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RULES
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AGENCIES



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Editor’s Note 1: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are (End of March, June, Sept, Dec) as follows:

Issue 28 - July	11, 2003: Data through	June	30, 2003 (2nd Quarter)
Issue 41 - October	10, 2003: Data through	September	29, 2003 (3rd Quarter)
Issue 2 - January	9, 2004: Data through	December	29, 2003 (Annual)
Issue 15 - April	00, 2004: Data through	March	31, 2004 (1stQuarter)

Editor’s Note 2: Submit all rulemaking documentation to the following address:

Secretary of State
Department of Index
Administrative Code Division
111 East Monroe Street
Springfield, Illinois 62756

Editor’s Note 3 **All future workshops have been cancelled until further notice.**

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Illinois Orthotics, Prosthetics and Pedorthics Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1325
- 3) Section Numbers: Proposed Action:
1325.80 Amendment
- 4) Statutory Authority: Illinois Orthotics, Prosthetics and Pedorthics Practice Act [225 ILCS 5]
- 5) A Complete Description of the Subjects and Issues Involved:

This proposed rulemaking merely clarifies that licensees renewing their licenses for the first time are exempt from the continuing education requirement.
- 6) Do these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable):

This rulemaking has no effect on local governments.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may submit written comments to:

Department of Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax #: 217/782-7645

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

DEPARTMENT OF PROFESSIONAL REGULATION

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- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing orthotic, prosthetic or pedorthic services.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: Orthotic, prosthetic or pedorthic skills are necessary for licensure.
- 13) Regulatory Agenda on which this rulemaking was summarized: None

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

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1325

ILLINOIS ORTHOTICS, PROSTHETICS AND PEDORTHICS PRACTICE ACT

Section

1325.5	Definitions
1325.10	Examination
1325.15	Application for Licensure as an Orthotist
1325.20	Application for Licensure as a Prosthetist
1325.25	Application for Licensure as a Pedorthist
1325.30	Clinical Residency in Orthotics and Prosthetics
1325.35	Qualified Work Experience in Pedorthics
1325.40	Supervision
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1325.60	Endorsement
1325.65	Dishonorable, Unethical or Unprofessional Conduct
1325.70	Granting Variances
1325.75	Restoration
1325.80	Continuing Education

AUTHORITY: Implementing the Illinois Orthotics, Prosthetics and Pedorthics Practice Act [225 ILCS 5] and authorized by Section 2105-15 of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15].

SOURCE: Adopted at 25 Ill. Reg. 3883, effective March 1, 2001; amended at 26 Ill. Reg. 16543, effective October 28, 2002; amended at 27 Ill. Reg. _____, effective _____.

Section 1325.80 Continuing Education

- a) Continuing Education Hour Requirements
 - 1) Renewal applicants shall complete 30 hours of Continuing Education (CE) relevant to the practice of orthotics, prosthetics, or pedorthics during each pre-renewal period. The Department shall conduct audits to verify compliance with this Section. The pre-renewal period is the 24 months

DEPARTMENT OF PROFESSIONAL REGULATION

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preceding the expiration date of the license.

- 2) Orthotists, prosthetists, or pedorthists licensed in Illinois but residing and practicing in another state must comply with the CE requirements set forth in this Section.
 - 3) A renewal applicant is not required to comply with CE requirements for the first renewal after original licensure.
- b) Activities for which CE credit may be earned are as follows:
- 1) Verified attendance or participation in any continuing education approved by the American Board for Certification in Orthotics and Prosthetics, Inc. or the Board for Certification in Pedorthics, Inc.
 - 2) Verified attendance at or participation in a program given by a sponsor as set forth in subsections (c)(1) and (2) of this Section.
 - 3) A maximum of 15 hours per pre-renewal period for:
 - A) Papers prepared for or delivered before recognized orthotic, prosthetic, or pedorthic organizations;
 - B) Papers published in nationally recognized orthotic, prosthetic, or pedorthic journals;
 - C) Writing a chapter in a book about orthotics, prosthetics, or pedorthics;
 - D) Self-study courses taken through an accredited college or university or an approved sponsor; and
 - E) Training taken via teleconferencing with a live moderator through an accredited college or university or an approved sponsor.
 - 4) A licensee who serves as an instructor, speaker or discussion leader of a course given by an approved sponsor will be allowed CE course credit for actual presentation time, plus actual preparation time of up to 2 hours for each hour of presentation. Preparation time shall not be allowed for presentations of the same course. In no case shall credit for actual time of presentation and preparation be given for more than 9 hours during any

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

renewal period.

- 5) The continuing education hours used to satisfy the CE requirements for renewal of an orthotic, prosthetic, or pedorthic license held in another jurisdiction shall be applied toward the CE requirements for renewal of an Illinois orthotic, prosthetic, or pedorthic license.
 - 6) Courses that are part of the curriculum of a university, college or other educational institution shall be allotted CE credit at the rate of 15 CE hours for each semester hour or 10 CE hours for each quarter hour of school credit awarded.
 - 7) A CE hour equals 60 minutes. After completion of the initial CE hour, credit may be given in one-quarter hour increments.
 - 8) Cardiopulmonary resuscitation (CPR) certification by the American Red Cross, American Heart Association, National Safety Council, or their international affiliates, or automated external defibrillation (AED) certification by the American Red Cross or other qualified organization as authorized by the Automated External Defibrillator Act. Five hours of continuing education may be earned for one CPR or AED certification. No more than one certification may be submitted per renewal.
- c) CE Sponsors and Programs
- 1) Sponsor, as used in this Section, shall mean:
 - A) The American Academy of Orthotists and Prosthetists, or its affiliates;
 - B) The American Orthotic & Prosthetic Association, or its affiliates;
 - C) The Pedorthic Footwear Association, or its affiliates;
 - D) The International Society of Prosthetics and Orthotics, or its affiliates;
 - E) Illinois Society of Orthotics and Prosthetics;
 - F) The American Academy of Orthopaedic Surgeons, or its affiliates;

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- G) The Association of Children's Orthotic-Prosthetic Clinics, or its affiliates;
 - H) The Illinois Podiatric Medical Society;
 - I) The American Podiatric Medical Society and its affiliates;
 - J) American Academy of Physical Medicine and Rehabilitation, and its affiliates;
 - K) Association of Academic Physiatrists, and its affiliates;
 - L) Any other school, college or university, State agency, or any other person, firm or association that has been approved and authorized by the Department to coordinate and present continuing education courses and programs in conjunction with this Section.
- 2) Entities seeking a license as a CE sponsor pursuant to subsection (1)(L) shall file a sponsor application, along with the required fee set forth in Section 1325.50 of this Part. The applicant shall certify to the following:
- A) Certification:
 - i) That all courses and programs offered by the sponsor for CE credit will comply with the criteria in subsection (c) of this Section and all other criteria in this Section. The applicant shall be required to submit a sample 3 hour CE program with course materials, presenter qualifications and course outline for review prior to being approved as a CE sponsor;
 - ii) That the sponsor will be responsible for verifying attendance at each course or program and provide a certificate of completion as set forth in subsection (c)(8); and
 - iii) That, upon request by the Department, the sponsor will submit evidence as is necessary to establish compliance with this Section. Evidence shall be required when the Department has reason to believe that there is not full compliance with the Act and this Part and that this

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information is necessary to ensure compliance;

- B) A copy of a certificate of attendance or participation that meets the requirements set forth in subsection (c)(8); and
 - C) A sample of a CE course that includes, but is not limited to, course materials, books, and instructor credentials.
- 3) Each sponsor shall submit a written notice to the Department of a course offering at least 30 days prior to the course date. The notice shall include a course outline and the location, date and time the course is to be offered. The notice shall also contain the credit hours earned upon successful completion of the course.
 - 4) Each sponsor shall submit by August 31 of odd numbered years a renewal application, along with the required renewal fee set forth in Section 1325.50 of this Part. With the application the sponsor shall be required to submit to the Department a list of all courses and programs offered in the past 2 years, which includes a description, location, date and time the course was offered.
 - 5) State agencies, State colleges and State universities in Illinois shall submit a sponsor application in accordance with subsections (c)(2) and (3)~~above~~; however, they shall be exempt from payment of the fee.
 - 6) All courses and programs shall:
 - A) Contain materials that contribute to the advancement, extension and enhancement of professional skills and knowledge in the practice of orthotics, prosthetics, or pedorthics;
 - B) Specify the course objectives, course content and teaching methods to be used;
 - C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
 - D) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal; and

DEPARTMENT OF PROFESSIONAL REGULATION

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- E) Include some mechanism by which participants evaluate the overall quality of the program.
- 7) All programs given by approved sponsors shall be open to all licensed orthotists, prosthetists, or pedorthists and not be limited to the members of a single organization or a group and shall specify the number of CE hours that may be applied toward Illinois CE requirements for licensure renewal.
- 8) It shall be the responsibility of the sponsor to provide each participant in an approved program or course with a certificate of attendance or participation, which shall contain the following information:
 - A) The name, address and license number of the sponsor;
 - B) The name and license number of the participant;
 - C) A brief statement of the subject matter;
 - D) The number of clock hours actually attended in each program;
 - E) The date and place of the program; and
 - F) The signature of the sponsor.
- 9) The sponsor shall maintain course materials and attendance records containing all information in subsection (c)(8) for not less than 5 years, except for the signature of the sponsor.
- 10) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.
- 11) The Department, upon recommendation of the Board, shall withdraw, suspend or place on probation the approval of a CE sponsor when, at any time, the quality of the CE fails to meet the established criteria set forth in this Section or if the sponsorship approval was based upon false or deceptive information or if any other related license of the sponsor or instructor is suspended, revoked or otherwise disciplined.
- 12) Notwithstanding any other provision of this Section, the Department or Board may evaluate any sponsor of any continuing education program at any time.

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- 13) The Department shall maintain a list of all approved continuing education sponsors.
- d) Continuing Education Earned in Other Jurisdictions
- 1) If a renewal applicant will be earning or has earned CE hours in another jurisdiction, the applicant is not licensed in that jurisdiction and the course is not presented by an approved sponsor, the applicant shall submit an individual program approval request form, along with a \$20 processing fee, to have the program reviewed. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(6) of this Section. Applicants may seek individual program approval prior to participation in the course or program. All individual program approval requests shall be submitted at least 90 days prior to the expiration date of the license.
 - 2) If a licensee fails to submit an out of state CE approval form within the required time frame, late approval may be obtained by submitting the approval request form with the \$20 processing fee plus a \$10 per CE hour late fee not to exceed \$150. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.
- e) Certification of Compliance with CE Requirements
- 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsection (a).
 - 2) The Department may require additional documentation in order to demonstrate compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance. A licensee shall be required to keep his/her CE records for 5 years. This additional documentation will be required in the context of a Department audit.
 - 3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].

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- f) Waiver of CE Requirements
- 1) Any renewal applicant seeking renewal of his/her license without having fully complied with these CE requirements shall file with the Department a renewal application, the renewal fee set forth in Section 75(d) of the Act, a statement setting forth the facts concerning the non-compliance, and a request for waiver of the CE requirements on the basis of those facts. If the Department, upon the written recommendation of the Board, finds from this affidavit or any other evidence submitted that good cause has been shown for granting a waiver, the Department shall waive enforcement of the requirements for the renewal period for which the applicant has applied.
 - 2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable pre-renewal period because of:
 - A) Full-time service in the armed forces of the United States of America during a substantial part of such period; or
 - B) Extreme hardship, which shall be determined on an individual basis by the Board, and shall be limited to documentation of:
 - i) An incapacitating illness documented by a currently licensed physician;
 - ii) A physical inability to travel to the sites of approved programs; or
 - iii) Any other similar extenuating circumstances.
 - 3) If an interview with the Board is requested at the time the request for the waiver is filed with the Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of the interview by certified mail, return receipt requested.
 - 4) Any renewal applicant who submits a request for a waiver pursuant to subsection (f)(1) of this Section shall be deemed to be in good standing until the Department's final decision on the application has been made.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Clinical Psychologist Licensing Act
- 2) Code Citation: 68 Ill. Adm. Code 1400
- 3) Section Numbers: Proposed Action:
1400.80 Amendment
- 4) Statutory Authority: Clinical Psychologist Licensing Act [225 ILCS 15]
- 5) A Complete Description of the Subjects and Issues Involved:

This proposed rulemaking merely updates the “Code of Conduct” references in Section 1400.80.
- 6) Do these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable):

This rulemaking has no effect on local governments.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may submit written comments to:

Department of Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax #: 217/782-7645

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

- 12) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing clinical psychological services.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: Clinical psychology skills are necessary for licensure.
- 13) Regulatory Agenda on which this rulemaking was summarized: None

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

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1400
 CLINICAL PSYCHOLOGIST LICENSING ACT

Section

1400.10	Statutory Authority (Repealed)
1400.20	Licensure Qualifications
1400.30	Experience Defined
1400.40	Application for Examination
1400.50	Examination
1400.60	Endorsement
1400.65	Renewals
1400.70	Restoration
1400.75	Fees
1400.80	Unethical, Unauthorized, or Unprofessional Conduct
1400.90	Granting Variances

AUTHORITY: Implementing the Clinical Psychologist Licensing Act [225 ILCS 15] and authorized by Section ~~2105-15(7)60(7)~~ of the Civil Administrative Code of Illinois [20 ILCS 2105/~~2105-15(7)60(7)~~].

