

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.

New Rules

■ ARCHITECTS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to Illinois Architecture Practice Act of 1989 (68 IAC 1150; 40 Ill Reg 16413), effective 4/7/17, reflecting the change from the Intern Development Program to the Architect Experience Program and eliminating the pre-professional degree, which will no longer be accepted. The rulemaking provides that an applicant with the required number of training hours may nonetheless be denied approval of training if that training is not diversified; removes additional licensure application requirements for those licensed in another jurisdiction; removes divisions in the ARE 3.1 examination and updates the divisions in the ARE 5.0 examination; and updates the

dates during which both the ARE 4.0 and 5.0 will be offered. An applicant no longer must wait 6 months after failing a division test to repeat it, but examination review will not be allowed. The rulemaking also recognizes licensure in Canada by the CACB provided the individual has an NCARB Certificate Record. A professional design firm seeking restoration of a lapsed license must pay the lapsed renewal fee plus a late fee and submit the following documents: certificate of Good Standing from the Illinois Secretary of State, or a copy of the letter or certificate from the county clerk where an assumed name has been filed; proof that the Managing Agent-in-Charge is still a member of the Board, a partner, or a member and a full time employee; a listing of all the firm's offices in Illinois; and the names and license numbers of the architects for each location. Licenses may now be obtained

electronically through the Department's website. A professional design firm seeking to renew its license must certify that the firm is in good standing with the Illinois Secretary of State (if applicable) and has an active managing agent-in-charge. With regard to disciplinary actions and criminal records, each licensee must notify the Division of any disciplinary action and any conviction, or plea of guilty or nolo contendere, to the following offenses that have occurred since the last renewal: a felony under the laws of the United States or any state or territory, a misdemeanor that includes an essential element of dishonesty (e.g., fraud), or a crime that is directly related to the practice of the profession of architecture. The rulemaking also updates the Historical Summary of Minimum Requirements to Qualify for

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NEW RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.

PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.

PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.

■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS: Submit mail, email or phone calls to the agency personnel listed below each summary.

RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

New Rules

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Examination for Licensure as an Architect in Illinois. Effective 1/1/16, the State requires either an NAAB accredited professional degree or a degree meeting the NCARB requirements for a professional degree (CACB or EESA evaluation) for approval to sit for the ARE. Those affected by this rulemaking include any business, municipality, or non-for-profit corporation employing licensed architects.

Questions/requests for copies: Craig Cellini, DFPR, 320 W. Washington, 3rd Fl., Springfield IL 62786, 217/785-0813, Fax: 217/557-4451.

PENSIONS

The STATE EMPLOYEES RETIREMENT SYSTEM adopted amendments to Public Information, Rulemaking and Organization (2 IAC 2375; 40 Ill Reg 15237) and The Administration and Operation of the State Employees Retirement System of Illinois (80 IAC 1540; 40 Ill Reg 15342), both effective 3/22/17. The 2 IAC 2375 rulemaking revises the organization of the System's Board of Trustees to include the Comptroller; six Trustees appointed by the Governor and confirmed by the Illinois Senate, who are neither elective State officeholders nor members of the System; four active members of the System with at least 8 years' service, elected by the members of the System; and two annuitants

of the System, are elected by annuitants of the System. Amendments to 80 IAC 1540 provide that if a member is receiving a non-occupational disability benefit and develops another condition severe enough to prolong the member's disability beyond the benefit period for the previous disability, the non-occupational benefit will continue uninterrupted and the member will not be required to obtain a new leave of absence or wait 30 days prior to receiving benefits. A physician's report supporting the new finding of the ailment or condition must be provided. The System may waive the requirement for a medical examination report in some cases. In the event the System is required to make a mandatory distribution to a member, and the member fails to choose between an annuity or a refund, the member shall be deemed to have elected a refund. Other provisions stipulate that if a member fails to cash four or more benefit checks, the System shall investigate the reason and may suspend benefits payments. Any member with suspended benefits must register for direct deposit of benefit checks as a condition of receiving benefit payments, although an exception may be granted if hardship would result. Freedom of Information Act provisions are also added.

Questions/requests for copies of the 2 SERS rulemakings: Jeff Houch, SERS, 2101 S. Veterans Parkway, PO Box 19255,

Springfield IL 62794-9255, 217/524-8105, fax: 217/557-3943, jeff.houch@srs.illinois.gov

AQUATIC LIFE

The DEPARTMENT OF NATURAL RESOURCES adopted amendments to the Part now titled Aquatic Life Salvage or Relocation (17 IAC 860; 40 Ill Reg 16640) effective 3/24/17, to allow the DNR Director to authorize the relocation of aquatic life in danger of imminent injury or death due to human disturbance. Proposed construction projects in lakes, rivers and streams must be reviewed by DNR staff and relocation authorized by the project contractor if necessary. The rulemaking also changes the name of the Part (formerly Fish Salvage), outlines basic methods for taking species for relocation and requires a report to be submitted to DNR within 45 days after the event. This rulemaking may affect units of local government and not-for-profits.

