 7 Ill. Reg. 10798, effective August 24, 1983; amended at 8 Ill. Reg. 21602, effective October 23, 1984; amended at 9 Ill. Reg. 16213, effective October 10, 1985; emergency amendment at 9 Ill. Reg. 20922, effective December 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4223, effective February 25, 1986; amended at 10 Ill. Reg. 16665, effective September 22, 1986; amended at 11 Ill. Reg. 3044, effective February 3, 1987; amended at 11 Ill. Reg. 9564, effective May 5, 1987; amended at 12 Ill. Reg. 8003, effective April 25, 1988; amended at 12 Ill. Reg. 12055, effective July 11, 1988; amended at 13 Ill. Reg. 12853, effective July 21, 1989; amended at 14 Ill. Reg. 12430, effective July 20, 1990; amended at 14 Ill. Reg. 19869, effective December 3, 1990; amended at 15 Ill. Reg. 10038, effective June 24, 1991; emergency amendment at 15 Ill. Reg. 15790, effective October 22, 1991, for a maximum of 150 days; emergency expired March 21, 1992; amended at 16 Ill. Reg. 11131, effective June 30, 1992; amended at 17 Ill. Reg. 13468,

effective July 30, 1993; amended at 18 Ill. Reg. 5859, effective April 5, 1994; amended at 18 Ill. Reg. 13431, effective August 23, 1994; amended at 19 Ill. Reg. 6477, effective April 28, 1995; amended at 20 Ill. Reg. 7515, effective May 20, 1996; amended at 21 Ill. Reg. 5572, effective April 19, 1997; amended at 21 Ill. Reg. 9116, effective June 26, 1997; amended at 22 Ill. Reg. 8007, effective April 28, 1998; amended at 23 Ill. Reg. 5564, effective April 26, 1999; amended at 24 Ill. Reg. 8971, effective June 19, 2000; amended at 24 Ill. Reg. 10260, effective July 1, 2000; amended at 25 Ill. Reg. 7231, effective May 22, 2001; amended at 26 Ill. Reg. 9319, effective June 17, 2002; amended at 27 Ill. Reg. 10009, effective June 23, 2003; emergency amendment at 27 Ill. Reg. 17270, effective November 10, 2003, for a maximum of 150 days; Section 650.60 of the emergency rules expired April 8, 2004; amended at 28 Ill. Reg. 353, effective December 19, 2003; amended at 28 Ill. Reg. 8039, effective May 26, 2004; amended at 29 Ill. Reg. 9718, effective June 24, 2005; emergency amendment at 29 Ill. Reg. 13025, effective August 10, 2005, for a maximum of 150 days; emergency expired January 1, 2006; amended at 30 Ill. Reg. 12155, effective June 28, 2006; amended at 31 Ill. Reg. 8169, effective May 25, 2007; amended at 32 Ill. Reg. 9300, effective June 13, 2008; amended at 33 Ill. Reg. 11534, effective July 27, 2009.

Section 650.20 Statewide Deer Permit Requirements

a) Illinois resident hunters must have a current, valid "Firearm Deer Permit" ($15). Fees for non-resident deer hunters shall be $300 for each either-sex or antlered-only deer hunting permit, and shall be $15 for each antlerless-only permit. A permit is issued for one county or special hunt area and is valid only in the county or special hunt area stated on the permit. Only applicants who receive an either-sex permit in a county or special hunt area are eligible for an antlerless-only permit for that county or special hunt area, until the Random Daily Drawing Period that begins in September, at which time antlerless-only permits remaining in the quota will be made available regardless of whether applicants already possess an either-sex permit. For permit applications and other information write to:

Department of Natural Resources
(Firearm or Landowner/Tenant or Non-Resident)
Deer Permit Office
P.O. Box 19227
Springfield, Illinois 62794-9227

b) Applications from Illinois residents for participation in the First Lottery Drawing will be accepted through the last weekday in April of the current year.

Nonresidents may not apply to participate in the First Lottery Drawing. Applications received after the last weekday in April will not be included in this lottery. Permits will be allocated in a computerized random drawing. Permits will be issued as either sex, antlerless only, or antlered only. A maximum of one either-sex and one antlerless-only permit shall be issued per person. Applicants for free landowner/tenant permits are not eligible to participate in the First or Second Lottery Drawings. Landowners who receive permits in the First or Second Lottery Drawing are not eligible for landowner permits. Lifetime licenses issued after August 15, 2006 shall not qualify a non-resident of Illinois for a resident deer permit.

c) Applicants must complete all portions of the current year permit application form. Incomplete or incorrect applications will be returned along with the applicant's permit fee for correction or completion if received in the Permit Office prior to the deadline established in subsection (b).

d) Applicants must check the second-season box if they agree to accept a second-season permit upon being rejected for a full-season permit.

e) Applicants must check the antlerless-only box and provide an additional $15 to apply for an additional antlerless-only permit. Antlerless-only permits will be issued until the antlerless-only quota is filled for a given county or special hunt area.

f) Permits for counties and special hunt areas with unfilled quotas after the First Lottery Drawing will be allocated in a Second Lottery Drawing. This drawing is open only to nonresident applicants and to Illinois residents who were not previously issued firearm permits for the current hunting season. Illinois residents will be given preference for permits allocated in the Second Lottery Drawing. Applications for the Second Lottery Drawing will be accepted through the tenth weekday in August of the current year. Applicants may also apply for remaining antlerless-only permits by checking the antlerless-only box and providing an additional $15. A list of unfilled counties and special hunt areas will be announced upon becoming available after the First Lottery Drawing. Applicants must apply on a current year Firearm Deer Permit application form. A maximum of one either-sex and one antlerless-only permit shall be issued per person.

g) There will be an application period that~~which~~ starts the first weekday~~working day~~ after September 14 and ends the first weekday in October~~fifth weekday in November~~,

during which anyone (regardless of any other permit they may have, subject to subsection (a)) can apply for firearm deer permits left over from the county and special hunt area quotas. During this application period, the permits shall be issued in a random daily drawing. Applications received each day will not be processed until all applications received for that day are mixed. All applications received on a specific day will be processed before processing applications received for a subsequent day. All applications for the Random Daily Drawing will be processed individually (i.e., no group applications will be processed). Applicants can apply for one or more permits during this application period. ~~Applicants submitting applications within the 20 working days prior to the start of the first season cannot be guaranteed a permit by the start of the first deer hunting season.~~ Applicants must mark the "September Drawing – Multiple Permits" box on the firearm deer permit application.

h) Permits remaining after the Random Daily Drawing will be available over-the-counter (OTC) from agents designated by the Department (pursuant to 17 Ill. Adm. Code 2520) beginning the third Monday in October on a first-come, first-served basis. Permits will be sold until quotas are exhausted, or until the close of the firearm deer season, whichever occurs first. Persons may purchase one or more permits during this period, subject to availability. Persons purchasing OTC deer permits must supply all necessary applicant information to the agents in order to properly complete the permit.

i)~~h)~~ Hunter preference in obtaining a permit during the First Lottery Drawing will be given: to individuals that applied for an either-sex permit in the previous year's First Lottery Drawing who were rejected because the quota was depleted in their county choices; or to applicants that received, in the previous year, a second season either-sex permit in the First Lottery Drawing only. In order to be eligible for preference during the First Lottery Drawing, the second season box must have been checked on the application form of unsuccessful applicants when they were rejected. Preference will not be granted to applicants who received a full-season either-sex permit but who did not receive an antlerless-only permit. Persons with lottery preference will have first chance at receiving available either-sex permits. The following criteria must be met to obtain a preference in the First Lottery Drawing:

1) The applicant must apply using the official Department application.

2) The applicant must be a resident of the State, be eligible to receive a

Firearm Deer Permit, and not had deer hunting privileges revoked pursuant to Section 650.50.

3) The applicant must apply for the same county choices that he/she listed on the previous year's application. Preference will not be granted for special hunt areas.

j)~~i)~~ Applications may be accepted at the counter window of the permit office; however, permits for the First Lottery, Second Lottery and Random Daily Drawing will be mailed. In-person, mail-in and electronic applications will receive equal treatment in the drawings.

k)~~j)~~ Permits are not transferable. Refunds will not be granted, unless the Department of Natural Resources has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.

l)~~k)~~ A $3 service fee will be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there will be no charge. The procedures for obtaining a replacement license are detailed in 17 Ill. Adm. Code 2520.50. Monies derived from this source will be deposited in the Wildlife and Fish Fund.

m)~~l)~~ The periods for accepting applications for the First and Second Lottery periods may be extended if applications are not available to the public by April 1. A news release will announce the extension of the application periods.

n)~~m)~~ Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 33 Ill. Reg. 11534, effective July 27, 2009)

Section 650.22 Deer Permit Requirements – Special Hunts

a) Special hunt sites are defined as those sites which are owned or controlled by agencies/entities other than the Department, or sites at which the Department only controls a portion of the property designated for deer hunting, which issue deer hunting permits through the statewide lottery process. The Permit Office issues deer hunting permits through a computerized drawing for the following sites, in addition to the Department-owned or -managed sites listed in Section 650.60(i). The permit preference system does not apply to special hunt areas or to State sites

allocating permits in the lottery.

Burning Star 5 State Wildlife Management Area (only antlerless deer or antlered deer having at least 4 points on one side may be harvested; the first and second season are considered separate hunt choices, and permit applications must specify which season they are applying for in the county choice or hunt area field of the application; tree stands and blinds used for deer hunting must be removed from the area at the end of each day's hunt; deer hunters may begin scouting 7 days prior to season date listed on permit~~the Saturday prior to the first firearm deer hunting season~~)

Crab Orchard National Wildlife Refuge (the first and second season are considered separate hunt choices, and permit applicants must specify which season they are applying for in the County Choice or Hunt Area field of the application. Permits may be issued as antlerless-only without the normal bonus requirement. Standby hunting will be allowed if additional permits are available at the site)

Crab Orchard National Wildlife Refuge – Disabled Hunt (first season only)

Joliet Army Training Area (Will County)

Lake Shelbyville Project Lands (Moultrie County) (it is unlawful to drive deer; for Corps of Engineers managed lands not managed by IDNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy)

Lake Shelbyville Project Lands except Wolf Creek State Park (Shelby County) (it is unlawful to drive deer; for Corps of Engineers managed lands not managed by IDNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy)

Lost Mound Unit – Upper Mississippi River National Wildlife and Fish Refuge (Saturday and Sunday prior to the first statewide firearm deer season only~~first season only~~; permit drawing will be conducted by USFWS; preference given to disabled hunters; bonus antlerless-only permits will be sold~~issued~~ at site; antlerless deer only except that either-sex one-day site-specific~~bonus~~ permits may be sold to hunters who previously harvested an antlerless deer on site that season)

Midewin National Tallgrass Prairie (no handguns allowed; additional site pass is

required; check-in, check-out and reporting of harvest is required)

b) Providing false information on an application is a Class A misdemeanor (see 520 ILCS 5/2.38). Hunting deer prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a $500 minimum and $5,000 maximum fine, in addition to other statutory penalties (see 520 ILCS 5/2.33(y)). Taking an antlered deer with an antlerless permit is a Class B misdemeanor (see 520 ILCS 5/2.24). Hunting after sunset or outside the set season is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 33 Ill. Reg. 11534, effective July 27, 2009)

Section 650.40 Statewide Deer Hunting Rules

a) The bag limit is one deer per legally authorized either-sex, antlered-only or antlerless-only permit. All either-sex permits and antlered-only permits are subject to the following restriction: no hunter, regardless of the quantity or type of permits in his/her possession, may harvest more than 2 antlered deer during a year, including the youth, archery, muzzleloader, and firearm seasons. For purposes of this Section, deer seasons are considered to be in the same year if their opening dates fall within the same 12-month period that begins on July 1. A hunter in possession of an either-sex permit after having harvested 2 antlered deer during a year, as defined above, may only use the permit to harvest an antlerless deer. Subject to this restriction, an either-sex permit holder is allowed to take a deer with or without antlers and an antlered-only permit holder is allowed to take only a deer having at least one antler of a length of 3 or more inches. An antlerless only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long.

b) Recipients of the Firearm Deer Hunting Permit shall record their signature on the permit prior to hunting and must carry it on their person while hunting.

c) The temporary harvest tag shall be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the temporary harvest tag to the deer in the manner prescribed on the permit.

d) Hunters shall not have in their possession, while in the field during firearm deer season, any deer permit issued to another person (permits are non-transferable).

e) Permits will not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Legal disposal of unfit deer taken shall be the responsibility of the hunter. For those hunters participating in the Department's Chronic Wasting Disease Surveillance Program, a free permit for the same county or special hunt area will be made available the subsequent year if their tested deer is determined to have chronic wasting disease.

f) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24), except unlawful take or possession of 2 or more deer within 90 days is a Class 4 felony, and unlawful take of 2 or more deer as a single act or possession or single course of conduct is a Class 3 felony (see 520 ILCS 5/2.36(a)).

(Source: Amended at 33 Ill. Reg. 11534, effective July 27, 2009)

Section 650.60 Regulations at Various Department-Owned or -Managed Sites

a) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.

b) It is unlawful to drive deer, or participate in a deer drive, on all Department-owned or -managed properties. A deer drive is defined as a deliberate action by one or more persons (whether armed or unarmed) whose intent is to cause deer to move within firearm range of one or more participating hunters.

c) Only one tree stand is allowed per deer permit holder. These tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that they may be left unattended from September 15-January 31 at those sites listed in this Section that are followed by a (1). Any tree stand left unattended overnight must be legibly marked with the owner's name, address, and telephone number, or site assigned identification number.

d) Check-in, check-out, and reporting of harvest is required at those sites listed in this Section that are followed by a (2).

e) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (3).

f) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (4).

g) Statewide regulations shall apply at the following sites:

Cache River State Natural Area (1) (2)

Campbell Pond State Habitat Area (1) (2)

Cape Bend State Fish and Wildlife Area (1) (2)

Carlyle Lake Lands and Waters (Corps of Engineers managed lands)

Carlyle Lake State Wildlife Management Area (except subimpoundment area)

Chauncey Marsh State Natural Area (1) (2)

Collier Limestone Glade State Natural Area (1)

Copperhead Hollow State Wildlife Area (2)

Crawford County State Conservation Area (1) (2)

Cretaceous Hills State Natural Area (1)

Cypress Creek National Wildlife Refuge

Cypress Pond State Natural Area (1) (2)

Deer Pond State Natural Area (1) (2)

Devil's Island State Wildlife Management Area

Dog Island State Wildlife Management Area (1) (2)

Ferne Clyffe State Park − Cedar/Draper Bluff Hunting Area (1) (2)

Fort de Chartres State Historic Site (muzzleloading rifles only; no in-line muzzleloading rifles or muzzleloaders with scopes allowed) (1) (2)

DEPARTMENT OF NATURAL RESOURCES

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George S. Park Memorial Woods State Natural Area (2)

Giant City State Park (1) (2)

Hamilton County State Conservation Area (1) (2)

Horseshoe Lake State Fish and Wildlife Area – Alexander County (all portions of the Public Hunting Area except the Controlled Goose Hunting Area) (1) (2)

Kaskaskia River State Fish and Wildlife Area (1) (2, except south of Highway 154 and north of Highway 13) (during each day of the second firearm deer season, hunting within the Doza Creek Waterfowl Management Area is open from 1:00 p.m. until sunset and firearm deer hunters may not enter the area until 11:00 a.m.; antlerless deer only)

Kinkaid Lake State Fish and Wildlife Area (1) (2)

Lake Le Aqua Na State Park (standby hunting allowed during the first season if all blinds not filled by youth hunters)

Lusk Creek Canyon State Natural Area (1)

Meeker State Habitat Area (1) (2)

Mermet Lake State Conservation Area (1) (2)

Miller-Anderson Woods State Natural Area (Bureau County permit holders may hunt the Bureau County portion of the Area and Putnam County permit holders may hunt the Putnam County portion of the Area) (2)

Mississippi State Fish and Waterfowl Management Area – Pools 25 and 26 (Batchtown, Crull Hollow and Godar Waterfowl Rest Areas are closed to hunting beginning 14 days before the regular duck season; areas reopen to hunting the day after duck season closes; it is unlawful to trespass upon the designated duck hunting areas between sunset of the Sunday immediately preceding opening day of regular duck season through the day before regular duck season as posted at the site; no deer hunting is allowed within 200 yards of an occupied duck blind; during duck season only, deer hunters may not access the designated duck hunting

areas by launching a boat at certain specifically posted boat ramps; boat ramps reopen to deer hunters the day after duck season closes (1)

Mississippi River Pool 16 (1)

Mississippi River Pools 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Newton Lake State Fish and Wildlife Area (2)

Oakford State Conservation Area (1)

Pere Marquette State Park (1) (2)

Rend Lake State Fish and Wildlife Area and Corps of Engineers' managed areas of Rend Lake

Saline County State Fish and Wildlife Area (1) (2)

Sanganois State Wildlife Area (Ash Swale Waterfowl Rest Area will be closed to deer hunting during the waterfowl hunting seasons) (1)

Sielbeck Forest State Natural Area (1) (2)

Skinner Farm State Habitat Area (1) (2)

Ten Mile Creek State Fish and Wildlife Area (1); Belle Rive Unit only (3)

Trail of Tears State Forest (1) (2)

Turkey Bluffs State Fish and Wildlife Area (1) (2)

Union County State Conservation Area (Firing Line Unit only) (1) (2)

Weinberg-King State Park – Spunky Bottoms Unit (2)

Wildcat Hollow State Forest (1)

h) Statewide regulations shall apply at the following sites by special permit allocated through the regular statewide drawing. Season dates that differ from the statewide dates are in parentheses. Sites that offer standby hunting are followed by a (5). At sites offering standby hunting, permit holders must register at the check station by 5:00 a.m. each day of the hunt. Unvalidated permits are void after 5:00 a.m. Vacancies each day will be filled by a drawing held at 5:00 a.m. Vacancies may be filled by any person holding a valid hunting license, Habitat Stamp, and Firearm Owner Identification Card, unless exempt. Standby hunters will be issued a one-day site-specific deer permit at the check station, and charged a permit fee of $5. All hunters must check out and report harvest. In the event that Department budget reductions or site staffing reductions make the operation of check stations or issuance of standby permits impractical, changes to check station procedures and standby permit issuance will be publicly announced and posted at the site.

Apple River Canyon State Park – Thompson and Salem Units (first or second season only) (2)

Argyle Lake State Park (2) (5)

Big River State Forest (2) (5)

Carlyle Lake State Fish and Wildlife Area – East Fork Unit in Clinton County

Castle Rock State Park (first or second season only) ~~(all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they can purchase an either-sex site-specific permit)~~ (1) (2) (5)

Cedar Glen State Natural Area (1) (2)

Chain O'Lakes State Park (first season permits only; an antlerless deer permit must be filled before filling an either-sex permit; hunting from elevated stands only, 6 feet minimum above the ground except for designated accessible blinds; firearms must be fully enclosed in a case, except while the hunter is in an elevated stand or as otherwise authorized by an employee of the Department; all hunters must attend a site lottery drawing for designated hunter stations) (1) (2)

Clinton Lake State Recreation Area (only in the area between County

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Highway 14 and State Route 48 – both sides of lake) (1)

Coffeen Lake State Fish and Wildlife Area

Des Plaines State Conservation Area (first season only) (2) (5)

~~Falling Down Prairie State Natural Area (first or second season only) (2)~~

Ferne Clyffe State Park − Ferne Clyffe Hunting Area (1) (2)

Fort Massac State Park (2)

Fox Ridge State Park (1)

Franklin Creek State Natural Area (first or second season only) (all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they can purchase an either-sex site-specific permit) (2) (5)

French Bluff State Natural Area (1) (2)

Goose Lake Prairie State Natural Area/Heidecke State Fish and Wildlife Area (first or second season only) (2) (5)

Green River State Wildlife Area (first or second season only) (1) (2) (5)

Hanover Bluff State Natural Area (first or second season only) (2)

Harry "Babe" Woodyard State Natural Area (2) (3)

Henry Allan Gleason State Natural Area (2)

Hidden Springs State Forest (1)

Horseshoe Lake State Conservation Area – Alexander County (Refuge, second Saturday and Sunday in November; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they will be issued an either-sex permit) (2)

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Hurricane Creek State Habitat Area

Iroquois County State Conservation Area (first season only) (2) (5)

Iroquois County State Conservation Area (second season only; no hunting in the controlled pheasant hunting area) (2) (5)

Jim Edgar Panther Creek State Fish and Wildlife Area (1) (3)

Jubilee College State Park (first or second season only; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they can purchase an either-sex site-specific permit; hunting during the 2006 firearm deer season is prohibited in marked zones (handicapped hunt area and areas within 300 yards of an inhabited dwelling); the 300 yard restricted zone is a pilot program that will be re-assessed with input from adjoining landowners prior to the 2007 firearm hunting season; only one tree stand is allowed per deer permit holder; these tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable; tree stands may be erected the day before the first season and must be removed by the day after the end of the second season; any tree stand left unattended overnight must be legibly marked with the owner's name, address, and telephone number) (2) (5)

Kaskaskia River Fish and Wildlife Area (Baldwin Lake Rest Area; first or second season only; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they can purchase an either-sex site-specific permit; hunting from elevated stands only; six feet minimum above ground; hunting must occur within 10 yards of an assigned, numbered stake; an inhouse drawing will be held in mid-October for such assignments; hunters will be notified by mail of their hunting location; no hunters may enter the area before 5:00 a.m.) (1) (2) (5 − last 2 days of second season)

Kickapoo State Recreation Area (2)

Kishwaukee River State Fish and Wildlife Area (first or second season only)

Lowden-Miller State Forest (first or second season only) (1) (2) (5)

Mackinaw River State Fish and Wildlife Area (1) (2) (5)

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Marseilles Fish and Wildlife Area (first or second season only) (all tree stands must be removed no later than the last day of the archery deer season; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may enter the site only from designated parking lots) (1) (2) (5)

Marshall State Fish and Wildlife Area (2) (5)

Middle Fork State Fish and Wildlife Area (2)

Mississippi Palisades State Park (first season only) (1) (2) (5)

~~Mitchell's Grove Nature Preserve (first or second season only; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they can purchase an either-sex site-specific permit; hunters must check antlerless deer with site staff for verification to participate in bonus buck program) (2) (5)~~

Momence Wetlands State Natural Area

Moraine Hills State Park (first or second season permits only; an antlerless deer permit must be filled before filling an either sex permit, hunting from elevated stands only, 6 feet minimum above ground except for designated accessible blinds; firearms must be fully enclosed in a case, except while the hunter is in an elevated stand or as otherwise authorized by an employee of the Department) (2) (5)

Morrison-Rockwood State Park (first season only) (5)

Pyramid State Park (2) (3)

Pyramid State Park – East Conant Unit (3)

Pyramid State Park – Galum Unit (3)

Rall Woods State Natural Area (formerly Falling Down Prairie) (first or second season only) (2)

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Ray Norbut State Fish and Wildlife Area (2)

Revis Hill Prairie State Natural Area (2)

Sahara Woods State Fish and Wildlife Area (1) (2)

Sand Ridge State Forest (2)

~~Sandy Ford State Natural Area (first or second season only; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they can purchase an either-sex site-specific permit; hunters must check antlerless deer with site staff for verification to participate in bonus buck program) (2) (5)~~

Sangamon County State Conservation Area (1)

Siloam Springs State Park (2) (3)

Spoon River State Forest (first or second season only) (1) (2)

Starved Rock State Park~~/Matthiessen State Park/Margery C. Carlson Nature Preserve~~ (first or second season only; permit includes Starved Rock State Park, Matthiessen State Park, Margery C. Carlson State Natural Area, Mitchell's Grove State Natural Area and Sandy Ford State Natural Area; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they can purchase an either-sex site-specific permit; hunters must check antlerless deer with site staff for verification to participate in bonus buck program; standby hunters may purchase up to 2 one-day site-specific antlerless-only permits each day) (2) (5)

Tapley Woods State Natural Area (first or second season only) (2)

Union County State Fish and Wildlife Area (first Saturday in November only) (2) (5)

Wards Grove State Nature Preserve (first or second season only; antlerless only) (2)

Weinberg-King State Park (2)

Weinberg-King State Park – Scripps Unit (2)

Weldon Springs State Park − Piatt County Unit

White Pines Forest State Park (Monday, Tuesday and Wednesday prior to the first statewide firearm deer season only; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they can purchase an either-sex site-specific permit) (2) (5)

White Pines Forest State Park (Monday, Tuesday and Wednesday prior to the second statewide firearm deer season only; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they can purchase an either-sex site-specific permit) (2) (5)

Witkowsky State Wildlife Area (first or second season only) (2)

Wolf Creek State Park (participants in the Corps of Engineers special disabled hunt program are exempt from site's antler restrictions; for Corps of Engineers managed lands not managed by IDNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy) (3)

i) Violations of site specific regulations are petty offenses (see 520 ILCS 5/2.20).

(Source: Amended at 33 Ill. Reg. 11534, effective July 27, 2009)

Section 650.66 Special Hunts for Young Hunters

a) Statewide regulations shall apply, except as noted in parentheses, at the following sites by special permit allocated through the regular statewide drawing. Shooting is allowed from elevated tree stands, except as noted in parentheses. Applicants must not have reached their 16th birthday, have completed a State-approved Hunter Education course and have a hunting license, unless exempt, by the start of the season. Only one tree stand is allowed per person. Tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands may be set up the day before the hunt and shall be removed the day after. All tree stands must be marked with a site assigned identification number. Check-in, check-out and report of harvest is required.

Crab Orchard National Wildlife Refuge (public hunting area only, except area north of Route 13 is closed to firearm deer hunting)

Dixon Springs State Park

Lake Le Aqua Na State Park (hunting from Department established ground blinds only; first season only; permits shall be antlerless only; youth hunters may purchase a $5 either sex permit after harvesting an antlerless deer; supervisors may hunt, but may only take antlerless deer)

b) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Added at 33 Ill. Reg. 11534, effective July 27, 2009)

Section 650.67 Special Hunts for Disabled Hunters

a) Statewide regulations shall apply; season dates shall be the Thursday, Friday, and Saturday immediately prior to the first firearm deer season, and the Thursday, Friday, and Saturday immediately following the second weekend of the regular firearm season unless otherwise noted in parentheses. Permit applications may be obtained from the appropriate site office, and completed applications must be returned to that office by the third Friday in October. Disabled hunters must possess a Class P2A disability card in order to be eligible for the drawing. All participating hunters must show proof of passing the Illinois Hunter Safety Course or an equivalent State program for nonresidents unless otherwise noted in parentheses. Additional regulations will be publicly announced.

Clinton Lake State Recreation Area (Mascoutin State Park) (2)

Horseshoe Lake State Conservation Area (first Saturday and Sunday of November; participants other than disabled hunters must take an antlerless deer before taking an antlered deer) (1) (2) (5)

Jubilee College State Park (coincides with first firearm deer season; participants must take an antlerless deer during the current year firearm season on site before taking an antlered deer; hunter safety course not required) (2) (5)

Jubilee College State Park (coincides with second firearm deer season;

participants must take an antlerless deer during the current year firearm season on site before taking an antlered deer; hunter safety course not required) (2) (5)

Rock Cut State Park (Thursday, Friday, Saturday and Sunday prior to the first statewide firearm deer season~~; participants other than disabled hunters must take an antlerless deer before taking an antlered deer~~) (2) (5)

Starved Rock State Park (coincides with first firearm deer season; permit applications may be obtained from the site office and completed applications must be returned to that office by the third Friday in October; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they can purchase an either-sex site-specific permit; hunters must check antlerless deer with site staff for verification to participate in bonus buck program; hunter safety course not required) (2) (5)

Starved Rock State Park (coincides with second firearm deer season; permit applications may be obtained from the site office and completed applications must be returned to that office by the third Friday in October; all initial permits will be issued as antlerless only; hunters must take an antlerless deer during the current year firearm season on site before they can purchase an either-sex site-specific permit; hunters must check antlerless deer with site staff for verification to participate in bonus buck program; hunter safety course not required) (2) (5)

b) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 33 Ill. Reg. 11534, effective July 27, 2009)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: White-Tailed Deer Hunting by Use of Muzzleloading Rifles

2) Code Citation: 17 Ill. Adm. Code 660

3)

Section Numbers:	Adopted Action:
660.20	Amendment
660.22	Amendment
660.40	Amendment
660.60	Amendment

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36]

5) Effective Date of Amendments: July 27, 2009

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

7) Does this rulemaking contain incorporations by reference? No

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

9) Notice of Proposal Published in Illinois Register: May 8, 2009; 33 Ill. Reg. 6430

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

11) Differences between proposal and final version: Names of sites were updated to indicate what type of site they are (State Wildlife Management Area, State Fish and Wildlife Area, State Wildlife Management Area, State Natural Area, State Historic Site, State Conservation Area or State Nature Preserve).

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

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

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Rulemaking: These amendments were proposed pursuant to biological surveys and at the recommendation of the Joint Task Force on Deer Population Control. The amendments make statewide program changes allowing for sale of permits remaining after random daily draws through the DNR Point of Sale System at license vendors throughout the State, open and close State-owned or –managed sites, and amend procedures at State sites.

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

Mitchell Cohen, General Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

PART 660
WHITE-TAILED DEER HUNTING BY USE
OF MUZZLELOADING RIFLES

Section

660.10 Statewide Season and Permit Quotas
660.20 Statewide Deer Permit Requirements
660.21 Deer Permit Requirements − Landowner/Tenant Permits
660.22 Deer Permit Requirements – Special Hunts
660.25 Deer Permit Requirements – Group Hunt
660.30 Statewide Muzzleloading Rifle Requirements
660.40 Statewide Deer Hunting Rules
660.45 Reporting Harvest
660.50 Rejection of Application/Revocation of Permits
660.60 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].

SOURCE: Adopted at 15 Ill. Reg. 4777, effective March 18, 1991; amended at 15 Ill. Reg. 11627, effective August 2, 1991; amended at 16 Ill. Reg. 11150, effective June 30, 1992; amended at 17 Ill. Reg. 10865, effective July 1, 1993; amended at 18 Ill. Reg. 5878, effective April 5, 1994; amended at 18 Ill. Reg. 13435, effective August 23, 1994; amended at 19 Ill. Reg. 6500, effective April 28, 1995; amended at 20 Ill. Reg. 6734, effective May 6, 1996; amended at 21 Ill. Reg. 5583, effective April 19, 1997; amended at 21 Ill. Reg. 9122, effective June 26, 1997; amended at 22 Ill. Reg. 8026, effective April 28, 1998; amended at 23 Ill. Reg. 5579, effective April 26, 1999; amended at 24 Ill. Reg. 10251, effective July 1, 2000; amended at 25 Ill. Reg. 6367, effective April 27, 2001; amended at 26 Ill. Reg. 9340, effective June 17, 2002; amended at 27 Ill. Reg. 10018, effective June 23, 2003; amended at 28 Ill. Reg. 8056, effective May 26, 2004; amended at 29 Ill. Reg. 9744, effective June 24, 2005; emergency amendment at 29 Ill. Reg. 13032, effective August 10, 2005, for a maximum of 150 days; emergency expired January 6, 2006; amended at 30 Ill. Reg. 12181, effective June 28, 2006; amended at 31 Ill. Reg. 8188, effective May 25, 2007; amended at 32 Ill. Reg. 9325, effective June 13, 2008; amended at 33 Ill. Reg. 11555, effective July 27, 2009.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Section 660.20 Statewide Deer Permit Requirements

a) Illinois resident hunters must have a current, valid Muzzleloading Rifle Deer Permit ($15). Fees for non-resident deer hunters shall be $250 for each either-sex or antlered-only deer hunting permit, and shall be $15 for each antlerless-only permit. A permit is issued for one county and is valid only in the county stated on the permit. Only applicants who receive an either-sex permit in a county or special hunt area are eligible for an antlerless-only permit for that county or special hunt area, until the Random Daily Drawing Period that begins in September, at which time antlerless-only permits remaining in the quota will be made available regardless of whether applicants already possess an either-sex permit. For permit applications and other information write to:

Department of Natural Resources
(Muzzleloading Rifle)
Deer Permit Office
P.O. Box 19227
Springfield, IL 62794-9227

b) Applications from Illinois residents for participation in the First Lottery Drawing shall be accepted through the last weekday in April of the current year. Nonresidents may not apply to participate in the First Lottery Drawing. Applications received after the last weekday in April shall not be included in this lottery. Permits shall be allocated in a computerized random drawing. Permits shall be issued as either-sex, antlerless-only or antlered only. A maximum of one either-sex and one antlerless-only permit shall be issued per person. Lifetime licenses issued after August 15, 2006 shall not qualify a non-resident of Illinois for a resident deer permit.

c) Applicants must complete all portions of the current year permit application form. Incomplete or incorrect applications will be returned along with the applicant's permit fee for correction or completion if received in the Permit Office prior to the last weekday in April of the current year.

d) Applicants must check the antlerless-only box and provide an additional $15 to apply for an additional antlerless-only permit. Antlerless-only permits will be issued until the antlerless-only quota is filled for a given county or special hunt area.

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e) Permits for counties and special hunt areas with unfilled quotas after the First Lottery Drawing shall be allocated in a Second Lottery Drawing. This drawing is open only to nonresident applicants and to Illinois residents who were not previously issued muzzleloader permits for the current hunting season. Illinois residents will be given preference for permits allocated in the Second Lottery Drawing. Applications for the Second Lottery Drawing will be accepted through the tenth weekday in August of the current year. Applicants may also apply for remaining antlerless-only permits by checking the antlerless-only box and providing an additional $15. A list of unfilled counties shall be announced upon becoming available after the First Lottery Drawing. Applicants must apply on a current year Muzzleloading Rifle Deer Permit application form. A maximum of one either-sex and one antlerless-only permit shall be issued per person.

f) There will be an application period that~~which~~ starts the first working day after September 14 and ends the first weekday in October~~fifth weekday in November~~ during which anyone (regardless of any other permit they may have, subject to the restriction in subsection (a)) can apply for muzzleloading deer permits left over from the county and special hunt area quotas. During this application period, the permits shall be issued in a random daily drawing. Applications received each day will not be processed until all applications received for that day are mixed. All applications received on a specific day will be processed before processing applications received for a subsequent day. All applications for the Random Daily Drawing will be processed individually (i.e., no group applications will be processed). Applicants can apply for one or more permits during this application period. Applicants must mark the September Drawing – Multiple Permits box on the muzzleloading rifle deer permit application.

g) Permits remaining after the Random Daily Drawing will be available over-the-counter (OTC) from agents designated by the Department (pursuant to 17 Ill. Adm. Code 2520) beginning the third Monday in October on a first-come, first-served basis. Permits will be sold until quotas are exhausted, or until the close of the muzzleloader deer season, whichever occurs first. Persons may purchase one or more permits during this period, subject to availability. Persons purchasing OTC deer permits must supply all necessary applicant information to the agents in order to properly complete the permit.

h)~~g)~~ Hunter preference in obtaining a muzzleloading rifle permit during the First Lottery Drawing shall be given to individuals that applied for an either-sex muzzleloading permit in the previous year's First Lottery Drawing who were

rejected because the quota was depleted in their county choices. The following criteria must be met to obtain a preference in the muzzleloading rifle First Lottery Drawing:

1) The applicant must apply using the official agency ~~preprinted data mailer~~ application.

