

# 2007

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# ILLINOIS

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# REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



Volume 31, Issue 50  
December 14, 2007  
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## INTRODUCTION

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

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

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

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

### 2007 REGISTER SCHEDULE VOLUME #31

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 26, 2006	January 5, 2007
2	January 2, 2007	January 12, 2007
3	January 8, 2007	January 19, 2007
4	January 16, 2007	January 26, 2007
5	January 22, 2007	February 2, 2007
6	January 29, 2007	February 9, 2007
7	February 5, 2007	February 16, 2007
8	February 13, 2007	February 23, 2007
9	February 20, 2007	March 2, 2007
10	February 26, 2007	March 9, 2007
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12	March 12, 2007	March 23, 2007
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19	April 30, 2007	May 11, 2007
20	May 7, 2007	May 18, 2007
21	May 14, 2007	May 25, 2007
22	May 21, 2007	June 1, 2007
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<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
24	June 4, 2007	June 15, 2007
25	June 11, 2007	June 22, 2007
26	June 18, 2007	June 29, 2007
27	June 25, 2007	July 6, 2007
28	July 2, 2007	July 13, 2007
29	July 9, 2007	July 20, 2007
30	July 16, 2007	July 27, 2007
31	July 23, 2007	August 3, 2007
32	July 30, 2007	August 10, 2007
33	August 6, 2007	August 17, 2007
34	August 13, 2007	August 24, 2007
35	August 20, 2007	August 31, 2007
36	August 27, 2007	September 7, 2007
37	September 4, 2007	September 14, 2007
38	September 10, 2007	September 21, 2007
39	September 17, 2007	September 28, 2007
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47	November 13, 2007	November 23, 2007
48	November 19, 2007	November 30, 2007
49	November 26, 2007	December 7, 2007
50	December 3, 2007	December 14, 2007
51	December 10, 2007	December 21, 2007
52	December 17, 2007	December 28, 2007

**Editor's Note:** The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from October 1, 2007 to January 2, 2008 by 4:30 pm, as January 1<sup>st</sup> is a holiday and the office will be closed.

## DEPARTMENT ON AGING

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Community Care Program
- 2) Code Citation: 89 Ill. Adm. Code 240
- 3) Section Number: 240.1800                      Proposed Action:  
Amend
- 4) Statutory Authority: 20 ILCS 10/4.01(11) and 4.02 (as amended by Public Act 95-0473 (effective August 27, 2007))
- 5) A Complete Description of the Subjects and Issues Involved: Updates the Part regarding the Community Care Program Advisory Committee. Makes changes in the composition of the committee and qualifications of appointees to comply with required categories of representative constituencies committed to older adults. Revises provisions regarding terms of appointment, leadership, and meeting schedule of the committee. Addresses the scope of responsibilities of the committee in providing advice to the Department.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create or enlarge any State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments on this proposed rulemaking within 45 days after the date of publication of this Notice to:

Karen Alice Kloppe  
Assistant General Counsel  
Illinois Department on Aging  
421 E. Capitol Avenue, #100

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENT

Springfield, IL

217/785-3346

- 13) Initial Regulatory Flexibility Analysis:
  - A) Types of small businesses, small municipalities and not for profit corporations affected: None
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2007

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

## DEPARTMENT ON AGING

## NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER II: DEPARTMENT ON AGINGPART 240  
COMMUNITY CARE PROGRAM

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240.220	Chore-Housekeeping Service (Repealed)
240.230	Adult Day Service
240.240	Information and Referral
240.250	Demonstration/Research Projects
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240.270	Alternative Provider
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## NOTICE OF PROPOSED AMENDMENT

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240.415 What May Be Appealed  
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240.425 Informal Review  
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240.435 Withdrawing an Appeal  
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240.610 Establishing Eligibility

## DEPARTMENT ON AGING

## NOTICE OF PROPOSED AMENDMENT

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240.630	Determination of Eligibility
240.640	Eligibility Decision
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240.715	Determination of Need
240.720	Clients Prior to Effective Date of This Section (Repealed)
240.725	Clients After Effective Date of This Section (Repealed)
240.726	Emergency Budget Act Reduction (Repealed)
240.727	Minimum Score Requirements
240.728	Maximum Payment Levels for Homemaker Service
240.729	Maximum Payment Levels for Adult Day Care Service
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(Repealed)  
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## DEPARTMENT ON AGING

## NOTICE OF PROPOSED AMENDMENT

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## Section

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## DEPARTMENT ON AGING

## NOTICE OF PROPOSED AMENDMENT

## Section

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240.1920	Contract Specific Variations
240.1930	Fixed Unit Rate of Reimbursement for Homemaker Service
240.1940	Fixed Unit Rates of Reimbursement for Adult Day Service and Transportation
240.1950	Adult Day Care Fixed Unit Reimbursement Rates
240.1960	Case Management Fixed Unit Reimbursement Rates