SOURCE: Adopted at 5 Ill. Reg. 935, effective January 15, 1981; codified at 5 Ill. Reg. 11057; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; transferred from Chapter I, 68 Ill. Adm. Code 400 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1400 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2972; emergency amendment at 13 Ill. Reg. 2519, effective February 8, 1989, for a maximum of 150 days; emergency expired July 8, 1989; amended at 14 Ill. Reg. 4515, effective March 12, 1990; amended by adding Section 1400.20(b)(10) and (c)(2)(H) and Section 1400.30(a)(4), (b)(4) and (c)(5) at 14 Ill. Reg. 12735, effective July 30, 1990; amended at 18 Ill. Reg. 11191, effective June 30, 1994; expedited correction at 19 Ill. Reg. 989, effective June 30, 1994; amended at 20 Ill. Reg. 7868, effective May 30, 1996; emergency amendment at 21 Ill. Reg. 9217, effective July 1, 1997, for a maximum of 150 days; amended at 20 Ill. Reg. 15240, effective November 17, 1997; amended at 24 Ill. Reg. 1658, effective July 24, 2000; amended at 27 Ill. Reg. _____, effective _____.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT

Section 1400.80 Unethical, Unauthorized, or Unprofessional Conduct

The Department may suspend or revoke a license, refuse to issue or renew a license or take other disciplinary action, based upon its finding of "unethical, unauthorized, or unprofessional conduct" within the meaning of Section 15(7) of the Act which is interpreted to include, but is not limited to, the following acts or practices:

- a) Practicing or offering to practice beyond one's competency (for example, providing services and techniques for which one is not qualified by education, training and experience);
- b) Revealing facts, data, or information relating to a client or examinee, except as allowed under Section 5 of the Act or under the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110]. The release of information "with the expressed consent of the client" as provided for in Section 6 of the Act is interpreted to mean that the psychologist, prior to the release of the information, obtained written consent and made certain that the client understood the possible uses or distributions of the information. Case history material may be used for teaching or research purposes or in textbooks or other literature, provided that proper precautions are taken to conceal the identity of the client(s) or examinee(s) involved;
- c) Making gross or deliberate misrepresentations or misleading claims as to his/her professional qualifications or of the efficacy or value of his/her treatments or remedies, or those of another practitioner;
- d) Failing to inform prospective research subjects or their authorized representative fully of potential serious after effects of the research or failing to remove the after effects as soon as the design of the research permits;
- e) Refusing to divulge to the Department techniques or procedures used in his/her professional activities upon request;
- f) Directly or indirectly giving to or receiving from any person, firm or corporation any fee, commission, rebate or other form of compensation for any professional services not actually rendered;
- g) Impersonating another person holding a psychology license or allowing another person to use his/her license;
- h) The commission of any dishonest, corrupt, or fraudulent act which is substantially

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NOTICE OF PROPOSED AMENDMENT

related to the functions or duties of a psychologist providing services or supervising psychological services;

- i) The commission of any act of sexual misconduct, sexual abuse or sexual relations with one's client, patient, student supervisee or with an ex-client within 24 months after termination of treatment;
- j) Submission of fraudulent claims for services to any health insurance company or health service plan or third party payor;
- k) Pursuant to Section 15(7) of the Act, the Department hereby incorporates by reference the "Ethical Principles of Psychologists and Code of Conduct". American Psychological Association, 750 First Street, NE, Washington D.C. 20002, American Psychologist, June 1, 2003 ~~December 1, 1992~~, with no later amendments or editions;
- l) Pursuant to Section 15(7) of the Act, the Department hereby incorporates by reference the "ASPPB Code of Conduct", Association of State and Provincial Psychology Boards, 2001 ~~1994~~, 400 South Union Street, Suite 295, P.O. Box 4389, Montgomery, Alabama 36103, with no later amendments or editions.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

ILLINOIS DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Practice in Administrative Hearings
- 2) Code Citation: 89 Ill. Adm. Code 104
- 3) Section Numbers: Proposed Action:
104.208 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: The proposed amendments are intended to implement Public Act 92-0789 as it pertains to the termination of vendors of non-emergency transportation under the Medical Assistance Program. The Department may terminate such transportation vendors from participation in the Program prior to an evidentiary hearing but only after reasonable notice and an opportunity for the vendor to respond. These proposed changes will not result in any budgetary changes.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.
- 11) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Scattoloni
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217)524-0081

The Department requests the submission of written comments within 30 days after the

ILLINOIS DEPARTMENT OF PUBLIC AID

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publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Vendors of non-emergency medical transportation services
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on Which this Rulemaking Was Summarized: July 2003

The full text of the proposed amendments begins on the next page:

ILLINOIS DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER a: GENERAL PROVISIONSPART 104
PRACTICE IN ADMINISTRATIVE HEARINGS

SUBPART A: ASSISTANCE APPEALS

Section	
104.1	Assistance Appeals
104.10	Initiation of Appeal Process
104.11	Pre-Appeal Review
104.12	Notice of Hearing
104.20	Conduct of Hearings
104.21	Representation
104.22	Appellant Participation in Hearing
104.23	Evidentiary Requirements
104.30	Subpoenas
104.35	Amendment of Appeal
104.40	Consolidation of Appeals
104.45	Postponement or Continuation of Hearings
104.50	Withdrawal of Appeal
104.55	Closing of Hearing Record
104.60	Dismissal of Appeal
104.70	Final Administrative Decision
104.80	Public Aid Committee

SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

Section	
104.100	Support Order, Responsible Relative and Joint Payee Petitions
104.101	Petition for Hearing
104.102	Conduct of Administrative Support Hearings
104.103	Conduct of Hearings to Contest the Determination of Past-Due Support or of Share of Jointly-Owned Federal or State Income Tax Refunds or Other Joint Federal or State Payments
104.104	Conduct of Other Hearings
104.105	Conduct of Hearings on Petitions for Release from Administrative Paternity Orders

ILLINOIS DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

104.110 Conduct of Hearings on Joint Owner's Contest of Levy of Jointly-Owned Personal Property

SUBPART C: MEDICAL VENDOR HEARINGS

Section

104.200	Applicability
104.202	Definitions
104.204	Notice of Denial of An Application
104.206	Notice of Intent to Recover Money
104.207	Notice of Contested Paternity Hearing
104.208	Notice of Intent to Terminate, Suspend or Not Renew Provider Agreement
104.209	Notice of Intent to Certify Past-Due Support Owed by a Responsible Relative to, or Failure to Comply with a Subpoena or Warrant from, a State Licensing Agency and to Take Disciplinary Action
104.210	Right to Hearing
104.211	Notice of Termination or Suspension Pursuant to Exclusion by the Department of Health and Human Services
104.212	Prior Factual Determinations
104.213	Demand for Judicial Determination of the Existence of the Father and Child Relationship
104.215	Notice of Formal Conference
104.216	Formal Conference on Recovery of Money
104.217	Purpose of Formal Conference
104.220	Notice of Hearing
104.221	Issues at Hearings
104.225	Legal Counsel
104.226	Appearance of Attorney or Other Representative
104.230	Notice, Service and Proof of Service
104.231	Form of Papers
104.235	Discovery
104.240	Conduct of Hearings
104.241	Amendments
104.242	Motions
104.243	Subpoenas
104.244	Burden of Proof
104.245	Witness at Hearings
104.246	Evidence at Hearings
104.247	Cross-Examination
104.248	Disqualification of Hearing Officers

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104.249	Genetic Testing in Contested Paternity Hearings
104.250	Official Notice
104.255	Computer Generated Documents
104.260	Recommendation of Peer Review Committee
104.270	Time Limits for Hearings
104.271	Continuances and Extensions
104.272	Withholding of Payments During Pendency of Proceedings
104.273	Continuation of Payments During Pendency of Proceedings
104.274	Denial of Payments for Services During Pendency of Proceedings
104.280	Record of Hearings
104.285	Failure to Appear or Proceed
104.290	Recommended Decision
104.295	Director's Decision

SUBPART D: RULES FOR JOINT DEPARTMENT ACTIONS AGAINST SKILLED
NURSING FACILITIES AND INTERMEDIATE CARE FACILITIES PARTICIPATING IN
THE MEDICAID PROGRAM

Section	
104.300	Authority
104.302	Definitions
104.304	Department Actions Against Nursing Homes Facilities
104.310	Certification
104.320	Joint Administrative Hearing
104.330	Facilities Certified Under Both Medicare and Medicaid

SUBPART E: FOOD STAMP ADMINISTRATIVE DISQUALIFICATION HEARINGS

Section	
104.400	Suspected Intentional Violation of the Program
104.410	Advance Notice of Administrative Disqualification Hearing
104.420	Postponement of Hearing
104.430	Administrative Disqualification Hearing Procedures
104.440	Failure to Appear
104.450	Participation While Awaiting a Hearing
104.460	Consolidation of Administrative Disqualification Hearing with Fair Hearing
104.470	Administrative Disqualification Hearing Decision and Notice of Decision
104.480	Appeal Procedure

SUBPART F: INCORPORATION BY REFERENCE

ILLINOIS DEPARTMENT OF PUBLIC AID

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Section

104.800 Incorporation by Reference

AUTHORITY: Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13].

SOURCE: Filed and effective December 30, 1977; emergency rule at 2 Ill. Reg. 11, p. 151, effective March 9, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 10, effective May 26, 1978; amended at 2 Ill. Reg. 33, p. 57, effective August 17, 1978; peremptory amendment at 3 Ill. Reg. 11, p. 38, effective March 1, 1979; amended at 4 Ill. Reg. 21, p. 80, effective May 8, 1980; peremptory amendment at 5 Ill. Reg. 1197, effective January 23, 1981; amended at 5 Ill. Reg. 10753, effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 8 Ill. Reg. 5274, effective April 9, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 16979; amended at 8 Ill. Reg. 18114, effective September 21, 1984; amended at 10 Ill. Reg. 10129, effective June 1, 1986; amended at 11 Ill. Reg. 9213, effective April 30, 1987; amended at 12 Ill. Reg. 9142, effective May 16, 1988; amended at 13 Ill. Reg. 3944, effective March 10, 1989; amended at 13 Ill. Reg. 17013, effective October 16, 1989; amended at 14 Ill. Reg. 18836, effective November 9, 1990; amended at 15 Ill. Reg. 5320, effective April 1, 1991; amended at 15 Ill. Reg. 6557, effective April 30, 1991; amended at 16 Ill. Reg. 12903, effective August 15, 1992; amended at 16 Ill. Reg. 16632, effective October 23, 1992; amended at 16 Ill. Reg. 18834, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 659, effective January 7, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 7025, effective April 30, 1993; amended at 18 Ill. Reg. 11260, effective July 1, 1994; amended at 19 Ill. Reg. 1321, effective January 30, 1995; emergency amendment at 19 Ill. Reg. 10268, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 15521, effective October 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15711, effective November 6, 1995; amended at 20 Ill. Reg. 1229, effective December 29, 1995; amended at 20 Ill. Reg. 5699, effective March 28, 1996; amended at 20 Ill. Reg. 14891, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 8671, effective July 1, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 9306, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13648, effective October 1, 1997; amended at 21 Ill. Reg. 14977, effective November 7, 1997; emergency amendment at 22 Ill. Reg. 17113, effective September 10, 1998, for a maximum of 150 days; amended at 23 Ill. Reg. 2393, effective January 22, 1999; emergency amendment at 23 Ill. Reg. 11734, effective September 1, 1999, for a maximum of 150 days; amended at 24 Ill. Reg. 2418, effective January 27, 2000; amended at 25 Ill. Reg. 5351, effective April 1, 2001; amended at 26 Ill. Reg. 9836, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11022, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 12306, effective July 26, 2002; amended at 26 Ill. Reg. 17743, effective November

ILLINOIS DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

27, 2002; amended at 27 Ill. Reg. 5833, effective March 24, 2003; amended at 27 Ill. Reg. 13771, effective August 1, 2003; amended at 27 Ill. Reg. _____, effective _____.

SUBPART C: MEDICAL VENDOR HEARINGS

Section 104.208 Notice of Intent to Terminate, Suspend or Not Renew Provider Agreement

- a) Except for actions brought jointly by the Department of Public Aid and the Department of Public Health pursuant to Section 104.300, the following provisions apply. If, in an action other than one under 89 Ill. Adm. Code 140.16(a)(2) or one under 89 Ill. Adm. Code 140.16(a)(9) based on a conviction for a violation of the Illinois Public Aid Code, the Department intends to terminate or suspend a vendor's eligibility to participate in the Medical Assistance Program, or terminate (or not renew) a vendor's provider agreement, it shall notify the vendor in writing, setting forth:
- 1) the reason for the Department's action,
 - 2) a statement of the right to request a hearing prior to the intended action taking effect,
 - 3) a statement of the time, place and nature of the hearing,
 - 4) a statement of the legal authority and jurisdiction under which the hearing is to be held, and
 - 5) a reference to the provisions of the statutes and rules involved.
- b) Except for actions brought jointly by the Department of Public Aid and the Department of Public Health pursuant to Section 104.300, the following provisions apply. If, in an action under 89 Ill. Adm. Code 140.16(a)(2) except in an action initiated pursuant to Section 104.211, an action or one under 89 Ill. Adm. Code 140.16(a)(9) based on a conviction for a violation of the Illinois Public Aid Code, or an action brought against a non-emergency transportation vendor under 89 Ill. Adm. Code 140.16(a) other than 89 Ill. Adm. Code 140.16(a)(7), the Department intends to terminate or suspend a vendor's eligibility to participate in the Medical Assistance Program, or terminate (or not renew) a vendor's provider agreement, it shall notify the vendor in writing, setting forth:
- 1) the reason for the Department's action,

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- 2) the effective date of the action,
 - 3) a statement that the vendor has the opportunity to respond prior to the effective date and a statement of how and to whom such a response should be made,
 - 4) a statement that the action will be effective on such date regardless of whether any hearing requested has been completed,
 - 5) a statement of the right to request a hearing,
 - 6) a statement of the time, place and nature of the hearing,
 - 7) a statement of the legal authority and jurisdiction under which the hearing is to be held, and
 - 8) a reference to the provisions of the statutes and rules involved.
- c) In an action brought jointly against a nursing home (not an ICF/MR facility) by the Illinois Department of Public Aid and the Illinois Department of Public Health pursuant to Section 104.300 in which the Department of Public Aid intends to terminate, suspend or deny the provider agreement, and the Department of Public Health intends to deny certification, the Departments shall notify the vendor in writing, setting forth:
- 1) the reason for the Department's action,
 - 2) the effective date of the action,
 - 3) a statement that the vendor has an opportunity to respond prior to the effective date and a statement of how and to whom such a response should be made,
 - 4) a statement that the action will be effective on such date regardless of whether any hearing requested has been completed,
 - 5) a statement of the right to request a hearing,
 - 6) a statement that a hearing will be scheduled to take place within 30 days after receipt of a request for hearing,
 - 7) a statement of the legal authority and jurisdiction under which the hearing

ILLINOIS DEPARTMENT OF PUBLIC AID

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is to be held, and

- 8) a reference to the Sections of the statutes and rules involved.
- d) In an action brought jointly against an ICF/MR facility by the Illinois Department of Public Aid and the Illinois Department of Public Health pursuant to Section 104.300 in which the Department of Public Aid intends to terminate, suspend or deny the provider agreement, and the Department of Public Health intends to deny certification, the Departments shall notify the vendor in writing, setting forth:
- 1) the reason for the Department's action,
 - 2) a statement of the right to request a hearing prior to the intended action taking effect,
 - 3) a statement that a hearing will be scheduled to take place within 30 days after receipt of a request for hearing,
 - 4) a statement of the legal authority and jurisdiction under which the hearing is to be held, and
 - 5) a reference to the provisions of the statutes and rules involved.
- e) The notice shall also inform the vendor, where applicable, that the final administrative decision of the Department could result in suspension for a specific period of time as well as termination.

(Source: Amended at 27 Ill. Reg. _____, effective _____)

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Illinois Safety Responsibility Law
- 2) Code Citation: 92 Ill. Adm. Code 1070
- 3) Section Numbers: Proposed Action:
1070.20 Amendment
- 4) Statutory Authority: 625 ILCS 5/2-104
- 5) A Complete Description of the Subjects and Issues Involved: To give the Secretary of State the authority to accept insurance certificates and cancellation notices electronically. A program to accept such insurance proof electronically is ready to be implemented, the purpose of this rule is to include electronic notification as an acceptable written notification to the Secretary of State under 625 ILCS 5/7-315 and 7-318. Electronic notification of insurance cancellation allows the Secretary of State to take the uninsured motorist off the highways immediately. This is a major traffic safety issue.
- 6) Will this proposed amendment replace an emergency rule currently in effect? NO
- 7) Does this rulemaking contain an automatic repeal date? _____ Yes No
If "Yes," please specify the date: _____
- 8) Does this proposed amendment contain incorporations by reference?
- 9) Are there any other proposed amendments pending on this Part? NO

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
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- 10) Statement of Statewide Policy Objectives: To accept insurance certificates and cancellation notices electronically to improve highway safety and office efficiency.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: All comments must be in writing and should be sent to:

Gordon Wayman
Secretary of State
Driver Services Department
2701 S. Dirksen Parkway
Springfield, IL 62723
217/785-0431

OFFICE OF THE SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of Professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized:
- Jan. 20 July 20 OR
- This rule was not included on either of the 2 most recent agendas because:
- 14) Does this amendment require the review of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? [30 ILCS 500/5-25] None

The full text of the Proposed Amendment(s) is the same as the emergency and begins on page 14361 of this Register:

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

Address: Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001
Telephone: (217) 782-5270

The full text of the adopted amendments begins on the next page:

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE F: EDUCATIONAL AGENCIES
CHAPTER I: STATE BOARD OF EDUCATIONPART 5000
PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

SUBPART A: PUBLIC INFORMATION

Section	
5000.10	Applicability
5000.20	Public Requests
5000.30	Public Submissions

SUBPART B: RULEMAKING

Section	
5000.100	Applicability
5000.110	Initiation
<u>5000.115</u>	<u>Consideration of Public Requests for Rulemaking</u>
5000.120	State Board of Education Review and Adoption
5000.130	Public Inspection of Rules

SUBPART C: ORGANIZATION

Section	
5000.200	Applicability
5000.210	State Board of Education Organization
TABLE A	Organization of the Illinois State Board of Education (Repealed)
TABLE B	Administrative Structure of the State Board of Education (Repealed)
APPENDIX A	Organization of the Illinois State Board of Education
APPENDIX B	Administrative Structure of the State Board of Education

AUTHORITY: Implementing and authorized by Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Adopted and codified at 8 Ill. Reg. 17875, effective September 17, 1984; amended at 26 Ill. Reg. 12157, effective July 29, 2002; amended at 27 Ill. Reg. 14305, effective August 25, 2003.