2) The applicant must be a resident of the State, be eligible to receive a Muzzleloading Rifle Deer Permit, and not had deer hunting privileges revoked pursuant to Section 660.50.

3) The applicant must apply for the same county choices that he/she listed on the previous year's application. Preference will not be granted for special hunt areas.

4) Where applicants apply as a group, preference for the entire group shall apply as it does above for the individual. All county choices for the group must be identical.

i)~~h)~~ Applications shall be accepted at the counter window of the permit office; however, permits for the First Lottery, Second Lottery and Random Daily Drawing shall be mailed. In-person, mail-in and electronic applications will receive equal treatment in the drawings.

j)~~i)~~ Permits are not transferable. Refunds shall not be granted unless the Department of Natural Resources has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.

k)~~j)~~ A $3 service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there shall be no charge. The procedures for obtaining a replacement license are detailed in 17 Ill. Adm. Code 2520.50. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.

l)~~k)~~ The period for accepting applications for the First and Second Lottery periods shall be extended if applications are not available to the public by April 1. A news release will announce the extension of the application period.

m)~~l)~~ Hunting without a permit is a Class B misdemeanor (see 520 ILCS 5/2.24).

Providing false information on a permit application is a Class A misdemeanor (see 520 ILCS 5/2.38).

(Source: Amended at 33 Ill. Reg. 11555, effective July 27, 2009)

Section 660.22 Deer Permit Requirements – Special Hunts

a) Special hunt sites are defined as those sites that are owned or controlled by agencies/entities other than the Department, or sites at which the Department only controls a portion of the property designated for deer hunting, and that issue deer hunting permits through the statewide lottery process. The Permit Office issues deer hunting permits through a computerized drawing for the following sites, in addition to the Department-owned or -managed sites listed in Section 660.60(h).

Burning Star 5 State Wildlife Management Area (~~areas designated as waterfowl refuge are closed to all access after second firearm deer season;~~ only antlerless deer or antlered deer having at least 4 points on one side may be harvested; tree stands and blinds used for deer hunting must be removed at the end of each day's hunt; deer hunters may begin scouting seven days prior to the season date listed on permit)

Delair Division, Great River National Wildlife Refuge (second 2-day (Saturday and Sunday) weekend in January)

Midewin National Tallgrass Prairie (closed during the second firearm deer season; additional site pass is required; check-in, check-out and reporting of harvest is required)

b) Providing false information on an application is a Class A misdemeanor (see 520 ILCS 5/2.38). Hunting deer outside the special season dates or prior to ½ hour before sunrise or after sunset on the listed property is a Class A misdemeanor with a $500 minimum and $5,000 maximum fine, in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).

(Source: Amended at 33 Ill. Reg. 11555, effective July 27, 2009)

Section 660.40 Statewide Deer Hunting Rules

a) The bag limit is one deer per legally authorized either-sex, antlered-only or

antlerless-only permit. All either-sex permits and antlered-only permits are subject to the following restriction: no hunter, regardless of the quantity or type of permits in his/her possession, may harvest more than 2 antlered deer during a year, including the youth, archery, muzzleloader, and firearm seasons. For purposes of this Section, deer seasons are considered to be in the same year if their opening dates fall within the same 12-month period that begins on July 1. A hunter in possession of an either-sex permit after having harvested 2 antlered deer during a year, as defined above, may only use the permit to harvest an antlerless deer. Subject to this restriction, an either-sex permit holder is allowed to take a deer with or without antlers and an antlered-only permit holder is allowed to take only a deer having at least one antler of a length of 3 or more inches. An antlerless only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long.

b) Recipients of the Muzzleloading Rifle Deer Hunting Permit shall record their signature on the permit prior to hunting and must carry it on their person while hunting.

c) The temporary harvest tag shall be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the temporary harvest tag to the deer in the manner prescribed on the permit.

d) Hunters shall not have in their possession, any deer permit issued to another person, while in the field during muzzleloading rifle deer season (permits are non-transferable).

e) Permits will not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Legal disposal of unfit deer taken shall be the responsibility of the hunter. For those hunters participating in the Department's Chronic Wasting Disease Surveillance Program, a free permit for the same county or special hunt area will be made available the subsequent year if their tested deer is determined to have chronic wasting disease.

f) Unlawful take or possession of one deer is a Class B misdemeanor (see 520 ILCS 5/2.4); unlawful take or possession of 2 or more deer in a 90-day period is a Class 4 felony (see 520 ILCS 5/2.36a); unlawful take or possession of 2 or more deer as a single act or single course of conduct is a Class 3 felony (see 520 ILCS 5/2.36); and any other violation of this Section is a Class B misdemeanor (see 520 ILCS

5/2.24).

(Source: Amended at 33 Ill. Reg. 11555, effective July 27, 2009)

Section 660.60 Regulations at Various Department-Owned or -Managed Sites

a) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.

b) Only one tree stand is allowed per deer permit holder. Tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that they may be left unattended from September 15-January 31 at those sites listed in this Section that are followed by a (1). Any tree stand left unattended overnight must be legibly marked with the owner's name, address, and telephone number, or site assigned identification number.

c) It is unlawful to drive deer or participate in a deer drive on all Department-owned or -managed properties. A deer drive is defined as a deliberate action by one or more persons (whether armed or unarmed) whose intent is to cause deer to move within firearm range of one or more participating hunters.

d) Check-in, check-out and reporting of harvest is required at those sites listed in this Section that are followed by a (2).

e) Handicapped preferred hunting opportunities are provided at those sites listed in this Section that are followed by a (3).

f) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (4).

g) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (5).

h) Statewide regulations shall apply at the following sites:

Cache River State Natural Area (1) (2)

Campbell Pond State Fish and Wildlife Area (1) (2)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Cape Bend State Fish and Wildlife Area (1) (2)

Carlyle Lake State Wildlife Management Area except subimpoundment areas

Carlyle Lake Lands and Waters – Corps of Engineers managed lands

Chauncey Marsh State Natural Area (1) (2)

Collier Limestone Glade State Natural Area (1)

Copperhead Hollow State Wildlife Area (1) (2)

Crawford County State Fish and Wildlife Area (1) (2)

Cretaceous Hills State Natural Area (1)

Cypress Creek National Wildlife Refuge

Cypress Pond State Natural Area (1) (2)

Deer Pond State Natural Area (1) (2)

Devil's Island State Wildlife Management Area

Dog Island State Wildlife Management Area (1) (2)

Ferne Clyffe State Park (1) (2)

Fort de Chartres State Historic Site (no in-line muzzleloading rifles or muzzleloaders with scopes allowed) (1) (2)

George S. Park Memorial Woods State Natural Area (2)

Giant City State Park (1) (2)

Hamilton County State Fish and Wildlife Area (1) (2)

Horseshoe Lake Fish and Wildlife Area – Alexander County (all portions of the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Public Hunting Area except the Controlled Goose Hunting Area) (1) (2)

Kaskaskia River State Fish and Wildlife Area (1) (2, except south of Highway 154 and north of Highway 13) (Doza Creek Waterfowl Management Area is closed during duck season)

Kickapoo State Park (closed during second firearm deer season) (1) (2)

Kinkaid Lake State Fish and Wildlife Area (1) (2)

Lusk Creek Canyon State Natural Area (1)

Meeker State Habitat Area (1) (2)

Mermet Lake State Conservation Area (1) (2)

Middle Fork State Fish and Wildlife Area (closed during second firearm deer season) (1) (2)

Miller-Anderson Woods State Natural Area (Bureau County permit holders may hunt the Bureau County portion of the area and Putnam County permit holders may hunt the Putnam County portion of the area) (2)

Mississippi River Pool 16 (1)

Mississippi River Pool 17 (1)

Mississippi River Pool 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Mississippi State Fish and Waterfowl Management Area – Pools 25 and 26 (Batchtown, Crull Hollow and Godar Waterfowl Rest Areas are closed to hunting beginning 14 days before the regular duck season; areas reopen to hunting the day after duck season closes; it is unlawful to trespass upon the designated duck hunting areas between sunset of the Sunday immediately preceding opening day of regular duck season through the day before regular duck season as posted at the site; no deer hunting is allowed within 200 yards of an occupied duck blind; during duck season only, deer hunters may not access the designated duck hunting

areas by launching a boat at certain specifically posted boat ramps; boat ramps reopen to deer hunters the day after duck season closes) (1)

Oakford State Conservation Area (1)

Pere Marquette State Park (hunting in designated area only) (1) (2)

Pyramid State Park (2) (4)

Ray Norbut State Fish and Wildlife Area (2)

Rend Lake State Fish and Wildlife Area Corps of Engineers' managed areas of Rend Lake

Saline County State Fish and Wildlife Area (1) (2)

Sand Ridge State Forest (site issued permit required; must be returned by February 15)

Sanganois State Fish and Wildlife Area (Ash Swale Waterfowl Rest Area will be closed to deer hunting during the waterfowl hunting seasons) (1)

Sielbeck Forest State Natural Area (1) (2)

Skinner Farm State Habitat Area (1) (2)

Ten Mile Creek State Fish and Wildlife Area (1); Belle Rive Unit only (4)

Trail of Tears State Forest (1) (2)

Turkey Bluffs State Fish and Wildlife Area (1) (2)

Union County State Conservation Area (Firing Line Unit only) (1) (2)

Weinberg-King State Park (2)

Weinberg-King State Park − Scripps Unit (2)

Weinberg-King State Park – Spunky Bottoms Unit (2)

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Wildcat Hollow State Forest (1)

i) Statewide regulations shall apply at the following sites by special permit allocated through the regular statewide drawing. Season dates that differ from the statewide dates are in parentheses. Sites that offer standby hunting are followed by a (6). At sites offering standby hunting, permit holders must register at the check station by 5:00 a.m. each day of the hunt. Unvalidated permits are void after 5:00 a.m. Vacancies each day will be filled by a drawing held at 5:00 a.m. Vacancies may be filled by any person holding a valid hunting license, Habitat Stamp, and Firearm Owner Identification Card, if required. Standby hunters will be issued a one-day site-specific deer permit at the check station, and charged a permit fee of $5. All hunters must check out and report harvest. In the event that Department budget reductions or site staffing reductions make the operation of check stations or issuance of standby permits impractical, changes to check station procedures and standby permit issuance will be publicly announced and posted at the site.

Apple River Canyon State Park – Thompson and Salem Units (closed during the second firearm deer season) (2)

Carlyle State Fish and Wildlife Area – East Fork Unit in Clinton County

Castle Rock State Park (closed during second firearm season~~; all initial permits will be issued as antlerless only; hunters must take an antlerless deer on the site during the current year firearm or muzzleloader season before they will be issued an either-sex standby permit~~) (2) (6)

Cedar Glen State Natural Area (closed during the second firearm deer season) (1) (2)

Clinton Lake State Recreation Area (North Fork Management Unit, north of the county road at the North Fork boat ramp) (1)

~~Falling Down Prairie (closed during the second firearm deer season) (2)~~

French Bluff State Natural Area (closed during the second firearm deer season) (1) (2)

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Goose Lake Prairie State Natural Area/Heidecke Lake State Fish and Wildlife Area (closed during the second firearm deer season) (2) (6)

Hanover Bluff State Natural Area (closed during the second firearm deer season) (2)

Hidden Springs State Forest (closed during second firearm deer season) (1) (2)

Jim Edgar Panther Creek State Fish and Wildlife Area – Open Unit (closed during second firearm deer season; site issued permit required, must be returned by February 15) (1) (4)

Lake Shelbyville Project Lands in Moultrie County (closed during the second firearm deer season; antlerless only; for Corps of Engineers managed lands not managed by IDNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy) (1)

Lake Shelbyville Project Lands in Shelby County (closed during the second firearm deer season; antlerless only; for Corps of Engineers managed lands not managed by IDNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy) (1)

Marseilles State Fish and Wildlife Area (closed during second firearm deer season) (all tree stands must be removed from this area no later than sunset of the last day of archery deer season; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may enter the site only from designated parking lots) (1) (2) (6)

~~Mitchell's Grove Nature Preserve (closed during the second firearm deer season; all initial permits will be issued as antlerless only; hunters must take an antlerless deer on the site during the current year firearm or muzzleloader season before they will be issued an either-sex standby permit; hunters must check antlerless deer with site staff for verification to participate in the bonus buck program; standby permits are available at the Matthiessen State Park check station) (2) (6)~~

Pyramid State Park – East Conant Unit (4)

Rall Woods State Natural Area (formerly Falling Down Prairie) (closed during the second firearm deer season) (2)

Sahara Woods State Fish and Wildlife Area (1) (2)

~~Sandy Ford State Natural Area (closed during the second firearm deer season; all initial permits will be issued as antlerless only; hunters must take an antlerless deer on the site during the current year firearm or muzzleloader season before they will be issued an either-sex standby permit; hunters must check antlerless deer with site staff for verification to participate in the bonus buck program; standby permits are available at the Matthiessen State Park check station) (2) (6)~~

Sangchris Lake State Park (open to muzzleloading rifle hunting during the second firearm deer season only; antlerless deer only; hunting will begin the first day at legal shooting time and at 10:30 a.m. on all other days of the season) (1) (2)

Sangamon County State Conservation Area (closed during second firearm deer season) (1)

Spoon River State Forest (closed during second firearm deer season) (1) (2)

Starved Rock State Park~~/Matthiessen State Park/Margery C. Carlson Nature Preserve~~ (closed during the second firearm deer season; permit includes Starved Rock State Park, Matthiessen State Park, Margery C. Carlson State Natural Area, Mitchell's Grove State Natural Area and Sandy Ford State Natural Area; hunt is open in Zone A; all initial permits will be issued as antlerless only; hunters must take an antlerless deer on the site during the current year firearm or muzzleloader season before they will be issued an either-sex standby permit; hunters must check antlerless deer with site staff for verification to participate in the bonus buck program; standby hunters may purchase up to 2 one-day site-specific antlerless-only permits each day) (2) (6)

Tapley Woods State Natural Area (closed during the second firearm deer season) (2)

Wards Grove State Nature Preserve (closed during the second firearm deer season; antlerless deer only) (2)

Witkowsky State Wildlife Area (closed during the second firearm deer season) (2)

j) Violations of site specific regulations are petty offenses (see 520 ILCS 5/2.20).

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NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 33 Ill. Reg. 11555, effective July 27, 2009)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: White-Tailed Deer Hunting by Use of Bow and Arrow

2) Code Citation: 17 Ill. Adm. Code 670

3)

Section Numbers:	Adopted Action:
670.10	Amendment
670.20	Amendment
670.40	Amendment
670.60	Amendment

4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36]

5) Effective Date of Amendments: July 27, 2009

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

7) Does this rulemaking contain incorporations by reference? No

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

9) Notice of Proposal Published in Illinois Register: May 8, 2009; 33 Ill. Reg. 6446

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

11) Differences between proposal and final version: In Section 670.20(g), following "granted" added "unless the Department has erroneously issued the permit". Names of sites were updated to indicate what type of site they are (State Fish and Wildlife Area, State Conservation Area, State Nature Preserve, State Natural Area or State Habitat Area).

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

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

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

15) Summary and Purpose of Rulemaking: These amendments are being made pursuant to biological surveys and at the recommendation of the Joint Task Force on Deer Population Control. Season ending dates were changed so that archery hunters can hunt three days longer, until the end of the Late Winter Deer Season and the Special CWD Deer Season. Amendments update permit information, open and close State-owned or –managed sites and amend procedures at State sites.

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

Mitchell Cohen, General Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

PART 670
WHITE-TAILED DEER HUNTING BY USE OF BOW AND ARROW

Section

670.10 Statewide Open Seasons and Counties
670.20 Statewide Deer Permit Requirements
670.21 Deer Permit Requirements – Landowner/Tenant Permits
670.30 Statewide Legal Bow and Arrow
670.40 Statewide Deer Hunting Rules
670.50 Rejection of Application/Revocation of Permits
670.55 Reporting Harvest
670.60 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].

SOURCE: Adopted at 5 Ill. Reg. 8888, effective August 25, 1981; codified at 5 Ill. Reg. 10641; emergency amendment at 5 Ill. Reg. 11402, effective October 14, 1981, for a maximum of 150 days; emergency expired March 13, 1982; amended at 6 Ill. Reg. 10721, effective August 20, 1982; emergency amendment at 6 Ill. Reg. 15581, effective December 14, 1982, for a maximum of 150 days; emergency expired May 13, 1983; amended at 7 Ill. Reg. 10790, effective August 24, 1983; amended at 8 Ill. Reg. 19004, effective September 26, 1984; amended at 9 Ill. Reg. 14317, effective September 9, 1985; amended at 10 Ill. Reg. 16658, effective September 22, 1986; amended at 11 Ill. Reg. 2275, effective January 20, 1987; amended at 12 Ill. Reg. 12042, effective July 11, 1988; amended at 13 Ill. Reg. 12839, effective July 21, 1989; amended at 14 Ill. Reg. 14787, effective September 4, 1990; amended at 14 Ill. Reg. 19859, effective December 3, 1990; amended at 15 Ill. Reg. 10021, effective June 24, 1991; amended at 15 Ill. Reg. 16691, effective October 31, 1991; amended at 16 Ill. Reg. 11116, effective June 30, 1992; amended at 17 Ill. Reg. 286, effective December 28, 1992; amended at 17 Ill. Reg. 13452, effective July 30, 1993; amended at 18 Ill. Reg. 5842, effective April 5, 1994; amended at 19 Ill. Reg. 7560, effective May 26, 1995; amended at 19 Ill. Reg. 15411, effective October 26, 1995; amended at 20 Ill. Reg. 6723, effective May 6, 1996; amended at 21 Ill. Reg. 5561, effective April 19, 1997; amended at 22 Ill. Reg. 7995, effective April 28, 1998; amended at 23 Ill. Reg. 6829, effective May 20, 1999; amended at 24 Ill. Reg. 6908, effective April 20, 2000; amended at 25 Ill. Reg.

7217, effective May 22, 2001; amended at 25 Ill. Reg. 11471, effective August 14, 2001; amended at 26 Ill. Reg. 9356, effective June 17, 2002; amended at 27 Ill. Reg. 10025, effective June 23, 2003; amended at 28 Ill. Reg. 9968, effective July 6, 2004; amended at 29 Ill. Reg. 9761, effective June 24, 2005; amended at 30 Ill. Reg. 12196, effective June 28, 2006; amended at 31 Ill. Reg. 8202, effective May 25, 2007; amended at 32 Ill. Reg. 9337, effective June 13, 2008; amended at 33 Ill. Reg. 11571, effective July 27, 2009.

Section 670.10 Statewide Open Seasons and Counties

a) All regulations set forth in Section 2.26 of the Wildlife Code apply in this Part.

b) For Cook, DuPage and Lake counties, and that portion of Kane County east of State Route 47 – October 1 through the first Sunday after January 13~~Thursday after January 10~~.

c) For all other counties, or parts of counties – October 1 through the first Sunday after January 13~~Thursday after January 10~~, closed during the period when deer hunting with a firearm is permitted as set out in 17 Ill. Adm. Code 650, except Department of Natural Resources ~~(Department or DNR)~~ owned or managed sites designated in Section 670.60 by an asterisk (*) shall be open to archery deer hunting without regard to firearm deer season (no firearm deer hunting pursuant to 17 Ill. Adm. Code 650 allowed).

d) Hunting prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum $500 and maximum $5,000 fine, in addition to other statutory penalties (see 520 ILCS 5/2.33(y)). Hunting during the closed season~~ or between sunset and ½ hour after sunset~~ is a Class B misdemeanor (see 520 ILCS 5/2.24).~~ Hunting outside the set season is a Class B misdemeanor (see 520 ILCS 5/2.24).~~

(Source: Amended at 33 Ill. Reg. 11571, effective July 27, 2009)

Section 670.20 Statewide Deer Permit Requirements

a) All archery deer hunters must have a current, valid Illinois archery deer permit. Archery deer permits (except landowner/tenant property-only permits and nonresident permits issued to clients of outfitters as detailed in Section 670.20(c)) will authorize the holder to hunt in any of the open counties of the State, on property where permission to hunt has been obtained from the property owner.

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Nonresident archery deer permits issued to outfitter clients who received a permit based on the preference given to outfitter clients are valid only on property controlled by the outfitter used to gain preference.

b) Resident archery deer permits are available over-the-counter (OTC) from agents designated by the Department (pursuant to 17 Ill. Adm. Code 2520)~~license vendors throughout the State~~ as combination permits, each consisting of one either-sex permit and one antlerless-only permit, or as a single antlerless-only permit. The fee for a resident archery combination permit shall be $25; a resident archery single antlerless-only permit shall be $15. While there is no limit to the number of archery deer permits that an individual resident may purchase, no one may harvest more deer than allowed by the restrictions prescribed in Section 670.40. Lifetime licenses issued after August 15, 2006 shall not qualify a nonresident of Illinois for a resident deer permit.

c) A limited number of nonresident archery deer permits is available as combination permits, each consisting of one either-sex permit and one antlerless-only permit. The fee for the nonresident combination archery deer permit shall be $400. Nonresident hunters may apply during the period June 1 through June 30 via telephone using DNR's telephone vendor system (1-888-673-7648). The number of nonresident combination archery deer permits shall be limited to 25,000, with clients of outfitters currently permitted by the Department of Natural Resources given preference in the drawing for the first 7,500. Clients of permitted outfitters should contact the outfitter prior to applying to receive a certification number to be used in the application process to verify their outfitter client status. Permits will be allocated using a computerized, random lottery drawing conducted after June 30. If the number of eligible outfitter clients in the drawing is less than 7,500, all remaining permits will be allocated to the remaining applicants until the quota is reached. If the number of eligible outfitter clients in the drawing exceeds 7,500, those outfitter clients unsuccessful in obtaining one of the first 7,500 permits will compete against non-client applicants for the remaining permits. Permits available after the lottery will be sold on a first come-first served basis. Applicants may submit only one application for the nonresident combination archery deer permit. Up to six individuals may apply for nonresident combination archery permits as a group. Groups must identify a group leader, and all applicants must provide the same group leader information at the time of application. If applying for permits given preferentially to clients of outfitters, all group applicants must also provide the same outfitter certification number.

d) An unlimited number of nonresident single antlerless-only archery deer permits is available over-the-counter (OTC) from agents~~participating license vendors~~ for a fee of $15.

e) Hunters purchasing archery deer permits must supply all necessary applicant information to the license vendor in order to properly complete the permit.

f) Applications for landowner/tenant permits may be obtained by writing to:

Department of Natural Resources
L/T Deer Permit
P.O. Box 19227
Springfield IL 62794-9227

To obtain a landowner/tenant permit, applicants must submit an application to the Permit Office using the official current Archery Deer Permit application form. Applications submitted on forms from previous years will be returned. Applicants must complete all portions of the permit application form. Incomplete applications and fees will be returned. Each applicant must submit a personal check or money order for his/her individual application.

g) Permits are not transferable. Refunds will not be granted unless the Department has erroneously issued the permit.

h) A $3 service fee will be charged for replacement permits issued by DNR, except that there will be no charge for permits lost in the mail. The procedures for obtaining a replacement license are detailed in 17 Ill. Adm. Code 2520.50. Monies from this source will be deposited in the Wildlife and Fish Fund.

i) Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24). Providing false information on an application is a Class A misdemeanor (see 520 ILCS 5/2.38).

(Source: Amended at 33 Ill. Reg. 11571, effective July 27, 2009)

Section 670.40 Statewide Deer Hunting Rules

a) The bag limit is one deer per legally authorized either-sex, antlered-only or antlerless-only permit. All either-sex permits and antlered-only permits are

subject to the following restriction: no hunter, regardless of the quantity or type of permits in his/her possession, may harvest more than 2 antlered deer during a year, including the youth, archery, muzzleloader and firearm seasons. For purposes of this subsection, deer seasons are considered to be in the same year if their opening dates fall within the same 12-month period that begins on July 1. A hunter in possession of an either-sex permit after having harvested 2 antlered deer during a year, as defined above, may only use the permit to harvest an antlerless deer. Subject to this restriction, an either-sex permit holder is allowed to take a deer with or without antlers; and an antlered-only permit holder is allowed to take only a deer having at least one antler of a length of 3 or more inches. An antlerless-only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long.

b) Recipients of any type of Archery Deer Hunting Permit shall record their signature on the permit prior to hunting and must carry it on their person while hunting.

c) The temporary harvest tag shall be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the temporary harvest tag to the deer in the manner prescribed on the permit.

d) Hunters shall not have in their possession, while in the field during archery deer season, any deer permit issued to another person (permits are non-transferable).

e) Permits will not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Legal disposal of unfit deer taken shall be the responsibility of the hunter. For those hunters participating in DNR's Chronic Wasting Disease Surveillance Program, a free permit will be made available (during either the current year or the subsequent year, at the discretion of the hunter) if their tested deer is determined to have chronic wasting disease.

f) Unlawful take or possession of one deer is a Class B misdemeanor (see 520 ILCS 5/2.24); unlawful take or possession of two or more deer in a 90-day period is a Class 4 felony (see 520 ILCS 5/2.36a); unlawful take or possession of 2 or more deer as a single act or single course of conduct is a Class 3 felony (see 520 ILCS 5/2.36a); and any other violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24).

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(Source: Amended at 33 Ill. Reg. 11571, effective July 27, 2009)

Section 670.60 Regulations at Various Department-Owned or -Managed Sites

a) All the regulations in 17 Ill. Adm. Code 510 (General Hunting and Trapping) apply in this Section, unless this Section is more restrictive.

b) It is unlawful to drive deer, or participate in a deer drive, on all Department-owned or -managed properties. A deer drive is defined as a deliberate action by one or more persons (whether armed or unarmed) whose intent is to cause deer to move within archery range of one or more participating hunters.

c) Only one tree stand is allowed per deer permit holder. Tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that tree stands may be left unattended from September 15 through January 31 at those sites listed in this Section that are followed by a (1). Any tree stand left unattended must be legibly marked with the owner's name, address, and telephone number, or site assigned identification number.

d) Check-in, check-out, and reporting of harvest is required at those sites listed in this Section that are followed by a (2).

e) Where standby hunters are used to fill quotas, a drawing will be held at sites indicated by a (3).

f) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (4).

g) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (5).

h) Statewide regulations shall apply at the following sites:

* Anderson Lake State Fish and Wildlife Area (2)

Apple River Canyon State Park − Thompson and Salem Units (2)

Argyle Lake State Park (2)

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* Banner Marsh State Fish and Wildlife Area (2)

* Beall Woods State Park (1) (2)

* Big Bend State Fish and Wildlife Area (1) (2)

Big River State Forest (2)

Burning Star 5 State Wildlife Management Area (an antlerless deer must be taken on the site before an antlered deer is harvested; deer hunters may begin scouting 7 days prior to the season date listed on permit; tree stands and blinds used for deer hunting must be removed from the area at the end of each day's hunt~~the Saturday prior to the season opening~~) (4)

Cache River State Natural Area (1) (2)

Campbell Pond State Fish and Wildlife Area (1) (2)

Cape Bend State Fish and Wildlife Area (1) (2)

Carlyle Lake Lands and Waters (Corps of Engineers managed lands)

Carlyle Lake State Wildlife Management Area (except subimpoundment area is closed 7 days prior to and during the regular waterfowl season; lands bounded on the east by "C" levee, south by "D" levee, west by ACOE property line, and including the posted area west of parking lot #2, will be open the entire archery deer hunting season)

Castle Rock State Park (1) (2)

Cedar Glen State Natural Area (no hunting after December 15) (1) (2)

Collier Limestone Glade State Natural Area (1)

Crawford County State Conservation Area (1) (2)

Cretaceous Hills State Natural Area (1)

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Cypress Creek National Wildlife Refuge

Cypress Pond State Natural Area (1) (2)

Deer Pond State Natural Area (1) (2)

Devil's Island State Wildlife Management Area

Dixon Springs State Park (1) (2)

Dog Island State Wildlife Management Area (1) (2)

* Eldon Hazlet State Park (archery hunting is closed in the designated controlled pheasant hunting area on days when the controlled pheasant hunting program is in operation) (2)

~~Falling Down Prairie (2)~~

Ferne Clyffe State Park (1) (2)

Fort de Chartres State Historic Site (1) (2)

* Fort Kaskaskia State Historic Site (opens November 1; during the current year archery season and at the site, an antlerless deer must be taken before an antlered deer is harvested) (2)

Fort Massac State Park (1) (2)

* Frank Holten State Park (opens November 1; crossing of Harding Ditch within confines of site allowed; no hunting from Harding Ditch right-of-way) (1) (2)

Franklin Creek State Natural Area (antlerless deer only in October; either-sex deer from November 1 until the end of the statewide season) (2)

George S. Park Memorial Woods State Natural Area (2)

Giant City State Park (1) (2)

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Green River State Wildlife Area (1) (2)

Hanover Bluff State Natural Area (2)

Horseshoe Lake State Conservation Area – Alexander County (Controlled Goose Hunting Area – open from October 1-31; reopens with the close of the Quota Zone goose season through statewide closing; remainder of the Public Hunting Area open during statewide season) (1) (2)

Ilo Dillin State Habitat Area (hunting allowed during October only) (2)

Iroquois County State Wildlife Area/Hooper Branch only (1) (2)

* Jubilee College State Park (2)

Kankakee River State Park (deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange between 9:00 a.m. and 3:00 p.m. on days when upland game hunting is allowed during the site's controlled hunting season; a limited hunting opportunity for persons with disabilities, Class P2A, exists at the Davis Creek Bike Trail Area; disabled hunters must register to hunt at the site office and must sign in and out daily; disabled hunters are required to hunt with a non-disabled partner who may also hunt from predetermined locations during the disabled hunting season (November 1 to the day before the first firearm deer season, except campground blinds will remain open until the close of the archery deer season and do not require a partner to hunt)) (2)

Kaskaskia River State Fish and Wildlife Area (no hunting within 50 yards of the Baldwin Lake Waterfowl Rest Area's main north-south road; within this defined waterfowl rest area and during the current year archery season, hunters must take an antlerless deer before taking an antlered deer; this defined waterfowl rest area is closed until the observed Columbus Day holiday) (1) (2 – except south of Highway 154 and north of Highway 13)

Kidd Lake State Natural Area (1)

Kinkaid Lake State Fish and Wildlife Area (1) (2)

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Kishwaukee River State Fish and Wildlife Area (2)

Lake Le Aqua Na State Park (antlerless deer only; November 1-30; hunting hours legal opening until 10:00 a.m.) (2)

Little Rock Creek State Habitat Area (opens statewide opening date; however, site closes for archery deer hunting at the end of legal shooting hours the day preceding the opening of the north zone upland season and reopens the day after the close of the north zone upland season and runs until the statewide season closes) (1) (2)

Lincoln Trail State Park (November 1 through the end of statewide season; an antlerless deer must be taken on the site before an antlered deer is harvested) (2)

Lowden-Miller State Forest (1) (2)

Lowden State Park (in October, hunting allowed on Mondays, Tuesdays, Wednesdays and Thursdays only, excluding official State holidays; beginning November 1, archery hunting is allowed 7 days a week) (2)

Lusk Creek Canyon State Natural Area (1)

Mackinaw River State Fish and Wildlife Area (1) (2)

Marseilles State Fish and Wildlife Area (closed Friday, Saturday, and Sunday in October only) (all tree stands must be removed from this area no later than the last day of the season; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may enter the site only from designated parking lots) (1) (2)

Marshall State Fish and Wildlife Area (Duck Ranch Unit closed 7 days prior to the duck season through the close of duck season) (2)

Maytown Pheasant Habitat Area (hunting allowed during October only) (2)

Mazonia/Braidwood State Fish and Wildlife Area (2) (4)

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Mermet Lake State Conservation Area (1) (2)

Midewin National Tallgrass Prairie (additional site hunting pass required) (2)

Miller-Anderson Woods State Natural Area (2)

Mississippi State Fish and Waterfowl Management Area – Pools 25 and 26 (Batchtown, Crull Hollow and Godar Waterfowl Rest Areas are closed to hunting beginning 14 days before regular duck season; areas reopen to hunting the day after duck season closes; it is unlawful to trespass upon the designated duck hunting areas between sunset of the Sunday immediately preceding opening day of regular duck season through the day before regular duck season as posted at the site; no deer hunting is allowed within 200 yards of an occupied duck blind; during duck season only, deer hunters may not access the designated duck hunting areas by launching a boat at certain specifically posted boat ramps; boat ramps reopen to deer hunters the day after duck season closes) (1)

Mississippi River Pool 16 (1)

Mississippi River Pools 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Mitchell's Grove State Nature Preserve (antlerless deer only in October; either-sex deer from November 1 until the end of the statewide season; closed during the muzzleloading deer season) (2)

Momence Wetlands State Natural Area (1) (2)

Morrison Rockwood State Park (opens on the day following the close of the first firearm deer season) (1) (2)

* Mt. Vernon Propagation Center (1) (2)

Nauvoo State Park (Max Rowe Unit Only)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Oakford State Conservation Area

* Peabody River King State Fish and Wildlife Area (East subunit closes November 1) (1) (2)

Pyramid State Park (2) (4)

Rall Woods State Natural Area (formerly Falling Down Prairie) (2)

* Randolph County State Conservation Area (1) (2)

Rauchfuss Hill State Recreation Area (1) (2)

Ray Norbut State Fish and Wildlife Area (2)

* Red Hills State Park (1) (2)

Rend Lake State Fish and Wildlife Area and Corps of Engineers managed areas of Rend Lake (an antlerless deer must be taken on the site before an antlered deer is harvested)

Rend Lake State Fish and Wildlife Area (refuge only (south of site headquarters) from October 1 through October 31; an antlerless deer must be taken on the site before an antlered deer is harvested) (2)

* Rice Lake State Fish and Wildlife Area (2)

* Rockton Bog State Natural Area (2)

Saline County State Fish and Wildlife Area (1) (2)

* Sam Parr State Park (1) (2)

Sandy Ford State Natural Area (antlerless deer only in October; either-sex deer from November 1 until the end of the statewide season; archery deer hunting is closed during the muzzleloader deer season) (2)

Sangamon County State Conservation Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Sanganois State Wildlife Area (Ash Swale Waterfowl Rest Area will be closed to deer hunting during the waterfowl hunting seasons) (1)

* Shabbona Lake State Park (2)

Sielbeck Forest State Natural Area (1) (2)

Siloam Springs State Park (Fall Creek Unit)

* Silver Springs State Park (2)

Skinner Farm State Habitat Area (1) (2)

South Shore State Park (2)

Spoon River State Forest (1) (2)

* Starved Rock State Park/Matthiessen State Park/Margery C. Carlson Nature Preserve (antlerless deer only in October; either-sex deer from November 1 until the end of the statewide season; deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange during the statewide firearm deer seasons; open to archery deer hunting during the statewide firearm deer season only in Zone A) (2)

Tapley Woods State Natural Area (2)

Trail of Tears State Forest (1) (2)

Turkey Bluffs State Fish and Wildlife Area (1) (2)

Union County State Conservation Area (Controlled Goose Hunting Area – closed 7 days prior to the quota zone goose season through the close of the quota zone goose season) (1) (2)

Walnut Point State Fish and Wildlife Area (1)

Wards Grove State Natural Area (closed during the statewide Youth Deer Hunting Season and Muzzleloader Deer Hunting Seasons; antlerless deer only) (2)

* Washington County State Conservation Area (1) (2)

Weinberg-King State Park (2)

Weinberg-King State Park – Cecil White Unit

Weinberg-King State Park − Spunky Bottoms Unit (resident hunters only) (2)

Weldon Springs State Park − Piatt County Unit (an antlerless deer must be taken on the site before an antlered deer is harvested)

Whitefield Pheasant Habitat Area (hunting allowed during October only) (2)

* White Pines Forest State Park (antlerless deer only in October, either-sex deer from November 1 through the end of the statewide archery season; hunting allowed on Mondays, Tuesdays, Wednesdays and Thursdays only – excluding official State holidays in October. Beginning November 1, archery hunting is allowed 7 days a week, excluding the site's special firearm deer season) (2)

Wildcat Hollow State Forest (1)

Witkowsky State Wildlife Area (opens October 15) (2)

Woodford State Fish and Wildlife Area (opens at the close of duck season) (2)

i) Statewide regulations shall apply at the following sites except that hunter quotas shall be filled by mail-in drawing:

Beaver Dam State Park (an antlerless deer must be taken on the site before an antlered deer is harvested; harvest reports are due to the site by December 31; failure to submit report shall result in the loss of hunting

privileges at the site for the following year) (1)

Bohm Woods State Nature Preserve (an antlerless deer must be taken on the site before an antlered deer is harvested; harvest reports are due to the site by January 31; failure to submit report shall result in the loss of hunting privileges at the site for the following year) (1)

Goode's Woods State Nature Preserve (an antlerless deer must be taken on the site before an antlered deer is harvested; harvest reports are due to the site by January 31; failure to submit report shall result in the loss of hunting privileges at the site for the following year) (1)

Horseshoe Lake State Park (Madison County) (hunting in designated areas only; an antlerless deer must be taken on the site before an antlered deer is harvested; harvest reports are due to the site by December 31; failure to submit report shall result in the loss of hunting privileges at the site for the following year; hunting will close at end of regular duck season) (1)

Hurricane Creek State Habitat Area (hunter quotas filled by drawing; must have Fox Ridge site permit to be eligible)

Pere Marquette State Park (hunting allowed in group camping areas only; season begins the first weekday after camps close)

j) State regulations shall apply except that hunters must obtain a free permit from the site office. This permit must be in possession while hunting and must be returned, and harvest reported, to the address indicated on the card before February 15. Failure to return the permit shall result in loss of hunting privileges at that site for the following year.