SPORT FISHING

DNR also amended the Part titled Sport Fishing Regulations for the Waters of Illinois (17 IAC 810; 40 Ill Reg 16514), effective 3/24/17, to add the alligator gar and multiple species of catfish to the list of species that may be taken by bowfishing. Catfish species may only be taken in rivers and backwaters. Trotlines must be checked at least every 24 hours

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New Rules

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and tagged with identifying personal information. Other provisions exempt the Calumet Rivers system from the mandatory spring release of smallmouth bass; exempt from size and daily limits persons fishing in waters wholly within their private property; establish a new length and daily limit for muskellunge; and make numerous site specific changes.

Questions/requests for copies of the 2 DNR rulemakings: Dan Nelson (Part 860) or Javonna Ackerman (Part 810), DNR, One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

■ INCOME TAX

The DEPARTMENT OF REVENUE proposed amendments to Income Tax (86 IAC 100; 40 Ill Reg 16181) eliminating the annual filing and payment provisions for paying withholding effective 1/1/17. Exemptions for filing and payment of domestic help remain.

Questions/requests for copies: Brian Stocker, DOR, 101 W. Jefferson St., Springfield IL 62796, 217/782-2844.

■ FIRE PROTECTION

The OFFICE OF THE STATE FIRE MARSHAL proposed amendments to Policy and Procedures Manual for Fire

Protection Personnel (41 IAC 141; 40 Ill Reg 5366) that update or add National Fire Protection Association (NFPA) standards related to certification that are incorporated in the Part by reference, and update several references to Occupational Safety and Health Administration (OSHA) rules in the Code of Federal Regulations.

Questions/requests for copies: Cindy R. Baum, OSFM, 1035 Stevenson Dr., Springfield IL 62703-4259, 217/785-4212, fax 217/524-5487.

■ AIR POLLUTION

The POLLUTION CONTROL BOARD adopted amendments to Permits and General Provisions (35 IAC 201; 40 Ill Reg 13545) and Definitions and General Provisions (35 IAC 211; 40 Ill Reg 13580) both effective 3/24/17. The Part 201 amendments implement a streamlined permit by rule (PBR) program for emission sources not large enough to require a full IEPA construction permitting process, and also implement specific PBR requirements for small boilers. Small businesses subject to the PBR process will be affected by this rulemaking. The amendment to Part 211 adds a definition of “pipeline natural gas” consistent with federal regulations.

Questions/requests for copies of the 2 PCB rulemakings: Jason James, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601, 312/814-6929. Please reference

docket R17-09 for both rulemakings.

■ TELECOMMUNICATIONS

The ILLINOIS COMMERCE COMMISSION adopted amendments to Interconnection (83 IAC 790; 40 Ill Reg 8952; ICC Docket 16-0337), effective 3/26/17, prompted by its statutory biennial review of telecom-related rules. The amendments require incumbent local exchange carriers (ILECs) to file interconnection reports upon request by ICC (formerly, annually). These amendments also set a fixed 5-year period during which the information in interconnection reports must be considered proprietary (formerly, this timespan was determined by specific ICC order).

Questions/requests for copies: Brian W. Allen, ICC, 527 East Capitol Avenue, Springfield IL 62701; 217/558-2387.

Second Notices

The following rulemaking was moved to Second Notice this week by the agency listed below, commencing the JCAR review period. This rulemaking will be considered at the Committee's May 9, 2017 meeting. Other items not published in the *Illinois Register* or The Flinn Report may also be considered. Further comments concerning this rulemaking should be addressed to JCAR using the contact information on page 1.

IL ENVIRONMENTAL PROTECTION AGENCY

Permits (35 IAC 652; 40 Ill Reg 12868) proposed 9/9/16

JCAR Meeting Action

At its 4/4/17 meeting, the Joint Committee on Administrative Rules voted to approve the following actions:

more diligent in the future in meeting statutorily imposed deadlines for implementation of a Public Act by rulemaking.

RECOMMENDATION

With respect to the Department of Children and Family Services' rulemaking titled Reports of Child Abuse and Neglect (89 IAC 300; 40 Ill Reg 13064), JCAR recommends that the agency be

EXTENSION

JCAR and the Illinois Labor Relations Board agreed to extend the Second Notice period for the rulemaking titled General Procedures (80 IAC 1200; 40 Ill Reg 14568) an additional 45 days.

Joint Committee on Administrative Rules

Senator Bill Brady

Representative Peter Breen

Senator Karen McConnaughay

Representative Tom Demmer

Senator Don Harmon

Representative Greg Harris

Senator Tony Muñoz

Representative Lou Lang

Senator Ira Silverstein

Representative André Thapedi

Senator Chuck Weaver

Representative Keith Wheeler

**Vicki Thomas
Executive Director**