SUBPART B: RULEMAKING

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

Section 5000.115 Consideration of Public Requests for Rulemaking

Pursuant to Section 5-145 of the Illinois Administrative Procedure Act [5 ILCS 100/5-145], any interested person may request an agency to adopt, amend, or repeal a rule. If, within 30 days after submission of a request, the agency has not initiated rulemaking proceedings in accordance with Section 5-35, the request shall be deemed to have been denied. Requests received by the State Board of Education shall be addressed as set forth in this Section.

- a) An interested person who wishes to initiate formal consideration by the State Board of Education of a request to adopt, amend, or repeal a rule shall submit a written request to that effect.
 - 1) The request shall:
 - A) identify the rule in question, if one exists;
 - B) describe the problem created by the text of the current rule or absence of a rule;
 - C) propose the substance of the desired rule or amendment or identify the text that should be repealed, as applicable;
 - D) describe the affiliation of the individual submitting the request or the individual's experience in matters related to the rule in question; and
 - E) provide an address to which the agency should direct its reply.
 - 2) The request shall be addressed to the Agency Rules Coordinator and may be mailed or delivered to the Springfield office of the State Board of Education or submitted via e-mail to rules@isbe.net.
- b) The Rules Coordinator shall initiate review of the request by management staff within the organizational unit responsible for the rules that are the subject of the request.
- c) The responsible staff may consult with other individuals knowledgeable about the subject matter of the rules in question and shall respond within 20 days after the agency's receipt of the request as to whether the requested change is warranted and why or why not.
- d) If the requested change is deemed warranted, the Rules Coordinator shall seek the

ILLINOIS STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENT

Superintendent's authorization to initiate the rulemaking based upon the request and staff's rationale for supporting it.

- e) No later than 30 days after the agency's receipt of the request, the individual submitting the request shall be informed in writing as to the agency's determination regarding it.
- f) Staff members of the State Board of Education who receive oral requests for changes in the agency's rules shall invite the interested parties to submit written requests conforming to the requirements of subsection (a) of this Section for formal consideration.

(Source: Added at 27 Ill. Reg. 14305, effective August 25, 2003)

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Illinois Affordable Housing Tax Credit Development Program
- 2) Code Citation: 47 Ill. Adm. Code 355
- 3) Section Numbers: Adopted Action:

355.102	Amendment
355.103	Amendment
355.107	Amendment
355.203	Amendment
355.204	Amendment
355.205	Amendment
355.206	Amendment
355.207	Amendment
355.209	Amendment
355.210	Amendment
355.211	New
355.302	Amendment
355.303	Amendment
355.304	Amendment
355.305	Amendment
355.306	Amendment
355.309	Amendment
355.402	Repealed
355.403	Amendment
355.404	Amendment
355.405	Amendment
355.406	Amendment
355.408	Amendment
355.503	Amendment
355.504	Amendment
355.601	Amendment
- 4) Statutory Authority: Sections 7.28 of the Illinois Housing Development Act (20 ILCS 7.28).
- 5) Effective Date of Amendment: August 21, 2003.
- 6) Does this rulemaking contain an automatic repeal date: N/A.
- 7) Does this Amendment contain incorporation by reference: No

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

- 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: 27 Ill. Reg. 4882 – March 21, 2003.
- 10) Has JCAR issued a Statement of Objection to this Amendment? No.
- 11) Differences between proposal and final version: In addition to nonsubstantive technical and grammatical changes, some additions and deletions were made to have rules reflect the text currently on file.
- 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 Amendment replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
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- | | | |
|-----|---|--|
| 15) | <u>Summary and Purpose of Amendment(s)</u> : These rules involve the administration of the affordable housing tax credit program. | |
| 16) | <u>Information and questions regarding these adopted amendments shall be directed to:</u> | |
| | Richard Muller, Esq.
Illinois Housing Development Authority
401 N. Michigan Ave., Suite 900
Chicago, Illinois 60611
312/836-5327 | |
| 17) | <u>Do these amendments require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code?</u> No. | |

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

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER II: ILLINOIS HOUSING DEVELOPMENT AUTHORITY

PART 355

ILLINOIS AFFORDABLE HOUSING TAX CREDIT PROGRAM
SUBPART A: GENERAL RULES

Section

355.101	Authority
355.102	Purpose and Objectives
355.103	Definitions
355.104	Compliance with Federal Law
355.105	Forms and Procedures for the Program
355.106	Fees and Charges
355.107	Amendment
355.108	Severability
355.109	Gender and Number
355.110	Titles and Captions

SUBPART B: AFFORDABLE HOUSING TAX CREDIT ALLOCATIONS

Section

355.201	Authority to Allocate Affordable Housing Tax Credits
355.202	Transfer of Agency Affordable Housing Tax Credit Ceiling
355.203	Application Process
355.204	Agency Review
355.205	Approval or Rejection by Agency
355.206	Sponsor Participation.
355.207	Regulatory Agreement for Rental Projects
355.208	Affordable Housing Project Documentation and Certification
355.209	Affordable Housing Tax Credit Allocation
355.210	Recapture of Affordable Housing Tax Credits
355.211	<u>Return and Reallocation of Affordable Housing Tax Credits</u>

SUBPART C: DONATIONS

Section

355.301	Acceptable Types of Donations
355.302	Aggregation of Donations
355.303	Minimum Donation Amount

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

355.304	Cash
355.305	Securities
355.306	Real Property
355.307	Personal Property
355.308	Limitation on Donations
355.309	Transfer of Affordable Housing Tax Credits
355.310	Material Participation of Sponsor

SUBPART D: ~~AFFORDABLE HOUSING~~ PROJECTS

Section	
355.401	Single Family Project Requirements
355.402	Down Payment and Closing Cost Assistance (<u>Repealed</u>)
355.403	Employer-Assisted Housing Projects
355.404	Recapture Agreement
355.405	Multifamily Housing Projects
355.406	Set-Aside for Technical Assistance and General Operating Support
355.407	Limitations on Amount of Technical Assistance and General Operating Support
355.408	Technical Assistance—Home Ownership Counseling

SUBPART E: COMPLIANCE MONITORING

Section	
355.501	Compliance Monitoring
355.502	Monitoring Fees
355.503	Books and Records
355.504	Furnishing Information

SUBPART F: REPORTS

355.601	Agency Reports
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AUTHORITY: Section 7.28 of the Illinois Housing Development Act (20 ILCS 3805/7.28).

SOURCE: Adopted by emergency rulemaking at 25 Ill. Reg. 15636, effective November 26, 2001, for a maximum of 150 days; adopted at 26 Ill. Reg. 5902, effective April 15, 2002; emergency amendment at 26 Ill. Reg. 7325 effective April 26, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13220, effective August 20, 2000; emergency amendment at 27 Ill. Reg. 5033 effective March 10, 2003, for a maximum of 150 days; emergency expired August 6, 2003; amended at 27 Ill. Reg. 14310 effective August 21, 2003.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

SUBPART A: GENERAL RULES

Section 355.102 Purpose and Objectives

This Part is established to accomplish the purposes of Section 7.28 of the Illinois Housing Development Act and Section 214 of the Illinois Income Tax Act [35 ILCS 5/214], and in particular the awarding of Affordable Housing Tax Credits ~~in connection with the acquisition, construction, rehabilitation and financing of Affordable Housing Projects for Low Income Households.~~

(Source: Amended at 27 Ill. Reg. 14310, effective August 21, 2003)

Section 355.103 Definitions

As used in this Part, the following words or terms mean:

"Act": The Illinois Housing Development Act [20 ILCS 3805].

"Affordable Housing Project": A housing project that is either:

a rental project in which at least 25% of the units that have rents (including tenant-paid heat) that do not exceed, on a monthly basis, 30% of the gross monthly income of a Household earning the maximum income for a Low-Income Household in the geographical area in which the Affordable Housing Project is located and that are occupied by persons and families who qualify as Low-Income Households; or

a unit for sale to Low-Income Households and who will pay no more than 30% of their gross household income for mortgage principal, interest, property taxes, and property insurance upon the purchase of the unit.

"Affordable Housing Restrictions": The income and occupancy restrictions for an Affordable Housing Project required by Section 7.28 and this Part, or those set forth in the Application for the Affordable Housing Project, whichever are more stringent.

"Affordable Housing Tax Credits": Affordable Housing Tax Credits, as authorized by Section 7.28 and Section 214 of the Illinois Income Tax Act.

"Affordable Housing Tax Credit Ceiling": The aggregate amount of Affordable Housing Tax Credits available for Allocation in a State fiscal year.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

NOTICE OF ADOPTED AMENDMENTS

"Agency": The Authority, the City of Chicago or any other municipality that may subsequently be designated by law as an agency for the Allocation of Affordable Housing Tax Credits.

"Agency Affordable Housing Tax Credit Ceiling": That portion of the ~~total amount of Affordable Housing Tax Credits available for Allocation in a State fiscal year~~ Affordable Housing Tax Credit Ceiling that is available for Allocation by an Agency. That amount is 24.5% of the Affordable Housing Tax Credit Ceiling for the City of Chicago, and 75.5% of the Affordable Housing Tax Credit Ceiling for the Authority.

"Agency Head": The Executive Director of the Authority or the Housing Commissioner of the City of Chicago.

"Allocation": An award by an Agency of Affordable Housing Tax Credits in connection with an Affordable Housing Project, an Employer-Assisted Housing Project or Technical Assistance.

"Applicant": The Sponsor (and any other affiliated entities) applying for an Allocation.

"Application": An application to an Agency for ~~Affordable Housing Tax Credits a Reservation and an Allocation~~ submitted by an Applicant ~~in connection with an Affordable Housing Project~~, including the required supporting documentation.

"Authority ": The Illinois Housing Development Authority.

"Certificate": The certificate issued by an Agency evidencing ~~the an~~ Allocation of ~~Affordable Housing Tax Credits in connection with an Affordable Housing Project~~. The Certificate shall state the effective date of the Allocation.

"Compliance Period": The period during which an Affordable Housing Project is obligated to comply with the Affordable Housing Restrictions, as set forth in the Application ~~for such Affordable Housing Project~~. The Compliance Period for each Affordable Housing Project shall be a minimum of 10 years from the date of the initial certificate of occupancy from the municipality in which the Affordable Housing Project is located, except for:

Single Family Projects in which a Sponsor provides construction subsidies or down payment and closing cost assistance to Low-Income Households or Employer-Assisted Housing Projects purchasing a Single Family Residence, in which case the Compliance Period shall be 5 years from the date of the closing of the purchase of the Single Family Residence, and

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Hardship cases, as provided in Section 355.404 of this Part.

"Donation": Money, securities, or real or personal property that is provided without consideration to a Sponsor ~~for an Affordable Housing Project~~ and that is used for:

costs associated with purchasing, rehabilitating, constructing, or providing or obtaining financing for ~~that~~ an Affordable Housing Project, including fees for attorneys, architects, accountants, surveyors and appraisers;

Technical Assistance ~~for that Affordable Housing Project~~; or

General Operating Support of the Sponsor ~~in connection with that Affordable Housing Project~~; or

an Employer-Assisted Housing Project.

"Donor": An individual or entity making a Donation.

"Employer-Assisted Housing Project": A project that involves down payment and closing cost assistance, reduced-interest mortgages, mortgage guarantee programs, rental subsidies, or individual development account savings plans that are:

provided by an employers to its employees to assist them in securing housing near the employer's work place;

restricted to housing near such work place; and

restricted to employees who qualify as Moderate-Income Households.

"General Operating Support": Any cost incurred by a Sponsor, directly or indirectly, in connection with an Affordable Housing Project or an Employer-Assisted Housing Project. Such costs may include a proportionate amount of the general overhead expenses of the Sponsor.

"Gross Household Income": The total annualized income of ~~the~~ a Household from whatever source derived and before taxes or withholdings.

"Household": A single person, family or unrelated persons living together.

"Initial Closing Date": The date on which all legal requirements for the funding of an Affordable Housing Project have been met, as determined by the funding sources for the Affordable Housing Project, and the funds are made available to the Affordable Housing

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Project for distribution.

"Low-Income Household": A Household whose adjusted income is less than or equal to 60% of the median income of the geographical area of the Household's prospective residence Affordable Housing Project, adjusted for family size, as such adjusted income and median income for the geographical area are determined from time to time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937 (42 USC 1437).

"Material Participation": An individual or entity provides personal services to tenants or prospective tenants of a Multifamily Housing Project or rental Single Family Project, or professional services to a Multifamily Housing Project, on a regular, continuous, and substantial basis for more than ~~500~~ 300 hours during each year during the Compliance Period, ~~and, in the case of personal services, such provision of services constitutes substantially all of the provision of such services for the Multifamily Housing Project by all individuals or entities (including individuals and entities who do not hold ownership interests in the Affordable Housing Project) for that year.~~ This requirement will be satisfied if the Sponsor is the owner, or holds a controlling interest in the entity that is the owner, of the project; or is the managing general partner, or holds a controlling interest in the entity that is the managing general partner, of a limited partnership that is the owner of the project; or is the managing member, or holds a controlling interest in the entity that is the managing member, of the limited liability company that is the owner of the project.

"Members": The Members of the Authority.

"Moderate-Income Household": A Household whose adjusted income is less than 120% of the median income of the geographical area of the Household's Affordable Employer-Assisted Housing Project, adjusted for family size, as such adjusted income and median income for the geographical area are determined from time to time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937 (42 USC 1437).

"Multifamily Housing Project": An Affordable Housing Project comprised of one or more buildings (other than Single Family Residences) containing an aggregate of five or more rental units.

"Program": The Illinois Affordable Housing Tax Credit Program.

"Reservation": An Agency's conditional reservation of Affordable Housing Tax Credits ~~in connection with an Affordable Housing Project~~ for a Sponsor. A Reservation shall be valid for a period no longer than 24 months from the date of the Reservation Letter. If

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~~the Initial Closing Date of the Affordable Housing Project has not occurred~~ the Affordable Housing Tax Credits so reserved have not been allocated within that 24 month period, the Reservation shall expire and shall not be renewed.

"Reservation Letter": The letter from an Agency to a Sponsor conditionally reserving Affordable Housing Tax Credits ~~in connection with the Sponsor's proposed Affordable Housing Project~~.

"Section 7.28": Section 7.28 of the Act.