Chauncey Marsh State Natural Area (permit obtained at Red Hills State Park headquarters) (1)

Clinton Lake State Recreation Area (an antlerless deer must be taken on the site before an antlered deer is harvested)

Coffeen Lake State Fish and Wildlife Area

Copperhead Hollow State Wildlife Area (1)

Des Plaines State Conservation Area (archery deer hunting is closed in hunting areas open for the controlled upland game program on days the controlled upland game program is operating) (2)

Des Plaines Game Propagation Center (2)

* Eagle Creek State Park (disabled hunters are exempt from site's antler restrictions; for Corps of Engineers managed lands not managed by IDNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy) (4)

Fox Ridge State Park (1)

French Bluff State Natural Area

Goose Lake Prairie State Natural Area/Heidecke State Fish & Wildlife Area (archery deer hunting is closed during the muzzleloader deer season)

Hallsville State Habitat Area (October 1-31 only; eligible hunters will use Clinton Lake State Recreation Area site hunting permit) (1)

Hamilton County State Conservation Area (1)

Harry "Babe" Woodyard State Natural Area (4)

Henry Allan Gleason State Natural Area (obtain permit at Sand Ridge State Forest)

Hidden Springs State Forest (1)

* Horseshoe Lake State Park (Madison County – Gaberet, Mosenthein and Chouteau Island Units)

Kickapoo State Park

Mautino State Fish and Wildlife Area (1)

Meeker State Habitat Area (obtain permit at Sam Parr State Park

headquarters) (1)

Middle Fork State Fish and Wildlife Area

* Mississippi Palisades State Park (closed during the first firearm deer season) (1) (2)

Newton Lake State Fish and Wildlife Area (check deer at site office)

* Pekin Lake State Fish and Wildlife Area (1)

Prairie Ridge State Natural Area (1)

Pere Marquette State Park (area east of Graham Hollow Road) (1)

Pyramid State Park – Captain Unit (4)

Pyramid State Park – Denmark Unit (4)

Pyramid State Park – East Conant Unit (4)

Pyramid State Park – Galum Unit (4)

Ramsey Lake State Park (1)

Revis Hill Prairie State Natural Area (obtain permit at Sand Ridge State Forest)

Sahara Woods State Fish and Wildlife Area (free permits allocated through publicly announced drawing held on-site in advance of opening day; permit allows hunter to scout on-site 7 days prior to the opening day of season)

* Sam Dale Lake State Conservation Area (1)

Sand Ridge State Forest

Shelbyville State Fish and Wildlife Area (for Corps of Engineers managed lands not managed by IDNR, contact Corps of Engineers, Lake Shelbyville

office for specific deer hunting policy) (1)

* Siloam Springs State Park – Buckhorn Unit (resident hunters only) (2) (4)

* Snakeden Hollow State Fish and Wildlife Area (October 1 through start of the central zone goose season)

* Spring Lake State Fish and Wildlife Area (1)

* Stephen A. Forbes State Park (1)

Ten Mile Creek State Fish and Wildlife Area (areas designated as refuge are closed to all access during Canada goose season only) (1); Belle Rive Unit only (4)

Weinberg-King State Park – Scripps Unit (resident hunters only) (2)

k) Statewide regulations shall apply except that no hunting is permitted Wednesday through Sunday of the site's permit pheasant season.

Chain O'Lakes State Park (season opens Monday prior to opening of permit pheasant hunting season and closes Tuesday following the close of the permit pheasant hunting season; season reopens on December 26 till close of regular season; an antlerless deer must be taken on site before an antlered deer is harvested) (2) (3)

Iroquois County State Conservation Area (2)

Johnson Sauk Trail State Recreation Area (1) (2)

Moraine View State Park (1)

Wayne Fitzgerrell State Recreation Area (no bowhunting during controlled hunts as posted at the site) (2)

l) Statewide regulations shall apply at the following sites except that:

1) Nonresident hunter quotas shall be filled by mail-in drawing. Information about specific drawing dates and application procedures will be publicly

announced. Successful applicants will be issued a free permit from the site office. This permit must be in possession while hunting and must be returned and harvest reported to the address indicated on the card before February 15. Failure to return the permit shall result in loss of hunting privileges at that site for the following year.

2) Resident hunters must obtain a free permit from the site office. This permit must be in possession while hunting and must be returned and harvest reported to the address indicated on the card before February 15. Failure to return the permit shall result in loss of hunting privileges at that site for the following year.

Jim Edgar Panther Creek State Fish and Wildlife Area (1) (4)

* Sangchris Lake State Park (an antlerless deer must be taken on site before an antlered deer is harvested; site will be closed to archery deer hunting during the second firearm deer season) (1) (2) (4)

Siloam Springs State Park (2) (4)

m) Statewide regulations shall apply at this site except that:

Hunter quotas for specific periods shall be filled by mail-in drawing. Only Illinois residents are eligible to apply. Information about drawing dates and application procedures will be publicly announced. Successful applicants will be issued a permit for the time period specified. This permit must be in possession while hunting and returned by February 15 to the site office. Failure to return the permit shall result in the forfeiture of hunting privileges at this site for the following year.

Hennepin Canal State Trail (hunters must stay in their designated zone; an antlerless deer must be taken on the site before an antlered deer may be taken) (2)

Moraine Hills State Park (2)

~~Sahara Woods State Fish and Wildlife Area (Illinois residents and non-residents are eligible for the drawing) (1) (2)~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

~~Saline County Fish and Wildlife Area~~

Volo Bog State Natural Area (2)

~~Weldon Springs State Park – Piatt County Unit (an antlerless deer must be taken on the site before an antlered deer is harvested)~~

Wolf Creek State Park (an antlerless deer must be taken on the site before an antlered deer is harvested; Illinois residents and non-residents are eligible for the drawing; for Corps of Engineers managed lands not managed by IDNR, contact Corps of Engineers, Lake Shelbyville office for specific deer hunting policy) (2) (4)

n) Violations of site specific regulations are petty offenses (see 520 ILCS 5/2.20).

(Source: Amended at 33 Ill. Reg. 11571, effective July 27, 2009)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Special White-Tailed Deer Season for Disease Control

2) Code Citation: 17 Ill. Adm. Code 675

3)

Section Numbers:	Adopted Action:
675.10	Amendment
675.20	Amendment
675.30	Amendment
675.40	Amendment
675.50	Amendment

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36]

5) Effective Date of Amendments: July 27, 2009

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

7) Does this rulemaking contain incorporations by reference? No

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

9) Notice of Proposal Published in Illinois Register: May 8, 2009; 33 Ill. Reg. 6468

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

11) Differences between proposal and final version: In Section 675.20(d), following "granted" added "unless the Department has erroneously issued the permit".

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

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

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Rulemaking: These amendments make statewide program changes to the hunting season to increase it from 3 days to 7 days, remove bow and arrow as an allowable weapon option during this season, add language to clarify penalties for violations, update hunting rules, and change the harvest reporting requirements from physically checking in to the use of the existing automated harvest reporting system (either by phone or Internet).

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

Mitchell Cohen, General Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

PART 675
SPECIAL WHITE-TAILED DEER SEASON FOR DISEASE CONTROL

Section
675.10 Chronic Wasting Disease (CWD) Season
675.20 CWD Deer Permit Requirements
675.30 Weapon Requirements for CWD Deer Hunting Season
675.40 CWD Deer Hunting Rules
675.50 Reporting Harvest
675.60 Rejection of Application/Revocation of Permits
675.70 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

SOURCE: Adopted at 29 Ill. Reg. 20454, effective December 2, 2005; amended at 31 Ill. Reg. 1874, effective January 5, 2007; amended at 31 Ill. Reg. 14822, effective October 18, 2007; amended at 32 Ill. Reg. 19731, effective December 4, 2008; amended at 33 Ill. Reg. 11593, effective July 27, 2009.

Section 675.10 Chronic Wasting Disease (CWD) Season

a) Season: One-half hour before sunrise on the first Thursday~~Friday~~ after December 25~~January 11~~ to ½ hour after sunset on the following Sunday, and ½ hour before sunrise on the first Friday after January 11 to ½ hour after sunset on the following Sunday. Shooting hours are ½ hour before sunrise to ½ hour after sunset. Hunting prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum $500 fine and a maximum $5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).

b) Open counties: Boone, McHenry, Winnebago and DeKalb counties and that portion of Kane County west of State Route 47. Additional counties in which CWD foci are identified subsequent to adoption of this Part shall be opened via public announcement (e.g., press release, site posting and publication in Outdoor Illinois).

c) Hunting outside the set season dates or without a valid permit for the area hunted is a Class B misdemeanor (see 520 ILCS 5/2.24). Hunting prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum $500 fine and a maximum $5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).

(Source: Amended at 33 Ill. Reg. 11593, effective July 27, 2009)

Section 675.20 CWD Deer Permit Requirements

a) Hunters must have an unfilled deer permit valid for the previous firearm, muzzleloader or youth deer season and valid for one of the open counties (Boone, McHenry, DeKalb, Kane or Winnebago)~~; an unfilled deer permit valid for the previous archery deer season;~~ or a valid CWD Season Deer Permit. A CWD Season Deer Permit is issued for one county or special hunt area and is valid only in the county or special hunt area stated on the permit. Unfilled firearm, muzzleloader or youth deer permits are valid only for the county for which they were originally issued, except that unfilled landowner property-only hunting firearm deer permits are valid only for the farmlands the person to whom it was issued owns, leases, or rents within the open counties/portions of counties. ~~Unfilled archery deer permits are valid throughout all counties/portions of counties open to this special season, except that unfilled landowner property-only hunting archery deer permits are valid only for the farmlands the person to whom it was issued owns, leases, or rents within the open counties/portions of counties.~~

1) Unfilled firearm, muzzleloader or youth deer permits that were originally issued for special hunt areas are not valid during the CWD Season unless:

A) the hunter's name is redrawn at the daily site lottery to hunt at the same special hunt area during the CWD Season; or

B) the special hunt area is open to persons with a county permit and the special hunt area does not conduct a daily site lottery.

2) Sites conducting a daily site lottery will be announced publicly.

b) CWD Season Deer Permits are available over-the-counter (OTC) from participating license vendors for a fee of $5. These permits shall be antlerless-only.

c) Hunters purchasing CWD Season Deer Permits must supply all necessary applicant information to the license vendor in order to properly complete the permit.

d) Permits are not transferable. Refunds will not be granted unless the Department has erroneously issued the permit.

e) A $3 service fee will be charged for replacement permits. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.

f) Recipients of the CWD Season Deer Hunting Permit shall record their signature on the permit and must carry it on their person while hunting.

~~g) Successful hunters checking in their deer at the CWD Deer Season check station who provide tissue samples to the Department for CWD testing (or who attempt to do so, in situations where deer are unsuitable for testing) are eligible to receive an additional permit (either-sex) at no charge each time they check in a deer and submit samples. These permits, which are valid for the remainder of the season, will be issued at the time of check-in by check station personnel.~~

g~~h~~) Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 33 Ill. Reg. 11593, effective July 27, 2009)

Section 675.30 Weapon Requirements for CWD Deer Hunting Season

a) The only legal weapons to take, or attempt to take, deer are shotguns, muzzleloading rifles, and handguns and their respective ammunitions as prescribed by 17 Ill. Adm. Code 650.30(a)~~, (b) and (c); and bows and arrows as prescribed by 17 Ill. Adm. Code 670.30~~.

b) Hunters with valid, unused permits from the previous firearm, muzzleloader or~~,~~ youth ~~or archery~~ seasons may use only the weapons allowed by that permit in those respective seasons. Hunters with a valid CWD Season Deer Permit may use any of the weapons described in subsection (a).

c) It shall be unlawful to use or possess any firearm or~~,~~ ammunition~~, or bow and arrow~~ other than allowed by subsection (a) in the field while hunting white-tailed deer during the CWD Deer Hunting Season. However, the lawful possession of firearms to take furbearing mammals and game mammals other than deer by persons other than deer hunters shall not be prohibited during the CWD Deer Hunting Season as set in Section 675.10. Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 33 Ill. Reg. 11593, effective July 27, 2009)

Section 675.40 CWD Deer Hunting Rules

a) Persons using unfilled permits from the previous firearm, muzzleloader or~~,~~ youth ~~or archery~~ deer season (see Section 675.20(a)) may only take deer appropriate for that permit type (either-sex or antlerless-only).

b) An either-sex permit holder is allowed to take a deer with or without antlers, and an antlerless-only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long.

c) The bag limit is one deer per legally authorized either-sex or antlerless-only permit. Deer taken during the CWD Season are not subject to the antlered deer bag limit restrictions imposed during the firearm, muzzleloader, youth and archery deer hunting seasons.

d) The harvest tag must be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the harvest tag to the deer in the manner prescribed in Section 675.50 and on the permit. ~~The temporary harvest tag must be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the temporary harvest tag to the deer. The temporary harvest tag should be attached around the base of the antler of antlered deer (antlers 3 or more inches in length) and attached to the leg of antlerless deer (<3 inch antler length, or no antlers). A permanent harvest tag will be attached to the leg of the deer upon checking at the check station. If the head/antlers are delivered to a taxidermist for processing, the temporary harvest tag must accompany them and be kept with the head/antlers while at the~~

~~taxidermist's. If the carcass is taken to a meat processor, the permanent harvest tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a tanner for processing must supply the tanner with their deer permit number to verify lawful acquisition. In the absence of a permit number, the tanner may rely on the written certification of the person from whom the deer was received that the specimen was legally taken or obtained.~~

e) Hunters shall not have in their possession, while in the field during the CWD Deer Hunting Season, any deer permit issued to another person (permits are non-transferrable).

f) Permits shall not be re-issued in cases involving deer taken that are found to be diseased or spoiled due to previous injury. Disposal of unfit deer taken shall be the responsibility of the hunter. For those hunters participating in the Department's Chronic Wasting Disease Surveillance Program, a free permit for the same county or special hunt area will be made available the subsequent year if their tested deer is determined to have CWD.

g~~f~~) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24), except unlawful take or possession of 2 or more deer within 90 days is a Class 4 felony, and unlawful take of 2 or more deer as a single act, possession or course of conduct is a Class 3 felony (see 520 ILCS 5/2.36(a)).

(Source: Amended at 33 Ill. Reg. 11593, effective July 27, 2009)

Section 675.50 Reporting Harvest

a) Successful hunters must register their harvest by 10:00 p.m. on the same calendar day the deer was taken by calling the toll-free telephone check-in system at 1-866-ILCHECK or by accessing the on-line check-in system at http://dnr.state.il.us/vcheck. They will be provided with a confirmation number to verify that they checked in their harvest. This number must be written by the hunter on the harvest tag (leg tag). If the condition of the tag precludes writing on the tag in the appropriate space (i.e., bloody, etc.), the confirmation number shall be written elsewhere on the tag or onto a piece of paper and attached to the deer along with the temporary harvest tag. The deer must remain whole (or field dressed) until it has been checked in. In instances in which deer are checked in

while the hunter is still afield, the deer may not be dismembered while afield beyond quartering the animal. If quartered, all parts of the carcass (except the entrails removed during field dressing) must be transported together and evidence of sex must remain naturally attached to one quarter. Evidence of sex is:~~The deer shall be taken whole (or field dressed) to a designated CWD Deer Hunting Season check station by the hunter in person by 8:00 p.m. of the day the deer was killed. If a hunter is not able to locate a harvested deer in sufficient time to enable checking in the deer by 8:00 p.m., the hunter must take the deer to the appropriate check station upon its opening (8:00 a.m.) the following morning, or immediately upon retrieving it if that occurs later than the opening of the check station. If this situation occurs on a Sunday (e.g., the check station will not be open on Monday), the hunter must contact the appropriate regional DNR Law Enforcement Office by 10:00 a.m. Monday morning for instructions on checking in the deer. Failure to follow this Section constitutes illegal possession of deer.~~

1) For a buck: head with antlers attached to carcass or attached testicle, scrotum, or penis.

2) For a doe: head attached to carcass or attached udder (mammary) or vulva.

b) The harvest tag (leg tag) and confirmation number must remain attached to the deer until it is at the legal residence of the person who legally took or possessed the deer and final processing is completed. If the head/antlers are delivered to a taxidermist for processing, the confirmation number must be recorded on the "head tag" portion of the permit and both must remain with the deer while at the taxidermist's. If the carcass is taken to a meat processor, the harvest tag (leg tag) with confirmation number must remain with the deer while it is processed and until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a tanner for processing must supply the tanner with either their deer permit number, their confirmation number, or a written certification by the person from whom the deer was received that the specimen was legally taken or obtained.

c) Site-specific reporting requirements must be followed in addition to this Section.

d~~b~~) Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 33 Ill. Reg. 11593, effective July 27, 2009)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Late-Winter Deer Hunting Season

2) Code Citation: 17 Ill. Adm. Code 680

3)

Section Numbers:	Adopted Action:
680.10	Amendment
680.20	Amendment
680.70	Amendment
680.80	Amendment

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36]

5) Effective Date of Amendments: July 27, 2009

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

7) Does this rulemaking contain incorporations by reference? No

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

9) Notice of Proposal Published in Illinois Register: May 8, 2009; 33 Ill. Reg. 6476

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

11) Differences between proposal and final version: In Section 680.20(f), reinstated "unless the Department has erroneously issued the permit".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary

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

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

15) Summary and Purpose of Rulemaking: This rulemaking updates statewide program changes, extends the length of the hunting season from 3 days to 7 days (one 4-day

segment beginning the first Thursday after Christmas and one 3-day segment beginning the Friday after January 11), creates two categories of counties open to the late-winter season and changes the permitting system from an application/lottery to one in which season participants may purchase permits over-the-counter.

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

Mitchell Cohen, General Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

PART 680
LATE-WINTER DEER HUNTING SEASON

Section

680.10 Statewide Season
680.20 Statewide Deer Permit Requirements
680.25 Deer Permit Requirements – Free Landowner/Tenant Permits (Repealed)
680.30 Deer Permit Requirements – Group Hunt
680.40 Statewide Firearm Requirements for Late-Winter Deer Hunting
680.50 Statewide Deer Hunting Rules
680.60 Reporting Harvest
680.70 Rejection of Application/Revocation of Permits
680.80 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

SOURCE: Adopted at 15 Ill. Reg. 13353, effective September 3, 1991; amended at 16 Ill. Reg. 15446, effective September 28, 1992; amended at 17 Ill. Reg. 18810, effective October 19, 1993; amended at 18 Ill. Reg. 15739, effective October 18, 1994; amended at 19 Ill. Reg. 15422, effective October 26, 1995; amended at 20 Ill. Reg. 10906, effective August 5, 1996; amended at 21 Ill. Reg. 9128, effective June 26, 1997; amended at 22 Ill. Reg. 14875, effective August 3, 1998; amended at 24 Ill. Reg. 8975, effective June 19, 2000; amended at 26 Ill. Reg. 13820, effective September 5, 2002; emergency amendment at 28 Ill. Reg. 1032, effective January 6, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 2197, effective January 26, 2004; amended at 28 Ill. Reg. 15503, effective November 19, 2004; amended at 29 Ill. Reg. 20462, effective December 2, 2005; amended at 30 Ill. Reg. 14508, effective August 24, 2006; amended at 31 Ill. Reg. 13180, effective August 30, 2007; amended at 32 Ill. Reg. 19736, effective December 3, 2008; amended at 33 Ill. Reg. 11601, effective July 27, 2009.

Section 680.10 Statewide Season

a) Season: One-half hour before sunrise on the first Thursday after December 25~~Friday after January 11~~ to ½ hour after sunset on the following Sunday, and ½ hour before sunrise on the first Friday after January 11 to ½ hour after sunset on

the following Sunday. Shooting hours are ½ hour before sunrise to ½ hour after sunset. Hunting prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum $500 fine and a maximum $5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).

b) For the purpose of removing surplus deer, the Department of Natural Resources (Department) shall open select counties and sites to firearm deer hunting during the Late-Winter Deer Season. The Department shall notify the public of the counties that are projected to have surplus deer populations via a public announcement. ~~These counties also will be listed in the instructions contained in the current Late-Winter Deer Permit Application.~~

c) Counties opened to the Late-Winter Deer Season shall be categorized into two groups:

1) Unit A − consisting of counties with deer populations considerably above goal that require a significant harvest increase; and

2) Unit B − consisting of counties requiring less significant harvests to maintain or achieve deer population goals.

d~~e~~) Hunting outside the set season dates or without a valid permit for the county hunted in is a Class B misdemeanor (see 520 ILCS 5/2.24). Hunting prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum $500 fine and a maximum $5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).

(Source: Amended at 33 Ill. Reg. 11601, effective July 27, 2009)

Section 680.20 Statewide Deer Permit Requirements

a) Illinois resident hunters must have a current, valid Late-Winter Deer Season Permit ($15), or an unfilled firearm, muzzleloader or youth deer permit valid for the previous firearm, muzzleloader or youth deer season and valid for one of the open counties. Nonresident hunters must have an unfilled firearm or muzzleloader deer permit valid for the previous firearm or muzzleloader deer season and valid for one of the open counties. A Late-Winter Deer Season Permit is issued for one county or special hunt area and is valid only in the county or special hunt area stated on the permit. Unfilled firearm, muzzleloader or youth

deer permits are valid only for the county for which they were originally issued, except that unfilled landowner property-only hunting firearm deer permits are valid only for the farmlands that the person to whom it was issued owns, leases, or rents within the open counties/portions of counties.

1) Unfilled firearm, muzzleloader or youth deer permits that were originally issued for special hunt areas are not valid during the Late-Winter Season unless:

A) the hunter's name is redrawn at the daily site lottery to hunt at the same special hunt area during the Late-Winter Season; or

B) the special hunt area is open to persons with a county permit and the special hunt area does not conduct a daily site lottery.

2) Sites conducting a daily site lottery will be announced publicly. ~~For permit applications and other information write to:~~

~~Department of Natural Resources~~
~~(Late-Winter Deer Season)~~
~~Deer Permit Office~~
~~Post Office Box 19227~~
~~Springfield IL 62794-9227~~

b) Resident Late-Winter Deer Permits will be available for sale over-the-counter (OTC) from agents designated by the Department (pursuant to 17 Ill. Adm. Code 2520) beginning December 1 through the last day of the Late-Winter Deer Season. For counties in Unit A, there shall be no limitation on permit sales; hunters may purchase as many permits as they wish for any or all of the included counties. For counties in Unit B, hunters may purchase only a single permit for each of the included counties~~Applications shall be accepted as soon as they are available through the tenth weekday in November for the Late-Winter Deer Season in the following January. Applications received after the tenth weekday in November shall not be included in the drawing. Permits shall be allocated in a random drawing. Permits not correctly filled out shall be rejected from the random drawing. Permits shall be issued as antlerless-only~~.

c) For the applicant to be eligible to receive a Late-Winter Deer Permit ($15), he/she must be an Illinois resident and not have had his/her deer hunting privileges

suspended or revoked in this State pursuant to Section 3.36 of the Wildlife Code [520 ILCS 5/3.36]. Lifetime licenses issued after August 15, 2006 shall not qualify a non-resident of Illinois for a resident deer permit~~In-person, mail-in and electronic applications shall receive equal treatment in the drawings~~s.

d) Hunters purchasing Late-Winter Deer Permits must supply all necessary application information to the agents in order to properly complete the permit~~Each applicant must apply using the official agency Late-Winter Deer Permit Application, and must complete all portions of the form~~.

~~e) For the applicant to be eligible to receive a Late-Winter Deer Permit ($15), he must be an Illinois resident and not have had his deer hunting privileges suspended or revoked in this State pursuant to Section 3.36 of the Wildlife Code [520 ILCS 5/3.36]. Lifetime licenses issued after August 15, 2006 shall not qualify a non-resident of Illinois for a resident deer permit.~~

~~f) It shall be unlawful to apply for or receive more than one permit for the Late-Winter Deer season.~~

~~g) Applications shall be accepted at the counter window of the permit office; however, permits shall be mailed.~~

e~~h~~) Recipients of the Late-Winter Deer Hunting Permit shall record their signature on the permit and must carry it on their person while hunting.

f~~i~~) Permits are not transferable. Refunds shall not be granted unless the Department has erroneously issued the permit~~ after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit~~.

g~~j~~) A $3 service fee shall be charged for replacement permits~~ issued by the Department, except when permits are lost in the mail, then there shall be no charge~~. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.

h~~k~~) Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 33 Ill. Reg. 11601, effective July 27, 2009)

Section 680.70 Rejection of Application/Revocation of Permits

a) In the event that the purchaser of a Late-Winter Deer Permit is in violation of either subsection (a)(1) or (2), the permit will be revoked in addition to any other penalties~~an applicant is in violation of one of the following subsections, the application shall be held in suspension, and the application fees shall be deposited, pending a determination by the permit office of whether the violation was knowing. If the permit office determines the violation was knowing, the application shall be rejected and the fee shall be retained by the Department~~. The applicant may request a hearing on this decision pursuant to 17 Ill. Adm. Code 2530. ~~Should the permit office determine that the violation was without the knowledge of the applicant, the permit office will process only the number of applications allowed by administrative rule with additional applications rejected and fees returned.~~

~~1)~~ ~~Submitting more applications in the same name or by the same person for a Late-Winter Deer Permit than the number of legally authorized permits. Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).~~

1~~2~~) Providing false and/or deceptive information on the deer permit application form~~. Violation~~ is a Class A misdemeanor (see 520 ILCS 5/2.38).

2~~3~~) Purchasing a Late-Winter Deer Permit~~Submitting an application~~ when the applicant has a license or permit currently revoked pursuant to Section 3.36 of the Wildlife Code [520 ILCS 5/3.36]~~. Violation~~ is a Class A misdemeanor (see 520 ILCS 5/3.36).

~~4)~~ ~~Submitting an incomplete or incorrect application.~~

b) Any violation of the Wildlife Code or administrative rules of the Department, in addition to other penalties, may result in revocation of hunting licenses and permits as per 17 Ill. Adm. Code 2530.

(Source: Amended at 33 Ill. Reg. 11601, effective July 27, 2009)

Section 680.80 Regulations at Various Department-Owned or -Managed Sites

Sites will be opened to Late-Winter deer hunting only if the site is announced as being open via a public announcement. A drawing will be held at 5:00 a.m. at the site if more hunters show up

than can be accommodated at sites announced as having a daily hunter quota (e.g., press release, site posting and publication in Outdoor Illinois) ~~and/or the site is listed as being open on the Late-Winter deer season application. Sites allowing standby hunting, along with the required check-in time, will be designated on the Late-Winter Deer Season application~~. Violation of a site specific regulation is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 33 Ill. Reg. 11601, effective July 27, 2009)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Youth Hunting Seasons

2) Code Citation: 17 Ill. Adm. Code 685

3)

Section Numbers:	Adopted Action:
685.10	Amendment
685.20	Amendment
685.30	Amendment
685.60	Amendment
685.80	Repealed
685.110	Amendment

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.24, 2.25, 2.26 and 3.36]

5) Effective Date of Amendments: July 27, 2009

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

7) Does this rulemaking contain incorporations by reference? No

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

9) Notice of Proposal Published in Illinois Register: May 8, 2009; 33 Ill. Reg. 6484

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

11) Differences between proposal and final version: In Section 685.20(e), "Refunds shall not be granted unless the Department has erroneously issued the permit." was reinstated. Also, names of sites were updated to indicate what type of site they are (State Conservation Area or State Fish and Wildlife Area).

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

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

15) Summary and Purpose of Rulemaking: Amendments to this Part remove language regarding permit quotas as they will no longer be set, update permit requirements and change the permitting system for the youth deer season from an application/lottery to one in which season participants may purchase one permit for one open county from license vendors throughout the State, modify language to clarify violations and penalties, repeal Section 685.80 which pertains to the youth white-tailed deer hunt as it has been incorporated into 17 Ill. Adm. Code 650 (White-Tailed Deer Hunting by Use of Firearms), and update site-specific regulations.

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

Mitchell Cohen, General Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

PART 685
YOUTH HUNTING SEASONS

Section

685.10 Statewide Season for White-Tailed Deer Hunting
685.20 Statewide Deer Permit Requirements
685.30 Statewide Firearm Requirements for Hunting the Youth Deer Season
685.40 Statewide Deer Hunting Rules
685.50 Reporting Harvest of Deer
685.60 Rejection of Application/Revocation of Deer Permits
685.70 Regulations at Various Department-Owned or -Managed Sites
685.80 Youth White-Tailed Deer Hunt (Repealed)
685.90 Heritage Youth Wild Turkey Hunt – Spring Season (Repealed)
685.100 Youth Pheasant Hunting (Repealed)
685.110 Youth Waterfowl Hunting
685.120 Youth Dove Hunting (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.24, 2.25, 2.26 and 3.36].

SOURCE: Adopted at 20 Ill. Reg. 12452, effective August 30, 1996; amended at 21 Ill. Reg. 14548, effective October 24, 1997; amended at 25 Ill. Reg. 6904, effective May 21, 2001; amended at 26 Ill. Reg. 4418, effective March 11, 2002; amended at 26 Ill. Reg. 13828, effective September 5, 2002; amended at 27 Ill. Reg. 14332, effective August 25, 2003; amended at 29 Ill. Reg. 20469, effective December 2, 2005; amended at 30 Ill. Reg. 12222, effective June 28, 2006; emergency amendment at 31 Ill. Reg. 12096, effective August 1, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14829, effective October 18, 2007; amended at 32 Ill. Reg. 10115, effective June 30, 2008; amended at 33 Ill. Reg. 11609, effective July 27, 2009.

Section 685.10 Statewide Season for White-Tailed Deer Hunting

a) Season: One-half hour before sunrise on Saturday of the State designated Columbus Day Holiday weekend to ½ hour after sunset on Sunday of that weekend. Shooting hours are ½ hour before sunrise to ½ hour after sunset.

b) Open Counties: All counties except~~Permit quotas shall be set by the Department of Natural Resources (Department) on a county or special hunt area basis.~~ Cook, DuPage and Lake Counties, and that portion of Kane County east of State Route 47~~, are closed to firearm deer hunting~~.

c) Hunting outside the set season dates is a Class B misdemeanor (see 520 ILCS 5/2.24); and hunting prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum $500 fine and a maximum $5,000 fine, in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).

(Source: Amended at 33 Ill. Reg. 11609, effective July 27, 2009)

Section 685.20 Statewide Deer Permit Requirements

a) Illinois resident hunters must have a current, valid "Youth Deer Hunt Permit" ($10). The Youth Deer Season is only open to Illinois residents who have not reached their 16th birthday prior to the opening date of the season. Hunters must have completed a State-approved Hunter Education course and have a hunting license, unless exempt, or have an apprentice hunting license. A permit is issued for one county or special hunt area and is valid only in the county or special hunt area stated on the permit. ~~For permit applications and other information write to:~~

~~Department of Natural Resources~~
~~Youth Deer Permit~~
~~One Natural Resources Way~~
~~P.O. Box 19227~~
~~Springfield IL 62794-9227~~

b) Youth Deer Permits will be available for sale over-the counter (OTC) from agents beginning August 1 through the last day of the Youth Deer Season. Hunters may purchase only a single permit (either-sex) for one of the included counties~~Applications shall be accepted beginning August 1 and ending on the tenth weekday in August for the Youth Deer Season in October. Applications received after the tenth weekday shall not be included in the drawing. Permits shall be allocated in a random drawing. Applications not correctly filled out shall be rejected from the random drawing. If more space is available than the number of applications received, remaining permits will be filled in random daily drawings~~.

~~c)~~ ~~In-person and mail-in applications shall receive equal treatment in the drawings.~~

~~d)~~ ~~Each applicant must apply using the official agency Youth Deer Hunt Permit Application, and must complete all portions of the form. No more than six applications per envelope shall be accepted. Each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications for regular firearm, muzzleloading rifle, archery, handgun, free or paid landowner/tenant permits, and youth deer season permits.~~

c)~~e)~~ For the applicant to be eligible to receive a Youth Deer Season Permit ($10), applicant must be an Illinois resident and not have had his or her deer hunting privileges suspended or revoked in this State pursuant to Section 3.36 of the Wildlife Code [520 ILCS 5/3.36].

~~f)~~ ~~Deer hunting seminars covering deer hunting safety and aspects of deer hunting will be made available to participating youths.~~

d)~~g)~~ Recipients of the Youth Deer Season Hunt Permit shall record their signature on the permit and must carry it on their person while hunting.

e)~~h)~~ Permits are not transferable. Refunds shall not be granted unless the Department has erroneously issued the permit~~after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit~~.

f)~~i)~~ A $3 service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail there will be no charge. Monies derived from this source will be deposited in the Wildlife and Fish Fund.

~~j)~~ ~~Each applicant must enclose a separate $10 check or money order payable to the Department of Natural Resources, or the application shall be returned. Applicants should not send cash with their applications. The Department shall not be responsible for cash sent through the mail.~~

g)~~k)~~ Permits issued for the Youth Deer Hunt season will not be counted in the number of gun permits a person can receive for the Firearm and Muzzleloader-Only Deer Season.

~~l)~~ ~~Providing false information on an application is a Class A misdemeanor (see 520 ILCS 5/2.38).~~

h)~~m)~~ Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 33 Ill. Reg. 11609, effective July 27, 2009)

Section 685.30 Statewide Firearm Requirements for Hunting the Youth Deer Season

a) Specifications of legal firearms and their respective legal ammunition for the Youth Deer Hunt are:

1) Shotgun, loaded with slugs only, of not larger than 10 nor smaller than 20 gauge, not capable of firing more than 3 consecutive slugs;

2) A single or double barreled muzzleloading firearm of at least .45 caliber shooting a single projectile through a barrel of at least sixteen inches in length;

3) The minimum size of the firearm projectile shall be .44 caliber. A wad or sleeve is not considered a projectile or part of the projectile. Non-expanding, military-style full metal jacket bullets cannot be used to harvest white-tailed deer; only soft point or expanding bullets (including copper/copper alloy rounds designed for hunting) are legal ammunition.

b) The standards and specifications for use of such muzzleloading firearms are as follows:

1) A muzzleloading firearm is defined as a firearm that is incapable of being loaded from the breech end.

2) Only black powder or a black powder substitute such as Pyrodex may be used. Modern smokeless powders (nitrocellulose-based) are an approved blackpowder substitute only in muzzleloading firearms that are specifically designed for their use.

3) Percussion caps, wheellock, matchlock or flint type ignition only may be used, except the Connecticut Valley Arms (CVA) electronic ignition shall be legal to use.

4) Removal of percussion cap, or removal of prime powder from frizzen pan

with frizzen open and hammer all the way down, or removal of prime powder from flashpan and wheel un-wound, or removal of prime powder and match with match not lit, or removal of the battery from the CVA electronic ignition muzzleloader, shall constitute an unloaded muzzleloading firearm.

c) It shall be a Class B misdemeanor (see 520 ILCS 5/2.24) to use or possess any type of firearm or ammunition in the field other than those specifically authorized by this rule while hunting white-tailed deer during the Youth Deer Hunting Season, but archery deer hunters in possession of a valid archery deer permit may hunt during this season provided that, in ~~county or~~ counties open to youth deer hunting, they wear the orange garments required of gun deer hunters. The otherwise lawful possession of firearms to take furbearing mammals and game mammals other than deer by persons other than youth deer hunters or their supervisors shall not be prohibited during the Youth Deer Hunting Season as set in Section 685.10.

(Source: Amended at 33 Ill. Reg. 11609, effective July 27, 2009)

Section 685.60 Rejection of Application/Revocation of Deer Permits

a) In the event that the purchaser of a Youth Deer Permit is in violation of either subsection (a)(1) or (a)(2), the permit will be revoked in addition to any other penalties. The purchaser may request a hearing on this decision pursuant to 17 Ill. Adm. Code 2530~~an applicant commits one of the violations described in subsections (a)(1) through (4), the application shall be held in suspension, and the application fees shall be deposited, pending a determination by the Department of whether the violation was knowing. If the Department determines the violation was knowing, the application shall be rejected and the fee shall be retained by Natural Resources. The applicant may request a hearing on this decision pursuant to 17 Ill. Adm. Code 2530. Should it be determined that the violation was without the knowledge of the applicant, the permit office will process the application~~.

1) Providing false and/or deceptive information on the deer permit form, which is a Class A misdemeanor (see 520 ILCS 5/2.38)~~Submitting more than one application in the same name or by the same person for a Youth Deer Hunt Permit~~.

2) Purchasing a Youth Deer Permit when the purchaser has a license or

permit currently revoked pursuant to Section 3.36 of the Wildlife Code, which is a Class A misdemeanor (see 520 ILCS 5/3.36)~~Providing false and/or deceptive information on the deer permit application form~~.

~~3)~~ ~~Submitting an application when the applicant has a license or permit currently revoke pursuant to Section 3.36 of the Wildlife Code [520 ILCS 5/3.36].~~

~~4)~~ ~~Submitting an incomplete or incorrect application.~~

b) Any violation of the Wildlife Code, in addition to other penalties, may result in revocation of hunting licenses and permits as per 17 Ill. Adm. Code 2530.

(Source: Amended at 33 Ill. Reg. 11609, effective July 27, 2009)

Section 685.80 Youth White-Tailed Deer Hunt (Repealed)

~~Statewide regulations shall apply except as noted in parentheses at the following sites by special permit allocated through the regular statewide drawing. Shooting is allowed from elevated tree stands, except as noted in parentheses. Applicants must not have reached their 16th birthday, have completed a State-approved Hunter Education course and have a hunting license, unless exempt, by the start of the Youth Deer Season. Only one tree stand is allowed per person. Tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands may be set up the day before the hunt and shall be removed the day after. All tree stands must be marked with a site assigned identification number. Check-in, check-out and report of harvest is required. Violation of a site-specific regulation is a Class B misdemeanor (see 520 ILCS 5/2.24).~~

~~Crab Orchard National Wildlife Refuge (public hunting area only, except area north of Route 13 is closed to firearm deer hunting)~~

~~Dixon Springs State Park~~

~~Lake Le Aqua Na State Park (hunting from Department established ground blinds only; first season only; permits shall be antlerless only; youth hunters may purchase a $5 either sex permit after harvesting an antlerless deer; supervisors may hunt, but may only take antlerless deer)~~

(Source: Repealed at 33 Ill. Reg. 11609, effective July 27, 2009)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Section 685.110 Youth Waterfowl Hunting

a) Permit Requirements

1) Permit reservations shall be accepted starting in September. Initial acceptance dates shall be publicly announced. Applicants must be between the ages of 10-15 inclusive on the date of the hunt.

2) Only one permit per person shall be issued for the hunt on ~~the first weekday after~~ December 27~~26 other than a Monday~~ at Horseshoe Lake State Fish and Wildlife Area (Alexander County) and Union County State Fish and Wildlife Area and on the Sunday immediately preceding the first firearm deer season as set forth in 17 Ill. Adm. Code 650.10 at Donnelley/DePue State Wildlife Area (3 "i" unit), and on the first weekend and third Saturday of the Illinois Central Zone Waterfowl season at Donnelley State Wildlife Area, and on the second Sunday in November of the Illinois Central Zone Waterfowl season at Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit.

3) The permit shall be for the use of the entire blind and it shall be the responsibility of the permit holder to bring one supervising adult who may also hunt. The supervising adult shall be criminally liable for the actions of the youth in the hunting party, and be subject to the criminal penalties provided by law. Each youth and supervising adult may be accompanied by a non-hunting guide. The maximum number of people in a blind is two hunting youth, two hunting adults and a non-hunting guide.

4) Permit reservations and transferability.

A) All duplicate permit reservations shall be rejected and the hunter shall forfeit his rights to a permit. Permits are not transferable. Previous participants are ineligible to apply for a permit.

B) For other information write to:

Illinois Department of Natural Resources
Youth Waterfowl Hunt
One Natural Resources Way

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

P.O. Box 19457
Springfield IL 62794-9457

5) Permits for the Illinois Youth Waterfowl Hunt will be issued from the Springfield Permit Office.

b) General Waterfowl Hunting Regulations at the Youth Waterfowl Hunting Areas

1) Hours, Permits and Stamp Charges

A) Hunting hours at Horseshoe Lake State Conservation Area (Alexander County) and Union County are from legal opening until 12:00 Noon on the day of the Youth Waterfowl Hunt. Hunting hours at Donnelley/DePue State Wildlife Area (3 "i" Unit), Banner Marsh State Fish and Wildlife Area and Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit are from statewide opening to 1:00 p.m. on the days of the youth waterfowl hunts.

B) At Union County State Fish and Wildlife Area and Horseshoe Lake State Fish and Wildlife Area (Alexander County), hunters with Illinois Youth Waterfowl Hunt Permit reservations are required to check in at the check station between 4:30 a.m. and 5:00 a.m. Permits are void after 5:00 a.m. A drawing shall be held on the morning of the hunt to allocate blind sites.

C) At Donnelley/DePue State Wildlife Area (3 "i" Unit) and Banner Marsh Fish and Wildlife Area, hunters with Illinois Youth Waterfowl Hunt Permit reservations are required to check in one hour before shooting time. The blinds will be allocated by drawing. For the youth hunts other than the Illinois Youth Waterfowl Hunt, hunters with permit reservations must check in at the check station no later than one hour before shooting time or the permit is void.

D) At Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit, hunters with Illinois Youth Waterfowl Permit reservations are required to check-in at the check station no later than one hour before legal shooting time, after which time permits

are void. A drawing shall be held on the morning of the hunt to allocate blind sites.

E) There is no fee for the Illinois Youth Waterfowl Hunting Permit.

2) Hunting must be done from assigned blinds only and hunters, unless authorized, shall not move from blind to blind or leave the blind and return.

3) Guns must be unloaded and encased at all times when not hunting.

4) At Union County State Fish and Wildlife Area and Horseshoe Lake State Fish and Wildlife Area (Alexander County), each youth shall not possess more than 25 shells. Each adult shall not possess more than 5 shells for each Canada goose allowed in the daily bag. Hunters without their guns may leave the blind to retrieve crippled waterfowl.

5) At Rend Lake State Fish and Wildlife Area, hunters participating in the youth hunt must sign in and out, no entry into subimpoundments before 4:30 a.m. and must be out of subimpoundments by 2:00 p.m. A drawing will be held at 4:00 a.m. each day of the youth hunt for hunters wanting to hunt the Casey Fork impoundment. Drawing will be held at the Cottonwood Access Area.

c) Special Hunts
If, by regulation published in the Federal Register, the U.S. Fish and Wildlife Service sets any special dates for youth-only waterfowl hunting, the Department shall, by public announcement, open those Department sites that, under the circumstances prevailing at the time, the Department believes may be opened without unduly disturbing other Department programs.

d) Violations of this Section are Class B misdemeanors (see 520 ILCS 5/2.18), except that hunting prior to ½ hour before sunrise is a Class A misdemeanor with a minimum $500 fine and a maximum $5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).

(Source: Amended at 33 Ill. Reg. 11609, effective July 27, 2009)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

1) Heading of the Part: Issuance of Licenses

2) Code Citation: 92 Ill. Adm. Code 1030

3) Section Number: 1030.14 — Adopted Action: New Section

4) Statutory Authority: Public Act 95-0898; 625 ILCS 5/2-104

5) Effective Date of Amendment: July 22, 2009

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

7) Does this amendment contain incorporations by reference? Yes

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

9) Notice of Proposed Published in Illinois Register: 33 Ill. Reg. 6243; May 1, 2009

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

11) Differences between proposal and final version: Technical, non-substantive changes were made as suggested by JCAR.

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

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

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

Section Number:	Proposed Action:	Illinois Register Citation:
1030.92	Amendment	33 Ill. Reg. 8890; June 26, 2009

15) Summary and Purpose of Amendment: The statute creates a database of emergency contacts for persons holding instruction permits, driver's licenses and identification cards that choose to participate. It allows these persons to provide name, address, telephone, if the contact has a telephone, and relationship information on no more than two persons

who they wish to have contacted by law enforcement if the person is involved in a motor vehicle accident or other emergency situation and is unable to communicate with those contacts themselves. The rules address the method of access and specify that only that participant can add, modify, or delete an emergency contact record. Emergency contact records may only otherwise be modified to update applicant/participant name information if it is changed by him/her on the Secretary of State's driver license and identification card database. It specifies that the Secretary of State will delete a record only if and when the participant no longer has an Illinois instruction permit, driver's license or identification card record on the Secretary of State database that can be associated with the emergency contact record. It reiterates the statutory requirement that only law enforcement can be given access to the database unless the Secretary of State's Office is in receipt of a court order directing the Office to do otherwise.

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

Arlene J. Pulley
Office of the Secretary of State
Driver Services Department
2701 South Dirksen Parkway
Springfield, Illinois 62723

217/557-4462

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

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1030
ISSUANCE OF LICENSES

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SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT

1030.93 Restricted Local Licenses
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1030.APPENDIX A Questions Asked of a Driver's License Applicant
1030.APPENDIX B Acceptable Identification Documents

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

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg.

12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill. Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007; amended at 31

Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg. 11342, effective July 18, 2007; amended at 31 Ill. Reg. 14547, effective October 9, 2007; amended at 31 Ill. Reg. 14849, effective October 22, 2007; amended at 31 Ill. Reg. 16543, effective November 27, 2007; amended at 31 Ill. Reg. 16843, effective January 1, 2008; emergency amendment at 32 Ill. Reg. 208, effective January 2, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 6544, effective April 4, 2008; amended at 33 Ill. Reg. 2391, effective January 21, 2009; amended at 33 Ill. Reg. 8489, effective June 5, 2009; amended at 33 Ill. Reg. 9794, effective June 29, 2009; amended at 33 Ill. Reg. 11620, effective July 22, 2009.

Section 1030.14 Emergency Contact Database

a) The Illinois Secretary of State shall establish an emergency contact database. Eligible participants are any person for whom an instruction permit, driver's license, or identification card record exists and can be authenticated on the Secretary of State driver's license and identification card database.

b) For the purposes of this Section, "emergency" is defined as a motor vehicle accident, accident involving another mode of transportation, a natural disaster, a criminal act, or similar unforeseen emergency circumstance in which a victim sustains injuries that render him or her unable to independently communicate with emergency contacts, contact information is not otherwise available, and immediate communication with a next of kin or other designated emergency contact is necessary in order to support the provision of needed emergency medical assistance or needed notification by law enforcement.

c) Participation in the emergency contact database shall be made available through the Secretary of State's official web site. The applicant/participant shall be responsible for initiation of participation in the database, and for modification of and deletion of an existing emergency contact record. Emergency contact records may otherwise be modified only to update applicant/participant name information if it is changed by the applicant/participant on the Secretary of State's driver's license and identification card database. Emergency contact records shall otherwise not be modified and shall otherwise only be deleted when the driver's license or identification record no longer exists on the Secretary of State's driver's license and identification card database.

d) No more than two contact persons may be selected by each applicant/ participant. The applicant shall be responsible for the accuracy and completeness of all information submitted.

e) The applicant/participant in the emergency contact database shall provide sufficient information to allow for authentication of the instruction permit, driver's license or identification card record, and shall provide sufficient information regarding each contact's name, address, telephone number if the contact has a telephone, and relationship to the applicant/participant to allow for the identification of and location of his/her chosen contacts by law enforcement accessing the database.

f) All requests to add, modify or delete a record in the emergency contact database shall be confidential. Information contained in the emergency contact database shall only be released to law enforcement in the course of official duties or pursuant to a court order.

(Source: Added at 33 Ill. Reg. 11620, effective July 22, 2009)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULES

1) Heading of the Part: Payments to Certain Facilities Under Section 14-7.05 of the School Code

2) Code Citation: 23 Ill. Adm. Code 405

3)

Section Numbers:	Adopted Action:
405.10	New Section
405.20	New Section
405.30	New Section
405.40	New Section
405.50	New Section
405.60	New Section
405.70	New Section

4) Statutory Authority: 105 ILCS 5/2-3.6

5) Effective Date of Rulemaking: July 22, 2009

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

7) Does this rulemaking contain incorporations by reference? No

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

9) Notice of Proposal Published in Illinois Register: March 6, 2009; 33 Ill. Reg. 3987

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

11) Differences between proposal and final version:

In Section 405.10, the following phrase was added at the end of the introduction and two other related changes were made: ", or to districts' payment for educational services provided on their behalf by contractual agents".

In Section 405.30(a), the following introductory clause was added: "In addition to providing notice to the district of residence as required by Section 14-7.05 of the School code, and".

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULES

In Section 405.30(e), the following statement now concludes that subsection: "When this is the case, the district's responsibility for payment begins with the date on which the district received notice from either the provider or the placing agent regarding the student's placement.".

New subsection 405.30(g) was added.

Section 405.40(a)(2) was modified to distinguish between qualifications for a general education teacher and a special education teacher by adding the following statement: "general education teacher who serves the affected student holds the qualifications required pursuant to Subpart G of the rules of the State Board of Education for Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)". In addition, "special education to the affected student" was added in the last line preceding subsections (a)(2)(A-D).

In Section 405.40(a)(2)(D), "positions" was changed to "position".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR.

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

14) Are there any other proposed rulemakings pending on this Part? No

15) Summary and Purpose of Rulemaking: This new set of rules responds to Public Act 95-938, which was enacted in the summer of 2008. That legislation revised Section 14-7.05 of the School Code by establishing some conditions on the obligation of a school district to pay the provider of a program that is not approved under Part 401 of the State Board's rules (Special Education Facilities Under Section 14-7.02 of the School Code) for the costs of educating a student with a disability who is placed into a residential facility by a court or a state agency. The new provisions require that the provider of the program furnish three elements of proof to SBE, as well as enrollment and attendance information. Unless this information is provided to SBE's satisfaction, the student's district of residence will not be under any obligation to pay the provider.

In addition to the obvious need to state in rule what will be considered satisfactory proof or information in each of the areas specified in the law, there is a need to set forth some procedures that will ensure communication among the provider, SBE staff, and the district of residence. In particular, agency staff will need to know that a student has been

placed, and the provider will need to know what information to submit and how to submit it so that payment by the district will eventually be warranted. Similarly, the district of residence will have to be notified of its obligation and of the amount involved. Section 405.30 has been written to initiate the flow of all this information in a timely manner.

Section 405.40 explains "satisfactory proof" in the areas required by the statute.

- For "appropriate certification of teachers for the student population", the proof will include a description of the program and the student population involved and a list identifying all the teachers serving in the program. The certificates held by those individuals must be those that are acceptable for serving students with disabilities in the public schools and in programs approved under Part 401.

- For "age-appropriate curriculum", the proof will involve a showing that the provider bases the program on the current levels of academic achievement of the students and affords them access to the general curriculum in ways that will help them make progress in achieving the Illinois Learning Standards; that academic assessments are comparable to those administered to other students of the same age; that the age range in classes does not exceed that permissible in the public schools and in programs approved under Part 401; and that the setting is age-appropriate.

- For "ability to implement the child's IEP", proof will need to consist of information showing the availability of all the professional staff time that is needed for delivery of the services specified in the individualized education program, including assurances that paraprofessionals are not used in place of qualified professionals.

In addition, Section 405.40 requires information about enrollment in the program generally and certain early information about the attendance of the student in question. This will be complemented by the quarterly attendance reports called for in Section 405.50.

The final substantive matter that needs to be dealt with is the amount for which the student's district of residence will be responsible. The statute states that "the resident district's financial responsibility and reimbursement must be calculated in accordance with the provisions of Section 14-7.02 of the School Code." The rate-setting methodology used by the Illinois Purchased Care Review Board implements Section 14-7.02 and is thus the obvious choice in this instance as well. Accordingly, Section 405.60

calls for use of that method, while making it clear that programs need not seek approval from SBE under Part 401 in order to qualify for payment in the instances discussed in Section 14-7.05 of the School Code.

It should be noted that SBE staff will need to conduct certain outreach and awareness efforts so that the staff of juvenile courts and other placing agencies will be aware of the requirements of Section 14-7.05 and these new rules. By identifying contacts in those offices, providing them with the necessary materials, and urging them to pass those on to providers when students are placed, the agency hopes to ensure that the necessary information will be available to those affected when they need to use it. Additional means of promoting awareness, including especially the agency's web site, will also be used. These preparations will occur "behind the scenes" and do not need to be described in the rules.

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

Tim Imler, Division Administrator
Division of Funding and Disbursements
Illinois State Board of Education
100 North First Street, E-320
Springfield, Illinois 62777-0001

217/782-4870

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED RULES

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER l: NONPUBLIC ELEMENTARY AND SECONDARY SCHOOLS

PART 405
PAYMENTS TO CERTAIN FACILITIES UNDER
SECTION 14-7.05 OF THE SCHOOL CODE

Section
405.10 Purpose and Applicability
405.20 Definitions
405.30 Procedural Requirements
405.40 Satisfactory Proof
405.50 Quarterly Attendance Reports
405.60 Calculation of Costs
405.70 Termination of Placement

AUTHORITY: Implementing Section 14-7.05 of the School Code [105 ILCS 5/14-7.05] and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.6].

SOURCE: Adopted at 33 Ill. Reg. 11627, effective July 22, 2009.

Section 405.10 Purpose and Applicability

This Part applies to the obligation of school districts to pay the cost of educating students who are served, pursuant to Section 14-7.05 of the School Code [105 ILCS 5/14-7.05], in residential facilities providing educational programs that are not approved by the State Board of Education. This Part shall not apply to districts' payment for educational services in programs approved under the rules of the State Board of Education for Special Education Facilities Under Section 14-7.02 of the School Code (23 Ill. Adm. Code 401), to districts' payment for educational services provided by other school districts (see 23 Ill. Adm. Code 130, Determining Special Education Per Capita Tuition Charge), or to districts' payment for educational services provided on their behalf by contractual agents. The purposes of this Part are:

a) to establish procedures and timelines for providers' presentation of the required proof as a prerequisite to districts' payment of the cost of educating affected students;

b) to identify the proof that will be considered as adequate evidence of programs' conformance with the requirements identified in Section 14-7.05 of the School Code; and

c) to establish a uniform basis for the calculation of the costs for which districts will be responsible under Section 14-7.05 of the School Code.

Section 405.20 Definitions

"Affected Student": For purposes of this Part, *an individual with a disability*, as defined in Sections 14-1.02 and 14-1.03a of the School Code [105 ILCS 5/14-1.02 and 14-1.03a], *whose placement in a residential facility has been made or paid for by an Illinois public State agency or made by any court in Illinois* (Section 14-7.05 of the School Code), when the educational program provided to the student has not been approved pursuant to 23 Ill. Adm. Code 401 (Special Education Facilities Under Section 14-7.02 of the School Code).

"Facility": Physical premises where a provider offers services.

"Program": A set of educational services, residential services, or both that is designed to serve students who have similar educational needs. An "educational program" is one that consists of instruction, supportive services, supplies, materials, adjustments to the physical plant, and activities intended to lead to students' attainment of the annual goals and short-term objectives set forth in their Individualized Education Programs (IEPs).

"Provider": An organization not approved under Section 14-7.02 of the School Code and 23 Ill. Adm. Code 401 that offers special educational services to students with disabilities pursuant to Section 14-7.05 of the School Code.

Section 405.30 Procedural Requirements

a) In addition to providing notice to the district of residence as required by Section 14-7.05 of the School Code, and no later than 15 days after a provider is notified of the placement of an affected student and wishes to receive payment from the student's district of residence for the cost of educating that student, the provider shall furnish to the State Superintendent of Education, using a method and format specified by the State Superintendent, as much of the following information as may be available to the provider:

1) the affected student's full name and date of birth;

2) contact information for the student's parent or guardian;

3) the placing authority;

4) the effective date of the placement and the date on which educational services began or will begin, as applicable;

5) the ending date of the placement, if any has been established;

6) the unique identifying number assigned to the student by the Student Information System (see 23 Ill. Adm. Code 1.75);

7) the student's district of residence; and

8) the provider's calendar for the educational program for the school year in which the placement occurs.

b) No later than 15 days after an affected student's placement into an educational program, the provider shall submit the documentation and information required under Section 405.40 of this Part to the State Superintendent of Education, using a method and format specified by the State Superintendent. However, when an affected student's placement occurs during the month of June, the provider will only be able to preserve the right to payment by the district of residence by submitting the required documentation and information quickly enough to leave time for the district to make payment out of funds available for the fiscal year ending June 30.

c) The State Superintendent or designee shall review the materials submitted pursuant to subsection (b) of this Section and, within ten business days, notify the provider either:

1) that satisfactory proof has been furnished as required by Section 14-7.05 of the School Code; or

2) that the materials submitted do not constitute satisfactory proof in one or more specified respects and the nature of the deficiency.

d) A provider receiving notice of insufficient proof may submit additional documentation related to the identified areas of deficiency, provided that additional submissions received after June 30 following the end of the school year in which the placement occurred shall not be considered and a student's district of residence shall not be obligated to pay the costs of educating the student for that school year.

e) The State Superintendent shall provide copies of all notifications to providers under this Section to the districts of residence of the affected students. *A school district is under no obligation to pay the residential facility until* the district receives notification from the State Superintendent that satisfactory proof has been provided (Section 14-7.05 of the School Code). When this is the case, the district's responsibility for payment begins with the date on which the district received notice from either the provider or the placing agent regarding the student's placement.

f) The decision of the State Superintendent as to the obligation of a school district to make payments pursuant to this Part shall be final, subject to the provisions of the Administrative Review Law [735 ILCS 5/Art. III].

g) Nothing in this Part shall be construed as alleviating the responsibility of any student's district of residence for the development of that student's IEP in accordance with the requirements of 23 Ill. Adm. Code 226.220 and 226.230, or as conferring responsibility for the IEP on any other entity.

Section 405.40 Satisfactory Proof

All information called for in this Section, except the quarterly attendance reports called for in Section 405.50 of this Part, shall be submitted no later than 15 days after an affected student's placement, using the method and format prescribed by the State Superintendent of Education.

a) As satisfactory proof of *appropriate certification of teachers for the student population* (Section 14-7.05 of the School Code) in a given program, the provider of the program shall submit:

1) a description of the program, including the characteristics of the students for whom it is intended and the number of students served;

2) a listing of the names and certificate numbers of all certified teachers assigned to the program, demonstrating that each general education teacher who serves the affected student holds the qualifications required pursuant to Subpart G of the rules of the State Board of Education for Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1) and that each individual who provides special education to the affected student holds:

A) a special preschool-age 21 certificate endorsed for the population to be served, in accordance with the certification policies of the State Board of Education that are in effect pursuant to the federal court orders of February 27 and August 15, 2001, in the matter of Corey H., et al., vs. Board of Education of the City of Chicago, et al; or

B) another teaching certificate that is valid for the grade range of the students served and bears an endorsement or approval for the population served, in accordance with the certification policies identified in subsection (a)(2)(A) of this Section; or

C) a short-term emergency certificate in special education issued in accordance with the certification policies identified in subsection (a)(2)(A) of this Section; or

D) the specific qualifications comparable to those issued in Illinois in connection with the position in question, if the facility is located outside Illinois.

b) As satisfactory proof that a program offers *an age-appropriate curriculum* (Section 14-7.05 of the School Code), the provider shall submit information demonstrating that:

1) the program is based upon evaluation of the participating students' current levels of academic achievement and performance and is designed to afford the students access to the general curriculum in the fundamental areas of learning identified in Section 27-1 of the School Code [105 ILCS 5/27-1] at levels that will promote their attainment of the Illinois Learning Standards (see 23 Ill. Adm. Code 1, Appendix D);

2) academic assessments administered to affected students are the same as those administered to other individuals served in the program who are of approximately the same age;

3) the age range of the pupils grouped in any class does not exceed four years (if at the elementary level) or six years (if at the secondary level); and

4) the program is delivered in an age-appropriate setting.

c) The provider shall submit a description of the method used for recording attendance on a daily basis, as well as information on enrollment in the program for which payment is being sought and information on the attendance of each affected student.

1) Enrollment information shall include:

A) the total number of individuals receiving educational services in or through the facility;

B) a description of how individuals are grouped (e.g., by grade level or age);

C) identification of the grouping or "program" in which the affected student is being served; and

D) the number of individuals served in each grouping described.

2) Attendance information shall include:

A) a signed assurance indicating that the provider will keep daily attendance records with respect to the affected student and will submit those records to the State Superintendent using the format prescribed by the State Superintendent; and

B) a record reflecting the student's attendance during the first 10 days of service.

d) As satisfactory proof of the provider's ability to implement a particular student's IEP, the provider shall submit:

1) a copy of the student's current or most recent available IEP;

2) a list of all teachers and other professional service providers that also:

   A) indicates the specific portions of the IEP that each will be responsible for fulfilling; and

   B) identifies the certificate, license, or other credential held by each professional other than a teacher that qualifies the individual to provide the professional services in question;

3) if a paraprofessional will be assigned to assist in any class attended by the student, an assurance that the assignment of the individual will conform to the requirements of 23 Ill. Adm. Code 1.630(b); and

4) for any teacher or professional not directly employed by the provider, information regarding the individual's contractual status that will clarify the amount of time for which the individual is available for the program, and the number of students whom the individual is responsible for serving during that time, and the total amount of service time required with respect to those students.

Section 405.50 Quarterly Attendance Reports

The provider serving a student shall, no later than five business days after the conclusion of each quarter of the school year, submit to the State Superintendent of Education a record reflecting the attendance of the affected student during that quarter. Provided that complete information is submitted in the required format, the State Superintendent shall forward the report to the district of residence for use in responding to billing by the provider. A district shall have no obligation to pay a provider for educational services performed during any period of time until the student's attendance has been reported as required.

Section 405.60 Calculation of Costs

The provider of an educational program not approved by the State Board of Education under its rules at 23 Ill. Adm. Code 401 shall not be required to seek approval for the program. In order to receive payment from a student's district of residence, however, the provider shall be required to submit information to the Illinois Purchased Care Review Board (IPCRB), in a format specified

by the IPCRB, so that a rate can be established for the program using the method described in IPCRB's rules at 89 Ill. Adm. Code 900 (Illinois Purchased Care Review Board). The *costs of educating the child* (Section 14-7.05 of the School Code) that must be paid by the district of residence of a student under this Part shall be determined on the basis of the daily rate set for the respective educational program by the IPCRB and the number of days for which the student is enrolled. The State Superintendent shall inform the district of residence of the rate as soon as it has been set.

Section 405.70 Termination of Placement

The provider of an educational program into which an affected student is placed shall notify the State Superintendent of Education no later than 10 days after receiving information as to the date on which the student's placement will be terminated.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: School Technology Program

2) Code Citation: 23 Ill. Adm. Code 575

3)

Section Numbers:	Adopted Action:
575.300	Amendment
575.700	Amendment

4) Statutory Authority: 105 ILCS 5/2-3.117a

5) Effective Date of Rulemaking: July 22, 2009

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

7) Does this rulemaking contain incorporations by reference? No

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

9) Notice of Proposal Published in Illinois Register: April 3, 2009; 33 Ill. Reg. 4825

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

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were requested by JCAR, and no agreements letter was issued.