"Single Family Project": An Affordable Housing Project consisting of:

the construction of Single Family Residences; or

the rehabilitation of a 2, 3, or 4 unit buildings; upon completion of rehabilitation, the units are sold or rented; or

the rehabilitation of Single Family Residences, which are then sold or rented; or

the rehabilitation of buildings containing more than 4 units; upon completion of rehabilitation, the units are sold as condominiums; or

the financing of Single Family Residences using junior mortgages with a below market interest rate; or

construction subsidies to lower the purchase price of Single Family Residences.

"Single Family Residence": A house, condominium, townhouse or other residence used for occupancy by a single Household as its primary residence.

"Sponsor": A not-for-profit organization that is:

organized under the General Not For Profit Corporation Act of 1986 [805 ILCS 105] for the purpose of constructing or rehabilitating affordable housing units in this State; or

organized for the purpose of constructing or rehabilitating affordable housing units and has been issued a ruling from the Internal Revenue Service of the United States Department of the Treasury that the organization is exempt from income taxation under provisions of the Internal Revenue Code; or

an organization designated as a community development corporation by the

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United States Government under Title VII of the Economic Opportunity Act of 1964.

"State": The State of Illinois.

"Technical Assistance": Any cost incurred by a Sponsor for:

planning for an Affordable Housing Project or an Employer-Assisted-Housing Project, or

assistance with an Application, or

counseling services provided to prospective purchasers of a Single Family Residence in connection with a Single Family Project or an Employer-Assisted Housing Project, except as provided in Section 355.408 of this Part.

"Very Low-Income Household": A Household whose adjusted income is less than or equal to 50% of the median income of the geographical area of the Household's ~~Affordable Housing Project~~ prospective residence, adjusted for family size, as such adjusted income and median income for the geographical area are determined from time to time by the United States Department of Housing and Urban Development for purposes of Section 8 of the United States Housing Act of 1937 (42 USC 1437).

(Source: Amended at 27 Ill. Reg. 14310, effective August 21, 2003)

Section 355.107 Amendment

This Part may be supplemented, amended, or repealed by the Members, from time to time and in such manner as they may determine consistent with this Part, the Act, including but not limited to Section 7.28, and other applicable provisions of law. This Part shall not constitute or create any contractual rights.

(Source: Amended at 27 Ill. Reg. 14310, effective August 21, 2003)

SUBPART B: AFFORDABLE HOUSING TAX CREDIT ALLOCATIONS

Section 355.203 Application Process

A Sponsor may apply for an Allocation by submitting an Application on forms prescribed by an Agency that may require the following information:

- a) The name and location of the proposed Affordable Housing Project;

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- b) The name, address and telephone number of the Sponsor and the proposed owner of the Affordable Housing Project, and, if known, the attorney, accountant, architect, general contractor and consultant for the Affordable Housing Project;
- c) A copy of the Sponsor's current Articles of Incorporation, certified by the Secretary of State or equivalent official of the state of incorporation;
- d) A history of the Sponsor's experience in developing housing, and low-income housing in particular;
- e) A complete description of the proposed Affordable Housing Project, including but not limited to the site, the number and type of units and a rent schedule for the Affordable Housing Project ~~(if applicable)~~, and identifying any proposed tenant populations with special housing needs;
- f) The amount of the proposed financing for the Affordable Housing Project, including letters of interest or commitments from prospective lenders;
- g) The nature and amount of the proposed or anticipated Donation;
- h) For a Multifamily Housing Project or a rental Single Family Project, the percentage of units to be reserved for Low-Income Households and Very Low-Income Households;
- i) The estimated total cost of the proposed Affordable Housing Project, including the cost of land acquisition, the cost of construction, the amount of projected reserves, architects' fees, attorneys' fees, accountant's fees, surveyor's fees, title insurance and all other costs associated with the Affordable Housing Project;
- j) A schedule for the proposed Affordable Housing Project showing the anticipated Initial Closing Date, and the anticipated date of completion;
- k) The amount of General Operating Support requested, if any, and the purposes for which it will be used;
- l) The amount of Technical Assistance requested, if any, and the purposes for which it will be used;
- m) The amount of Affordable Housing Tax Credits requested;
- n) A certification from the Sponsor certifying to the Agency that all information

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contained in the Application and all accompanying information is true, accurate, and complete, to the best of the Sponsor's knowledge; and

- o) Any additional documentation of the information provided in the Application that the Agency may require in order to confirm the information in the Application, such as a legal description of the Affordable Housing Project site, etc.

(Source: Amended at 27 Ill. Reg. 14310, effective August 21, 2003)

Section 355.204 Agency Review

The Agency shall review each complete Application and approve or reject it. The Agency's review of an Application shall include, but not be limited to, the following criteria (where applicable):

- a) Section 7.28 Requirements. The ability of the Affordable Housing Project to meet the requirements of Section 7.28 and this Part throughout the Compliance Period;
- b) Financial Feasibility. The financial feasibility of the Affordable Housing Project, taking into the consideration the existing housing for Low-Income Households and Very Low-Income Households in the geographical area in which the Affordable Housing Project will be located, the cost of the Affordable Housing Project, the projected income and operating expense of the Affordable Housing Project, and all sources of financing for the Affordable Housing Project, including owner's equity;
- c) Sponsor's Ability. The ability of the Sponsor to successfully construct the Affordable Multifamily Housing Project or the rental Single Family Project and place it in service, taking into consideration the construction or other schedule submitted with the Application, the Sponsor's experience in the development, construction and/or rehabilitation of housing, and the size and scope of the Affordable Housing Project; or the ability of the Sponsor to provide the Technical Assistance; or the ability of the Sponsor to implement the Employer- Assisted Housing Project;
- d) Site Control. Evidence of site control, satisfactory to the Agency, for the Affordable Housing Project, which shall include, but not be limited to, a purchase contract, an option to purchase, or a letter of intent from a prospective Donor of real property or from a governmental agency;

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- e) Donations. The amount of the proposed or anticipated Donation and the Sponsor's plan for obtaining the Donation;
- f) Location. The need for housing for Low-Income and Very Low-Income Households in the geographical area in which the Affordable Housing Project will be located, based on census data, social surveys, published data, or on-site inspections; and the location of other Affordable Housing Projects for which the Agency has allocated or reserved Affordable Housing Tax Credits;
- g) Housing Stock. The likelihood that the Affordable Housing Project will increase the quality and quantity of housing stock and redevelop blighted areas or prevent the occurrence of slum conditions;
- h) Preservation. The likelihood that the Affordable Housing Project will preserve housing projects in danger of being lost as affordable housing stock;
- i) Involuntary Displacement. For Multifamily Housing Projects or rental Single Family Projects involving rehabilitation, the Sponsor must minimize involuntary displacement of current tenants who are Low-Income and Very Low-Income Households, taking into consideration their safety during rehabilitation and the scope and nature of the proposed rehabilitation;
- j) Special Needs Populations. The availability and accessibility of the Affordable Housing Project for special needs populations, including, but not limited to, homeless or displaced individuals, persons with physical, mental or developmental disabilities, persons with alcohol or substance abuse problems, and persons with AIDS and related diseases;
- k) Compliance Period. Whether the Compliance Period of the Affordable Housing Project exceeds the minimum requirements of Section 7.28;
- l) Lower Income Households. The ability of the Affordable Housing Project to serve Households with incomes less than the maximum income for Low-Income or Very Low-Income Households for the geographical area in which the Affordable Housing Project will be located.

(Source: Amended at 27 Ill. Reg. 14310, effective August 21, 2003)

Section 355.205 Approval or Rejection by Agency

- a) Upon an Agency's completion of its review of an Application, the Agency shall

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notify the Sponsor in writing of its approval or rejection of the Application.

- b) Upon the approval of an Application, the Agency shall issue a Reservation Letter conditionally reserving Affordable Housing Tax Credits ~~for the Affordable Housing Project~~. The amount of the Affordable Housing Tax Credits reserved shall be 50% of the amount of the ~~proposed or approved~~ amount of the Donation or the actual Donation, whichever is less.
- c) The Reservation Letter shall set forth the terms and conditions upon which the Affordable Housing Tax Credits will be allocated to the Affordable Housing Project, including, but not limited to:
- 1) Full compliance by both the Sponsor and, if applicable, the proposed Affordable Housing Project, Technical Assistance or Employer-Assisted Housing Project, with the requirements of Section 7.28 and this Part;
 - 2) Certification from the Sponsor certifying to the Agency that the Sponsor and, if applicable, the Affordable Housing Project Technical Assistance or Employer-Assisted Housing Project, will be in full compliance with the requirements of Section 7.28 and this Part and, (if applicable) will continue to be in compliance during the Compliance Period;
 - 3) Certification from the Sponsor that there will be no material change in the Sponsor, the Sponsor's ownership structure or the structure, if applicable, of the Affordable Multifamily Housing Project or the rental Single Family Project without the prior written approval of the Agency; and
 - 4) If applicable, Execution ~~execution~~ of either a Regulatory Agreement, as required by Section 355.207 of this Part, or one or more Recapture Agreements, as required by Section 355.404 of this Part.
- d) The Sponsor shall have ~~12~~ 24 months from the date of the Reservation Letter to obtain a Donation for the Affordable Housing Project. For Affordable Housing Projects, This period may be extended for an additional period of up to 12 months upon written request to the Agency, provided that the Sponsor submits evidence of progress toward the Initial Closing of the Affordable Housing Project. For Technical Assistance or Employer-Assisted Housing Projects, the Sponsor shall have 12 months from the Date of the Reservation Letter to obtain a Donation.

(Source: Amended at 27 Ill. Reg. 14310, effective August 21, 2003)

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Section 355.206 Sponsor Participation

For a Multifamily Housing Project, or a rental Single Family Project ~~The~~ the Sponsor must have a Material Participation in the development and operation of ~~it's~~ the Multifamily Housing Project or rental Single Family Project throughout the Compliance Period.

(Source: Amended at 27 Ill. Reg. 14310, effective August 21, 2003)

Section 355.207 Regulatory Agreement for Rental Projects

The Sponsor and the owner of each ~~Affordable~~ Housing Project that involves the rental of housing units shall enter into a Regulatory Agreement with the allocating Agency before the Agency ~~allocates Affordable Housing Tax Credits~~ makes an Allocation in connection with that Affordable Housing Project. Under the Regulatory Agreement, the owner of the Affordable Housing Project shall be required to adhere to the Affordable Housing Restrictions for a period equal to the Compliance Period, and agree not to transfer the ownership, or materially change the ownership structure of the owner of the Affordable Housing Project, without the approval of the Agency. The Regulatory Agreement shall be recorded in the Office of the Recorder of Deeds in the county where the Affordable Housing Project is located as a restrictive covenant on the Affordable Housing Project. The Regulatory Agreement shall cease to apply in the event of a foreclosure, transfer of title by deed in lieu of foreclosure or similar event, unless the allocating Agency determines that such foreclosure, transfer of title by deed-in-lieu of foreclosure or similar event has occurred pursuant to an arrangement between the owner of the Affordable Housing Project and any lenders or any other party, a purpose of which is to terminate the occupancy restrictions set forth in the Regulatory Agreement. If the Affordable Housing Project is receiving financing from lenders that require rental and occupancy restrictions on the Affordable Housing Project, the Affordable Housing Restrictions may, upon the written approval of the Agency, be incorporated into the documents containing the lenders' occupancy and rental restrictions, provided that:

- a) the Agency is made a party to the agreement in which the lenders' restrictions are incorporated; and
- b) the Agency shall have the right under that agreement to independently enforce the Affordable Housing Restrictions.

(Source: Amended at 27 Ill. Reg. 14310, effective August 21, 2003)

Section 355.209 Affordable Housing Tax Credit Allocation

~~Upon the Initial Closing of an Affordable Housing Project and receipt by the Agency of all~~

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~~requested documentation, in a format acceptable to the Agency, that establishes to the satisfaction of the Agency that the Initial Closing has occurred and the Sponsor and the Affordable Housing Project are in compliance with all the requirements of Section 7.28 and this Part, the Agency shall allocate Affordable Housing Tax Credits in connection with the Affordable Housing Project. An Agency shall make Allocations:~~

- a) for Affordable Housing Projects, after the Agency has received documentation, in a format acceptable to the Agency, that establishes to the satisfaction of the Agency that the Sponsor and the Affordable Housing Project are in compliance with all of the requirements of Section 7.28 of the Act and this Part; the date of the Allocation shall be the date of the Initial Closing.
- b) for Technical Assistance and Employer-Assisted Housing Projects, after the Agency has received documentation, in a format acceptable to the Agency, that establishes to the satisfaction of the Agency that the Sponsor is in compliance with all of the requirements of Section 7.28 and this Part and has the ability to provide the Technical Assistance or to implement the Employer-Assisted Housing Project, as applicable; the date of the Allocation shall be the date of the satisfaction of these requirements.

The effective date of the Allocation shall be the date set forth in the Reservation Letter to the Sponsor, or the date of the ~~Initial Closing~~, Allocation at the election of the Sponsor. No Allocation shall be made with an effective date earlier than the effective date of Section 7.28. The Agency shall submit such forms as the Illinois Department of Revenue may require to notify the Department of the Allocation for the Affordable Housing Project.

(Source: Amended at 27 Ill. Reg. 14310, effective August 21, 2003)

Section 355.210 Recapture of Affordable Housing Tax Credits

Except in the case of fraud committed by a Donor, there shall be no recapture of Affordable Housing Tax Credits after Allocation.

(Source: Amended at 27 Ill. Reg. 14310, effective August 21, 2003)

Section 355.211 Return and Reallocation of Affordable Housing Tax Credits

A Sponsor that has received a Reservation and that is unable to use the Affordable Housing Tax Credits reserved for the Sponsor by such Reservation may return these Affordable Housing Tax Credits to the Agency that issued the Reservation. If a return of the Affordable Housing Tax Credits occurs during the State fiscal year in which such Affordable Housing Tax Credits were

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reserved, such Agency may reserve and reallocate any Affordable Housing Tax Credits that have been returned or recaptured.

(Source: Added at 27 Ill. Reg. 14310, effective August 21, 2003)

SUBPART C: DONATIONS

Section 355.302 Aggregation of Donations

Subject to Section 355.303, A a Sponsor may aggregate a number of Donations into a single Donation in connection with an Affordable Housing Project Allocation. The Certificate issued in connection with the Affordable Housing Project Allocation shall state the aggregate amount of the Donation; however, the Affordable Housing Tax Credits may be divided ~~pro-rata~~ among the Donors of the individual Donations, as determined by the Sponsor.

(Source: Amended at 27 Ill. Reg. 14310, effective August 21, 2003)

Section 355.303 Minimum Donation Amount

Except in the case of the transfer of a portion of a Certificate as set forth in Section 355.309 of this Part, ~~The~~ the minimum amount of a Donation shall be \$10,000. Individual Donations in an aggregated Donation, including Donations ~~that~~ for which the Affordable Housing Tax Credits are transferred as permitted under Section 355.309 of this Part, ~~may~~ must be less than \$10,000, ~~but~~ and the aggregated Donation must be at least \$10,000.

(Source: Amended at 27 Ill. Reg. 14310, effective August 21, 2003)

Section 355.304 Cash

The amount of a cash Donation shall be evidenced by a copy of the check or cashier's from the donor, evidence of a wire-transfer of funds by the Donor, or such other evidence of the provision of cash by the Donor that may be satisfactory to the allocating Agency.