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

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

15) Summary and Purpose of Rulemaking: These adopted amendments represent technical updating only and include: replacement of a reference to the now-repealed Program Accounting Manual (formerly Part 110 of SBE's rules) with a reference to the new rules covering the same topics (Part 100; Requirements for Accounting, Budgeting, Financial Reporting, and Auditing) and replacement of a reference to the Fall Enrollment and Housing Report with a reference to the date on which enrollment is determined.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

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

Marica Cullen, Division Administrator
Division of Curriculum and Instruction
Illinois State Board of Education
100 North First Street, C-215
Springfield, Illinois 62777-0001

217/557-7323

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

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER o: MISCELLANEOUS

PART 575
SCHOOL TECHNOLOGY PROGRAM

SUBPART A: SCHOOL TECHNOLOGY GRANTS

Section
575.10 Purpose (Repealed)
575.20 Eligible Expenditures (Repealed)
575.30 Application Procedure and Content (Repealed)
575.40 Matching Requirements (Repealed)
575.50 Proposal Review and Approval (Repealed)
575.60 Terms of the Grant (Repealed)

SUBPART B: SCHOOL TECHNOLOGY REVOLVING LOAN PROGRAM

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

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

SOURCE: Adopted at 20 Ill. Reg. 3522, effective February 13, 1996; emergency amendment at 22 Ill. Reg. 9591, effective May 22, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19770, effective November 2, 1998; amended at 23 Ill. Reg. 8370, effective July 12, 1999; amended at 25 Ill. Reg. 8167, effective June 21, 2001; amended at 26 Ill. Reg. 915, effective January 15, 2002; amended at 28 Ill. Reg. 13227, effective September 17, 2004; amended at 29 Ill. Reg. 18474, effective October 31, 2005; amended at 32 Ill. Reg. 8773, effective May 27, 2008; amended at 33 Ill. Reg. 11639, effective July 22, 2009.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

SUBPART B: SCHOOL TECHNOLOGY REVOLVING LOAN PROGRAM

Section 575.300 Maximum Amount of Loan

The maximum loan amount shall be calculated on a per-pupil basis, based upon the total enrollment in the eligible grade levels. A participant may request a loan amount that does not exceed $150 per pupil in the eligible grade levels plus a base amount of $25,000; however, no single loan in a given fiscal year shall exceed $6,000,000. The State Board of Education shall annually notify participants of the maximum loan amount to which they are entitled.

a) For school districts, approved university laboratory schools and charter schools, the maximum loan amount shall be calculated using the enrollment as reported as of the last school day in September of~~on the Fall Enrollment and Housing Report for~~ the immediately preceding school year.

b) For area vocational centers, the maximum loan amount shall be calculated using the enrollment as reported to the State Board of Education in April of the immediately preceding school year.

(Source: Amended at 33 Ill. Reg. 11639, effective July 22, 2009)

Section 575.700 Terms and Conditions of Loan Agreement

a) Loan proceeds under this program shall be used exclusively for the purposes listed in Section 575.200 of this Part and shall be expended in accordance with the approved application and the participant's policies and procedures related to such expenditures. In the event that the loan proceeds are not expended in the manner approved, then the participant, upon written notification from the State Board of Education, shall be required to submit, by the next payment due date, payment of the outstanding principal of the loan and the amount of the interest accrued as of that payment due date.

b) Loan proceeds shall be obligated no later than six months following receipt of the loan.

c) Use of loan proceeds shall be accounted for in accordance with the rules of the State Board of Education at 23 Ill. Adm. Code 100 (Requirements for Accounting, Budgeting, Financial Reporting, and Auditing)~~the Program~~

~~Accounting Manual (23 Ill. Adm. Code 110)~~ or, for participants not subject to those rules~~the Program Accounting Manual~~, in accordance with generally accepted standards of governmental accounting principles.

d) Loan recipients shall submit to the State Board of Education a report detailing how the loan proceeds were used. This expenditure report, to be submitted on a form supplied by the State Board of Education, shall be due not later than nine months following receipt of the loan.

e) Subject to Section 575.400(b)(5) of this Part, in the event of default that is not cured within 90 calendar days, the State Board of Education shall deduct the amount owed from the participant's next payment of General State Aid. The participant shall be ineligible for additional loans until good standing has been restored; however, the chartering school district of a charter school participant or the school districts participating in a vocational education cooperative shall be allowed to apply for loans on behalf of their respective school districts.

(Source: Amended at 33 Ill. Reg. 11639, effective July 22, 2009)

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: State Universities Civil Service System

2) Code Citation: 80 Ill. Adm. Code 250

3)

Section Numbers:	Adopted Action:
250.5	Amend
250.60	Amend
250.70	Amend
250.90	Amend
250.110	Amend
250.120	Amend

4) Statutory Authority: 110 ILCS 70

5) Effective Date of Rulemaking: July 22, 2009

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

7) Does this rulemaking contain incorporations by reference? No

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

9) Notice of Proposal Published in the Illinois Register: 33 Ill. Reg. 3258; February 20, 2009

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

11) Differences between proposal and final version: In Section 250.60(h)(6) changed to read after "by the employer," to "by the employer, when the employer has mailed either a notice of a vacancy in a status or temporary position or a letter of interest to the candidate's last known address." In Section 250.60(j)(5) after "physical" added "tests" and after "other tests" added "required by this Part". In Section 250.70(d)(1)(C) changed to "defined phases of training. The trainee's starting salary shall not be more than 95% of the minimum of the approved pay range for the class. The trainee's salary, after increases have been awarded, shall not exceed 95% of the midrange of the approved pay range for the class; and". Changed Section 250.70(d)(4) to read "If a class has fewer than 10 positions, an employer may have one trainee appointment in the class. If a class contains 10 or more positions, not more than 10% of the total positions in the class may be filled

by trainee appointments on any day of operations." In Section 250.70(e)(5) added "Executive" before "Director". In Section 250.70(e)(10) corrected the spelling of the word "campuses". In Section 250.110(a) deleted "of the University System (Executive Director)" after "Executive Director". In Section 250.110(e)(1) changed "Personnel" to "Human Resource ~~Personnel~~". In Section 250.110(e)(2) deleted "of the University System". In Section 250.110(e)(3) added "as provided for in subsection (f)(2)" after "discharge". In Section 250.110(f)(2)(A) changed "a statutory duty, law," to "duty, statute, ~~a statutory duty, law,~~". In Section 250.110(f)(14)(B) corrected "(e)" to "(f)".

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

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

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

15) Summary and Purpose of Amendments: The adopted amendments to Section 250.60 will reduce the time it takes to refer, interview, and employ applicants to open positions. It also will provide some additional flexibility in locally managing applicant registers and pools. The adopted amendments to Section 250.70 combine the previous trainee and learner appointments into trainee appointments. The adopted amendments to Section 250.110 addresses two topics: 1) creating a termination and reemployment option in instances where disability benefits have been terminated and the employee still is not able to return to work, and 2) creating an alternative reinstatement with 60-day suspension order for Merit Board members in discharge cases. Sections 250.5, 250.90, and 250.120 adopted amendments are simply reference or naming changes.

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

Mary C. Follmer
Assistant Director, Legal Services
State Universities Civil Service System
1717 Philo Road, Suite 24
Urbana, IL 61802

Phone: 217/278-3150, ext. 226

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

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE A: MERIT EMPLOYMENT SYSTEMS
CHAPTER VI: STATE UNIVERSITIES CIVIL SERVICE SYSTEM

PART 250
STATE UNIVERSITIES CIVIL SERVICE SYSTEM

Section

250.5 Definitions
250.10 Purpose, Adoption, and Amendment of Rules
250.20 The State Universities Civil Service System and its Divisions
250.30 The Classification Plan
250.40 Military Service Preference, Veterans Preference
250.50 Examinations
250.60 Eligible Registers
250.70 Nonstatus Appointments
250.80 Status Appointments
250.90 Probationary Period
250.100 Reassignments and Transfers
250.110 Separations and Demotions
250.120 Seniority
250.130 Review Procedures
250.140 Delegation of Authority and Responsibilities
250.150 Training
250.160 Suspension of Rules

AUTHORITY: Implementing and authorized by the State Universities Civil Service Act [110 ILCS 70].

SOURCE: Rules: State Universities Civil Service System, approved January 16, 1952, effective January 1, 1952; amended at 3 Ill. Reg. 13, p. 68, effective April 1, 1979; amended at 4 Ill. Reg. 10, p. 262, effective February 25, 1980; amended at 6 Ill. Reg. 2620, effective February 22, 1982; amended at 6 Ill. Reg. 7236, effective June 3, 1982; amended at 8 Ill. Reg. 4948 and 4950, effective March 29, 1984; codified at 8 Ill. Reg. 12936; amended at 8 Ill. Reg. 24732, effective December 6, 1984; amended at 9 Ill. Reg. 17422, effective October 23, 1985; amended at 11 Ill. Reg. 8942, effective May 8, 1987; amended at 12 Ill. Reg. 3457, effective February 1, 1988; amended at 12 Ill. Reg. 17079, effective October 7, 1988; amended at 13 Ill. Reg. 7324, effective May 1, 1989; amended at 13 Ill. Reg. 19427, effective February 6, 1990; amended at 18 Ill. Reg. 1901, effective January 21, 1994; amended at 20 Ill. Reg. 4440, effective February 29, 1996;

amended at 30 Ill. Reg. 17384, effective October 23, 2006; amended at 31 Ill. Reg. 15848, effective November 13, 2007; amended at 32 Ill. Reg. 17268, effective October 16, 2008; amended at 33 Ill. Reg. 11644, effective July 22, 2009.

Section 250.5 Definitions

"Act": the State Universities Civil Service Act [110 ILCS 70].

"Allocation": assignment of a position to a class.

"Applicant": a person requesting permission to take an examination.

"Candidate": a person on a register, as qualified by examination, seniority, or service.

"Certification": the act of certifying.

"Certified": referred from a register, in accordance with the Act~~Statute~~, as a candidate for consideration for employment.

"Certify": to refer from a register, in accordance with the Act~~Statute~~, the name of a candidate who shall be considered for employment.

"Class": a group of positions that~~which~~ are so similar in duties, responsibilities, and job worth, and require such similar education and experience, that each position in the group has been given the same job title and is filled by the same tests of ability.

"Classification": assignment of a position to a class.

"Demotion": is defined in Section 250.110(g)~~(f)~~(1) (Note for clarification: If a status employee, on his/her own initiative, requests a reassignment or a transfer to another position in his/her class or applies for, and takes, an examination and thereafter permits his/her name to be certified to a position in a class other than the one in which he/she is currently employed, and, in either case, accepts an appointment that~~which~~ results in a reduction in pay or pay potential, the~~such a~~ reduction shall not be considered a demotion.)

"Employee": a person legally employed to perform the work of a position.

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF ADOPTED AMENDMENTS

"Employer": the governing Board of an institution or agency specified in Section 36e of the Act~~Statute~~; and, for purposes of administration pursuant to this Part, any institution or agency specified in Section 36e of the Act~~Statute~~.

"Executive Director": the Executive Director of the State Universities Civil Service System.

"Lesser Unit": a seniority unit within a class, within an institution or agency as specified in Section 36e of the Act~~Statute~~, as determined by the Merit Board, provided two-thirds of the status employees within the class have agreed to the creation of the~~such~~ lesser unit.

"Merit Board" or "University Civil Service Merit Board": the governing body of the University System as defined in Section 36c of the Act. The 11 members of the Merit Board represent the public universities of the State of Illinois and are appointed by their respective University governing boards. The powers and duties of the Merit Board are defined in Section 36d of the Act.

"Nonstatus Appointment": appointment of a certified candidate to a position that~~which~~ has been classified and approved by the Executive Director~~*~~ as other than a status appointment~~ as herein defined~~.

"Place of Employment": an institution or agency as specified in Section 36e of the Act~~Statute~~, or a unit of the institution or agency~~thereof~~, as determined by the Merit Board, the designation of which has been for the purposes of maintenance of registers, ~~of~~ computation of seniority, ~~of~~ establishment of pay rates or ranges, and ~~of~~ effecting transfers by an employer.

"Position": a group of duties and responsibilities, assigned or delegated by competent authority, requiring the full-time service of one person, or the part-time service of one or more persons.

"Reallocation": reassignment of an existing position to a class that~~which~~ is a part of a different promotional line, or to a class that~~which~~ is not a part of any promotional line.

"Reassignment": moving of an employee by an employer from one position to another in the same class within a place of employment, subject to limitations

imposed by lesser units.

"Reclassification": reassignment of an existing position within a promotional line.

"Register": a list of one or more names of candidates, listed in accordance with the Act~~Statute~~ and this Part.

"Resignation": an act by which an employee voluntarily separates himself/herself from his/her employment.

"Rewrite Examination": an examination for a class that~~which~~ is taken by an applicant subsequent to failing a previous examination for the same class, or that~~which~~ is taken by an applicant subsequent to passing a previous examination for the same class in an attempt to improve his/her examination score.

"Seniority": after completion of the probationary period, a term used to describe time worked in a class or in classes within the same promotional line, computed in accordance with the provisions of the Act~~Statute~~ and this Part.

"Service": a term used to describe time worked in a class under a status appointment by an employee who is serving, but who has not completed, a probationary period in that class.

"Status Appointment": appointment of a certified candidate to a position that~~which~~ has been classified and approved by the Executive Director as a continuing position under the position control record plan of the University System.

"Status Employee": an employee who has successfully completed a probationary period in a class.

"Status Position": a position that~~which~~ has been classified and approved by the Executive Director under the position control record system.

"Termination": discontinuance of services of an employee having a nonstatus appointment; discontinuance of services of an employee in one place of employment~~,~~ who has transferred within the System to another place of employment; failure of a provisional employee to meet certification requirements; and/or death, retirement, or inability of an employee to return from a leave of

absence in accordance with Section 250.110(c)~~(b)(5)~~.

"Transfer": moving of an employee from one position to another in the same class between constituent places of employment.

"University System": the State Universities Civil Service System.

~~AGENCY NOTE: *Director, as used in this Part, refers to the Director of the System.~~

(Source: Amended at 33 Ill. Reg. 11644, effective July 22, 2009)

Section 250.60 Eligible Registers

a) Establishment of Registers~~.~~

1) The employer shall establish three kinds of registers in each place of employment in accordance with this Part: reemployment, promotional, and original entry.

2) The employer shall file with the office of the Executive Director a list on a quarterly basis containing name, class, date of examination, examination number and score of all candidates, and these records shall constitute the master record of examinations taken by the applicants of the System for that employer.

b) Composition of Registers~~.~~

1) Reemployment registers shall contain names of status employees who have been laid off through reduction in force~~,~~ or who, because of reallocation or reclassification of positions~~,~~ or other causes not prejudicial to the service, have failed to gain eligibility in the new class or who have chosen not to qualify in the new class. The~~Such~~ registers shall have the appropriate names listed according to class and in the order of seniority as earned up to the date of eligibility for a position on the reemployment register.

2) Each lesser unit shall have its own reemployment register.

3) Promotional registers shall be by class and shall contain names in the following categories and order:

A) Listed in order of total service in the class:

i) names of employees with status appointments, after having been certified from the promotional register, who have been laid off during the probationary period through reduction in force, with credit for total service as of date of layoff; or

ii) names of employees with status appointments, after having been certified from the promotional register and who, during the probationary period, have failed to gain eligibility following reallocation or reclassification of positions, with credit for total service as of date of ineligibility; or

iii) names of current employees reinstated by total service in accordance with subsection (j)~~Section 250.60 (k)~~(4).

B) Listed in order of promotional examination scores: names of successful candidates in accordance with Section 250.50(b).

4) Original entry registers shall be by class and shall contain names in the following categories and order:

A) Listed in order of total service to the employer: names of employees who have been, or who may be, separated from status appointments, after completion of at least six months of service to the employer, resulting from a permanent abolishment of a functional service, provided that not later than 90 days after the abolishment of the service, they have qualified for, and have received a passing score on, an original entry examination for the class; or

B) Listed in order of total service in the class:

i) names of employees with status appointments, after having

been certified from the original entry register, who have been laid off during the probationary period through reduction in force, with credit for total service as of date of layoff; or

ii) names of employees with status appointments, after having been certified from the original entry register and who, during the probationary period, have failed to gain eligibility following reallocation or reclassification of positions, with credit for total service as of date of ineligibility; or

iii) names of current employees reinstated by total service in accordance with subsection (j)~~Section 250.60(k)~~(4).

C) Listed in order of total service in the class:

i) names of former employees restored by total service in accordance with subsection (j)~~Section 250.60(k)~~(5)~~ and Section 250.60(k)(6)~~; or

ii) names of employees seeking transfer, listed according to total service as of date of request for transfer.

D) Listed in order of original entry examination scores: names of successful candidates in accordance with Section 250.50(b) and employees seeking transfer in accordance with Section 250.100(c)(3).

c) Precedence of Registers. For appointment purposes, registers shall have precedence in the following order: reemployment, promotional, and original entry.

d) Certification from Registers~~.~~

1) Reemployment in positions shall be made in accordance with the register, with highest seniority taking precedence. From a reemployment register, the employer shall certify only one name for appointment.

2) From the promotional register or original entry register~~registers~~, the employer shall certify the three names standing highest on the register~~register(s)~~ at the time the vacancy is declared, or as otherwise provided under subsection ~~Section 250.60~~(d)(3).

3) When ties in scores exist on an original entry register or promotional register for a class, all candidates with a tie score, and hence of the same relative excellence, shall be equally eligible to be considered as one of the available candidates certified from the register. No person on the register shall be eligible or available for certification as one of the three persons standing highest on the register if three or more persons are eligible at a higher score level as a result of tie scores. The employer shall conduct a personal interview with, and shall consider, all candidates certified from the register in this manner prior to making its~~his~~ recommendation for selection, except that a single selecting official for the employer shall not be required to interview more than once the same candidate, as currently certified from the register, for a position of the same class.

4) If a total of three names is not available from the promotional register and/or original entry register~~registers~~, the employer shall certify those listed, and in addition may refer enough other candidates so that the employing officer has the choice of three candidates for the position. Such additional candidates as are necessary to provide the employing officer with a choice of three must be qualified for the class of the position to which referred and may be employed in accordance with Section 250.70(b)(1) and Section 250.90(b)(6).

5) A promotional register and/or an original entry register becomes closed for the purpose of certification of the names of candidates to a particular vacant position at a time established by the employer. Once this time has been established, it must become a matter of record, and it cannot be changed unless, when this time is reached, the employer is unable to provide to the selecting official three candidates from the promotional register and/or original entry register~~registers~~, and the selecting official wishes to interview three candidates prior to filling a position, whereupon a new date must be established in accordance with the aforementioned procedure. The selecting official shall interview from the~~such~~ registers, for any one vacancy, in accordance with the provisions of subsection ~~Section 250.60~~(d)(3).

6) Candidates on an eligible register may be referred concurrently to more than one vacancy in the appropriate class, if, in the judgment of the employer, the~~such~~ procedure is needed to speed up employment transactions. Total referrals to a vacant position are to be limited to three available candidates, or in accordance with the provisions of subsection ~~Section 250.60~~(d)(3).

7) The name of a candidate on a register, who at the time of induction into military service is an employee of an employer under the University System, shall be placed in suspension until the termination of military~~such~~ service, at which time his/her name shall be reactivated on the appropriate register~~register(s)~~ in the order of his/her score~~score(s)~~ on the original examination~~examination(s)~~, providing the register~~register(s)~~ of the class has not been voided during the period of his/her military leave.

8) In making a selection from among the three names certified from standing highest on the register, and in accordance with the provisions of subsection ~~Section 250.60~~(d)(3), the employer shall not discriminate because of race, color, religious or political affiliation, or because of age or sex, when the reasonable demands of the position do not require such a distinction.

9) The Executive Director may authorize specialized position certification for eligible register candidates who possess special and identified qualifications that~~which~~ previously have been established as job-related requirements for a specific position, as well as being fully qualified for the class. Certification from a register shall be made from the top three scoring~~scores of~~ candidates who possess the established specialized requirements.

e) Acceptance of Candidates. The employer shall record the appointment of the candidate selected, and shall return the names passed over to the appropriate eligible register for future certification.

f) Registers by Places of Employment~~.~~

1) Applicants applying for examinations will be asked to specify places of employment at which they will accept employment, except as provided for

in subsection ~~Section 250.60~~(f)(4), and a statement of that~~such~~ place of employment preference shall constitute a refusal by the candidate of employment at other places of employment. The~~Such~~ statement of limited availability shall not constitute a refusal to accept an offer of employment as defined in subsection (g)(5)~~Section 250.60(h)(3)~~, or employment in the place or places of employment in which the candidate declares himself/herself available for employment. A candidate may amend his/her statements of availability at any time while his/her name is on a register.

2) Following examination, a candidate may request the transfer of an active passing original entry examination score to a place of employment other than the one at which he/she originally wrote the~~his~~ examination.

3) Following examination, a candidate may request the transfer of an active passing promotional examination score to any place of employment within his/her employing institution or agency.

4) In an institution with multi-campus operations, in which a central administrative unit has been established by the Merit Board as a separate place of employment, promotional registers and original entry registers for that place of employment shall be an amalgamation of all promotional registers and original entry registers, respectively, of all places of employment established for that institution.

~~g) Duration of Names on Registers.~~

~~1) Names on original entry registers may be removed when such names have remained on such registers for two consecutive years following date of most recent examination, or following date of restoral on the basis of service or seniority in accordance with Section 250.60(k)(3), (4), (5) or (6), unless a candidate is eligible for referral to a vacancy declared prior to the optional date of removal. A candidate shall be notified in writing of this optional two-year limitation prior to removal.~~

~~2) A candidate under provisions of this Section will be granted a 30-day period of time from the date of notification during which the candidate may make a request in writing to the Designated Employer Representative to remain on the active register.~~

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF ADOPTED AMENDMENTS

g)~~h)~~ Mandatory Removal of Names from Registers. The employer shall remove the names of candidates from the reemployment registers, original entry registers and promotional registers for the reasons set forth in subsections (g)~~(h)~~(1) through (9). ~~(6), inclusive, of this Section; and from promotional registers for the reasons set forth in subsections (h)(1) through (7), inclusive, of this Section. Names of candidates shall be removed from reemployment registers for the reasons set forth in subsections (h) (1), (3), (4), (5), (6), and (7) of this Section.~~ The reasons are:

1) Certification from the register to a status position in a specific class and acceptance of a status appointment in that position and class.

2) Death of the candidate. ~~From promotional register(s) at the termination of the leave of absence from a position in his former class when a candidate accepts a position in a class outside the promotional line of the applicable register(s).~~

~~3) Refusal, without reasonable cause, to accept three offers of status appointment by an employer.~~

3)~~4)~~ Receipt of proof or determination by the Merit Board that the candidate lacks any of the required qualifications, or is subject to rejection for any cause specified in Section 250.50(c).

4)~~5)~~ Receipt by an employer of a written request from the candidate to remove his/her name from a register.

~~6) Death.~~

5) Refusal, without reasonable cause, to accept three offers of status appointment by the candidate.

6)~~7)~~ Resignation of the candidate from a status position.

7) Attempt by a candidate to practice any deception or fraud in connection with an examination or application for employment.

8) When a change in class or testing standards or another classification plan change requires removal. In this instance, specific guidelines for the removal of names from registers shall be provided by the University

System.

9) From promotional registers at the termination of the leave of absence from a position in his/her former class when a candidate accepts a position in a class outside the promotional line of the applicable registers.

h)~~i)~~ Permissive Removal of Names from Registers. The employer may remove the names of candidates from ~~promotional and/or~~ original entry registers ~~for the reasons set forth in subsections (1) through (7), inclusive, of this~~ and from promotional registers for the reasons set forth in this subsection (h). Names of candidates may be removed from reemployment registers for the reasons set forth in subsections (h)(1) through (7).~~Section.~~ The reasons include, but are not limited to, the following~~are~~:

1) Failure of a candidate to report for work without good cause within the time prescribed by the employer, after accepting a status or a temporary appointment.

2) Leaving the service of any employer served by the University System by an employee with a status appointment.

3) Failure to reply to the employer within seven calendar days immediately following an offer of a status or a temporary appointment by an employer.

4) Notice by postal authorities of their inability to locate the candidate at his/her last known address, or verbal notice from the owner or occupant of the premises that the candidate is no longer at his/her last known address and that no forwarding address has been provided.

5) Failure of a candidate, upon request, to furnish written evidence of availability for employment. ~~Three failures, without reasonable cause, to appear for an interview in response to three separate notices of vacancy of status positions issued by the employer.~~

6) Failure, without reasonable cause, to reply to the employer or appear for an interview within a reasonable time prescribed by the employer, when the employer has mailed~~after~~ either a notice of a vacancy in a status or temporary position~~,~~ or a letter of interest ~~is mailed~~ to the candidate's last known address.

7) Upon the candidate's acceptance of a promotion.

8) Failure of a candidate to be selected for employment after four referrals for a status appointment in the same class.

9)~~7)~~ When candidates'~~such~~ names have remained on original entry registers for two consecutive years following date of most recent examination, or following date of original entry restoral on the basis of service or seniority in accordance with subsection (j)~~Section 250.60(k)~~(3), (4), or (5)~~, or (6)~~.

i)~~j)~~ Notification of Candidates of Removal of Names from Registers. Candidates whose names are removed from reemployment registers, promotional registers, and/or original entry registers in accordance with subsections (g) and (h) shall be notified in writing by the employer and provided the reason for the removal~~on the basis of Sections 250.50(c), 250.60(h)(2), (3), and (4), and of Section 250.60(i)(1),(2),(3),(5),(6), and (7) shall be notified in writing by the employer of such removal~~.

j)~~k)~~ Restoration of Names to Registers. The employer may return to an appropriate register:

1) Within one year after the~~of~~ date of removal, any name removed from a register for the reasons set forth in subsections (g)(3) or ~~Section 250.60(h)~~(4), ~~(5),~~ or in subsection (h)~~Section 250.60(i)(1),(2),(3),(4),(5),(6), or (7)~~.

2) Any name to a reemployment register as provided for in Section 250.110(b)(3)(G)(i)~~(2)~~.

3) Any name of an employee to an original entry register~~,~~ or to a promotional register~~,~~ who has qualified by examination and who has been laid off during his/her probationary period, in the order of length of service in the class determined in accordance with Section 250.90(b)(4) and (5).

4) The name of a current employee who has been previously employed in a class for which restoral is being requested by service and/or seniority in that former class.

~~5) The name of a former status employee, who resigned because of pregnancy, upon her request, to an original entry register within six months following date of resignation and within three months following termination of the pregnancy. Upon approval of the employer, the name of the former employee shall be restored to the original entry register in accordance with total seniority earned as of date of resignation determined in accordance with Sections 250.90(b)(5) and 250.120(e), and subject to eligibility so established, may be reinstated thereafter to the same or similar position, or, if agreeable to the former employee, to a lower position in the promotional line. An employee so reinstated to the same or similar position, or to a lower position in the promotional line, shall have her seniority, earned in the class prior to her date of resignation, restored to her. An employee so reinstated must be physically and mentally capable of filling the position to which she is being reinstated, and may be required to pass physical or other tests to determine current fitness. An employee who did not complete her probationary period shall not be eligible to have her name restored under this Section.~~

5)~~6)~~ The name of a former status employee who resigned or otherwise has been separated from employment in good standing and who, within one year after~~six months of such~~ resignation or ~~such~~ separation from employment, requests restoration~~restoral~~ to a register~~,~~ shall, upon approval of the employer, be restored on the original entry register in accordance with seniority earned as of the date of resignation or ~~of such~~ separation as~~from employment~~ determined in accordance with Sections 250.90(b)(5) and 250.120(e). The former employee may be required to pass physical tests or other tests required by this Part to determine fitness at the time of restoral. Seniority earned prior to resignation shall be restored.

(Source: Amended at 33 Ill. Reg. 11644, effective July 22, 2009)

Section 250.70 Nonstatus Appointments

a) Temporary Appointments~~.~~

1) Temporary appointments are made to any positions ~~which~~ the employer certifies to be emergent, temporary, or transitory. Temporary~~Such~~ appointments shall be for not more than three months. With approval of the Executive Director, they may be renewed in accordance with need up

to a maximum of six months less one day.

2) An employer shall fill a temporary position by calling candidates in the same manner as for status appointments, and in accordance with Section 250.60(d). Refusal to accept, or acceptance of, a temporary appointment by a candidate shall in no way affect the candidate's position on the register, regardless of number of refusals or acceptances.

3) A candidate may request that he/she not be called for temporary positions.

b) Provisional Appointments~~.~~

1) In the absence of a register, an employer may make a provisional appointment, in accordance with Section 36n of the Act~~"AN ACT to create the State Universities Civil Service System" (Ill. Rev. Stat. 1987, ch. 24 1/2, par.~~, providing the person so appointed possesses the qualifications for the position ~~as~~ stated in the appropriate class specification. In order to establish eligibility for a status appointment, the provisional appointee must file application for, and pass, the examination for the appropriate class.

2) A provisional employee~~,~~ who has not qualified by examination~~,~~ may continue to be employed, providing no candidate is available for appointment from the appropriate register.

c) Apprentice Appointments~~.~~

1) An apprentice is a nonstatus employee who is employed in an occupation defined as an "apprenticeable occupation"~~*~~ by the United States Department of Labor, Bureau of Apprenticeship and Training, ~~United States Department of Labor,~~ in accordance with registered apprenticeship standards. These standards shall include, but are not necessarily limited to, criteria for screening and selection of apprentices, term of apprenticeship, requirements of related instruction, a schedule of work processes, a progressively increasing schedule of wages, periodic evaluations of the apprentice's progress, recognition for successful completion of the apprenticeship, and other requirements as established by the Joint Apprenticeship Committee governing the program in which the apprentice is enrolled and employed. The standards must meet basic

requirements and be registered with the USDOL Bureau of Apprenticeship and Training~~, United States Department of Labor~~.

AGENCY NOTE: An apprenticeable occupation is a trade or craft that~~which~~ is recognized as apprenticeable by the USDOL~~United States Department of Labor,~~ Bureau of Apprenticeship and Training, ~~which~~ is customarily learned through work experience that~~which~~ requires 4,000 or more hours of work to learn, ~~which~~ requires related instruction or study to supplement the work experience, ~~which~~ is clearly identified and commonly recognized throughout the industry, ~~and which~~ involves the development of skill and knowledge sufficiently broad to be applicable in like occupations throughout an industry, and meets the standards of the area.

2) A program~~,~~ meeting the basic fundamentals for registration~~,~~ will be developed by a joint apprenticeship committee composed of employer, employee representatives, and~~together with~~ a representative from the USDOL Bureau of Apprenticeship and Training.~~, for submission~~ The program shall be submitted to, and approved~~approval~~ by, the Executive Director~~ of the State Universities Civil Service System (System)~~. Following the Executive Director's approval, the program will be submitted for approval and registration to the USDOL Bureau of Apprenticeship and Training~~, United States Department of Labor~~. However, no apprentice program will be developed for a job classification for which there is an existing registered area program.

3) Apprentices who are individually registered in the program registered with the USDOL Bureau of Apprenticeship and Training~~, United States Department of Labor~~, may be employed without University Civil Service examination.

4) An apprentice who satisfactorily completes apprenticeship in accordance with the prescribed apprenticeship standards of the program in which registered~~,~~ will have attained the status of journeyman. The incumbent will not be subject to University Civil Service examination and no right to continuation in employment is earned by the satisfactory completion of the~~such~~ apprenticeship. If employment is continued at the journeyman level~~,~~ after satisfactory completion of an apprenticeship, seniority in the promotional line shall be counted from the date that the employee acquires

journeyman status.

d) Trainee Appointments~~.~~

1) With the approval of the Executive Director, an employer may appoint a trainee~~An appointment, with Trainee status, may be made by an employer, with approval of the Director,~~ to any position~~ in which the employer indicates acceptability of a Trainee~~, provided all of the following criteria have been met:

A) ~~there are~~ no qualified candidates are available from a reemployment register or promotional register for the class;

~~B) that the applicant lacks one or more of the minimum qualifications for the class;~~

B~~C~~) ~~that~~ a predetermined and scheduled program of development, training or experience has been established and~~, as~~ approved ~~by the Director, is established~~ for the candidate;

C~~D~~) a compensation program has been developed that provides for progressively increasing salary levels payable upon completion of defined phases of training. The trainee's starting salary shall not be more than 95% of the minimum of the approved pay range for the class. The trainee's salary, after increases have been awarded, shall not exceed 95% of the midrange of the approved pay range for the class; and~~that whenever the scheduled program has been completed, the applicant must apply for the original entry examination for the class and must pass such examination in order to remain in the position; and~~

D~~E~~) the employer can verify that one of the following factors exists:~~that at no time during the Trainee status period may the Trainee receive a salary which is more than 95% of the minimum of the range or of the minimum rate for the class.~~

i) the candidate lacks one or more of the minimum qualifications for the class;

ii) recruitment efforts have failed to attract qualified candidates;

iii) operating needs warrant ongoing training programs to supplement staffing recruitment efforts;

iv) there is a recognized need for specialized training programs in technical or professional fields.

2) If, in the opinion of the employer, the trainee completes the prescribed training program in accordance with the standards established by that program, he/she shall be certified to a position of the class for which he/she completed his/her training program.

3)~~2)~~ Following successful completion of a training program and probationary period, seniority~~Seniority~~ in the promotional line, or in the class, shall be counted from the date that the employee satisfactorily completes the training program~~ and qualifies for, and passes, the examination required for the class if employment is continued~~.

4) If a class has fewer than 10 positions, an employer may have one trainee appointment in the class. If a class contains 10 or more positions, not more than 10% of the total positions in the class may be filled by trainee appointments on any day of operation.

~~e) Learner Appointments.~~

~~1) An appointment, with Learner status, may be made by an employer, with approval of the Director, to a position of an entry class, except a recognized trade or craft class, in which the employer indicates acceptability of a Learner, provided~~

~~A) there are no qualified candidates available from a reemployment register for the class;~~

~~B) that a predetermined and scheduled program of training, not in excess of twelve months and as approved by the Director, is established for the Learner;~~

~~C)~~ ~~that the Learner is accepted on the basis of a pre-employment examination provided by the System; and~~

~~D)~~ ~~that at no time during the Learner status period may the Learner receive a salary which is more than 95% of the minimum of the range or of the minimum rate for the class.~~

~~2)~~ ~~If, in the opinion of the employer, the Learner completes the prescribed training program, in accordance with examination standards established by that program, he shall be certified to a position of the class for which he completed his learning program.~~

~~3)~~ ~~When employment is continued on a certified basis following completion of the learning program, with or without interruption of employment by the employer, seniority in the class, following completion of a probationary period in the class, shall be counted from the date of completion of the training program and certification to the position.~~

~~4)~~ ~~An employer may have one Learner appointment in a class, but not more than ten percent of the total positions in a class having ten or more positions, may be filled by Learner appointments on any day of operation.~~

e~~f~~) Student Appointments~~.~~

1) Each employer shall determine which positions shall be designated as student positions, and when so designated, they shall be filled according to this Part and such other regulations as are established by the employer pursuant to this Part, subject to the approval of the Executive Director.

2) A student employee shall not displace a certified Civil Service employee.

3) A student, for purposes of this Part, shall be one who is registered for course work at an institution served by the University System for at least one-half of the normal workload of a regularly enrolled full-time student, as such workload is determined by the employer. Lacking such enrollment during a summer session, or summer quarter, an applicant may be considered a student for the purposes of this Part if he/she was enrolled as a student during the quarter or semester immediately preceding the summer session, or if he/she indicates an~~his~~ intention to be so registered

during the quarter or semester immediately following the~~such~~ summer employment. In any case, the possession of a properly authenticated student identification card shall be deemed as providing satisfactory evidence of student status. The Executive Director may approve exceptions to this subsection (e)(3)~~Section~~ when sufficient cause is evidenced; such as, but not limited to, graduating seniors, financial hardship cases, personal or physical problems, etc.

4) A uniform classification plan for student employees, which shall provide groups of positions sufficiently similar in duties, responsibilities and qualifications~~,~~ as to be given the same class title and to be of a similar level of job worth, shall be established by each employer, subject to the approval of the Executive Director.

5) Each employer shall establish a wage rate or range for each position grouping, taking into account job requirements, rates paid locally for similar work, including rates paid to Civil Service employees, consistency within the student aid program of the employer, and availability of funds. No student employee shall be paid below the minimum rate, or above the maximum rate, as established for the position grouping in which he/she is employed, unless approved by the Executive Director. No maximum rate for student employment shall exceed the maximum rate established for comparable Civil Service classes on the same campus.

6) The employer may give applicants for student employment a screening examination, without Civil Service status, if the~~such an~~ examination is deemed necessary for the selection of employees.

7) No seniority as a Civil Service employee is earned through employment in a position designated as student.

8) A student employee is not eligible for paid vacation, paid holidays, or disability leave, as established by the Benefits Policy approved by the Merit Board and by the governing Boards of the institutions served by the University System.

9) A position designated as student may be terminated at any time at the discretion of the employer.

10) Each employer may make such regulations and policies governing student employment on its respective campuses~~campus(es)~~ as it deems desirable, subject to the Act~~Statute~~ and this Part governing the University~~State Universities Civil Service~~ System.

f)~~g)~~ Extra Help Appointments~~.~~

1) An Extra Help appointment may be made~~,~~ by an employer to any position for work ~~which~~ the employer attests to be casual or emergent in nature~~,~~ and that~~which~~ meets the following conditions:

A) the amount of time for which the services are needed is not usually predictable;

B) payment for work performed is usually made on an hourly basis; and

C) the work cannot readily be assigned, either on a straight-time or on an overtime basis, to a status employee.

2) Qualification determination shall consist of a review of the employee's application and a verbal interview. Qualifications will be determined to be~~:~~ Acceptable or Not Acceptable. When~~Where~~ skills are required for clerical/secretarial positions, an examination to demonstrate acceptable skills will be administered. The applicant will be required to pass the examination at a standard established by the employer. A listing of those applicants who have been determined to be Acceptable shall be maintained by the employer.

3) An employer shall fill an Extra Help position by referring persons to the employing unit from the Extra Help list of Acceptable candidates.

4) Acceptance or refusal to accept an Extra Help appointment by a candidate shall in no way affect the candidate's position on any Extra Help list, or on any other register maintained by the employer.

5) Classifications will be established in broad categories, such as administrative, professional, technical, clerical, trades, and service.

6) An Extra Help position may be utilized for a maximum of 900 hours of actual work in any consecutive 12 calendar months. The employer shall review the status of the position at least every three calendar months. If at any time it is found that the position has become an appointment that~~which~~ is other than Extra Help, the employer shall terminate the Extra Help appointment. If an Extra Help position has accrued 900 consecutive hours, the position shall not be reestablished until six ~~(6)~~ months ~~time~~ have elapsed from the date of the termination of the position.

7) Upon working 900 hours, an Extra Help employee cannot resume employment in any Extra Help appointment at a place of employment until ~~thirty (~~30~~)~~ calendar days have elapsed.

8) The employer shall quarterly review its use of Extra Help appointments to ensure compliance with this Section~~these rules~~.

9) Compensation of Extra Help employees shall be within the limits established for comparable service in status employment.

(Source: Amended at 33 Ill. Reg. 11644, effective July 22, 2009)

Section 250.90 Probationary Period

a) Purpose of Probationary Period. The probationary period is an integral part of the examination process, and shall be utilized by the employer for close observation and evaluation of the employee's work, for obtaining the most effective adjustment of a new employee to his/her position, and to determine whether an employee demonstrates the ability and qualifications necessary to furnish satisfactory service. Periodically, throughout the probationary period, the employer should discuss with the employee his/her progress on the job. An employee who is dismissed during a probationary period shall be given the reasons for his/her dismissal, with the understanding that the reason is not reviewable.

b) Duration of Probationary Period~~.~~

1) Candidates employed from the reemployment register shall not be required to serve a new probationary period.

2) An employee who has accepted a status appointment shall be on probation for no less than six months~~,~~ and no longer than 12~~twelve~~ months. If the probationary period is interrupted by a paid or unpaid leave of absence that exceeds more than five consecutive work days, a layoff, or a suspension, a comparable amount of time shall be added to the probationary period. The probationary period shall begin on the date of assignment to duty and shall expire at the close of business on the last working day that~~which~~ completes the probationary period for the class, regardless of percentage of time of employment during the probationary period. If the~~such~~ employee is not dismissed during the probationary period, the~~such~~ employee shall become a status employee at its conclusion.

3) An employee reinstated to a register in accordance with Section 250.60(j)~~(k)~~(4)~~,~~ who is subsequently appointed to a position of his/her former class shall complete his/her probationary period in the former class, if he/she has not already done so.

4) An employee who goes on layoff status during the probationary period~~,~~ may, upon written request of the employer, be reinstated by the Executive Director on either the original entry register or promotional register, as appropriate, ~~and~~ in accordance with total service earned as of the date of the layoff~~,~~ and ~~subject to eligibility so established,~~ may be appointed thereafter to the same or similar position. The reinstated~~Such~~ employee~~, so reinstated to the same or similar position,~~ shall complete the probationary period for the class in which eligibility has been established, although his/her~~such~~ service may be interrupted by one or more layoffs.

5) Service in a higher class shall count toward completion of the probationary period in a lower class in the same promotional line. Service in a lower class shall not be counted toward completion of probationary period in a higher class of the same promotional line.

6) A provisional employee shall begin a probationary period on the date of entrance into a status appointment for which the employee is eligible.

(Source: Amended at 33 Ill. Reg. 11644, effective July 22, 2009)

Section 250.110 Separations and Demotions

STATE UNIVERSITIES CIVIL SERVICE SYSTEM

NOTICE OF ADOPTED AMENDMENTS

a) Resignation. An employee~~,~~ having a nonstatus or status appointment, as described in Sections 250.70 and 250.80, may resign by presenting a signed resignation to his/her employer or by demonstrating to the employer by other means his/her intent to separate from employment. Upon receipt of a signed resignation or other evidence of intent to separate from employment, the employee will be separated from employment. ~~An employee having a nonstatus appointment, as described in Section 250.70, may be terminated by his/her employer upon completion of the work assignment.~~ The Executive Director shall be notified promptly by the employer of all resignations ~~and terminations~~.

b) Leave of Absence

1) Leave of Absence for Classification Changes. A status employee who accepts a position that represents a promotion in a class outside his/her promotional line shall be granted a leave of absence from a position of his/her former class for the duration of any trainee, provisional, and/or probationary period in the new class.

2) Leave of Absence for Disciplinary Actions. An employee placed on a Disciplinary Suspension or on a Suspension Pending Discharge shall be placed on a leave of absence from his/her position.

3) Leave of Absence for Disability Leave

A) If an employee is no longer able to perform the duties and responsibilities of his/her position in the class due to a disability as determined by the employer's medical and/or psychological evaluation procedures, and/or in accordance with State and federal law, the employee will be required to take disability leave in accordance with subsection (b)(3)(B).
~~The Executive Director shall be notified promptly by the employer of all leaves of absence, military, disability, or otherwise, granted, including dates of beginning and completion of such leave which exceeds 30 calendar days of non-pay status.~~

B~~2~~) A status employee~~,~~ who ~~because of disability,~~ becomes eligible for disability benefits to be paid by the employer or, as later determined, by the Illinois State~~state~~ retirement system to which

the employee contributed, or becomes eligible for payment benefits as defined by the Workers' Compensation Act [820 ILCS 305], the Illinois Occupational Diseases Act [820 ILCS 310], or a State self-insurance program~~contributes~~, shall be granted a disability leave. The disability leave shall be~~ of absence for~~ the period for which the employee applies for~~is eligible to receive~~ such benefits, until the time of the expiration of the benefits or a final administrative decision denying or terminating the benefits, including any gap in benefit payments between the expiration of institutional benefits and those available under the approving authority.~~retirement system, and shall be entitled to return to a position in the employee's class without any loss of status due to such disability leave, providing the employee returns upon the expiration of all disability benefits to which entitled. If, within one year following the expiration of all disability benefits, the employee requests reinstatement, with approval of the Executive Director, the employee's name may be placed on the reemployment register in the class in which the employee was employed at the time the disability leave was granted and in accordance with total seniority earned. If, within one year following the expiration of all disability benefits, the employee requests reinstatement, but because of the employee's disability is deemed unable to perform the duties in the class, the employee may be required to pass physical or other tests to determine employability under the System.~~

C~~3~~) The employer may require an employee to take a medical and/or psychological examination prior to returning to work after a disability leave. The examination shall be conducted by a licensed practitioner selected by the employer to determine the physical and/or mental capability to perform the essential duties of the employee's position. The employer may supply the examining practitioner with facts relating to the employee's difficulty or inability to perform the essential functions of the job and may supply additional information, including but not limited to physical and mental requirements of the employee's position, duty statement, job classification specification, and position description. The employee may also present an alternative opinion provided by a licensed practitioner to be selected and paid for by the employee. If there is a difference of opinion, a third outside practitioner shall

be selected by the two physicians. The employer shall pay for all examinations, except those initiated by the employee.~~An employer with the concurrence of two licensed physicians, one of whom to be of the employee's choice, may make the following determinations listed in subsection (b)(3)(A) or (B). If there is a difference of opinion, a third outside physician will be selected by the two physicians. The employer shall notify the employee and the Executive Director in writing of all of these actions.~~

D) An employee's refusal to submit to an examination as described in subsection (b)(3)(C), the unexcused failure to appear for such an examination, or the refusal to release the results of the examination may be deemed by the employer as an acknowledgement that the employee is not fit for duty and may subject the employee to termination actions as defined in subsection (c).

E) A disability leave may be revoked by the employer upon evidence that the cause for granting the leave was misrepresented.

F) At the expiration of all disability benefits, an employee shall be entitled to return to a position in his/her class without any loss of status due to the disability leave, providing that he/she returns upon the expiration of all disability benefits to which entitled.

G) Reemployment

i) If an employee does not return to work at the expiration of all disability benefits and is terminated in accordance with subsection (c)(2), the employee may, within one year following the expiration of all disability benefits, request reinstatement and, upon approval of the Executive Director, the employee's name may be placed on the reemployment register in the class in which he/she was employed at the time the disability leave was granted and in accordance with total seniority earned.

ii) If, within one year following the expiration of all disability benefits, the employee requests reinstatement, but, because of his/her disability, is deemed unable to perform the duties

in the class, the employee may be required to pass physical or other tests to determine employability under the University System.

4) Military Leave of Absence. An employee shall be granted a Military Leave of Absence in accordance with State and federal law and regulations.

5) The Executive Director shall be notified promptly by the employer of all leaves of absence, including military, disability, or any other leave otherwise granted. The notification shall include the beginning and ending dates of leaves that exceed 30 calendar days of non-pay status.

c) Termination

1) An employee having a non-status appointment, as described in Section 250.70 of this Part, may be terminated by his/her employer at any time during the training period and/or upon completion of the work assignment, except for those status employees eligible for a leave of absence as defined in subsection (b)(1).

2) An employee on disability leave, as defined in subsection (b)(3), who has exhausted all of his/her disability benefits and is unable to resume the duties and responsibilities of a position in his/her class may be terminated from employment, unless the employer and employee agree on employment in a more suitable classification. The alternative employment options shall be subject to standard civil service employment protocols.

3) An employee who fails to report for duty after a disability leave of absence has expired or has been denied, disapproved, revoked, or canceled by the approving authority, or any other failure to report for duty as scheduled after a disability leave of absence, may be terminated from employment.

4) This notification and review process shall only apply to subsection (c)(2) and (c)(3).

A) The employer shall notify the employee that he/she will be terminated from the employer's service to become effective 15 calendar days from the date of mailing of the notification to the

employee. The notification must be sent, by certified mail or by overnight delivery service that requires signature upon receipt, to the most recent address of the employee as shown on the employer's records.

B) At any time prior to the effective date of termination, the employee shall have the opportunity to provide to the employer evidence of the reason for the unauthorized absence. The employer shall revoke the termination if the employee provides satisfactory evidence of the reason for the unauthorized absence. If the employer determines that the evidence is not satisfactory, the employer shall notify the employee that the termination will remain in effect.

C) Within 15 calendar days from the original date of notification of termination, the employee may request a review of the termination decision pursuant to Section 250.130 of this Part. The review is limited to a determination of whether this Section has been properly applied and whether the employer's decision is deemed arbitrary or capricious. In the event a review is not requested within the allotted timeframe, the employee's termination from service shall be effective 15 days after the original notification.

5) The employer shall notify the Executive Director promptly of all terminations of employment, setting forth the reason for the termination.

~~A) If an employee is no longer able to perform the duties and responsibilities of the position in the class due to a disability, the employee will be required to take disability leave; or~~

~~B) If an employee at the time of expiration of a leave for disability has exhausted all potential benefits and is unable to resume the duties and responsibilities of a position in the class, employment may be terminated unless an employer and the employee agree on employment in a more suitable classification; or~~

~~C) If an employee, at the time of expiration of leave for disability, is unwilling to return to the position from which he/she is on leave, the employee may resign or employment may be terminated.~~

~~4) A status employee shall be granted a leave of absence for pregnancy whenever the required duties of the position occupied by the employee are incompatible with the state of pregnancy, as determined by the employer, and such leave shall continue until competent medical opinion indicates that the employee is able to return to work in a position in the class in which the employee was employed prior to the leave.~~

~~5) A status employee who accepts a position that represents a promotion in a class outside his/her promotional line shall be granted a leave from a position of his/her former class for the duration of the probationary period in the new class.~~

~~6) An employee placed on Disciplinary Suspension or on Suspension Pending Discharge shall be placed on a leave of absence from his/her position.~~

d~~e~~) Layoff

1) The Executive Director shall be notified promptly of all employees on layoff status, together with the dates~~date~~ of the beginning of layoff~~,~~ and of return to employment from layoff status, when the~~such~~ layoff exceeds 30 consecutive work days. A status employee shall receive a written notice, at least 30 calendar days in advance of the effective date of layoff, when the~~such~~ layoff exceeds 30 consecutive work days; however, the effective date of layoff may be extended up to 15 days without the requirement of further notice.

2) Whenever it becomes necessary to lay off one or more employees, except as provided in subsection (d)~~(e)~~(3), the employee who has the least amount of service in the class shall be laid off first, and additional layoffs shall be made in the ascending order of the place of the employee on the service and seniority lists for that class.

3) An employee~~,~~ who is the incumbent of a position for which the Executive Director has authorized specialized certification under Section 250.60(d)(9), or who is the incumbent of a position that~~which~~ has previously been identified as requiring specialized training or experience as required by the position in accordance with minimum acceptable

qualifications for the class, may not be bumped by another employee with greater seniority unless the employee with greater seniority possesses the special and identified qualifications authorized for the incumbent's position.

4) Whenever it becomes necessary to reemploy one or more employees in a class, the employee last laid off by seniority shall be reemployed first, and further reemployment shall be made in the order of seniority until the reemployment register for that class is exhausted. Work of short duration requiring reemployment of one or more employees will not require a new written 15 day advance notice of layoff if the work period is to be 5 consecutive working days or less and the work is emergent in nature.

5) A status employee who is subject to layoff from a part-time position~~,~~ may bump an employee in a full-time status position, providing the part-time employee's equivalent full-time accrued seniority based on hours in pay status is greater than that of the least senior employee in a full-time position. A full-time status employee~~,~~ who is subject to layoff~~,~~ may bump the least senior full-time employee, who then may bump the part-time employee having the highest percent-time appointment, providing the full-time employee has more accrued seniority.

6) Names of employees laid off during their probationary periods shall be returned to the register from which they were certified to their position in accordance with service in a status appointment earned as of the date of layoff.

e~~d~~) Disciplinary Suspension. An employer may suspend an employee as a disciplinary measure for not more than 30 calendar days.

1) The employer will discuss the specific problem pertaining to contemplated suspension with the employee and the Campus Human Resource~~Personnel~~ Director or his/her designee before a suspension notice is served. The employee will be told at that time that suspension is being considered.

2) In imposing a disciplinary suspension, the employer shall serve a written suspension notice on the employee showing reason for the suspension, and shall immediately report the suspension to the Executive Director ~~of the University System~~ and shall send a copy of the notice served on the

employee, along with proof of service, to the Executive Director.

3) Causes justifying suspension, not for discharge as provided for in subsection (f)(2), shall include, but are not limited to: unauthorized and unexcused absence; leaving work without authority; failure to ring in or out on time card; habitual lateness; punching other time cards; key duplication and/or unauthorized possession of keys; misrepresentation of absence; falsification of records; refusal to do work assigned; failure to follow work schedules; failure to follow time schedules; insolence; failure to adhere to departmental regulations of appearance; smoking in prohibited areas; disregard of safety regulations; careless workmanship resulting in spoilage, waste, or delay; unauthorized use of institutional property; gambling on institutional property; creating or contributing to unsanitary conditions; horseplay or scuffling; fighting; sleeping during working hours; unauthorized visiting; and "loafing on the job.".

AGENCY NOTE: It is to be noted that an employee's allegation that a Disciplinary Suspension was unfairly imposed is subject to the grievance procedure established by the employing institution, but is not reviewable by the Civil Service System.

f) Discharge Proceedings and Effective Date of Discharge

1) Pre-discharge Proceedings

A) Prior to initiating any proceedings before the Merit Board for the discharge of an employee, the employer shall notify the employee in writing, served upon the employee in person if the employee is present on the job or, otherwise, by certified mail or by overnight delivery service that requires signature upon receipt to the most recent address of the employee as shown on the employer's records, of the employer's intention to initiate the proceedings. The notification shall advise the employee of the substance of the charges proposed to be filed in sufficient detail to inform the employee of the nature of the conduct on which the proposed charges are based. The notification shall also advise the employee that either or both of the following options are available to the employee:

i) within 3 work days after service of the employer's notification, the employee may notify the employer of his/her decision to require the employer to hold a conference with the employee or his/her representative for the purposes of responding to the matters contained in the notification and of attempting to achieve a reconciliation or understanding; and

ii) within 3 work days after service of notification, the employee may deliver to the employer a written response to the matters contained in the employer's notification; provided that, if the employee elects to require the conference identified in subsection (f)~~(e)~~(1)(A)(i), at that conference the employee may request and receive an opportunity to respond further in writing within 3 work days after the conclusion of the conference.

B) Employer's Decision

i) Within 7 work days after compliance with the provisions of subsection (f)~~(e)~~(1)(A), the employer shall either:

- notify the employee that no further action will be taken to initiate discharge proceedings with the Merit Board against the employee based solely on the matters contained in the employer's notification; or

- initiate proceedings before the Merit Board under this subsection (f)~~(e)~~ seeking discharge of the employee based solely on the matters contained in the employer's notification.

ii) The employer's election not to initiate discharge proceedings with the Merit Board shall not preclude the employer from imposing a suspension in accordance with subsection (e)~~(d)~~ or some lesser penalty.

C) An employee who has been served with an employer's notification

as provided in subsection (f)~~(e)~~(1)(A) may be placed on excused absence with pay during all or any part of the period covered by this subsection (f)~~(e)~~(1) to provide the employer an opportunity to investigate serious charges.

2) Actual Discharge Proceedings

A) Proceedings before the Merit Board seeking the discharge of an employee shall be initiated by the employer filing Written Charges for Discharge with the Merit Board setting forth the causes for discharge in sufficient detail to inform the employee of the nature of the conduct on which the charges are based. The Written Charges for Discharge shall be set forth in separately numbered charges. The Written Charges for Discharge shall contain the dates, names of persons, places, and facts necessary to properly allege cause for discharge. If a breach of duty, statute~~ a statutory duty, law~~, or rule of the employer is alleged, the statute, law, or rule shall be cited in connection with the charge.

B) The Written Charges for Discharge shall be accompanied with a certification by the employer that all procedures set forth in subsection (f)~~(e)~~(1) have been followed and that there has been full compliance with any options elected by the employee. At the time the Written Charges for Discharge and the certification are filed with the Merit Board, the employer shall serve copies upon the employee in person if the employee is present on the job; otherwise, service shall be by certified mail or by overnight delivery that requires signature upon receipt to the most recent address of the employee as shown on the employer's records, and the employer shall file a proof of the~~such~~ service with the Merit Board.

C) At any time prior to commencement of the hearing, the Executive Director may direct or authorize the Written Charges for Discharge to be amended to correct technical defects or to set forth additional facts or allegations related to the subject matter of the original charges. The amendments shall relate back to the original date of service of the Written Charges for Discharge. The employer shall serve copies of the Amended Written Charges for Discharge upon

the employee in person if the employee is present on the job; otherwise, service shall be by certified mail or by overnight delivery that requires signature upon receipt to the most recent address of the employee as shown on the employer's records, and the employer shall file a proof of the~~such~~ service with the Merit Board.

D) An employee who has been served with Written Charges for Discharge in accordance with subsections (f)~~(e)~~(2)(A) and (B) may be suspended without pay by the employer during all or any part of the period that the discharge proceeding is pending, and until final disposition, if the employer is of the opinion that the employee's presence on the job might constitute a substantial risk of injury to life or property, or might cause a disruptive effect on employer's operations. Any suspension without pay shall become effective on the date the employer serves the Suspension Notice Pending Discharge upon the employee, which may be served with the Written Charges for Discharge or on any date thereafter. Service shall be upon the employee in person if the employee is present on the job; otherwise, service shall be by certified mail or by overnight delivery that requires signature upon receipt to the most recent address of the employee as shown on the employer's records, and the employer shall file with the Merit Board a copy of the Suspension Notice Pending Discharge and proof of service.

3) Hearing Request

A) An employee who has been served with Written Charges for Discharge may request a hearing ~~thereon~~ by filing a written request for hearing with the Secretary for the Merit Board within 15 calendar days after~~of~~ the date of personal delivery or mailing of the Written Charges for Discharge to the employee. The Secretary for the Merit Board shall immediately notify the employer of the filing of the written request by the employee. Thereafter, further proceedings shall be as provided in this subsection (f)~~(e)~~ and any discharge shall be effective on the date of the discharge order of the Merit Board, unless otherwise expressly stated in the order.

B) If the employee does not file a written request for hearing with the

Secretary for the Merit Board within 15 calendar days, the employee's discharge shall become effective at the end of the 15-day period without further action by the Merit Board. The Secretary for the Merit Board shall promptly notify the employer of the employee's failure to file a timely written request for hearing.

4) Hearing Proceedings

A) Upon receipt of the employee's written request for hearing on the Written Charges for Discharge, the Merit Board shall promptly appoint a Hearing Board or Hearing Officer to hear the charges and the employee's response. All hearings relating to discharge proceedings shall be convened by and conducted under the control of the Executive Director or his/her authorized representative. The Executive Director, the Hearing Board or Hearing Officer, the employee and the employer shall all make good faith efforts to commence the hearing within 10 calendar days after receipt of the employee's written request for hearing, but in no event shall the~~such~~ hearing commence later than 45 days after service of the Written Charges for Discharge, unless a continuance is granted pursuant to subsection (f)~~(e)~~(19)(B). Dilatory tactics or actions will not be permitted and the Executive Director, the Hearing Board or Hearing Officer, the employee and the employer shall all make good faith efforts to conduct the hearings in no more than three~~3~~ hearing days, unless justice, due process, and fundamental fairness require otherwise. All hearings shall be open to the public unless, upon motion of either party, the Hearing Board or Hearing Officer finds it necessary to close the hearing or parts of the hearing in instances where personal safety is of concern or when confidential testimony/exhibits are to be referenced or revealed. There shall be a presumption that hearings will be closed only under extraordinary circumstances. A transcript of the hearing, including exhibits, shall be made and shall be filed with the Secretary for the Merit Board as soon as possible following conclusion of the hearings.

B) Within 15 calendar days after receipt of the transcript from the Secretary for the Merit Board, the Hearing Board or Hearing

Officer shall file its findings of fact and any other recommendations with the Secretary for the Merit Board, unless that time is extended by the Executive Director for good cause shown. For the purpose of this Section, good cause shall include, but not be limited to: sickness, attendance at court proceedings, death, weather conditions that~~which~~ prevent the members from meeting. If by that time the findings of fact have not been received by the Secretary for the Merit Board, the Executive Director will either appoint another approved Hearing Board or Hearing Officer that will then review the record and submit findings of fact within 10 calendar days after the appointment, or the Executive Director will give written notice to all Hearing Board members or the Hearing Officer and to all parties to the proceeding that he or she will, within 10 calendar days, discontinue the hearing and commence a new hearing and the present Hearing Board or Hearing Officer will be dismissed without pay. Within this 10-day period following the Executive Director's notice, the Hearing Board or Hearing Officer can appeal to the Executive Director by showing cause why time should be extended.

C) The Executive Director shall certify as the Hearing Record the Written Charges for Discharge, the Suspension Notice Pending Discharge, the employee's request for hearing, the transcript and exhibits, the Hearing Board's or Hearing Officer's findings of fact and other recommendations, and other documents that have been filed.

D) Upon certification by the Executive Director, the Secretary for the Merit Board shall, by certified mail or by overnight delivery that requires signature upon receipt, immediately forward a copy of the Hearing Record, along with notice that the Hearing Record has been certified, to all parties of record. Any objections to the form or contents of the Hearing Record, or briefs, abstracts, or excerpts from the Hearing Record, or arguments, motions, or recommendations, relating to the hearing proceedings or the Hearing Record, or requests for further hearing or for permission to supplement further the Hearing Record by other evidence, must be filed with the Secretary for the Merit Board within 14 calendar days after~~from~~ the date of the postmark of the certified mail notice

or the mailing date of the overnight delivery that the Hearing Record has been certified, with proof of service on all parties. No answer or reply briefs and arguments in response to these~~the above-referenced~~ filings will be permitted unless expressly authorized by the Executive Director or the Merit Board or its Chair.

E) A party requesting oral argument before the Merit Board in cases of discharge must file an appropriate motion with the Secretary for the Merit Board with notice to all parties within 14 calendar days after~~from~~ the date of the postmark of the certified mail notice or the mailing date of the overnight delivery of the certified hearing record, with proof of service on all parties. The motion must specifically state the issues and any relevant law that will be the subject of argument. The Merit Board will grant or deny the motion at the Merit Board meeting at which oral argument is requested. Oral argument in cases of discharge will generally not be allowed unless novel or precedent setting questions of law or policy are at issue.

5) Conduct of Hearing

A) Pre-hearing Conference. In all hearings, it is recommended that the Hearing Board or Hearing Officer hold a pre-hearing conference immediately preceding the hearing on the day of the hearing. The Hearing Board or Hearing Officer will give the parties an opportunity to discuss issues and share information at the pre-hearing conference that will allow them to present their cases in a fair, efficient, and timely manner. Generally, the Hearing Board or Hearing Officer will conduct the pre-hearing conference for the purpose of achieving one or more of the following points, as determined by the Hearing Board or Hearing Officer on a case by case basis:

i) defining and simplification of the issues;

ii) negotiating admissions or stipulations of fact to avoid unnecessary proof;

iii) reviewing each party's witness and exhibit list;

iv) limiting redundant witness testimony or duplication of evidentiary material, if necessary;

v) determining the length of time each party will need to present its case;

vi) exchanging exhibits; and

vii) discussing any matter that may aid in the efficient and timely disposition of the case.

B) Following the Pre-hearing Conference. The Hearing Board or Hearing Officer shall enter into the record any action taken and any agreements made by the parties as to the matters considered. The length and scope of the pre-hearing conference is at the discretion of the Hearing Board or Hearing Officer, but should generally be concluded within a one hour timeframe.

6) Order of Hearing

A) The Executive Director, or authorized representative, shall open and convene the hearing.

B) The Executive Director, or authorized representative, shall request all persons who have been asked to serve as witnesses, other than a party or employer representative, to be excluded from the hearing room while the hearing is in process, except during their own testimony and cross-examination. Except as he/~~ or~~ she might intervene, or be requested to intervene, the Executive Director, or authorized representative, shall empower the Hearing Board or Hearing Officer to proceed with the hearing in such a manner as to provide the employer and the employee a full opportunity to present their positions to the Hearing Board or Hearing Officer.

C) The parties may make a brief opening statement at the beginning of the hearing. The employer will proceed first, followed by the

employee. Opening statements may be waived or may be reserved and presented at the commencement of the party's case-in-chief.

D) The employer shall~~will~~ first present its case-in-chief, with an opportunity for the employee to cross-examine the employer's witnesses. The employee may be called as an adverse witness during the course of the hearing.

E) The employee shall~~will~~ then present his/her~~his or her~~ case-in-chief, with an opportunity for the employer to cross-examine the employee's witnesses.

F) Each party may call rebuttal witnesses if found to be necessary by the Hearing Board or Hearing Officer.

G) At the conclusion of the hearing, each party may make an oral closing argument. The employer may be permitted a brief rebuttal at the end of the employee's closing argument.

H) The hearing shall be closed when the employer and the employee have had a fair and reasonable opportunity to present their positions to the Hearing Board or Hearing Officer.

I) In addition, each party may submit written arguments, summary statements, and/or briefs within 10 calendar days after conclusion of the hearing. A copy of the written closing arguments must be provided to all parties of record and filed with the Executive Director, with proof of service included. Only written materials submitted within the 10 calendar day timeframe will be forwarded with the transcript of evidence and considered by the Hearing Board or Hearing Officer, unless otherwise extended by the Executive Director.

7) Evidence and Motions

A) As a general matter, the rules of evidence and privilege as applied in civil cases in the circuit courts of the State of Illinois shall be followed. However, evidence not admissible under those rules may be admitted (except where precluded by statute) if it is of a

type commonly relied upon by reasonably prudent persons in the investigation and conduct of serious matters of this nature. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded.

B) All testimony shall~~will~~ be presented under oath or affirmation. Objections to testimony or evidentiary offers shall~~will~~ be noted in the record. Consistent with these requirements and in order to expedite the hearing, any part of the evidence may be received in written form, provided the interests of the parties are not jeopardized.

C) The standard of proof applied by the Hearing Board or Hearing Officer when evaluating the charges will be the preponderance of the evidence.

D) The Hearing Board or Hearing Officer may, on its own motion or upon motion of one of the parties, take notice of matters of which the circuit courts of the State of Illinois take judicial notice.

E) The Hearing Board or Hearing Officer has the authority to rule on all motions that do not dispose of the proceedings. Examples of motions that can be ruled on by the Hearing Board or Hearing Officer are motions in limine or motions to suppress evidence. Motions directed at the Hearing Board or Hearing Officer shall be presented at the pre-hearing conference, if possible, and actions taken by the Hearing Board or Hearing Officer shall be entered into the record.

F) Motions that dispose of the proceedings must be directed to the Merit Board. Examples of motions that are to be directed to the Merit Board are motions to dismiss, motions to decide a proceeding on the merits, or motions claiming lack of jurisdiction. Motions must be filed with the Secretary for the Merit Board within 14 calendar days after~~from~~ the date of the postmark of the certified Hearing Record. Motions will be ruled on by the Merit Board at the Merit Board meeting in which the case is being considered. The filing of a motion of this nature shall not be allowed to cause any delay in the proceedings.

G) Performance records of the employee or past disciplinary records are admissible and relevant for the purpose of mitigation or aggravation, except if otherwise excluded by a local employer policy or collective bargaining agreement.

8) Stipulations. Parties may agree by stipulation upon any facts involved in the hearing. The facts stipulated shall be considered as evidence in the hearing. It is the policy of the Merit Board to encourage stipulation of facts whenever practicable.

9) Evidence Depositions. Upon request to the Executive Director and upon good cause shown (which shall include, but is not restricted to, potential unavailability of a witness at the time the hearing is scheduled, scheduling or travel arrangement considerations, or agreement of the parties) any party may request a deposition of any witness to be taken for evidence in a hearing. If desired, subpoenas may be requested upon application to the Executive Director in a manner consistent with this Part. The deposition shall proceed in the manner provided by law for depositions in civil actions in the circuit courts of the State of Illinois.

10) Subpoenas. Requests for subpoenas shall be directed to the Executive Director at least five work days before the hearing, unless an exception is granted by the Executive Director. Subpoena requests may be granted if reasonably designed to produce or lead to the production of evidence related to the alleged charges and the terms of compliance are reasonable given the time frames and other circumstances. The party requesting the subpoenas shall be responsible for service and costs related to the subpoena of a witness. The fees of the witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit courts of the State of Illinois. Subpoenas are effective throughout the course of the proceedings. Requests for subpoenas must be submitted in writing and include the following:

A) The name and address of the witnesses sought;

B) Any specific documents the witnesses will be required to bring; and

C) A brief statement of the relevant facts or testimony that the witnesses will be providing.

11) Request for Documents. Prior to the hearing, each party shall serve upon the other party and file a copy with the Secretary for the Merit Board, to be submitted to the Hearing Board or Hearing Officer, the following information, to the extent available at that time:

A) A list of the names and addresses of the witnesses the party proposes to call; and

B) All documents the party proposes to offer in its case-in-chief.

12) Failure to Appear. Failure of a party to appear on the date set for hearing may result in findings of fact unfavorable to that party and may result in a loss of rights by default.

13) Disqualification of Assigned Hearing Board or Hearing Officer. A Hearing Board or Hearing Officer may be disqualified on grounds of bias or conflict of interest. An adverse ruling, or the fact that a Hearing Board or Hearing Officer has had contact with the University System, by itself, shall not constitute bias or conflict of interest. Whenever any party believes a Hearing Board or Hearing Officer should be disqualified from conducting an assigned proceeding, that party may file a request with the Executive Director to disqualify the Hearing Board or Hearing Officer, setting forth by affidavit the alleged grounds for disqualification, with proof of service on all parties. The Executive Director shall rule and make the final determination on all requests for disqualification.