(Source: Amended at 27 Ill. Reg. 14310, effective August 21, 2003)

Section 355.305 Securities

Donations of stocks, bonds or other securities shall be documented by the certificate transferring ownership of the security to the Sponsor or a certificate evidencing the transfer of the beneficial interest in the security to the Sponsor; the amount of the Donation shall be the market value of the security at the close of the market on the day of the transfer.

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(Source: Amended at 27 Ill. Reg. 14310, effective August 21, 2003)

Section 355.306 Real Property

Donations of real property shall be: the fee simple interest in such real property; the beneficial interest of a land trust if a land trust hold title to such real property; or a ground lease with a minimum term of 50 years leasing the real property to the Sponsor.

Donations of a fee simple interest in real property shall be evidenced by a copy of the recorded deed conveying the fee simple title of the real property to the Sponsor and a title search or equivalent documentation showing that the ~~donor~~ Donor held fee simple title to the real property as of the date of the transfer. A Donation of a ground lease shall be evidenced by a copy of the ground lease under which the real property is leased. A donation of real property held in a land trust shall be evidenced by the document transferring the beneficial interest in the land trust to the Sponsor and a copy of the land trust agreement, certified by the land trustee, showing that the Sponsor is the sole beneficiary of the land trust. The value of the real property or the leasehold interest in a ground lease shall be determined by a current independent appraisal ~~of the property~~ done by a State-licensed appraiser. An Agency may, in its discretion, have another appraisal done by a State-licensed appraiser; in such a case, the value ~~of the property~~ shall be the lesser of the two appraisals. ~~The beneficial interest in a land trust shall be considered real property. The documentation required to evidence the conveyance of real property held in a land trust shall be the document transferring the beneficial interest in the land trust to the Sponsor and a copy of the land trust agreement, certified by the land trustee, showing that the Sponsor is the sole beneficiary of the land trust.~~

(Source: Amended at 27 Ill. Reg. 14310, effective August 21, 2003)

Section 355.309 Transfer of Affordable Housing Tax Credits

A Donor that has received a Certificate ~~in connection with an Affordable Housing Project~~ may transfer all or a portion of the Affordable Housing Tax Credits represented by this Certificate to another individual or entity if ~~the transfer is made to an individual or entity that has purchased land for the Affordable Housing Project or another Donor that has made a Donation to the~~ an Affordable Housing Project for which the Certificate was issued. An individual or entity receiving a transfer of Affordable Housing Tax Credits in an amount less than \$100,000 must make a Donation for an Affordable Housing Project of at least 10% of the amount of the transferred Affordable Housing Tax Credits. An individual or entity receiving a transfer of Affordable Housing Tax Credits in an amount equal to or greater than \$100,000 must make a minimum Donation of \$10,000. The Certificate shall indicate the name of the original Donor and the name of the entity to which the Certificate is transferred.

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(Source: Amended at 27 Ill. Reg. 14310, effective August 21, 2003)

SUBPART D: ~~AFFORDABLE HOUSING PROJECTS~~Section 355.402 Down Payment and Closing Cost Assistance (Repealed)

~~An Agency may make Allocations to Sponsors of Affordable Housing Projects providing only down payment and closing cost assistance only for Employer Assisted Housing Projects.~~

(Source: Repealed at 27 Ill. Reg. 14310, effective August 21, 2003)

Section 355.403 Employer-Assisted Housing Projects

\$2,000,000 of the Affordable Housing Tax Credit Ceiling for a State fiscal year shall be reserved for Employer-Assisted Housing Projects. Of this ceiling, 24.5% shall be available for allocation by the City of Chicago and 75.5% shall be available for allocation by the Authority. If those funds are not reserved for Employer-Assisted Housing Projects by January 31 of that State fiscal year, the funds shall be available for Reservation and Allocation for ~~any type of~~ Affordable Housing Projects, Technical Assistance or General Operating Support.

(Source: Amended at 27 Ill. Reg. 14310, effective August 21, 2003)

Section 355.404 Recapture Agreement

Each Household receiving assistance or a subsidy under a Single Family Project in connection with the purchase of a Single Family Residence shall enter into a Recapture Agreement with the Sponsor. The Recapture Agreement shall create a lien on the Single Family Residence and shall provide that, if the Single Family Residence is transferred during the term of the Compliance Period, other than by will, inheritance or a transfer by law to a joint tenant owner, the Household shall repay to the Sponsor a prorated portion of any funds provided as a grant or subsidy toward the purchase of the Single Family Residence. In cases of hardship to a Low-Income Household, such as serious illness or loss of employment, an Agency may shorten the Compliance Period.

(Source: Amended at 27 Ill. Reg. 14310, effective August 21, 2003)

Section 355.405 Multifamily Housing Projects

An Agency may make Allocations for Multifamily Housing Projects that involve the construction or rehabilitation of multifamily rental housing buildings.

(Source: Amended at 27 Ill. Reg. 14310, effective August 21, 2003)

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Section 355.406 Set-Aside for Technical Assistance and General Operating Support

\$1,000,000 of the Affordable Housing Tax Credit Ceiling for a State fiscal year shall be reserved for Technical Assistance and General Operating Support. Of this ceiling, 24.5% shall be available for allocation by the City of Chicago and 75.5 % shall be available for allocation by the Authority. If these funds are not reserved for Technical Assistance or General Operating Support by May 1 of that State fiscal year, the funds shall be available for Reservation and Allocation for any type of Affordable Housing Projects or Employer-Assisted Housing Projects.

(Source: Amended at 27 Ill. Reg. 14310, effective August 21, 2003)

Section 355.407 Limitations on Amount of Technical Assistance and General Operating Support

No Affordable Housing Project shall receive Affordable Housing Tax Credits for Technical Assistance and General Operating Support for the Sponsor of the Affordable Housing Project in an amount greater than 10% of the Allocation for the Affordable Housing Project.

(Source: Amended at 27 Ill. Reg. 14310, effective August 21, 2003)

Section 355.408 Technical Assistance--Home Ownership Counseling

An Agency Head may determine that his or her Agency will allocate Affordable Housing Tax Credits for Technical Assistance for Donations to entities that provide home ownership counseling services unconnected to a particular Affordable Housing Project. All such home ownership counseling services shall be provided to Households that qualify as Low-Income Households or in the case of Employer Assisted Housing Moderate Income Households as of the date of the provision of the services.

(Source: Amended at 27 Ill. Reg. 14310, effective August 21, 2003)

SUBPART E: COMPLIANCE MONITORING

Section 355.503 Books and Records

The books and records of each Sponsor and each Affordable Housing Project ~~and its Sponsor~~ shall be subject to inspection, examination and copying by the allocating Agency and its authorized representatives or agents at such times as the allocating Agency reasonably requires for the purpose of determining whether the Sponsor and such Affordable Housing Project is in compliance with Section 7.28 of the Act and this Part.

(Source: Amended at 27 Ill. Reg. 14310, effective August 21, 2003)

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Section 355.504 Furnishing Information

The Each Sponsor of each Affordable Housing Project shall furnish such information and operating reports as the allocating Agency shall require in connection with the monitoring of the Sponsor, and if applicable, the Sponsor's Affordable Housing Project or Employer-Assisted Housing Project for compliance with Section 7.28 and this Part.

(Source: Amended at 27 Ill. Reg. 14310, effective August 21, 2003)

SUBPART F: REPORTS

Section 355.601 Agency Reports

Each Agency shall submit quarterly reports to the Authority setting forth the Agency's activities under the Program for that quarter. The report shall include the following information:

- a) the amount of Affordable Housing Tax Credits reserved or allocated since the date of the last report;
- b) the name and address of ~~the~~ each Sponsor of each Affordable Housing Project;
- c) For each Affordable Housing Project:
 - 1) the amount of Affordable Housing Tax Credits reserved or allocated;
 - 2) the total number of units or Single Family Residences in the Affordable Housing Project;
 - 3) the number of units or Single Family Residences to be occupied by Low-Income and Very Low-Income Households;
 - 4) the type of Households to be served (such as elderly or special needs); and
 - 5) for Multifamily Housing Projects, the number of bedrooms in each unit;
- d) For each Affordable Housing Project, the amount of Affordable Housing Tax Credits reserved or allocated for General Operating Support and Technical Assistance, and the Sponsor's use of that General Operating Support and Technical Assistance; and
- e) In connection with Technical Assistance for home ownership counseling services, the amount of Affordable Housing Tax Credits reserved or allocated and the

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number of Low-Income and Very Low-Income Households receiving counseling.

- f) In connection with an Employer-Assisted Housing Project, the amount of Affordable Housing Tax Credits reserved or allocated and the number of Very Low-Income, Low –Income and Moderate Income Households that received assistance.

(Source: Amended at 27 Ill. Reg. 14310, effective August 21, 2003)

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)

<u>Section Numbers</u>	<u>Adopted Action</u>
685.20	Amendment
685.80	Amendment
685.90	Amendment
685.100	Amendment
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: August 25, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 9, 2003, 27 Ill. Reg. 7944
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to update the address where completed applications should be mailed; add a site-specific regulation for the youth white-tailed deer hunt at Crab Orchard National Wildlife Refuge; add language indicating that the public sites open to hunting for the Heritage Youth Wild Turkey Hunt

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will be determined annually; and to remove language concerning Banner Marsh State Fish and Wildlife Area and Snakeden Hollow State Fish and Wildlife Area from the Section on youth waterfowl hunting permit requirements.

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

Jonathan Furr, 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
685.90	Heritage Youth Wild Turkey Hunt – Spring Season
685.100	Youth Pheasant Hunting
685.110	Youth Waterfowl Hunting
685.120	Youth Dove Hunting

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. 14331, effective August 25, 2003.

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, have completed a State-approved Hunter Education course and have a hunting license, unless exempt, by the start of the Youth Deer Season. 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

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P.O. Box 19227

Springfield IL ~~62794-9227~~~~62702-1271~~

- b) 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. Permits shall be issued as antlerless only. 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.
- 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.
- 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.
- 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.
- 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

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should not send cash with their applications. The Department shall not be responsible for cash sent through the mail.

- 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).
- m) Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 27 Ill. Reg. 14332, effective August 25, 2003)

Section 685.80 Youth White-Tailed Deer Hunt

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 first season only)

Dixon Springs State Park

Fort Massac State Park (first season only)

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: Amended at 27 Ill. Reg. 14332, effective August 25, 2003)

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Section 685.90 Heritage Youth Wild Turkey Hunt – Spring Season

- a) Turkey Permit Requirements – Heritage Youth Turkey Hunt
- 1) The Heritage Youth Wild Turkey Hunt is open only to Illinois residents under the age of 16 at the start of the Heritage Youth Wild Turkey Hunt. All participating youths must have completed a Department-approved Hunter Education course. All youth hunters must have a current, valid Heritage Youth Wild Turkey Hunt Permit (\$10). For permit application and other information write to:

Illinois Department of Natural Resources
Youth Turkey Hunt
One Natural Resources Way
P.O. Box 19227
Springfield IL 62794-9227
 - 2) Each applicant must enclose a separate fee (check or money order) payable to the Department of Natural Resources, or the application will be returned. Applicants should not send cash with their applications. The Department will not be responsible for cash sent through the mail.
 - 3) Each applicant must complete the official Department Heritage Youth Wild Turkey Permit application.
 - 4) The season dates, ~~and~~ open counties and open public sites will be determined annually by the Director of the Illinois Department of Natural Resources. The number of permits issued will be in addition to the established county permit quotas. The dates of the application period for permits will be publicly announced annually by the Department.
 - 5) The applicants must not have had their hunting privileges suspended or revoked in this State or any other state.
 - 6) If more than one application for an Illinois Heritage Youth Wild Turkey Hunt Permit is received from the same person, all applications submitted in that name will be rejected and permits revoked.
 - 7) A \$3 service fee will be charged for replacement permits issued by the Department.

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- 8) Each Illinois Heritage Youth Wild Turkey Hunt Permit holder is required to be accompanied by a parent/guardian or responsible adult who possesses a valid Firearm Owners Identification (FOID) Card. The accompanying adult must be present for the permit holder (youth) to hunt. The adult and/or adult caller is not allowed to hunt, but may accompany the youth hunter as a caller or observer. 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.
 - 9) The Heritage Youth Wild Turkey Hunt Permit will only be valid for the dates and counties listed on the permit. Each youth must also possess a valid Illinois hunting license prior to hunting, unless exempt.
 - 10) Turkey hunting seminars covering turkey hunting safety and aspects of turkey hunting will be made available to participating youths. Hunting without a permit is a Class B misdemeanor (see 520 ILCS 5/2.9).
 - 11) Permits issued for the Heritage Youth Wild Turkey Hunt will be counted in the number of permits a person can be issued for the regular Spring Wild Turkey Season.
- b) Turkey Hunting Regulations
- It is unlawful:
- 1) to use live or electronic turkey decoys, recorded calls, dogs, or bait (an area is considered as baited during the presence of and for 10 consecutive days following the removal of the bait). Violation is a Class B misdemeanor (see 520 ILCS 5/2.9);
 - 2) to take any wild turkey except a hen with a visible beard or a gobbler (male). Violation is a Class B misdemeanor (see 520 ILCS 5/2.9);
 - 3) to take, or attempt to take, more than three wild turkeys during the spring season, and hunters must have a valid permit for each turkey that is taken;
 - 4) to use any hunting device except a shotgun or bow and arrow. #4 shot is the largest and #7½ is the smallest size shot that may be legally used. Archers may use a long, recurved, or compound bow with a minimum pull of 40 pounds at some point within a 28-inch draw. Minimum arrow length is 20 inches, and broadheads must be used. Broadheads may have fixed or

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expandable blades, but they must be barbless and have a minimum 7/8 inch diameter when fully opened. Broadheads with fixed blades must be metal or flint-, chert-, or obsidian-knapped; broadheads with expandable blades must be metal. Any mechanical device capable of maintaining a drawn position or partially drawn position on a bow is illegal. All other bows and arrows, including electronic arrow tracking systems, are illegal. Violation is a Class B misdemeanor (see 520 ILCS 5/2.9);

- 5) to hunt except from ½ hour before sunrise to 1:00 p.m. during each day of the season. Hunting after 1 p.m. is a Class B misdemeanor (see 520 ILCS 5/2.9). 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));
- 6) for any person having taken the legal limit of wild turkeys to further participate with a hunting device in any hunting party for the purpose of taking additional wild turkeys. Violation is a Class B misdemeanor (see 520 ILCS 5/2.9);
- 7) for any person to possess, while in the field during wild turkey season, any turkey permit issued to another person (permits are non-transferable). Violation is a Class B misdemeanor (see 520 ILCS 5/2.9);
- 8) to transport or leave a wild turkey without first affixing the adhesive-backed turkey permit securely around the leg. Immediately upon kill and before the turkey is moved, transported or field dressed, the hunter must cut out the designated notch on the leg tag to invalidate it, and the tag must be affixed to the turkey. Successful hunters must register their harvest by 3:00 p.m. on the same calendar day the turkey was taken by calling the toll-free telephone number provided with their turkey hunting permit. Hunters must provide all information requested by the telephone check-in system, and will be provided with a confirmation number to verify that they checked in their harvest. The confirmation number must be written by the hunter onto the leg tag. The leg tag must remain attached to the leg of the turkey until it is at the legal residence of the person who legally took or possessed the turkey and the turkey has been checked in. The turkey must remain whole (or field dressed) until it has been checked in. Violation is a Class B misdemeanor (see 520 ILCS 5/2.9); and
- 9) for any person to shoot a wild turkey while it is in a tree before 7:00 a.m.

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Violation is a Class B misdemeanor (see 520 ILCS 5/2.9).

(Source: Amended at 27 Ill. Reg. 14332, effective August 25, 2003)

Section 685.100 Youth Pheasant Hunting

a) Permit Requirements

- 1) Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. Only applications for reservations submitted by Illinois residents will be processed during the first two weeks of the application period. Reservations will be confirmed. Up to six reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season. There is no fee for the youth pheasant hunting permit.
- 2) Only one permit per person will be issued until the daily quota is filled. The daily quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available, the condition, topography, and configuration of the land at the site, the condition of the roads at the site, and the number of employees available to work at the site.
- 3) The Springfield Permit Office cannot transfer or alter reservations to change hunting areas, dates or hunters' names. Permits cannot be transferred on the hunting areas. For other information write to:

Illinois Department of Natural Resources
Youth Pheasant Hunt
One Natural Resources Way
P. O. Box 19457
Springfield IL 62794-9457

- 4) Reservations for the Illinois Youth Pheasant Hunt will be issued from the Springfield Permit Office for Chain O'Lakes State Park, Des Plaines Conservation Area, Edward R. Madigan State Park, Eldon Hazlet State Park (Carlyle Lake), Iroquois County Conservation Area, Lee County Conservation Area (Green River), Moraine View State Park, Wayne

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Fitzgerrell (Rend Lake) State Park, Richland County Controlled Pheasant Hunting Area, Mackinaw River State Fish and Wildlife Area, Horseshoe Lake State Park (Madison County), Sand Ridge State Forest, Sangchris Lake State Park and Jim Edgar Panther Creek State Fish and Wildlife Area (Controlled Area).

- b) Hunting Regulations
 - 1) At the following sites, the Illinois Youth Pheasant Hunt will be held on:
 - A) the Saturday preceding the opening of the statewide upland game season:
 - Mackinaw River State Fish and Wildlife Area
 - B) the first Sunday of the site's controlled pheasant hunting season:
 - Chain O'Lakes State Park
 - Des Plaines Conservation Area
 - Eldon Hazlet State Park (Carlyle Lake)
 - Lee County Conservation Area (Green River)
 - Iroquois County Conservation Area
 - Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit
 - Moraine View State Park
 - Sand Ridge State Forest
 - Wayne Fitzgerrell State Park (Rend Lake)
 - C) the Sunday following the opening of the statewide upland game season:
 - Edward R. Madigan State Park
 - Sangchris Lake State Park

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- D) the second Sunday following the opening of the statewide upland game season:

Horseshoe Lake State Park (Madison County)

- E) the Sunday preceding Thanksgiving Day:

Richland County Controlled Pheasant Hunting Area

- 2) Hunting hours are from 9:00 a.m. to 4:00 p.m., except at Sangchris Lake hunting hours are from 12 noon to 4:00 p.m. Hunters with reservations or permits are required to check in at the check station between 7:00 a.m. and 8:00 a.m. (between 10:00 a.m. and 10:30 a.m. at Sangchris Lake State Park).
- 3) All hunters must be between the ages of 10 – 15 inclusive and have a youth hunting permit. Stand-by permits will not be available except at Sangchris Lake and Edward R. Madigan State Park.
- 4) All hunters are required to deposit their hunting licenses in the check station while hunting. Each permit holder **MUST** be accompanied by a non-hunting supervisory adult. If the hunter does not have a valid Firearm Owner's Identification (FOID) Card, the supervisory adult is required to have a valid FOID Card. Only one supervisory adult in a hunting party is required to have a valid FOID Card if the hunters in the hunting party stay under the immediate control (accompany youth hunter at all times) of the supervisory adult possessing the valid FOID Card. 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.
- 5) Supervising adults are required to wear a cap and upper outer garment of solid and vivid blaze orange of a least 400 square inches. Hunters must wear a back patch issued by the check station.
- 6) Anyone who has killed game previously and has it in his possession or in his vehicle must declare it with the person in charge of the area prior to hunting on the area. All previously killed game found in a hunter's possession after he has started hunting on the area will be considered illegally taken if the hunter has not declared it prior to going into the field.
- 7) All hunting must be done with shotguns. Only shot shells with a shot size

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of #5 lead, tungsten-iron, tungsten-polymer, tungsten-matrix, #4 bismuth or #3 steel or tin or smaller may be used, except at Chain O' Lakes State Park, Eldon Hazlet State Park, Lee County Conservation Area (Green River) and Wayne Fitzgerald State Park where only shot shells approved as non-toxic by the U.S. Fish and Wildlife Service with a shot size of #3 steel or tin, #4 bismuth, #5 tungsten-iron, tungsten-polymer, tungsten-matrix or smaller may be used.

- 8) Daily limit.
 - A) Two pheasants of either sex at Eldon Hazlet State Park, Iroquois County Conservation Area, Des Plaines Conservation Area, Richland County Controlled Pheasant Hunting Area, Wayne Fitzgerald State Park, Horseshoe Lake State Park (Madison County) and Sand Ridge State Forest.
 - B) Two cock pheasants only at Lee County Conservation Area (Green River), Moraine View State Park, Mackinaw River State Fish and Wildlife Area and Chain O' Lakes State Park.
 - C) Statewide Upland Game Limits at Sangchris Lake State Park, Edward R. Madigan State Park and Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit.
- 9) All pheasants must be affixed with a Department tag before they are removed from the area. The tag must remain on the leg of the pheasant until the pheasant is finally prepared for consumption.
- 10) Violation of this subsection (b) is a petty offense (see 520 ILCS 5/2.6).

(Source: Amended at 27 Ill. Reg. 14332, effective August 25, 2003)

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

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weekday after December 26 other than a Monday at Horseshoe Lake Conservation Area (Alexander County) and Union County Conservation 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), ~~Banner Marsh State Fish and Wildlife Area and Snakeden Hollow State Fish and Wildlife Area~~, and on the first weekend and third Saturday of the Illinois Central Zone Waterfowl season at Donnelley State Wildlife Area.

- 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.

- 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
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 (Alexander County) and Union County are from legal opening until 12:00 Noon on the day of the Youth Goose Hunt. Hunting hours at Donnelley/DePue State Wildlife Area (3 "i" Unit), Banner Marsh State Fish and Wildlife Area and Snakeden Hollow State Fish and Wildlife Area are from

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statewide opening to 1:00 p.m. on the days of the youth waterfowl hunts.

- B) At Union County Conservation Area, Horseshoe Lake Conservation Area (Alexander County) and Snakeden Hollow State Fish and Wildlife Area, 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) 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 Conservation Area, Horseshoe Lake Conservation Area (Alexander County) and Snakeden Hollow State Fish and Wildlife Area, 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) 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 non-hunting adults and a non-hunting guide.
 - 6) At Rend Lake, 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

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subimpoundments by 2:00 p.m.

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 27 Ill. Reg. 14332, effective August 25, 2003)

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- 1) Heading of the Part: Illinois Roofing Industry Licensing Act
- 2) Code Citation: 68 Ill. Adm. Code 1460
- 3) Section Numbers: Adopted Action:

1460.5	New Section
1460.10	Amendment
1460.11	New Section
1460.12	New Section
1460.20	Amendment
1460.30	Amendment
1460.40	Amendment
1460.50	Amendment
1460.60	Amendment
1460.70	Repealed
1460.80	New Section
1460.90	New Section
- 4) Statutory Authority: Illinois Roofing Industry Licensing Act [225 ILCS 335].
- 5) Effective Date of Amendments: August 25, 2003
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: April 11, 2003, at 27 Ill. Reg. 6051.
- 10) Has JCAR issued a Statement of Objections to these Rules? No
- 11) Difference(s) between proposal and final version: No substantive differences; various technical changes have been made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

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- 13) Will these Amendments replace Emergency Amendments currently in effect? Yes, at 27 Ill. Reg. 6363, effective April 10, 2003.
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking implements P.A. 91-950, making various changes in the Illinois Roofing Industry Licensing Act. The rulemaking establishes both a limited (residential only) and unlimited (also including commercial and industrial) roofing license. Licensees and applicants are required to designate a qualifying party who is legally qualified to act for the business organization in all matters connected with its roofing contracting business; with the exception of renewals and applications prior to July 1, 2003, the qualifying party will be required to pass an examination. Additional amendments create a new fee section (Section 1460.80) and raise application fees from \$100 to \$125 and renewal fees from \$50 per year to \$62.50 per year. Section 1460.90 is added to provide for the granting of variances. The rulemaking also changes various provisions to conform to the Act.
- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Department of Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, Illinois 62786
217/785-0813 Fax: 217/782-7645

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

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONSPART 1460
ILLINOIS ROOFING INDUSTRY LICENSING ACT

Section

<u>1460.5</u>	<u>Definitions</u>
1460.10	Application for <u>a Roofing License</u> Certification
<u>1460.11</u>	<u>Qualifying Party</u>
<u>1460.12</u>	<u>Examination for Qualifying Party</u>
1460.20	Liability Insurance Requirements
1460.30	Bonding Requirements
1460.40	Renewals
1460.50	Restoration
1460.60	Cancellation of <u>License</u> Certification
1460.70	Definition of Roofing (<u>Repealed</u>)
<u>1460.80</u>	<u>Fees</u>
<u>1460.90</u>	<u>Granting Variances</u>

AUTHORITY: Implementing the Illinois Roofing Industry Licensing Act and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Emergency Rules adopted at 10 Ill. Reg. 10284, effective July 1, 1985, for a maximum of 150 days; rules adopted at 10 Ill. Reg. 1237, effective January 3, 1986; amended at 11 Ill. Reg. 6246, effective March 18, 1987; transferred from Chapter I, 68 Ill. Adm. Code 460 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1460 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2946; amended at 25 Ill. Reg. 2085, effective January 22, 2001; emergency amendment at 27 Ill. Reg. 6363, effective April 10, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 14347, effective August 25, 2003.

Section 1460.5 Definitions

"Board" means the Roofing Advisory Board.

"Department" means the Department of Professional Regulation.

"Qualifying party" means the individual filing as a sole proprietor, partner of a partnership,

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officer of a corporation, trustee of a business trust, or party of another legal entity, who is legally qualified to act for the business organization in all matters connected with its roofing contracting business, has the authority to supervise roofing installation operations, and is actively engaged in day to day activities of the business organization. A qualifying party does not apply to a seller of roofing materials or services when the construction, reconstruction, alteration, maintenance, or repair of roofing or waterproofing is to be performed by a person other than the seller or the seller's employees.

"Limited roofing license" means a license made available to contractors whose roofing business is limited to residential roofing, including residential properties consisting of 8 units or less.

"Unlimited roofing license" means a license made available to contractors whose roofing business is unlimited in nature and includes roofing on residential, commercial, and industrial properties.

"Roofing" means to construct, reconstruct, alter, maintain and repair roofs and use materials and items used in the construction, reconstruction, alteration, maintenance and repair of all kinds of roofing and waterproofing. Nothing shall be construed to require sheet metal, electrical, plumbing, refrigeration or mason contractors or carpenters who perform chimney repairs or install soil pipes, electrical jacks, gutters, heating and cooling vents, wood roof decks, or any other kind of roof deck or television antenna to be licensed under the Act.

(Source: Added at 27 Ill. Reg. 14347, effective August 25, 2003)

Section 1460.10 Application for a Roofing License Certification

- a) Applications for a roofing license certification under the Illinois Roofing Industry Licensing Act (the Act) [225 ILCS 335] shall be submitted to the Department of Professional Regulation (the Department) on forms provided by the Department, along with the following documentation:
 - 1) If you are a contractor who will be doing only residential roofing, mark on the application that you want a limited roofing license and submit the following:
 - A)-4) Proof of liability insurance acceptable to the Department as specified in Section 1460.20 of this Part. Proof shall be a Certificate of Insurance;

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B)-2) Either:

- i) Proof that the applicant has obtained Workers' Compensation Insurance or that the applicant is an approved self-insurer of Workers' Compensation. Proof shall be either the Certificate of Insurance from the insurance provider or the Certificate of Approval as a Self-Insurer issued by the Illinois Industrial Commission; or
- ii) Certifying statement that the applicant has no employees. If an applicant is a sole proprietorship or partnership and the applicant has no employees, the applicant shall not be required to provide proof of Workers' Compensation Insurance or Illinois Unemployment Insurance.

C)-3) Proof that the applicant has obtained, or has applied for, an Illinois Unemployment Insurance employer identification number, unless certifying that applicant has no employees, in accordance with subsection (a) (2). Proof shall be either a ~~notarized~~ copy of the quarterly report (Form U-C 1 or U-C 3) issued to the applicant by the Department of Employment Security or a certified ~~notarized~~ copy of the completed application submitted to the Department of Employment Security for the issuance of an employer identification number;

D)-4) Proof of a bond in the amount of \$10,000 ~~\$5000~~ pursuant to Section 1460.30 of this Part; ~~and~~

E) Designation of a qualifying party; and

F)-5) The required fee set forth in Section 1460.80 of \$100. ~~However, if the application is made subsequent to June 30 of any even numbered year, the fee shall be \$50. The fee shall not be refundable.~~

2) If you are a contractor who will be doing residential, commercial and industrial roofing, mark on the application that you want an unlimited roofing license and submit the following:

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- A) Proof of liability insurance acceptable to the Department as specified in Section 1460.20. Proof shall be a Certificate of Insurance;
 - B) Either:
 - i) Proof that the applicant has obtained Workers' Compensation Insurance or that the applicant is an approved self-insurer of Workers' Compensation. Proof shall be either the Certificate of Insurance from the insurance provider or the Certificate of Approval as a Self-Insurer issued by the Illinois Industrial Commission; or
 - ii) Certifying statement that the applicant has no employees. If an applicant is a sole proprietorship or partnership and the applicant has no employees, the applicant shall not be required to provide proof of Workers' Compensation Insurance or Illinois Unemployment Insurance;
 - C) Proof that the applicant has obtained, or has applied for, an Illinois Unemployment Insurance employer identification number, unless certifying that applicant has no employees, in accordance with subsection (a) (2). Proof shall be either a copy of the quarterly report (Form U-C 1 or U-C 3) issued to the applicant by the Department of Employment Security or a certified copy of the completed application submitted to the Department of Employment Security for the issuance of an employer identification number;
 - D) Proof of a bond in the amount of \$25,000 pursuant to Section 1460.30;
 - E) Designation of a qualifying party; and
 - F) The required fee set forth in Section 1460.80.
- b) Any applicant for a limited or unlimited roofing license that is a partnership, corporation, business trust, or other legal entity shall provide the following information with the application: If an applicant is a sole proprietorship or partnership and the applicant has no employees, the applicant shall not be required to provide proof of Workers' Compensation Insurance or Illinois Unemployment Insurance. Such applicant shall include with the application a

DEPARTMENT OF PROFESSIONAL REGULATION

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~~sworn statement that he/she has no employees.~~

1) For Corporations:

- A) The name of the corporation and its business address, and the names of all members of the board of directors and officers;
- 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; and
- C) 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.

2) For Partnerships:

- A) A copy of the signed and dated partnership agreement, the name of the partnership and its business address, and the names of all general partners; and
- B) A letter or certificate from the county clerk where an assumed name has been filed, if applicable.

3) For Limited Liability Companies or Limited Liability Partnerships:

- A) The name of the limited liability company or partnership, the business address and the members/partners of the company/partnership; and
- B) A copy of the authority to transact business under the Assumed Business Name Act issued by the Secretary of State for any assumed names of the limited liability company or partnership, if applicable.