14) Ex Parte Communications

A) Except in the disposition of matters they are authorized by law to entertain or dispose of on an ex parte basis, the Merit Board, the Executive Director, employees of the University System Office, and the assigned Hearing Board or Hearing Officer shall not, after Notice of Convening of Hearing has been issued, communicate, directly or indirectly, with any party or the party's representative regarding any issue of fact or with any person or party in connection with any other issue regarding the case, except upon

notice and opportunity for all parties to participate. However, the Merit Board, the Executive Director, employees of the University System, and the Hearing Board or Hearing Officer may communicate with each other. Also, members of the Merit Board and the Hearing Board or Hearing Officer may have the aid and advice of one or more personal assistants.

B) Communications regarding procedure, including interpretation and application of Section 36o of the ~~State Universities Civil Service~~ Act, subsection (f)~~(e)~~, and related procedures, are not considered ex parte communications.

15) Role and Responsibilities of the Hearing Board or Hearing Officer**.** The Hearing Board or Hearing Officer shall be responsible for the following activities:

A) Conduct the pre-hearing conference;

B) Facilitate the timely completion of the hearing process, taking necessary steps to avoid delay;

C) Establish reasonable limits on the duration of witness testimony;

D) Limit repetitive or cumulative testimony;

E) Rule on motions, objections or evidentiary questions;

F) Hear evidence as presented at the hearing by the employer and the employee on behalf of their respective positions (the~~such~~ evidence may include matters in aggravation, mitigation and justification, which may pertain to the question of "just cause" for discharge);

G) Direct questions to witnesses at any time, but restrict questioning to the clarification of the testimony already presented;

H) Prepare a signed findings of fact within 15 calendar days after receipt of the transcript of the hearing proceedings to be transmitted to the Merit Board. The findings of fact shall set forth each of the written charges alleged in the Written Charges for

Discharge, including an evaluation of the facts presented by the employer and employee with respect to each charge, and based on this evaluation, a determination as to whether the charges are sufficiently supported by the evidence presented. The findings of fact shall be based exclusively on the evidence and on matters officially noticed. The findings of fact presented by the Hearing Board or Hearing Officer are advisory only to the Merit Board. It is not the role of the Hearing Board or Hearing Officer to determine whether just cause for discharge exists. The determination of just cause is the sole province of the Merit Board; and

I) Enter any order that further carries out the purpose of this Section.

16) Decision of the Merit Board. In the course of reaching its decision, the Merit Board may request the Executive Director to make recommendations that he/she deems appropriate with respect to the discharge proceedings. Nothing in subsections (f)(16)(A) and (B) is intended to eliminate or limit the Merit Board's discretion to determine the appropriate disposition on a case-by-case basis. The Merit Board shall enter findings of fact and shall order the following decision and order or any other decision and order it deems appropriate:~~discharge or reinstatement of an employee with no loss of compensation, or make such other order as it deems appropriate. In the course of reaching their decision, the Merit Board may request the Executive Director to make such recommendations as he or she may deem appropriate with respect to the discharge proceedings.~~

A) Discharge, if just cause is found to exist. No employee shall be discharged except for just cause. Just cause is defined as some substantial shortcoming that renders the employee's continuance in his/her position in some way detrimental to the discipline and efficiency of the service and that the law and sound public opinion recognize as good cause for the employee no longer holding the position; or~~.~~

B) Reinstatement, if just cause for discharge is found not to exist. An employee shall be reinstated as follows:

i) Reinstatement with no loss of compensation when none of the significant charges are proven.

ii) Reinstatement with a 60-day suspension when the proven charges do not rise to the level of just cause for discharge, but some disciplinary action is justified based on the severity of the proven charges. If the Merit Board orders reinstatement with a 60-day suspension, any time served while on suspension pending discharge will be applied towards the fulfillment of the 60-day suspension.

17) Decision and Order of the Merit Board. The Secretary for the Merit Board shall immediately forward copies of all Merit Board orders to the employer and the employee by certified mail or by overnight delivery that requires signature upon receipt. Request for a rehearing, or for a reconsideration of a Merit Board order or decision, shall not extend any appeal period for administrative review, except by express order of the Merit Board or its Chair.

18) Administrative Review. All final decisions of the Merit Board shall be subject to appeal by the parties to the proceedings under the Administrative Review Law [735 ILCS 5/Art. III]. A complaint for administrative review must be filed and summons issued within 35 days after~~from~~ the date that a copy of the Merit Board decision has been served upon the party affected. A decision of the Merit Board shall be deemed served either when personally delivered or when deposited in the United States mail in a sealed envelope or package, with postage paid, addressed to the party affected by the decision at his/~~ or~~ her last known residence or place of business.

19) Time Period Proceedings

A) On the motion of either party with notice to the other party, or by independent action of the Chair of the Merit Board or the Executive Director communicated to both parties, any time period set forth in this subsection (f~~e~~) may be extended by the Chair of the Merit Board or by the Executive Director for good cause shown.

B) No extension may be beyond a period established by statute,

except for cases in which a written motion for continuance of a scheduled hearing is filed with the Secretary for the Merit Board at least 48 hours prior to the time scheduled for hearing, unless an exception is granted by the Executive Director. The moving party must set forth emergency grounds for a continuance, which are limited to unforeseen, unavoidable or uncontrollable circumstances, such as an Act of God; the sudden illness or death of the movant, a member of his or her immediate family, or his/ ~~or~~ her legal counsel; or if the movant is able to demonstrate some other real and compelling need for additional time. If there is an arrest or criminal indictment of any employee that resulted from an employee's conduct in the course of employment duties, the Executive Director, at the request of the employee, may grant a continuance of hearing pending some resolution of the criminal charges. Requests for continuances must be preceded by contacting the opposing party and asking for agreement to the continuance.

C) The time periods set forth in this subsection (f)~~(e)~~, except for the 15-day period set forth in subsection (f)~~(e)~~(3)(B) and except for any time period provided for seeking administrative review of a final decision of the Merit Board, shall be deemed directory and not mandatory; and no failure to comply with any of the time periods set forth in this subsection (f)~~(e)~~, except for the 15-day period set forth in subsection (f)~~(e)~~(3)(B) of this Section and except for any time period provided for seeking administrative review of a final decision of the Merit Board, shall cause the Merit Board to lose jurisdiction of any matter.

D) If the last date for filing falls on a weekend or legal holiday, the last date for filing is the first business day following that weekend or legal holiday.

20) Reason for Discharge. Causes justifying discharge and any suspension during the discharge proceedings shall include, but are not limited to: all those listed as cause for suspension if they become recurring offenses; and, in addition, theft; drinking intoxicating liquors on institutional time or property; inability to perform satisfactorily assigned duties as a result of drinking alcoholic beverages; malicious damage to property, tools, or

equipment; immoral or indecent conduct that~~which~~ violates common decency or morality; conviction of an offense involving moral turpitude; illegal or excessive use of drugs, narcotics, and/or intoxicants.

21) Hearing Expenses. All customary and reasonable court reporter and copying expenses incident to the preparation of the Hearing Record and providing copies ~~thereof~~ to parties to the proceedings shall be paid by the employer. The Merit Board shall pay all expenses of the Hearing Board or Hearing Officer and any legal expenses incurred by a Hearing Board or Hearing Officer, to the extent that those~~such~~ expenses have been approved by the Merit Board or its Executive Director.

g~~f~~) Demotion

1) Any of the actions described in this subsection (g)(1) is considered to be a demotion when that action has been initiated by the employer. A demotion may occur when a status employee:

A) is subject to a reduction in salary in his/her current position, or in a position of the same class to which he/she has been reassigned, except when the reduction in pay results from an overall reduction in pay to persons employed in the same class and/or when the Merit Board, on the basis of supporting evidence, determines that the pay potential should be lowered for a class;

B) is subject to a reduction in percentage of time worked;

C) is appointed to a position in a lower class in a promotional line;

D) is appointed to a position in a class outside a promotional line with a lower pay potential;

E) is given a nonstatus appointment.

2) None of the actions described in subsection (g)(1) are considered to be a demotion when the action has been initiated, or willingly accepted, by the employee.~~Actions Constituting Demotion~~

~~A) Any of the actions described in subsection (f)(1) is considered to~~

~~be a demotion when that action has been initiated by the employer.~~

A~~B~~) ~~Such an action is not considered to be a demotion when such action has been initiated, or has been willingly accepted, by the employee.~~ Evidence of initiation by, or willing acceptance by, an employee shall be: a statement signed by the employee (to be filed by the employer with the notice of employment) indicating that the new appointment is at his/her request and/or is acceptable to him/her, or the employee applied for, and took, the Civil Service examination, upon the results of which the new appointment is based, after the date of certification to his/her most recent position.

B~~C~~) Without the evidence indicated in subsection (g)~~(f)~~(2)(A~~B~~), the action will be considered to have been initiated by the employer and, therefore, will be considered to be a demotion.

3) Any classification plan changes authorized and implemented by the University System and/or the Merit Board that may result in a lower pay potential will not be considered a demotion.

4~~3~~) An employer may effectuate a demotion by filing a Notice of Demotion with the Merit Board and serving a copy of the~~said~~ Notice of Demotion on the employee by certified mail, by overnight delivery that requires signature upon receipt, or by personally serving the employee. The Notice of Demotion shall designate the position and class to which the employee has been demoted and shall factually state the causes justifying demotion. The effective date of the demotion shall be the date of service of the Notice of Demotion upon the employee. A demotion shall be subject to the same hearing and review procedures as are provided an employee in the case of a discharge. (See subsection (f)~~(e)~~.) During any hearing and review proceedings, the employee shall be paid the approved rate for the class of the position to which he/she has been demoted, as set forth in the Notice of Demotion.

5~~4~~) A status employee~~,~~ who is demoted to a position in a class in which he/she has never been employed on a status appointment~~,~~ may qualify for the position to which he/she is demoted, if his/her name is not already on an eligible register for that class, by taking the examination given to all other applicants for this class as promptly as possible following demotion to the

class. The employee must pass the examination as a condition to retaining his/her appointment.

h~~g~~) Dismissal

1) An employer may dismiss an employee whose name has been certified and who has been subsequently employed in a status position~~, except those specified in subsections (h)(2) and (3),~~ at any time during the probationary period of employment in a class, if the employer determines, pursuant to conditions of Section 250.90(a), that the employee has failed to demonstrate the ability and the qualifications necessary to furnish satisfactory service.

2) The employer shall notify the Executive Director promptly of dismissals, setting forth the reasons for the dismissal~~such action~~.

~~h)~~ ~~Termination~~

~~1)~~ ~~A notice of termination of employment shall be used by the employer to report completion of services of a temporary, or provisional employee, retirement of an employee, death of an employee, and/or the determination of the employer that an employee is unable to resume his/her duties at the expiration of a leave of absence in accordance with subsection (b)(3).~~

~~2)~~ ~~An employer may terminate an Apprentice, a Trainee, or a Learner at any time during the period of training.~~

~~3)~~ ~~The employer shall notify the Executive Director promptly of all terminations of employment, setting forth the reasons for such action.~~

(Source: Amended at 33 Ill. Reg. 11644, effective July 22, 2009)

Section 250.120 Seniority

a) Accumulation of Seniority~~.~~

1) After the completion of the probationary period, the status employee's seniority shall date from the beginning of the probationary period. Seniority is accumulated on the basis of hours in a pay status exclusive of

overtime. Seniority may be accumulated in certain types of non-pay status under specified conditions as provided for in subsections (f), (g), (h) and (j).

2) Seniority, once earned in a class, is retained during any period of continuous employment:

A) Except as provided for in lesser units in accordance with subsection (k)(2).

B) Except an employee does not retain seniority in any class from which he/she has been demoted because of unsatisfactory performance or for disciplinary reasons.

b) Retention of Seniority. Seniority accrued in a class is retained for that class for purposes of retreat rights even though an employee accepts a position in another class outside of the promotional line.

c) Seniority Lists. Each employer shall maintain a public and current seniority list that~~which~~ includes the names of all status employees in each class in order of their seniority.

d) Ties in Seniority Lists~~.~~

1) If two or more employees have the same seniority, their names shall be placed on the seniority list in the order of their scores in the examination for the position; i.e., the person with the highest score shall be first, next highest second, and continuing in descending order of their scores. Seniority between employees who receive the same score on the examination shall be determined in accordance with years of service at the place of employment, then in accordance with date of application for employment.

2) If two or more employees have the same seniority in the same lesser unit, subsection (d)(1) shall apply.

e) Accumulation of Seniority, or Service, in Promotional Line. Seniority~~,~~ or service~~,~~ in a higher class in a promotional line may be added to seniority~~,~~ or service~~,~~ earned in a lower class in the same line to compute total seniority~~,~~ or service~~,~~ in

the lower class. Seniority earned in a class shall be counted toward seniority in a lower class in the same promotional line even though the employee may not have served in the lower class. Seniority~~,~~ or service~~,~~ earned in a lower class in a promotional line may not be added to seniority~~,~~ or service~~,~~ earned in a higher class in the same line to compute total seniority~~,~~ or service~~,~~ in the higher class.

f) Accumulation of Seniority during Disability. Subject to limitation imposed by subsection (h), employees accrue seniority while on leave of absence for disability, as defined in Section 250.110(b)(3)~~(2)~~ and for an occupational or work-related disability that becomes the subject of payment of income benefits as defined by the Workers' Compensation Act [820 ILCS 305], the Workers' Occupational Diseases Act [820 ILCS 310], a State self-insurance program, or other appropriate authority.

g) Accumulation of Seniority during Authorized Absence without Pay. An employee shall accrue seniority during approved leaves of absence without pay, not exceeding a total of 30 work days within any calendar year.

h) Accumulation of Seniority during Layoff Status. An employee continues to accrue seniority during layoff occasioned by a break in the academic calendar or during any other layoff period, not in excess of 30 consecutive work days.

i) Accumulation of Seniority during Suspension. Employees do not accrue seniority while on suspension.

j) Accumulation of Seniority during Military Service~~.~~

1) A status employee accrues seniority during leave for military service until the date of separation from active military service and for 90 calendar days after separation~~thereafter~~, if the~~such~~ separation is under conditions other than dishonorable.

2) An employee whose name has been certified and who has not completed the probationary period at the time of approval for leave for military service~~,~~ shall continue to accrue seniority in his/~~or~~ her classification for the entire time of leave for military service until the date of separation from active service and for 90 calendar days after separation~~thereafter~~, provided the employee meets the following conditions:

A) the separation from active military service is under conditions other than dishonorable;~~,~~

B) reemployment occurs in a position of the same class in which~~as that~~ employed at the time of leave for military service;~~,~~ and

C) the probationary period is satisfactorily completed in the class upon reemployment.

k) Effect of Lesser Units on Seniority~~.~~

1) Lesser units, for purposes of determining seniority, may be approved by the Merit Board, provided two-thirds of the status employees within the class involved in the approval of the lesser unit shall agree to the creation of the~~such~~ lesser unit. A lesser unit can be disestablished only by agreement (i.e., election) of two-thirds of all status employees in the class at the place of employment (subject to subsequent approval by the Merit Board).

2) A status employee who accepts a position in a different lesser unit relinquishes seniority acquired in the previous lesser unit, but cannot be required to serve another probationary period, providing there is no change in class.

3) An employee in a lesser unit who accepts a temporary assignment in another lesser unit during a period of layoff does not accrue seniority in the latter unit.

l) Effect of Vacation Time on Seniority at Time of Separation. At the time of separation, seniority shall be accrued only through the period of actual service to the employer. Payment for earned vacation time shall not be included in the seniority computation.

m) Restoration of Seniority after Retirement. If a retired employee is reemployed within 60 days after retirement, seniority earned up to the effective date of retirement shall be restored.

(Source: Amended at 33 Ill. Reg. 11644, effective July 22, 2009)

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1) Heading of the Part: Pay Plan

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

3)

Section Numbers:	Peremptory Action:
310.APPENDIX A TABLE C	Amendment
310.APPENDIX A TABLE L	Amendment
310.APPENDIX A TABLE P	Amendment

4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute which Requires this Peremptory Rulemaking: The Department of Central Management Services (CMS) is amending the Pay Plan (80 Ill. Adm. Code 310) Section 310.Appendix A Table C to reflect the Agreement between CMS and the Illinois Federation of Public Employees, Local 4408, (bargaining unit RC-056) signed June 23, 2009. The pay rates increase by 1.50% effective January 1, 2009, by 2.50% effective July 1, 2009, and by 2.00% effective January 1, 2010.

CMS is amending Section 310.Appendix A Table L. The Agreement between CMS and the International Brotherhood of Boiler Makers – Iron Shipbuilders, Blacksmiths, Forgers, and Helpers was signed December 6, 2004. The contract agreement states that the Illinois Department of Labor shall notify CMS of the Prevailing Rate. On June 26, 2009, the Illinois Department of Labor notified CMS of the Boiler Safety Specialist rate effective July 1, 2009 in the northern region. The contract agreement also states that effective January 1, 2006 Boiler Safety Specialist title shall be paid an additional 4.00% above the prevailing rate of wages for the employees on the standard pension formula.

CMS is amending Section 310.Appendix A Table P to reflect the Agreement between CMS and the Illinois Federation of Public Employees, Local 4408, (bargaining unit RC-029) signed June 23, 2009. The pay rates increase by 1.50% effective January 1, 2009, by 2.50% effective July 1, 2009, and by 2.00% effective January 1, 2010.

5) Statutory Authority: Authorized by Sections 8, 8a and 9(7) of the Personnel Code [20 ILCS 415/8, 20 ILCS 415/8a and 20 ILCS 415/9(7)] and by Sections 4, 6, 15 and 21 of the Illinois Public Labor Relations Act [5 ILCS 315/4, 5 ILCS 315/6, 5 ILCS 315/15 and 5 ILCS 315/21]

6) Effective Date: July 23, 2009

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7) A Complete Description of the Subjects and Issues Involved: In Section 310.Appendix A Table C, the rate tables effective January 1, 2009, July 1, 2009 and January 1, 2010 are added and rate table from the prior fiscal year is removed.

In Section 310.Appendix A Table L, the northern region rate effective July 1, 2009 is added and the rate effective July 1, 2008 is removed.

In Section 310.Appendix A Table P, the rate tables effective January 1, 2009, July 1, 2009 and January 1, 2010 are added and rate tables from the prior fiscal years are removed.

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

9) Date filed with the Index Department: July 23, 2009

10) This and other Pay Plan amendments are available in the Division of Technical Services of the Bureau of Personnel.

11) Is this in compliance with Section 5-50 of the Illinois Administrative Procedure Act? Yes

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

Section Numbers:	Proposed Action:	Ill. Reg. Citation:
310.100	Amendment	33 Ill. Reg. 10098; July 17, 2009
310.280	Amendment	33 Ill. Reg. 10098; July 17, 2009
310.410	Amendment	33 Ill. Reg. 10098; July 17, 2009
310.450	Amendment	33 Ill. Reg. 10098; July 17, 2009
310.490	Amendment	33 Ill. Reg. 10098; July 17, 2009
310.540	Amendment	33 Ill. Reg. 10098; July 17, 2009
310.Appendix A Table E	Amendment	33 Ill. Reg. 10098; July 17, 2009
310.Appendix A Table H	Amendment	33 Ill. Reg. 10098; July 17, 2009
310.Appendix A Table L	Amendment	33 Ill. Reg. 10098; July 17, 2009
310.Appendix A Table Q	Amendment	33 Ill. Reg. 10098; July 17, 2009
310.Appendix A Table W	Amendment	33 Ill. Reg. 10098; July 17, 2009

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

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14) Information and questions regarding these peremptory amendments shall be directed to:

Mr. Jason Doggett
Manager
Compensation Section
Division of Technical Services and Agency Training and Development
Bureau of Personnel
Department of Central Management Services
504 William G. Stratton Building
Springfield IL 62706

217/782-7964
Fax: 217/524-4570
CMS.PayPlan@Illinois.gov

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

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NOTICE OF PEREMPTORY AMENDMENTS

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

PART 310
PAY PLAN

SUBPART A: NARRATIVE

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

SUBPART B: SCHEDULE OF RATES

Section
310.205 Introduction
310.210 Prevailing Rate
310.220 Negotiated Rate
310.230 Part-Time Daily or Hourly Special Services Rate (Repealed)
310.240 Daily or Hourly Rate Conversion
310.250 Member, Patient and Inmate Rate
310.260 Trainee Rate

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310.270 Legislated Rate
310.280 Designated Rate
310.290 Out-of-State Rate (Repealed)
310.295 Foreign Service Rate (Repealed)
310.300 Educator Schedule for RC-063 and HR-010
310.310 Physician Specialist Rate
310.320 Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections (Repealed)
310.330 Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

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

310.APPENDIX A Negotiated Rates of Pay
310.TABLE A RC-104 (Conservation Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE B VR-706 (Assistant Automotive Shop Supervisors, Automotive Shop Supervisors and Meat and Poultry Inspector Supervisors, Laborers' –

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	ISEA Local #2002)
310.TABLE C	RC-056 (Site Superintendents and Natural Resource, Historic Preservation and Agriculture Managers, IFPE)
310.TABLE D	HR-001 (Teamsters Local #726)
310.TABLE E	RC-020 (Teamsters Local #330)
310.TABLE F	RC-019 (Teamsters Local #25)
310.TABLE G	RC-045 (Automotive Mechanics, IFPE)
310.TABLE H	RC-006 (Corrections Employees, AFSCME)
310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
310.TABLE K	RC-023 (Registered Nurses, INA)
310.TABLE L	RC-008 (Boilermakers)
310.TABLE M	RC-110 (Conservation Police Lodge)
310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	VR-704 (Corrections, Juvenile Justice and State Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
310.TABLE AB	RC-150 (Public Service Administrators Option 6, AFSCME)
310.APPENDIX B	Schedule of Salary Grade Pay Grades – Monthly Rates of Pay
310.APPENDIX C	Medical Administrator Rates (Repealed)
310.APPENDIX D	Merit Compensation System Salary Schedule
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule

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

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NOTICE OF PEREMPTORY AMENDMENTS

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a

maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992;

peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408,

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effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; peremptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; peremptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill.

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Reg. 13384, effective August 17, 2000; peremptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; peremptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; peremptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; peremptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; peremptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; peremptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; peremptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; peremptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; peremptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; peremptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; peremptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; peremptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; peremptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; peremptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; peremptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; peremptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; peremptory amendment at 28 Ill.

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Reg. 14689, effective October 22, 2004; peremptory amendment at 28 Ill. Reg. 15336, effective November 15, 2004; peremptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; peremptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; peremptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; peremptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; peremptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; peremptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; peremptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; peremptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; peremptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; peremptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; peremptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; peremptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; peremptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; peremptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; peremptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; peremptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; peremptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; peremptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; peremptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; peremptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; peremptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; peremptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; peremptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; peremptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; peremptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; peremptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; peremptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; peremptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; peremptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; peremptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; peremptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007;

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emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; peremptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; peremptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007; amended at 31 Ill. Reg. 16094, effective November 20, 2007; amended at 31 Ill. Reg. 16792, effective December 13, 2007; peremptory amendment at 32 Ill. Reg. 598, effective December 27, 2007; amended at 32 Ill. Reg. 1082, effective January 11, 2008; peremptory amendment at 32 Ill. Reg. 3095, effective February 13, 2008; peremptory amendment at 32 Ill. Reg. 6097, effective March 25, 2008; peremptory amendment at 32 Ill. Reg. 7154, effective April 17, 2008; expedited correction at 32 Ill. Reg. 9747, effective April 17, 2008; peremptory amendment at 32 Ill. Reg. 9360, effective June 13, 2008; amended at 32 Ill. Reg. 9881, effective July 1, 2008; peremptory amendment at 32 Ill. Reg. 12065, effective July 9, 2008; peremptory amendment at 32 Ill. Reg. 13861, effective August 8, 2008; peremptory amendment at 32 Ill. Reg. 16591, effective September 24, 2008; peremptory amendment at 32 Ill. Reg. 16872, effective October 3, 2008; peremptory amendment at 32 Ill. Reg. 18324, effective November 14, 2008; peremptory amendment at 33 Ill. Reg. 98, effective December 19, 2008; amended at 33 Ill. Reg. 2148, effective January 26, 2009; peremptory amendment at 33 Ill. Reg. 3530, effective February 6, 2009; peremptory amendment at 33 Ill. Reg. 4202, effective February 26, 2009; peremptory amendment at 33 Ill. Reg. 5501, effective March 25, 2009; peremptory amendment at 33 Ill. Reg. 6354, effective April 15, 2009; peremptory amendment at 33 Ill. Reg. 6724, effective May 1, 2009; peremptory amendment at 33 Ill. Reg. 9138, effective June 12, 2009; emergency amendment at 33 Ill. Reg. 9432, effective July 1, 2009, for a maximum of 150 days; amended at 33 Ill. Reg. 10211, effective July 1, 2009; peremptory amendment at 33 Ill. Reg. 10823, effective July 2, 2009; peremptory amendment at 33 Ill. Reg. 11082, effective July 10, 2009; peremptory amendment at 33 Ill. Reg. 11698, effective July 23, 2009.

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NOTICE OF PEREMPTORY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay

Section 310.TABLE C RC-056 (Site Superintendents and Natural Resource, Historic Preservation and Agriculture Managers, IFPE)

Title	Title Code	Bargaining Unit	Pay Grade
Agricultural Executive	00800	RC-056	20
Agricultural Land and Water Resources Supervisor	00811	RC-056	21
Natural Resources Education Program Coordinator	28834	RC-056	20
Natural Resources Grant Coordinator	28835	RC-056	19
Natural Resources Manager I	28836	RC-056	20
Natural Resources Manager II	28837	RC-056	22
Natural Resources Manager III	28838	RC-056	24
Natural Resources Site Manager I	28841	RC-056	20
Natural Resources Site Manager II	28842	RC-056	22
Plant and Pesticide Specialist Supervisor	32505	RC-056	19
Site Superintendent I	41211	RC-056	19
Site Superintendent II	41212	RC-056	21
Site Superintendent III	41213	RC-056	23
Veterinary Consumer Safety Officer	47911	RC-056	19
Veterinary Pathologist	47915	RC-056	23
Veterinary Supervisor I	47917	RC-056	21
Veterinary Supervisor II	47918	RC-056	22
Warehouse Examiner Supervisor	48785	RC-056	19

Effective January 1, 2009

		STEPS							
Pay Grade	Pay Plan Code	1	2	3	4	5	6	7	8
19	B	4337	4542	4753	4953	5159	5473	5579	5803
20	B	4581	4794	4998	5240	5458	5789	5903	6140
21	B	4842	5075	5311	5554	5786	6146	6269	6519
22	B	5122	5371	5625	5886	6131	6512	6642	6908
23	B	5436	5715	5987	6264	6536	6946	7084	7367

24	B	5612	5903	6185	6471	6758	7163	7325	7618

Effective July 1, 2009

Pay Grade	Pay Plan Code	STEPS 1	2	3	4	5	6	7	8
19	B	4445	4656	4872	5077	5288	5610	5718	5948
20	B	4696	4914	5123	5371	5594	5934	6051	6294
21	B	4963	5202	5444	5693	5931	6300	6426	6682
22	B	5250	5505	5766	6033	6284	6675	6808	7081
23	B	5572	5858	6137	6421	6699	7120	7261	7551
24	B	5752	6051	6340	6633	6927	7342	7508	7808

Effective January 10, 2010

Pay Grade	Pay Plan Code	STEPS 1	2	3	4	5	6	7	8
19	B	4534	4749	4969	5179	5394	5722	5832	6067
20	B	4790	5012	5225	5478	5706	6053	6172	6420
21	B	5062	5306	5553	5807	6050	6426	6555	6816
22	B	5355	5615	5881	6154	6410	6809	6944	7223
23	B	5683	5975	6260	6549	6833	7262	7406	7702
24	B	5867	6172	6467	6766	7066	7489	7658	7964

~~**Effective July 1, 2007**~~

~~Pay Grade~~	~~Pay Plan Code~~	~~STEPS 1~~	~~2~~	~~3~~	~~4~~	~~5~~	~~6~~	~~7~~	~~8~~
~~19~~	~~B~~	~~4273~~	~~4475~~	~~4683~~	~~4880~~	~~5083~~	~~5392~~	~~5497~~	~~5717~~
~~20~~	~~B~~	~~4513~~	~~4723~~	~~4924~~	~~5163~~	~~5377~~	~~5703~~	~~5816~~	~~6049~~
~~21~~	~~B~~	~~4770~~	~~5000~~	~~5233~~	~~5472~~	~~5700~~	~~6055~~	~~6176~~	~~6423~~
~~22~~	~~B~~	~~5046~~	~~5292~~	~~5542~~	~~5799~~	~~6040~~	~~6416~~	~~6544~~	~~6806~~

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~~23~~	~~B~~	~~5356~~	~~5631~~	~~5899~~	~~6171~~	~~6439~~	~~6843~~	~~6979~~	~~7258~~
~~24~~	~~B~~	~~5529~~	~~5816~~	~~6094~~	~~6375~~	~~6658~~	~~7057~~	~~7217~~	~~7505~~

(Source: Amended by peremptory rulemaking at 33 Ill. Reg. 11698, effective July 23, 2009)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay

Section 310.TABLE L RC-008 (Boilermakers)

Title	Title Code	Region	Effective Date	Monthly Salary
Boiler Safety Specialist	04910	Northern	July 1, 2009~~2008~~	7784.76~~7461.12~~
Boiler Safety Specialist	04910	Central	April 28, 2008	5893.38
Boiler Safety Specialist	04910	Central	January 1, 2009	5945.58
Boiler Safety Specialist	04910	Southern	January 1, 2008	5428.80
Boiler Safety Specialist	04910	Southern	January 1, 2009	5481.00

Northern Region: Boone, Cook, DeKalb, DuPage, Grundy, Kane, Kankakee, Kendall, Lake, McHenry, Will, and Winnebago Counties.

Central Region: Bureau, Carroll, Champaign, DeWitt, Ford, Fulton, Hancock, Henderson, Henry, Iroquois, JoDaviess, Knox, LaSalle, Lee, Livingston, Logan, Marshall, Mason, McDonough, McLean, Mercer, Ogle, Peoria, Putnam, Rock Island, Schuyler, Stark, Stephenson, Tazewell, Vermilion, Warren, Whiteside, and Woodford Counties.

Southern Region: Adams, Alexander, Bond, Brown, Calhoun, Cass, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macon, Macoupin, Madison, Marion, Massac, Menard, Monroe, Montgomery, Morgan, Moultrie, Perry, Piatt, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Sangamon, Scott, Shelby, Union, Wabash, Washington, Wayne, White, and Williamson Counties.