4) For Sole Proprietorships with an Assumed Name: A letter or certificate from the county clerk where an assumed name has been filed.

c) No roofing license will be issued to any applicant without a designated qualifying

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party who has passed the examination set forth in Section 1460.12.

- d) A holder of a limited license who wants an unlimited license shall be required to submit an application for an unlimited license in accordance with subsection (a)(2).

(Source: Amended at 27 Ill. Reg. 14347, effective August 25, 2003)

Section 1460.11 Qualifying Party

- a) Beginning July 1, 2003, all licensees shall have a designated qualifying party.
- b) All licensees at renewal will be required to designate a qualifying party, who will not be required to take and pass the examination set forth in Section 1460.12. If, at any time thereafter, a licensee allows his/her license to lapse, or the qualifying party who was designated on or before July 1, 2003 terminates or is terminated, or his or her status as a qualifying party of a licensee is terminated, the licensee will be required to designate a qualifying party who has taken and passed the examination set forth in Section 1460.12.
- c) No person shall be named as a qualifying party for more than one licensee. However, the person may act in the capacity of the qualifying party for one additional licensee of the same type of licensure if one of the following conditions exists:
- 1) There is a common ownership of at least 25% of each licensed entity for which the person acts as a qualifying party; or
 - 2) The same person acts as a qualifying party for one licensed entity and its licensed subsidiary. "Subsidiary" as used in this Section means a corporation of which at least 25% is owned by another licensee.
- d) When a qualifying party is terminated or is terminating his or her status as a qualifying party of a licensee, the qualifying party and the licensee shall notify the Department in writing of the termination within 30 business days.
- e) The licensee shall notify the Department in writing within 30 business days after the termination of a qualifying party and shall supply the name and address of the newly designated qualifying party. If the qualifying party has not taken and passed the examination set forth in Section 1460.12, the new qualifying party shall apply for examination pursuant Section 1460.12. The qualifying party will have 7 months to pass the examination. If the qualifying party has not passed the examination in

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the 7 months, the licensee shall designate a qualifying party who has passed the examination.

(Source: Added at 27 Ill. Reg. 14347, effective August 25, 2003)

Section 1460.12 Examination for Qualifying Party

- a) An applicant for examination as a qualifying party shall file an application with the Department, or its designated testing service, on forms provided by the Department, and shall include any fee covering the cost of providing the examination. The application shall be submitted 60 days prior to examination, and shall include the name and license number of the roofing business for which he or she is the designated qualifying party, if applicable.
- b) Examination Information
 - 1) The Department shall administer 3 examinations:
 - A) Illinois Residential Roofing;
 - B) Illinois Commercial and Industrial Roofing; and
 - C) Illinois Residential, Commercial and Industrial Roofing.
 - 2) The examinations shall be administered a minimum of 4 times a year.
 - 3) An individual who has passed the Illinois Residential Roofing Examination who wants to be a qualifying party for an unlimited roofing contractor shall be required to take and pass the Illinois Commercial and Industrial Roofing Examination.
- c) Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.
- d) An applicant shall be required to complete the examination process within 3 years from date of application or the fee will be forfeited, and the applicant will be required to submit a new application and meet the requirements in effect at the time of reapplication.

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(Source: Added at 27 Ill. Reg. 14347, effective August 25, 2003)

Section 1460.20 Liability Insurance Requirements

- a) Each applicant for a certification as a roofing contractor shall obtain, and maintain for the duration of such certification, public liability and property damage insurance in the minimum amount and form specified below:
 - 1) \$250,000 ~~\$100,000~~ for each occurrence of property damage; and
 - 2) \$500,000 ~~\$300,000~~ for each occurrence of personal injury or bodily harm.
- b) Such policy shall provide that it cannot be cancelled except upon written notification to the Department at least 30 days prior to the date of cancellation.

(Source: Amended at 27 Ill. Reg. 14347, effective August 25, 2003)

Section 1460.30 Bonding Requirements

- a) Each applicant for a limited roofing license ~~certification as a roofing contractor~~ shall obtain, and maintain in force for the duration of the license ~~certification~~, a continuous surety bond in the minimum amount of \$10,000 ~~\$5000~~. Each applicant for an unlimited roofing license shall obtain, and maintain in force for the duration of the license, a continuous surety bond in the minimum amount of \$25,000. The bond shall be issued by an insurance company authorized to transact fidelity and surety business in the State of Illinois and shall be for the performance of all work undertaken by the applicant in the course of the applicant's roofing contracting business and for the payment of damages during the course of such work that may be sustained by reason of negligence, misconduct, or violation of any laws, ordinances, rules, regulations or building codes governing the work.
- b) The bond shall be executed on a form provided by the Department or the bond provider.
- c) The bond shall state that it cannot be cancelled except upon written notification to the Department at least 60 ~~30~~ days prior to the date of cancellation.

(Source: Amended at 27 Ill. Reg. 14347, effective August 25, 2003)

Section 1460.40 Renewals

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- a) Each limited or unlimited roofing license certification as a roofing contractor shall expire on June 30 of odd-numbered years and must be renewed prior to that date. Each application for renewal of certification as a limited or unlimited roofing license contractor shall be made on forms provided by the Department and shall be accompanied by:
- 1)a) a certifying sworn statement that the holder of the license certification continues to comply with the requirements for insurance and bonding; ~~and~~
 - 2)b) The required fee set forth in Section 1460.80 of \$50. ~~The fee shall not be refundable. ; and~~
 - 3) the name of the designated qualifying party.
- b) For the June 30, 2003 renewal, a roofing contractor shall submit a renewal application on forms provided by the Department and shall:
- 1) designate on the application whether he/she wants a limited or unlimited roofing license;
 - 2) designate a qualifying party as defined in Section 1460.11;
 - 3) submit a \$10,000 continuous surety bond for a limited roofing license or a \$25,000 continuous surety bond for an unlimited roofing license that meets the requirements set forth in Section 1460.30;
 - 4) submit a certifying statement that the holder of the license continues to meet the insurance requirements set forth in Section 1460.20; and
 - 5) submit the required fee set forth in Section 1460.80.

(Source: Amended at 27 Ill. Reg. 14347, effective August 25, 2003)

Section 1460.50 Restoration

Applications for restoration of a limited or unlimited roofing license certifications as roofing contractors shall be made to the Department on forms provided by the Department and shall include:-

- a) Designation as either a limited or unlimited roofing contractor;
- b) Proof A certification which has lapsed shall be restored upon proof of insurance

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as required in Section 1460.20;

- c) Proof of continuous surety bond as required in Section 1460.30; ~~and payment of a fee of \$20 plus all lapsed renewal fees not to exceed \$170. The fee shall not be refundable.~~
- d) The name of the designated qualifying party who has passed the examination set forth in Section 1460.12. The Department shall not require an individual whose license has lapsed less than 90 days to sit for the examination; and
- e) The required fee set forth in Section 1460.80.

(Source: Amended at 27 Ill. Reg. 14347, effective August 25, 2003)

Section 1460.60 Cancellation of License Certification

- a) A limited or unlimited roofing license certification as a roofing contractor shall be cancelled, without hearing, by the Department upon proof that the holder of the license certification has failed to maintain the insurance or and bonding requirements. Proof shall be notice by the insurance company to the Department of insurance or bond cancellation.
- b) The holder of a cancelled license certification shall have the license certification reissued upon application to the Department, on forms provided by the Department, and upon proof that he/she has satisfied all insurance and bond requirements the requirements of Section 1460.10 of this Part.

(Source: Amended at 27 Ill. Reg. 14347, effective August 25, 2003)

Section 1460.70 Definition of Roofing (Repealed)

~~"Roofing" means to apply to any roof deck waterproofing materials including all roofing, damp and waterproofing materials and/or systems such as shingles, tile, slate, built up roofing, single ply and spray on roofing. Nothing shall be construed to require sheet metal, electrical, plumbing, refrigeration or mason contractors or carpenters who perform chimney repairs or install soil pipes, electrical jacks, gutters, heating and cooling vents, wood roof decks, or any other kind of roof deck or television antenna to be certified under the Act.~~

(Source: Repealed at 27 Ill. Reg. 14347, effective August 25, 2003)

Section 1460.80 Fees

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

a) Application Fees

- 1) The fee for application for an unlimited or limited roofing license is \$125.
- 2) Applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.

b) Renewal Fees

The fee for the renewal of an unlimited or limited license shall be calculated at the rate of \$62.50 per year.

c) General Fees

- 1) The fee for the restoration of a non-renewed license is \$20 plus payment of all lapsed renewal fees, not to exceed \$250.
- 2) The fee for the issuance of a duplicate/replacement license issued for a change of name or address, other than during the renewal period, is \$20. No fee is required for name and address changes on Department records when no duplicate license is issued.
- 3) The fee for certification of a licensee's record for any purpose is \$20.
- 4) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.
- 5) The fee for a roster of licensees shall be the actual cost of producing the roster.

(Source: Added at 27 Ill. Reg. 14347, effective August 25, 2003)

Section 1460.90 Granting Variances

- a) The Director may grant variances from this Part in individual cases where he/she

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finds that:

- 1) The provision from which the variance is granted is not statutorily mandated;
 - 2) No party will be injured by the granting of the variance; and
 - 3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the Board of the granting of the variance and the reasons for the variance at the next meeting of the Board.

(Source: Added at 27 Ill. Reg. 14347, effective August 25, 2003)

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Illinois Safety Responsibility Law
- 2) Code Citation: 92 Ill. Adm. Code 1070
Section Numbers: 1070.20 Emergency Action: amended
- 3) Statutory Authority: 625 ILCS 5/2-104
- 4) Effective Date of Amendment: August 20, 2003
- 5) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire:
- 6) Date filed with the Index Department: August 20, 2003
- 7) A statement that a copy of the adopted rule(s) including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection
- 8) Reason for Emergency: To accept electronic submission of insurance data as proof of financial responsibility. Our electronic program is ready to be implemented, however, the insurance industry are reluctant due to the word "written" that is mentioned in the law.
- 9) A complete Description of the Subjects and Issues Involved: To give the Secretary of State the authority to accept insurance certificates and cancellation notices electronically. A program to accept such insurance proof electronically is ready to be implemented, the purpose of this rule is to include electronic notification as an acceptable written notification to the Secretary of State under 625 ILCS 5/7-315 and 7-318. Electronic notification of insurance cancellation allows the Secretary of State to take the uninsured motorist off the highways immediately. This is a major traffic safety issue.
- 10) Are there any proposed amendments to this Part pending? No

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
- 11) Statement of Statewide Policy Objectives: To file electronically to increase efficiency and traffic safety, as problem uninsured drivers are taken off the road quicker.
- 12) Information and questions regarding this amendment shall be directed to:

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Gordon Wayman
Secretary of State
Driver Services Department
2701 S. Dirksen Parkway
Springfield, IL 62723
217/785-0431

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

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

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATEPART 1070
ILLINOIS SAFETY RESPONSIBILITY LAW

Section:

1070.10 Forms of Security

1070.20 Future Proof

EMERGENCY

1070.30 Installment Agreements

1070.40 Disposition of Security

1070.50 Failure to Satisfy Judgment

1070.60 Release from Liability

1070.70 Incomplete Unsatisfied Judgment

1070.80 Driver's License Restriction for Exclusive Operation of Commercial Vehicles

1070.90 Dormant and Dead Judgments

1070.100 Bankruptcy

1070.110 Illinois Safety and Family Financial Responsibility Law

AUTHORITY: Implementing and authorized by the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/Ch. 7].

SOURCE: Filed and effective December 17, 1971; codified at 6 Ill. Reg. 12674; repealed at 7 Ill. Reg. 13678, effective October 14, 1983; New Part adopted at 11 Ill. Reg. 20215, effective November 30, 1987; amended at 14 Ill. Reg. 6859, effective April 24, 1990; amended at 14 Ill. Reg. 10107, effective June 12, 1990; amended at 15 Ill. Reg. 15083, effective October 8, 1991; amended at 16 Ill. Reg. 2172, effective January 24, 1992; amended at 17 Ill. Reg. 8517, effective May 27, 1993; amended at 18 Ill. Reg. 10909, effective June 28, 1994; amended at 20 Ill. Reg. 398, effective December 20, 1995; amended at 20 Ill. Reg. 7956, effective May 30, 1996; amended at 24 Ill. Reg. 1672, effective January 14, 2000; amended at 27 Ill. Reg. 14361, effective August 20, 2003.

Section 1070.20 Future Proof

EMERGENCY

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

"Certificate of Insurance" - certificate filed with the Secretary of State's Office as proof that the person has purchased financial responsibility insurance.

SECRETARY OF STATE

NOTICE OF EMERGENCY AMENDMENT

"Department" - Department of Driver Services of the Office of the Secretary of State.

"Financial Responsibility Insurance" - insurance used to establish proof of financial responsibility as established in Sections 7-315 and 7-316 of the Illinois Safety Responsibility Law (Ill. Rev. Stat. 1989, ch. 95 1/2, pars. 7-315 and 7-316).

"Illinois Insurance Guarantee Fund" - section of the Illinois Department of Insurance which deals with disposition of assets following bankruptcy.

"Lien" - claim on property of another as security for payment of a just debt.

"Motor Vehicle Liability Policy" - "owner's policy" or an "operator's policy" of liability insurance which is certified pursuant to Section 7-315 or 7-316, and comports with Section 7-302 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code and which complies with the requirements of Section 7-317(b), (c), (d), and (f) of the Illinois Safety Responsibility Law of the Illinois Vehicle Code.

"Proof of Financial Responsibility for the Future" - ability to respond in damages for any liability resulting from the ownership, maintenance, use or operation of a motor vehicle as provided in Section 7-302 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code.

"Real Estate Bond" - proof filed pursuant to Section 7-320 of the Illinois Safety Responsibility Law (Ill. Rev. Stat. 1985, ch. 95 1/2, par. 7-320).

"Secretary of State" - Secretary of State of Illinois.

"Stock" - proportionate share in ownership of corporation held by individual and which is usually represented by a stock certificate.

"Surety" - a person who makes himself/herself liable for another's debts or defaults of obligations.

- b) When a person purchases insurance to file proof of financial responsibility for the future, the insurance company will file a certificate of insurance with the Department. The certificate filed shall be either the AAMVA (American Association of Motor Vehicle Administrators) Uniform Financial Responsibility form, containing the insured's name and address, license number, and birthdate;

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current policy number and effective date of the insurance policy and the name of the insurance company with the signature of its authorized representative, or other certificate of insurance proof conforming to the requirements of paragraphs 7-315 or 7-316 of the Illinois Financial Responsibility Law of the Illinois Vehicle Code, which is endorsed and certifies policy limits as specified in paragraph 7-302 of this Part. If an owner's rather than operator's policy, it must include the model year, trade name and identification number of the vehicle. The owner's policy must also conform with the amounts specified in Section 7-302 of the Illinois Safety Responsibility Law.

- c) If a person purchases a certificate of insurance to satisfy his/her requirement to file future proof of financial responsibility and the insurance company fails and is no longer in business, and ceases operations by order of a court, and the Department is notified by the Illinois Insurance Guarantee Fund of the non-operation of the insurance company, the person shall have thirty (30) days after notification by the Department to file a new certificate of insurance or satisfy his/her future proof requirement by cash or one of the other alternate methods provided in Section 7-314 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code. If a suspension has been entered even though the person has filed future proof of financial responsibility within the thirty (30) day time period, the suspension shall be removed.
- d) If a person required to furnish proof of financial responsibility for the future chooses to file a bond pursuant to Section 7-320 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code, and the bond is executed by the person giving the proof and two individual sureties, the following conditions must be met:
 - 1) Each surety must own real estate within the State of Illinois.
 - 2) Each surety must have equity in that real estate in the amount of the bond.
 - 3) The bond must be endorsed by the clerk of the court and approved by a judge as provided in Section 7-320 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code.
- e) If any evidence of proof of financial responsibility for the future filed under the Illinois Safety Responsibility Law falls below the amount required as provided in Section 7-302 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code, additional evidence shall be required. Cash and securities are deposited with the Illinois State Treasurer and the Treasurer monitors the securities and

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informs the Department if its value falls below the amount required. A certificate of insurance or bonds, real estate bonds that are without liens, stocks, and cash shall be accepted as evidence to establish the additional required proof of financial responsibility for the future. The additional security shall be sent to the Safety and Financial Responsibility Section, Department of Driver Services, 2701 South Dirksen Parkway, Springfield, Illinois, 62723.

- f) Whenever any evidence of proof of ability to respond in damages required to be filed pursuant to the provisions of Article III, Chapter 95 1/2, Section 7-301 no longer fulfills the purpose for which required, the Department shall require other evidence of ability to respond in damages including but not limited to an endorsed certificate of insurance meeting the requirements of Section 7-302 of the Illinois Responsibility Law of the Illinois Vehicle Code, bonds, unencumbered real estate bonds, stocks or cash. The person required to post proof shall have thirty (30) days after notification by the Department to post or file additional proof. If the person fails to post proof within thirty (30) days then the Secretary of State shall suspend the driver's license, registration certificate, license plates and registration sticker pending receipt of such proof.
- g) Proof of Financial Responsibility as required in Chapter 7 of the Illinois Vehicle Code shall be made by filing with the Secretary of State a written or electronic certificate of insurance. Notices of cancellation or termination of the certified policy of insurance proof as required in Sections 7-315 and 7-318 must be submitted in writing or electronic. All written or electronic certificates of insurance proof and cancellation or termination as required in Chapter 7 of the Illinois Vehicle Code must be submitted in a manner satisfactory to the Secretary of State.

(Source: Amended at 27 Ill. Reg. 14361, effective August 20, 2003)

DEPARTMENT OF AGRICULTURE

NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT

- 1) Heading of Part: Weights and Measures Act
- 2) Code Citation: 8 Ill. Adm. Code 600
- 3) Register Citation to Notice of Proposed Rules:
27 Ill. Reg. 10138; July 11, 2003
- 4) Date, Time and Location of Public Hearing:

Tuesday, September 9, 2003 at 1:00 p.m.
Illinois Department of Agriculture
Agriculture Building, Auditorium
State Fairgrounds, 8th & Sangamon
Springfield, IL 62794-9281

- 5) Other Pertinent Information:

Each person presenting oral testimony shall provide a written copy of such testimony at the time the oral testimony is presented.

Individuals who are unable to attend the public hearing but wish to comment on the Proposed Rules should submit written comments to:

IL Department of Agriculture
Attention: Linda Rhodes
P.O. Box 19281
Springfield, IL 62794-9281
217/785-5713; FAX #: 217/785-4505.

In order for mailed comments to be available for consideration at the public hearing, please mail no later than September 5, 2003. All comments received will be fully considered by the agency.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SCHEDULED MEETING:

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
September 9, 2003

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

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

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

RULEMAKINGS CURRENTLY BEFORE JCAR

PROPOSED RULEMAKINGS

Capitol Development Board

1. Prequalification and Bidder Responsibility (44 Ill. Adm. Code 950)
 - First Notice Published: 27 Ill. Reg. 7512 – 5/2/03
 - Expiration of Second Notice: 9/14/03
2. Prequalification of Architects and Engineers (44 Ill. Adm. Code 980)
 - First Notice Published: 27 Ill. Reg. 7517 – 5/2/03
 - Expiration of Second Notice: 9/14/03

Children and Family Services

3. Services Delivered by the Department (89 Ill. Adm. Code 302)
 - First Notice Published: 27 Ill. Reg. 1804 – 2/7/03
 - Expiration of Second Notice: 9/26/03

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SEPTEMBER AGENDA

4. Licensing Standards for Day Care Homes (89 Ill. Adm. Code 406)
 - First Notice Published: 27 Ill. Reg. 388 – 1/10/03
 - Expiration of Second Notice: 9/26/03
5. Licensing Standards for Group Day Care Homes (89 Ill. Adm. Code 408)
 - First Notice Published: 27 Ill. Reg. 1006 – 1/24/03
 - Expiration of Second Notice Period: 9/26/03
6. Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services (89 Ill. Adm. Code 431)
 - First Notice Published: 27 Ill. Reg. 1061 – 1/24/03
 - Expiration of Second Notice: 9/26/03

Commerce Commission

7. Standards of Service for Local Exchange Telecommunication Carriers (83 Ill. Adm. Code 730)
 - First Notice Published: 26 Ill. Reg. 16652 – 11/15/02
 - Expiration of Second Notice: 10/3/03

Community College Board

8. Administration of the Illinois Public Community College Act (23 Ill. Adm. Code 1501)
 - First Notice Published: 26 Ill. Reg. 16691 – 11/15/02
 - Expiration of Second Notice: 10/1/03
9. Administration of the Illinois Public Community College Act (23 Ill. Adm. Code 1501)
 - First Notice Published: 26 Ill. Reg. 16892 – 11/22/03
 - Expiration of Second Notice: 10/1/03

Emergency Management Agency

10. Safe Operation of Nuclear Facility Boilers and Pressure Vessels (32 Ill. Adm. Code 505)
 - First Notice Published: 27 Ill. Reg. 9409 – 6/20/03
 - Expiration of Second Notice: 9/28/03

Gaming Board

11. Riverboat Gambling (86 Ill. Adm. Code 3000)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SEPTEMBER AGENDA

- First Notice Published: 27 Ill. Reg. 5640 – 4/4/03
- Expiration of Second Notice: 9/28/03

Human Services

12. Food Stamps (89 Ill. Adm. Code 121)
 - First Notice Published: 27 Ill. Reg. 6479 – 4/18/03
 - Expiration of Second Notice: 9/21/03

Military Affairs

13. Illinois Military Family Relief Fund Act (95 Ill. Adm. Code 200)
 - First Notice Published: 27 Ill. Reg. 8367 – 5/16/03
 - Expiration of Second Notice: 10/4/03

Natural Resources

14. Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting (17 Ill. Adm. Code 530)
 - First Notice Published: 27 Ill. Reg. 8608 – 5/30/03
 - Expiration of Second Notice: 10/1/03

Professional Regulation

15. Illinois Architecture Practice Act of 1989 (68 Ill. Adm. Code 1150)
 - First Notice Published: 27 Ill. Reg. 9416 – 6/20/03
 - Expiration of Second Notice: 10/5/03
16. Professional Counselor and Clinical Professional Counselor Licensing Act (68 Ill. Adm. Code 1375)
 - First Notice Published: 27 Ill. Reg. 8961 – 6/6/03
 - Expiration of Second Notice: 10/5/03

Public Aid

17. MediPlan Plus (Repealer) (89 Ill. Adm. Code 142)
 - First Notice Published: 27 Ill. Reg. 6053 – 4/11/03
 - Expiration of Second Notice: 9/13/03

Public Health

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SEPTEMBER AGENDA

18. Postsurgical Recovery Care Center Demonstration Program Code (77 Ill. Adm. Code 210)
 - First Notice Published: 27 Ill. Reg. 7589 – 5/2/03
 - Expiration of Second Notice: 9/26/03
19. Alzheimer's Disease Management Center Demonstration Program Code (77 Ill. Adm. Code 225)
 - First Notice Published: 27 Ill. Reg. 7593 – 5/2/03
 - Expiration of Second Notice: 9/26/03
20. Children's Respite Care Center Demonstration Program Code (77 Ill. Adm. Code 260)
 - First Notice Published: 27 Ill. Reg. 7595 – 5/2/03
 - Expiration of Second Notice: 9/26/03
21. Assisted Living and Shared Housing Establishment Code (77 Ill. Adm. Code 295)
 - First Notice Published: 27 Ill. Reg. 6163 – 4/11/03
 - Expiration of Second Notice: 9/26/03
22. Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300)
 - First Notice Published: 27 Ill. Reg. 7597 – 5/2/03
 - Expiration of Second Notice: 9/26/03
23. Sheltered Care Facilities Code (77 Ill. Adm. Code 330)
 - First Notice Published: 27 Ill. Reg. 7622 – 5/2/03
 - Expiration of Second Notice: 9/26/03
24. Illinois Veterans' Homes Code (77 Ill. Adm. Code 340)
 - First Notice Published: 27 Ill. Reg. 7641 – 5/2/03
 - Expiration of Second Notice: 9/26/03
25. Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)
 - First Notice Published: 27 Ill. Reg. 7654 – 5/2/03
 - Expiration of Second Notice: 9/26/03
26. Community Living Facilities Code (77 Ill. Adm. Code 370)
 - First Notice Published: 27 Ill. Reg. 7677 – 5/2/03
 - Expiration of Second Notice: 9/26/03

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SEPTEMBER AGENDA

27. Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)
-First Notice Published: 27 Ill. Reg. 7679 – 5/2/03
-Expiration of Second Notice: 9/26/03

Revenue

28. Income Tax (86 Ill. Adm. Code 100)
-First Notice Published: 27 Ill. Reg. 60 – 1/3/03
-Expiration of Second Notice: 9/12/03

State Fire Marshal

29. Petroleum Equipment Contractors Licensing (41 Ill. Adm. Code 172)
-First Notice Published: 27 Ill. Reg. 9740 – 7/7/03
-Expiration of Second Notice: 10/5/03

State Police

30. Sex Offender Registration Act (20 Ill. Adm. Code 1280)
-First Notice Published: 27 Ill. Reg. 4509 – 3/14/03
-Expiration of Second Notice: 9/27/03
31. Sex Offender and Child Murderer Community Notification Law (20 Ill. Adm. Code 1282)
-First Notice Published: 27 Ill. Reg. 4518 – 3/14/03
-Expiration of Second Notice: 9/27/03

EMERGENCY AND PEREMPTORY RULEMAKINGS

Agriculture

32. Meat and Poultry Inspection Act (8 Ill. Adm. Code 125) (Peremptory)
-Notice Published: 27 Ill. Reg. 13634 – 8/8/03

Professional Regulation

33. Wholesale Drug Distribution Licensing Act (68 Ill. Adm. Code 1510) (Emergency)
-Notice Published: 27 Ill. Reg. 13627 – 8/8/03

Public Aid

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SEPTEMBER AGENDA

34. Long Term Care Reimbursement Changes (89 Ill. Adm. Code 153) (Emergency)
-Notice Published: 27 Ill. Reg. 11088 – 7/18/03

EXEMPT RULEMAKINGS

Pollution Control Board

35. RCRA Permit Program (35 Ill. Adm. Code 703)
-Proposed Date: 27 Ill. Reg. 6580 – 4/18/03
-Adopted Date: 8/1/03
36. Hazardous Waste Management System: General (35 Ill. Adm. Code 720)
-Proposed Date: 27 Ill. Reg. 6612 – 4/18/03
-Adopted Date: 8/1/03
37. Identification and Listing of Hazardous Waste (35 Ill. Adm. Code 721)
-Proposed Date: 27 Ill. Reg. 6661 – 4/18/03
-Adopted Date: 8/1/03
38. Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 Ill. Adm. Code 726)
-Proposed Date: 27 Ill. Reg. 6825 – 4/18/03
-Adopted Date: 8/1/03
39. Land Disposal Restrictions (35 Ill. Adm. Code 728)
-Proposed Date: 27 Ill. Reg. 6959 – 4/18/03
-Adopted Date: 8/1/03

AGENCY RESPONSES

Professional Regulation

40. Acupuncture Practice Act (68 Ill. Adm. Code 1140; 27 Ill. Reg 2585)

Secretary of State

41. Issuance of Licenses (92 Ill. Adm. Code 1030; 27 Ill. Reg 7340)

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 August 18, 2003 through August 25, 2003 and have been scheduled for review by the Committee at its September 9, 2003 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
10/1/03	<u>Illinois Community College Board, Administration of the Illinois Public Community College Act (23 Ill. Adm. Code 1501)</u>	11/15/02 26 Ill. Reg. 16691	9/9/03
10/1/03	<u>Illinois Community College Board, Administration of the Illinois Public Community College Act (23 Ill. Adm. Code 1501)</u>	11/22/02 26 Ill. Reg. 16892	9/9/03
10/1/03	<u>Department of Natural Resources, Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting (17 Ill. Adm. Code 530)</u>	5/30/03 27 Ill. Reg. 8608	9/9/03
10/3/03	<u>Illinois Commerce Commission, Standards of Service for Local Exchange Telecommunication Carriers (83 Ill. Adm. Code 730)</u>	11/15/02 26 Ill. Reg. 16652	9/9/03
10/4/03	<u>Department of Military Affairs, Illinois Military Family Relief Fund Act (95 Ill. Adm. Code 200)</u>	5/16/03 27 Ill. Reg. 8367	9/9/03
10/5/03	<u>Department of Professional Regulation, Illinois Architecture Practice Act of 1989 (68 Ill. Adm. Code 1150)</u>	6/20/03 27 Ill. Reg. 9416	9/9/03
10/5/03	<u>Department of Professional Regulation,</u>	6/6/03	9/9/03

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

	Professional Counselor and Clinical Professional Counselor Licensing Act (68 Ill. Adm. Code 1375)	27 Ill. Reg. 8961	
10/5/03	<u>State Fire Marshal</u> , Petroleum Equipment Contractors Licensing (41 Ill. Adm. Code 172)	7/7/03 27 Ill. Reg. 9740	9/9/03

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION TO EMERGENCY RULEMAKING

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

Heading of the Part: Travel

Code Citation: 80 Ill. Adm. Code 2800

Section Numbers: 2800.APPENDIX A

Date Originally Published in the Illinois Register: 7/11/03
27 Ill. Reg. 10476

At its meeting on August 12, 2003, the Joint Committee on Administrative Rules considered the above cited emergency rulemaking and recommends that, in the future, CMS reserve use of emergency rulemaking for unavoidable emergency situations. This situation is an agency created emergency.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION TO PROPOSED RULEMAKING

DEPARTMENT OF PUBLIC AID

Heading of the Part: Medical Payment

Code Citation: 89 Ill. Adm. Code 140

Section Numbers: 140.420
140.421
140.TABLE D

Date Originally Published in the Illinois Register: 3/14/03
27 Ill. Reg. 4470

At its meeting on August 12, 2003, the Joint Committee on Administrative Rules considered the above cited rulemaking and, while JCAR approves of DPA's initiative to correct the inaccuracies in current rule, JCAR recommends that DPA be more timely in its rulemaking efforts so that its rules accurately reflect the services being provided.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PUBLIC INFORMATION

NOTICE OF EMERGENCY SUSPENSION IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(c) of the Residential Mortgage License Act of 1987 ("the Act") (205 ILCS 635/4-5 (c)), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has suspended for a period not exceeding 180 days the license of Capitol Commerce Mortgage Co., License No. 6642 of Sacramento, CA, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective August 15, 2003.

ILLINOIS ADMINISTRATIVE CODE

Issue Index - With Effective Dates

Rules acted upon in Volume 27, Issue 36 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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JOINT COMMITTEE ON ADMINISTRATIVE RULES

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