(Source: Amended by peremptory rulemaking at 33 Ill. Reg. 11698, effective July 23, 2009)

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NOTICE OF PEREMPTORY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay

Section 310.TABLE P RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)

Title	Title Code	Bargaining Unit	Pay Grade
Agricultural Products Promoter	00815	RC-029	13
Animal and Animal Products Investigator	01072	RC-029	14
Apiary Inspector	01215	RC-029	04
Apiary Inspector (hourly)	01215	RC-029	04H
Arson Investigator I	01481	RC-029	16
Arson Investigator II	01482	RC-029	18
Arson Investigator II (Lead Worker)	01482	RC-029	19
Breath Alcohol Analysis Technician	05170	RC-029	16
Commerce Commission Police Officer I	08451	RC-029	16
Commerce Commission Police Officer II	08452	RC-029	18
Commodities Inspector	08770	RC-029	10
Drug Compliance Investigator	12778	RC-029	25
Elevator Inspector	13495	RC-029	18.5
Environmental Protection Legal Investigator I	13811	RC-029	12
Environmental Protection Legal Investigator II	13812	RC-029	14
Environmental Protection Legal Investigator	13815	RC-029	15
Explosives Inspector I	14051	RC-029	14
Explosives Inspector II	14052	RC-029	17
Fingerprint Technician	15204	RC-029	12
Fingerprint Technician Supervisor	15208	RC-029	17
Fire Prevention Inspector I	15316	RC-029	15
Fire Prevention Inspector II	15317	RC-029	18
Fire Prevention Inspector Trainee	15320	RC-029	12
Guard I	17681	RC-029	05
Guard II	17682	RC-029	08
Guard III	17683	RC-029	11
Licensing Assistant	23568	RC-029	07
Licensing Investigator I	23571	RC-029	12
Licensing Investigator II	23572	RC-029	15
Licensing Investigator III	23573	RC-029	16
Licensing Investigator IV	23574	RC-029	18

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Liquor Control Special Agent I	23751	RC-029	15
Motorist Assistance Specialist	28490	RC-029	07
Plant and Pesticide Specialist I	32501	RC-029	16
Plant and Pesticide Specialist II	32502	RC-029	18
Plumbing Inspector	32915	RC-029	19
Police Officer I	32981	RC-029	16
Police Officer II	32982	RC-029	18
Police Officer III	32983	RC-029	20
Polygraph Examiner I	33001	RC-029	18
Polygraph Examiner II	33002	RC-029	20
Polygraph Examiner III	33003	RC-029	22
Products and Standards Inspector	34603	RC-029	14
Security Officer	39870	RC-029	12
Security Officer Sergeant	39877	RC-029	13
Seed Analyst I	39951	RC-029	11
Seed Analyst II	39952	RC-029	12
Site Security Officer	41115	RC-029	08
Truck Weighing Inspector	46100	RC-029	12
Vehicle Compliance Inspector	47570	RC-029	16
Vehicle Emissions Compliance Inspector	47580	RC-029	12
Vehicle Emissions Quality Assurance Auditor	47584	RC-029	13
Vital Records Quality Control Inspector	48000	RC-029	12
Warehouse Claims Specialist	48780	RC-029	19
Warehouse Examiner	48881	RC-029	15
Warehouse Examiner Specialist	48882	RC-029	17
Well Inspector I	49421	RC-029	14
Well Inspector II	49422	RC-029	17

Effective January 1, 2009
Bargaining Unit: RC-029

Pay Grade	Pay Plan Code	STEPS 1	2	3	4	5	6	7	8
4	B	2494	2559	2617	2691	2750	2867	2915	3032
04H	B	14.33							

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5	B	2563	2629	2698	2763	2831	2948	2998	3118
7	B	2704	2784	2862	2939	3022	3160	3216	3344
8	B	2790	2872	2963	3044	3130	3278	3337	3471
10	B	2985	3073	3175	3275	3377	3549	3614	3759
11	B	3088	3187	3302	3411	3517	3703	3775	3926
12	B	3220	3326	3450	3563	3695	3893	3966	4124
12	Q	3353	3464	3597	3720	3855	4065	4147	4314
13	B	3341	3469	3598	3730	3870	4084	4166	4331
13	Q	3480	3617	3759	3896	4039	4268	4352	4527
14	B	3489	3625	3783	3922	4070	4308	4394	4570
15	B	3649	3799	3947	4109	4261	4518	4605	4789
16	B	3821	3991	4156	4331	4503	4769	4867	5061
16	Q	4171	4345	4524	4706	4986	5086	5189	5397
17	B	4009	4194	4372	4549	4734	5015	5117	5322
18	B	4227	4425	4626	4814	5008	5306	5412	5629
18	Q	4625	4836	5033	5233	5547	5658	5770	6001
18.5	B	4251	4467	4678	4895	5101	5314	5637	5863
19	B	4467	4678	4895	5101	5314	5637	5747	5977
19	Q	4778	4989	5188	5388	5699	5809	5923	6160
20	B	4718	4938	5172	5398	5621	5962	6080	6323
20	Q	4930	5162	5407	5639	5875	6233	6354	6609

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22	B	5275	5533	5794	6063	6314	6707	6841	7115
22	Q	5513	5784	6055	6335	6601	7009	7152	7438
25	B	5961	6274	6574	6878	7188	7639	7793	8105

Effective July 1, 2009
Bargaining Unit: RC-029

Pay Grade	Pay Plan Code	STEPS 1	2	3	4	5	6	7	8
4	B	2556	2623	2682	2758	2819	2939	2988	3108
04H	B	14.69							
5	B	2627	2695	2765	2832	2902	3022	3073	3196
7	B	2772	2854	2934	3012	3098	3239	3296	3428
8	B	2860	2944	3037	3120	3208	3360	3420	3558
10	B	3060	3150	3254	3357	3461	3638	3704	3853
11	B	3165	3267	3385	3496	3605	3796	3869	4024
12	B	3301	3409	3536	3652	3787	3990	4065	4227
12	Q	3437	3551	3687	3813	3951	4167	4251	4422
13	B	3425	3556	3688	3823	3967	4186	4270	4439
13	Q	3567	3707	3853	3993	4140	4375	4461	4640
14	B	3576	3716	3878	4020	4172	4416	4504	4684
15	B	3740	3894	4046	4212	4368	4631	4720	4909

16	B	3917	4091	4260	4439	4616	4888	4989	5188
16	Q	4275	4454	4637	4824	5111	5213	5319	5532
17	B	4109	4299	4481	4663	4852	5140	5245	5455
18	B	4333	4536	4742	4934	5133	5439	5547	5770
18	Q	4741	4957	5159	5364	5686	5799	5914	6151
18.5	B	4357	4579	4795	5017	5229	5447	5778	6010
19	B	4579	4795	5017	5229	5447	5778	5891	6126
19	Q	4897	5114	5318	5523	5841	5954	6071	6314
20	B	4836	5061	5301	5533	5762	6111	6232	6481
20	Q	5053	5291	5542	5780	6022	6389	6513	6774
22	B	5407	5671	5939	6215	6472	6875	7012	7293
22	Q	5651	5929	6206	6493	6766	7184	7331	7624
25	B	6110	6431	6738	7050	7368	7830	7988	8308

Effective January 1, 2010
Bargaining Unit: RC-029

Pay Grade	Pay Plan Code	STEPS 1	2	3	4	5	6	7	8
4	B	2607	2675	2736	2813	2875	2998	3048	3170
04H	B	14.98							
5	B	2680	2749	2820	2889	2960	3082	3134	3260
7	B	2827	2911	2993	3072	3160	3304	3362	3497
8	B	2917	3003	3098	3182	3272	3427	3488	3629

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10	B	3121	3213	3319	3424	3530	3711	3778	3930
11	B	3228	3332	3453	3566	3677	3872	3946	4104
12	B	3367	3477	3607	3725	3863	4070	4146	4312
12	Q	3506	3622	3761	3889	4030	4250	4336	4510
13	B	3494	3627	3762	3899	4046	4270	4355	4528
13	Q	3638	3781	3930	4073	4223	4463	4550	4733
14	B	3648	3790	3956	4100	4255	4504	4594	4778
15	B	3815	3972	4127	4296	4455	4724	4814	5007
16	B	3995	4173	4345	4528	4708	4986	5089	5292
16	Q	4361	4543	4730	4920	5213	5317	5425	5643
17	B	4191	4385	4571	4756	4949	5243	5350	5564
18	B	4420	4627	4837	5033	5236	5548	5658	5885
18	Q	4836	5056	5262	5471	5800	5915	6032	6274
18.5	B	4444	4671	4891	5117	5334	5556	5894	6130
19	B	4671	4891	5117	5334	5556	5894	6009	6249
19	Q	4995	5216	5424	5633	5958	6073	6192	6440
20	B	4933	5162	5407	5644	5877	6233	6357	6611
20	Q	5154	5397	5653	5896	6142	6517	6643	6909
22	B	5515	5784	6058	6339	6601	7013	7152	7439
22	Q	5764	6048	6330	6623	6901	7328	7478	7776
25	B	6232	6560	6873	7191	7515	7987	8148	8474

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~~Effective July 1, 2007~~
~~Bargaining Unit: RC-029~~

~~Pay Grade~~	~~Pay Plan Code~~	~~STEPS~~ ~~1~~	~~2~~	~~3~~	~~4~~	~~5~~	~~6~~	~~7~~	~~8~~
~~04~~	~~B~~	~~2385~~	~~2448~~	~~2503~~	~~2574~~	~~2630~~	~~2743~~	~~2788~~	~~2900~~
~~04H~~	~~B~~	~~13.71~~							
~~05~~	~~B~~	~~2451~~	~~2515~~	~~2581~~	~~2643~~	~~2708~~	~~2819~~	~~2868~~	~~2983~~
~~07~~	~~B~~	~~2586~~	~~2663~~	~~2738~~	~~2812~~	~~2890~~	~~3022~~	~~3076~~	~~3199~~
~~08~~	~~B~~	~~2669~~	~~2748~~	~~2834~~	~~2912~~	~~2994~~	~~3136~~	~~3192~~	~~3320~~
~~10~~	~~B~~	~~2855~~	~~2940~~	~~3037~~	~~3133~~	~~3230~~	~~3395~~	~~3457~~	~~3595~~
~~11~~	~~B~~	~~2953~~	~~3049~~	~~3158~~	~~3263~~	~~3364~~	~~3542~~	~~3611~~	~~3755~~
~~12~~	~~B~~	~~3080~~	~~3182~~	~~3300~~	~~3408~~	~~3534~~	~~3723~~	~~3793~~	~~3945~~
~~12~~	~~Q~~	~~3207~~	~~3314~~	~~3441~~	~~3558~~	~~3687~~	~~3888~~	~~3967~~	~~4126~~
~~13~~	~~B~~	~~3196~~	~~3318~~	~~3442~~	~~3568~~	~~3702~~	~~3907~~	~~3984~~	~~4143~~
~~13~~	~~Q~~	~~3329~~	~~3460~~	~~3595~~	~~3726~~	~~3863~~	~~4083~~	~~4163~~	~~4330~~
~~14~~	~~B~~	~~3337~~	~~3467~~	~~3618~~	~~3751~~	~~3893~~	~~4120~~	~~4203~~	~~4371~~
~~15~~	~~B~~	~~3490~~	~~3634~~	~~3776~~	~~3930~~	~~4076~~	~~4321~~	~~4405~~	~~4581~~
~~15~~	~~Q~~	~~3641~~	~~3792~~	~~3945~~	~~4110~~	~~4260~~	~~4514~~	~~4602~~	~~4786~~
~~16~~	~~B~~	~~3655~~	~~3817~~	~~3976~~	~~4143~~	~~4307~~	~~4562~~	~~4655~~	~~4841~~
~~16~~	~~Q~~	~~3989~~	~~4156~~	~~4327~~	~~4501~~	~~4769~~	~~4865~~	~~4963~~	~~5162~~
~~17~~	~~B~~	~~3835~~	~~4012~~	~~4182~~	~~4351~~	~~4528~~	~~4797~~	~~4894~~	~~5090~~
~~18~~	~~B~~	~~4044~~	~~4233~~	~~4425~~	~~4605~~	~~4790~~	~~5076~~	~~5177~~	~~5384~~
~~18~~	~~Q~~	~~4424~~	~~4626~~	~~4815~~	~~5006~~	~~5306~~	~~5412~~	~~5519~~	~~5740~~

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

~~18.5~~	~~B~~	~~4066~~	~~4273~~	~~4475~~	~~4683~~	~~4880~~	~~5083~~	~~5392~~	~~5608~~
~~19~~	~~B~~	~~4273~~	~~4475~~	~~4683~~	~~4880~~	~~5083~~	~~5392~~	~~5497~~	~~5717~~
~~19~~	~~Q~~	~~4570~~	~~4772~~	~~4962~~	~~5153~~	~~5451~~	~~5556~~	~~5665~~	~~5892~~
~~20~~	~~B~~	~~4513~~	~~4723~~	~~4948~~	~~5163~~	~~5377~~	~~5703~~	~~5816~~	~~6049~~
~~20~~	~~Q~~	~~4716~~	~~4938~~	~~5172~~	~~5394~~	~~5619~~	~~5962~~	~~6078~~	~~6321~~
~~22~~	~~B~~	~~5046~~	~~5292~~	~~5542~~	~~5799~~	~~6040~~	~~6416~~	~~6544~~	~~6806~~
~~22~~	~~Q~~	~~5274~~	~~5533~~	~~5792~~	~~6059~~	~~6314~~	~~6704~~	~~6841~~	~~7115~~
~~25~~	~~B~~	~~5702~~	~~6001~~	~~6288~~	~~6579~~	~~6876~~	~~7307~~	~~7454~~	~~7752~~

~~January 1, 2008~~
~~Bargaining Unit: RC-029~~

~~Pay Grade~~	~~Pay Plan Code~~	~~STEPS~~ ~~1~~	~~2~~	~~3~~	~~4~~	~~5~~	~~6~~	~~7~~	~~8~~
~~04~~	~~B~~	~~2457~~	~~2521~~	~~2578~~	~~2651~~	~~2709~~	~~2825~~	~~2872~~	~~2987~~
~~04H~~	~~B~~	~~14.12~~							
~~05~~	~~B~~	~~2525~~	~~2590~~	~~2658~~	~~2722~~	~~2789~~	~~2904~~	~~2954~~	~~3072~~
~~07~~	~~B~~	~~2664~~	~~2743~~	~~2820~~	~~2896~~	~~2977~~	~~3113~~	~~3168~~	~~3295~~
~~08~~	~~B~~	~~2749~~	~~2830~~	~~2919~~	~~2999~~	~~3084~~	~~3230~~	~~3288~~	~~3420~~
~~10~~	~~B~~	~~2941~~	~~3028~~	~~3128~~	~~3227~~	~~3327~~	~~3497~~	~~3561~~	~~3703~~
~~11~~	~~B~~	~~3042~~	~~3140~~	~~3253~~	~~3361~~	~~3465~~	~~3648~~	~~3719~~	~~3868~~
~~12~~	~~B~~	~~3172~~	~~3277~~	~~3399~~	~~3510~~	~~3640~~	~~3835~~	~~3907~~	~~4063~~
~~12~~	~~Q~~	~~3303~~	~~3413~~	~~3544~~	~~3665~~	~~3798~~	~~4005~~	~~4086~~	~~4250~~
~~13~~	~~B~~	~~3292~~	~~3418~~	~~3545~~	~~3675~~	~~3813~~	~~4024~~	~~4104~~	~~4267~~
~~13~~	~~Q~~	~~3429~~	~~3564~~	~~3703~~	~~3838~~	~~3979~~	~~4205~~	~~4288~~	~~4460~~

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

~~14~~	~~B~~	~~3437~~	~~3571~~	~~3727~~	~~3864~~	~~4010~~	~~4244~~	~~4329~~	~~4502~~
~~15~~	~~B~~	~~3595~~	~~3743~~	~~3889~~	~~4048~~	~~4198~~	~~4451~~	~~4537~~	~~4718~~
~~16~~	~~B~~	~~3765~~	~~3932~~	~~4095~~	~~4267~~	~~4436~~	~~4699~~	~~4795~~	~~4986~~
~~16~~	~~Q~~	~~4109~~	~~4281~~	~~4457~~	~~4636~~	~~4912~~	~~5011~~	~~5112~~	~~5317~~
~~17~~	~~B~~	~~3950~~	~~4132~~	~~4307~~	~~4482~~	~~4664~~	~~4941~~	~~5041~~	~~5243~~
~~18~~	~~B~~	~~4165~~	~~4360~~	~~4558~~	~~4743~~	~~4934~~	~~5228~~	~~5332~~	~~5546~~
~~18~~	~~Q~~	~~4557~~	~~4765~~	~~4959~~	~~5156~~	~~5465~~	~~5574~~	~~5685~~	~~5912~~
~~18.5~~	~~B~~	~~4188~~	~~4401~~	~~4609~~	~~4823~~	~~5026~~	~~5235~~	~~5554~~	~~5776~~
~~19~~	~~B~~	~~4401~~	~~4609~~	~~4823~~	~~5026~~	~~5235~~	~~5554~~	~~5662~~	~~5889~~
~~19~~	~~Q~~	~~4707~~	~~4915~~	~~5111~~	~~5308~~	~~5615~~	~~5723~~	~~5835~~	~~6069~~
~~20~~	~~B~~	~~4648~~	~~4865~~	~~5096~~	~~5318~~	~~5538~~	~~5874~~	~~5990~~	~~6230~~
~~20~~	~~Q~~	~~4857~~	~~5086~~	~~5327~~	~~5556~~	~~5788~~	~~6141~~	~~6260~~	~~6511~~
~~22~~	~~B~~	~~5197~~	~~5451~~	~~5708~~	~~5973~~	~~6221~~	~~6608~~	~~6740~~	~~7010~~
~~22~~	~~Q~~	~~5432~~	~~5699~~	~~5966~~	~~6241~~	~~6503~~	~~6905~~	~~7046~~	~~7328~~
~~25~~	~~B~~	~~5873~~	~~6181~~	~~6477~~	~~6776~~	~~7082~~	~~7526~~	~~7678~~	~~7985~~

Note: The Step 8 rate shall be increased by $50 per month for those employees (non-sworn) who attain 15 years of service and have 3 or more years of creditable service on Step 8 in the same pay grade.

The Arson Investigator I, II, Commerce Commission Police Officer I, II, Police Officer I, II and III shall be placed in a longevity schedule receiving a salary increase of an additional $50 per month upon reaching 10 years, 13 years, 15 years and 17 years of service in the same classification series; and after reaching 17 years of service in the same classification series, an increase of an additional $75 per month shall be granted.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

(Source: Amended by peremptory rulemaking at 33 Ill. Reg. 11698, effective July 23, 2009)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF MODIFICATION TO MEET THE OBJECTION OF
THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part: Medical Payment

2) Code Citation: 89 Ill. Adm. Code 140

3)

Section Numbers:	Action:
140.413	Modification
140.435	
140.436	

4) Date Notice of Proposed Rules Published in the Register: August 22, 2008; 32 Ill. Reg. 13761

5) Date JCAR Statement of Objection and Filing Prohibition Published in the Register: July 6, 2009; 33 Ill. Reg. 9519

6) Summary of Action Taken by the Agency:

On June 16, 2009 the Joint Committee on Administrative Rules (JCAR) issued an objection to the rulemaking titled "Medical Payment" (89 Ill. Adm. Code 140; 32 Ill. Reg. 13761). According to JCAR, "HFS, in its efforts to prevent medical assistance abuse, is restricting physician reimbursement for group psychotherapy to psychiatrists and regulating clinical practices, which commentors maintain is an indirect and likely ineffectual way to address abuse". JCAR finds that this policy presents a "serious threat to the public interest". The JCAR specific objection pertains only to Section 140.413 of 89 Ill. Adm. Code 140.

DHFS agrees to modify the proposed rule language in Section 140.413 from the Second Notice in order to increase group size and decrease the minimum length of session as requested by commentors, to require better coordination of care with nursing homes and to delay the effective date of physician credentialing requirements in order to allow a smooth transition of care if necessary. These changes will be incorporated into the adopted rulemaking, which will be adopted at a later date.

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 July 21, 2009 through July 27, 2009 and have been scheduled for review by the Committee at its August 18, 2009 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
9/3/09	Department of Healthcare and Family Services, Medical Assistance Programs (89 Ill. Adm. Code 120)	5/15/09 33 Ill. Reg. 6608	8/18/09
9/3/09	Department of Public Health, Adverse Health Care Event Reporting Code (77 Ill. Adm. Code 235)	12/19/08 32 Ill. Reg. 19425	8/18/09
9/3/09	Department of Public Helth, Community Health Center Expansion (77 Ill. Adm. Code 975)	3/6/09 33 Ill. Reg. 3940	8/18/09
9/5/09	Department of Insurance, Preferred Provider Programs (50 Ill. Adm. Code 2051)	2/6/09 33 Ill. Reg. 1927	8/18/09
9/5/09	Department of Insurance, Preferred Provider Program Administrators (Repealer) (50 Ill. Adm. Code 2051)	2/6/09 33 Ill. Reg. 2020	8/18/09
9/5/09	Office of the Attorney General, Illinois Estate and Generation-Skipping Transfer Tax Return (86 Ill. Adm. Code 2000)	4/10/09 33 Ill. Reg. 5263	8/18/09
9/5/09	Board of Higher Education, Program Review	4/24/09	8/18/09

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

(Private Colleges and Universities) (23 Ill. Adm. Code 1030)	33 Ill. Reg. 5986

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

WITHDRAWAL OF FILING PROHIBITION OF PROPOSED RULEMAKING

1) Agency: Department of Healthcare and Family Services

2) Heading of the Part: Medical Payment

3) Code Citation: 89 Ill. Adm. Code 140

4) Section Numbers: 140.413
140.435
140.436

5) Date Originally Published in the Illinois Register: 8/22/08; 32 Ill. Reg. 13761

6) Date Filing Prohibition Published in Illinois Register: 7/6/09; 33 Ill. Reg. 9519

7) Date Filing Prohibition Became Effective: 6/16/09

8) Date Filing Prohibition Withdrawn: Effective upon HFS filing the modified rule for adoption

The Joint Committee on Administrative Rules certifies that, pursuant to Section 5-115 of the Illinois Administrative Procedure Act, the Joint Committee, at its meeting on 7/14/09, has withdrawn the prohibition against the filing of the Department of Healthcare and Family Services' rulemaking contingent upon the Department's agreement to modify the rulemaking as indicated in its Modifications in Response to JCAR Objection. The Committee originally issued this Filing Prohibition at its 6/16/09 meeting.

Please take notice that the agency is no longer prohibited from filing the rulemaking with the Secretary of State, as modified in accordance with the Modifications in Response to JCAR Objection, or from enforcing or invoking the rule.

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

LIST OF CONTRACTOR(S) PROHIBITED FROM AN AWARD
OF A CONTRACT OR SUBCONTRACT
FOR PUBLIC WORKS PROJECTS

Pursuant to 820 ILCS 130/11a of the Prevailing Wage Act the Director of the Illinois Department of Labor gives notice that the following contractors and subcontractors have been found to have disregarded their obligations to employees under the Prevailing Wage Act on two (2) separate occasions and that they, or any firm, corporation, partnership or association in which such contractors or subcontractors have an interest, are prohibited from being awarded any contract or subcontract for a public works project:

Sunset Cartage
8 Prosper Court
Lake In The Hills, IL 60156
IDOL Case #2008-PW-DA08-0118
June 13, 2008 and continuing through June 12, 2010.

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

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

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning Private Letter Rulings and General Information Letters in the Illinois Register:

   Name of Act: Illinois Department of Revenue Sunshine Act
   Citation: 20 ILCS 2515/1 et seq.

2. Summary of information:

   Index of Department of Revenue income tax Private Letter Rulings and General Information Letters issued for the Second Quarter of 2009. Private letter rulings are issued by the Department in response to specific taxpayer inquiries concerning the application of a tax statute or rule to a particular fact situation. Private letter rulings are binding on the Department only as to the taxpayer who is the subject of the request for ruling. (See 2 Ill. Adm. Code 1200.110) General information letters are issued by the Department in response to written inquiries from taxpayers, taxpayer representatives, business, trade, industrial associations or similar groups. General information letters contain general discussions of tax principles or applications. General information letters are designed to provide general background information on topics of interest to taxpayers. General information letters do not constitute statements of agency policy that apply, interpret, or prescribe tax laws administered by the Department. *General information letters may not be relied upon by taxpayers in taking positions with reference to tax issues and create no rights for taxpayers under the Taxpayers' Bill of Rights Act.* (See 2 Ill. Adm. Code 1200.120)

   The letters are listed numerically, are identified as either a General Information Letter or a Private Letter Ruling and are summarized with a brief synopsis under the following subjects:

   Alternative Apportionment
   Base Income
   Credits – Foreign Tax
   Net Income (Loss) and Net Loss Deduction
   Residency/Nonresidency
   Subtraction Modifications – Other Rulings

   Copies of the ruling letters themselves are available for inspection and may be purchased for a minimum of $1.00 per opinion plus 50 cents per page for each page over one. Copies of the ruling letters may be downloaded free of charge from the Department's World Wide Web site at www.tax.illinois.gov.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

The indexes of Income Tax letter rulings for 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007 and 2008 are available for $3.00. A cumulative Income Tax Sunshine Index of 1981 through 1989 letter rulings may be purchased for $4.00.

3. Name and address of person to contact concerning this information:

Linda Settle
Illinois Department of Revenue
Legal Services Office
101 West Jefferson Street
Springfield, Illinois 62794
Telephone: (217) 782-7055

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

ALTERNATIVE APPORTIONMENT

IT 09-0013-GIL 04/15/2009 Request to combine a transportation company and an insurance company is denied.

BASE INCOME

IT 09-0009-GIL 04/06/2009 Acceptance without adjustment by the IRS of items on a taxpayer's federal return is not binding on the Department.

CREDITS – FOREIGN TAX

IT 09-0018-GIL 05/15/2009 No credit is allowed to a resident partner for unincorporated business tax paid to D.C. by the partnership, because that tax is imposed on the partnership rather than the partner.

IT 09-0019-GIL 06/16/2009 Correct computation of income taxed by both Illinois and New Mexico explained.

NET INCOME (LOSS) AND NET LOSS DEDUCTION

IT 09-0016-GIL 04/22/2009 A partnership may carry over an Illinois net loss incurred by another partnership only if it is treated as a continuation of that other partnership for federal income tax purposes.

RESIDENCY/NONRESIDENCY

IT 09-0015-GIL 04/22/2009 Residency determinations are very fact-specific and are not appropriate subjects for letter rulings.

SUBTRACTION MODIFICATIONS – OTHER RULINGS

IT 09-0010-GIL 04/09/2009 No subtraction modification is allowed for depreciation of property received in a like-kind exchange based on the excess of fair

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

market value of the property over its federal income tax basis.

IT 09-0011-GIL 04/13/2009 Illinois law does not provide for modification of the taxpayer's basis in property on which federal bonus depreciation was claimed. Subtraction modifications related to federal bonus depreciation must be computed and reported on the Schedule 4562.

IT 09-0012-GIL 04/14/2009 No subtraction is allowed for LIFO recapture amounts included in taxable income of a corporation, even if some of the tax on the recapture amount is deferred until later years for federal purposes.

IT 09-0014-GIL 04/20/2009 No subtraction is allowed for state income tax refunds included in taxable income of a trust, even when the federal deduction for payment of the tax was added back when the trust claimed a credit for those taxes.

IT 09-0017-GIL 04/22/2009 No subtraction is allowed for repayment of amounts which were received in a prior year under a claim of right and for which an itemized deduction was claimed in the current year.

PROCLAMATIONS

2009-228
Specialist Christopher M. Talbert

WHEREAS, on Tuesday, July 7, Specialist Christopher M. Talbert of Galesburg, died at age 24 of injuries sustained when an improvised explosive device detonated near his vehicle in Shindad, Afghanistan, where Specialist Talbert was serving in support of Operation Enduring Freedom; and

WHEREAS, Specialist Talbert was assigned to Headquarters, Headquarters Company, 2nd Battalion, 130th Infantry Regiment, Army National Guard, based in Marion; and

WHEREAS, Specialist Talbert, worked at the Galesburg Cottage Hospital as a Phlebotomist before he was deployed to Afghanistan where he served as a medic; and

WHEREAS, a funeral will be held on Friday, July 17 for Specialist Talbert:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff from sunrise on July 15, 2009 until sunset on July 17, 2009 in honor and remembrance of Specialist Talbert, whose selfless service and sacrifice is an inspiration.

Issued by the Governor July 14, 2009
Filed by the Secretary of State July 21, 2009

2009-229
First Lieutenant Derwin Williams

WHEREAS, on Monday, July 6, First Lieutenant Derwin Williams of Glenwood died at age 41 of injuries sustained when an improvised explosive device detonated near his vehicle in Konduz, Afghanistan, where First Lieutenant Williams was serving in support of Operation Enduring Freedom; and

WHEREAS, First Lieutenant Williams was assigned to B Troop, 2nd Squadron, 106th Cavalry Regiment, Army National Guard, based in Dixon; and

WHEREAS, First Lieutenant Williams, who had worked as a correctional officer with the Cook County Sheriff's office since 2006, joined the Illinois National Guard in 1993, and spent a year in Iraq in 2004; and

WHEREAS, a funeral will be held on Saturday, July 18 for First Lieutenant Williams who is survived by his wife and three daughters:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff from sunrise on July 16, 2009 until sunset on July 18, 2009 in honor and remembrance of First Lieutenant Williams, whose selfless service and sacrifice is an inspiration.

Issued by the Governor July 15, 2009
Filed by the Secretary of State July 21, 2009

2009-230
Specialist Chester W. Hosford

WHEREAS, on Monday, July 6, Specialist Chester W. Hosford of Ottawa died at age 35 of injuries sustained when an improvised explosive device detonated near his vehicle in Konduz, Afghanistan, where Specialist Hosford was serving in support of Operation Enduring Freedom; and

WHEREAS, Specialist Hosford was assigned to B Troop, 2nd Squadron, 106th Cavalry Regiment, Army National Guard, based in Dixon; and

WHEREAS, Specialist Hosford, a former Marine, joined the Minnesota Army National Guard in 2006 and transferred to the Illinois Army National Guard in 2008 as part of the Illinois Training Site Detachment in Marseilles. It was his first deployment to Afghanistan; and

WHEREAS, a funeral will be held on Monday, July 20 for Specialist Hosford:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff from sunrise on July 18, 2009 until sunset on July 20, 2009 in honor and remembrance of Specialist Hosford, whose selfless service and sacrifice is an inspiration.

Issued by the Governor July 16, 2009
Filed by the Secretary of State July 21, 2009

2009-231
16-inch Softball Day

WHEREAS, the game of softball has connected generations of Chicago families and continues to be played by millions of amateur athletes nationwide; and

WHEREAS, softball started in 1887 at the Farragut Boat Club in Chicago, when Yale and Harvard grads waiting for the results of the annual football game between both

schools wrapped up a boxing glove, making a soft ball, and then began to hit it around the gym with a broom; and

WHEREAS, they enjoyed the activity so much they began to formalize rules and the game basically became an indoor sport for years; and

WHEREAS, at the end of the century, the sport moved outside and began to increase in popularity as leagues sprang up around the Midwest; and

WHEREAS, in Chicago the most prevalent game played is slow pitch 16-inch softball with no gloves; and

WHEREAS, the first 16-inch balls were made by Frederick DeBeer and were named the Cincher when the stitching was reversed to protect from the rough ground and gravel the games were played on in schoolyards and parks; and

WHEREAS, 16-inch was a perfect game for Chicago's small neighborhood ball fields and school playgrounds because the ball didn't travel as far as the smaller balls. And the absence of gloves benefited everyone in tough economic times; and

WHEREAS, 16-inch softball is a sport unique to Chicago, one that's been played by thousands of men and women for generations for both fun and glory; and

WHEREAS, on July 19, Chicagoans will celebrate more than a century of 16-inch softball with the unveiling of Chicago's 16-inch Softball Hall of Fame Inductee Park located in Forest Park; and

WHEREAS, the historic event will bring together and honor more than 300 of the greatest 16-inch softball players of all time; and

WHEREAS, immediately following the unveiling ceremony, a celebrity Northside vs. Southside 16-inch softball game will be held, featuring prominent Chicago personalities:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim July 19, 2009 as **16-INCH SOFTBALL DAY** in Illinois, in recognition of the long athletic tradition of this uniquely Chicagoan sport.

Issued by the Governor July 17, 2009
Filed by the Secretary of State July 21, 2009

PROCLAMATIONS

2009-232
National Therapeutic Recreation Week

WHEREAS, individual and organized forms of recreation and the use of leisure time are vital to the lives of all Americans, especially persons with physical, mental, emotional and/or social limitations; and

WHEREAS, the purpose of therapeutic recreation is accomplished through the provision of programs and services which assist in eliminating barriers to leisure, developing leisure skills and attitudes, and optimizing leisure involvement; and

WHEREAS, thousands of professionals across the state provide therapeutic recreation services to those individuals who have physical, mental, emotional and/or social limitations; and

WHEREAS, these services are provided in hospitals, rehabilitation centers, adult day care centers, residential facilities, nursing homes, and community recreation agencies; and

WHEREAS, research has demonstrated the value of leisure and recreation involvement to physical health and health maintenance, cognitive functioning, psychosocial health, and personal and life satisfaction; and

WHEREAS, the National Therapeutic Recreation Society, a branch of the National Recreation and Park Association, originated a week of observance to focus on the value of recreation and leisure experiences for all persons, including those with physical, mental, emotional and/or social limitations:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim July 12-18, 2009 as **NATIONAL THERAPEUTIC RECREATION WEEK** in Illinois, in recognition of the value of therapeutic recreation to promoting and enhancing the quality of life for persons with physical, mental, emotional and/or social limitations.

Issued by the Governor July 17, 2009
Filed by the Secretary of State July 21, 2009

2009-233
Optimist Day

WHEREAS, founded in 1919, Optimist International is an international service association of more than 3,000 Optimist Clubs around the world dedicated to "Bringing Out the Best in Kids"; and

WHEREAS, Optimist International is an internationally recognized volunteer organization that values all children and helps them develop to their full potential; and

WHEREAS, Optimist Clubs conduct positive service projects in their communities, aimed at providing a helping hand to youth; and

WHEREAS, with their positive outlook, Optimist Club members help empower young people to be the best they can be; and

WHEREAS, each Optimist Club determines the needs of the young people in its community and conducts programs to meet those needs; and

WHEREAS, every year, Optimists conduct 65,000 service projects, spending more than $78 million in their communities, and serve well over six million young people; and

WHEREAS, by providing hope and positive vision, Optimists bring out the best in kids; and

WHEREAS, with 57 Optimist Clubs comprised of more than 2,000 members in Illinois, Optimists have a strong presence in the Land of Lincoln, providing programs and services that positively affect countless children in our State every year; and

WHEREAS, on July 31, Optimists will gather in Springfield, Illinois for their State convention and to meet with other members of the organization and to make plans for the future. This event is also an opportunity to celebrate the 90th Anniversary of Optimist International:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim July 31, 2009 as **OPTIMIST DAY** in Illinois, in recognition of Optimist International's 90 years of service to our youth.

Issued by the Governor July 17, 2009
Filed by the Secretary of State July 21, 2009

2009-234
National Marina Day

WHEREAS, the citizens of Illinois place a high value on recreation time and the ability to access one of America's greatest natural resources, Lake Michigan and it associated waterways; and

WHEREAS, in 1928, the word "marina" was used for the very first time by the National Association of Engine and Boat Manufacturers to define a recreational boating facility; and

WHEREAS, the state of Illinois is home to over 170 recreational boating facilities that contribute substantially to their communities by providing a safe, reliable gateway to boating for members of the community and welcomed guests; and

WHEREAS, Illinois marinas serve as stewards of the environment, actively seeking to protect the surrounding waterways not only for the enjoyment of this generation, but for generations to come; and

WHEREAS, the Illinois Department of Natural Resources' North Point Marina, celebrating 20 years of service, is the largest recreational boating facility on the Great Lakes and an asset of the people that provides a safe, reliable gateway to boating for Illinois citizens and visitors to Illinois; and

WHEREAS, North Point Marina provides all Illinois citizens and visitors a waterfront center where friends and families, united by a passion for the water, can come together for recreation, rest and relaxation; and

WHEREAS, in 2001, the Marine Operators Association of America created National Marina Day to educate governmental leaders and the public on the value of the marina industry to cities and towns across America; and

WHEREAS, this year, the North Point Marina will celebrate National Marina Day, in conjunction with its 20th anniversary on August 8:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim August 8, 2009 as **NATIONAL MARINA DAY** in Illinois, in recognition of North Point Marina's 20th anniversary of service to our state, and to encourage all citizens to recognize the important role marinas play in providing fun, exciting recreation to our communities.

Issued by the Governor July 17, 2009
Filed by the Secretary of State July 21, 2009

2009-235

PROCLAMATIONS

Principals Week and Day

WHEREAS, principals play an important role in the education of our children in elementary, middle, and secondary schools all across the State of Illinois; and

WHEREAS, principals are responsible for promoting education and working with parents and teachers to ensure that each child receives services that meet their needs to excel in the classroom; and

WHEREAS, the Illinois Principals Association, which represents 4,400 principals statewide, believes that learning is a lifelong process and that the education of our children is the highest priority; and

WHEREAS, for that reason, the Illinois Principals Association is dedicated to the improvement of elementary and secondary education in Illinois:

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, do hereby proclaim October 18-24, 2009 as **PRINCIPALS WEEK** and October 23, 2009 as **PRINCIPALS DAY** in Illinois, to recognize principals and the Illinois Principals Association for all that they do to help our children learn and succeed.

Issued by the Governor July 17, 2009
Filed by the Secretary of State July 21, 2009

ILLINOIS ADMINISTRATIVE CODE
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Rules acted upon in Volume 33, Issue 32 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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