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240.2030	Unallowable Costs for Homemaker Service
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AUTHORITY: Implementing Section 4.02 and authorized by Section 4.01(11) of the Illinois Act on the Aging [20 ILCS 105/4.02 and 4.01(11)].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 1, p. 67, effective December 20, 1979, for a maximum of 150 days; adopted at 4 Ill. Reg. 17, p. 151, effective April 25, 1980; amended at 4 Ill. Reg. 43, p. 86, effective October 15, 1980; emergency amendment at 5 Ill. Reg. 1900, effective February 18, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 12090, effective October 26, 1981; emergency amendment at 6 Ill. Reg. 8455, effective July 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 14953, effective December 1, 1982; amended at 7 Ill. Reg. 8697, effective July 20, 1983; codified at 8 Ill. Reg. 2633; amended at 9 Ill. Reg. 1739, effective January 29, 1985; amended at 9 Ill. Reg. 10208, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 14011, effective August 29, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 5076, effective March 15, 1986; recodified at 12 Ill. Reg. 7980; amended at 13 Ill. Reg. 11193, effective July 1, 1989; emergency amendment at 13 Ill. Reg. 13638, effective August 18, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17327, effective November 1, 1989; amended at 14 Ill. Reg. 1233, effective January 12, 1990; amended at 14 Ill. Reg. 10732, effective July 1, 1990; emergency amendment at 15 Ill. Reg. 2838, effective February 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 10351, effective July 1, 1991; emergency amendment at 15 Ill. Reg. 14593, effective October 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 17398, effective November 15, 1991, for a maximum of 150 days; emergency amendment suspended at 16 Ill. Reg. 1744; emergency amendment modified in response to a suspension by the Joint Committee on Administrative

## DEPARTMENT ON AGING

## NOTICE OF PROPOSED AMENDMENT

Rules and reinstated at 16 Ill. Reg. 2943; amended at 15 Ill. Reg. 18568, effective December 13, 1991; emergency amendment at 16 Ill. Reg. 2630, effective February 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 2901, effective February 6, 1992, to expire June 30, 1992; emergency amendment at 16 Ill. Reg. 4069, effective February 28, 1992, to expire June 30, 1992; amended at 16 Ill. Reg. 11403, effective June 30, 1992; emergency amendment at 16 Ill. Reg. 11625, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 11731, effective June 30, 1992; emergency rule added at 16 Ill. Reg. 12615, effective July 23, 1992, for a maximum of 150 days; modified at 16 Ill. Reg. 16680; amended at 16 Ill. Reg. 14565, effective September 8, 1992; amended at 16 Ill. Reg. 18767, effective November 27, 1992; amended at 17 Ill. Reg. 224, effective December 29, 1992; amended at 17 Ill. Reg. 6090, effective April 7, 1993; amended at 18 Ill. Reg. 609, effective February 1, 1994; emergency amendment at 18 Ill. Reg. 5348, effective March 22, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 13375, effective August 19, 1994; amended at 19 Ill. Reg. 9085, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10186, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12693, effective August 25, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16031, effective November 20, 1995; amended at 19 Ill. Reg. 16523, effective December 1, 1995; amended at 20 Ill. Reg. 1493, effective January 10, 1996; emergency amendment at 20 Ill. Reg. 5388, effective March 22, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8995, effective July 1, 1996; amended at 20 Ill. Reg. 10597, effective August 1, 1996; amended at 21 Ill. Reg. 887, effective January 10, 1997; amended at 21 Ill. Reg. 6183, effective May 15, 1997; amended at 21 Ill. Reg. 12418, effective September 1, 1997; amended at 22 Ill. Reg. 3415, effective February 1, 1998; amended at 23 Ill. Reg. 2496, effective February 1, 1999; amended at 23 Ill. Reg. 5642, effective May 1, 1999; amended at 26 Ill. Reg. 9668, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10829, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17358, effective November 25, 2002; emergency amendment at 28 Ill. Reg. 923, effective December 26, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 7611, effective May 21, 2004; emergency amendment at 30 Ill. Reg. 10117, effective June 1, 2006, for a maximum of 150 days; emergency amendment at 30 Ill. Reg. 11767, effective July 1, 2006, for a maximum of 150 days; amended at 30 Ill. Reg. 16281, effective September 29, 2006; amended at 30 Ill. Reg. 17756, effective October 26, 2006; amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART R: ADVISORY COMMITTEE

**Section 240.1800 Community Care Program Advisory Committee**

- a) The Director shall appoint individuals to serve on the Community Care Program Advisory Committee (CCPAC) that shall advise the Department on an advisory capacity to the Department to identify present and potential issues, including rates

## DEPARTMENT ON AGING

## NOTICE OF PROPOSED AMENDMENT

of reimbursement for the Community Care Program (CCP) service delivery network services provided under the Community Care Program (CCP); and issues affecting the CCP service delivery network, and to recommend solution strategies. The CCPAC shall meet on a bi-monthly basis.

- b) Persons appointed to the CCPAC shall be appointed based upon their experience with the CCP, geographic representation, and willingness to serve. Representatives shall serve at their own expense and must abide by all applicable ethics laws. Representatives will be appointed to represent older adults and provider, advocacy, policy research and other constituencies committed to the delivery of high quality in-home and community-based services to older adults. Representatives shall be appointed to assure representation from with the following considerations:
- 1) adult day service providers the agency's/applicant's experience (years) in CCP;
  - 2) in-home service providers geographic representation;
  - 3) case coordination and case management unit equal in-home adult day service and case coordination unit provider representation, as well as two in-home care direct service staff and two representatives of Area Agencies on Aging;
  - 4) emergency home response providers at least two non-provider representatives from policy/advocacy/other services/research organizations; and
  - 5) statewide trade or labor unions that represent homecare aides and direct care staff; willingness to serve.
  - 6) area agencies on aging;
  - 7) adults over age 60;
  - 8) membership organizations representing older adults; and
  - 9) other organizational entities, providers of care, and/or individuals determined by the Director to have demonstrated interest and expertise in

## DEPARTMENT ON AGING

## NOTICE OF PROPOSED AMENDMENT

the fields of in-home and community-based care.

- c) Nominations may be presented from any agency or State association with interest in the CCP.
- d) The Director, or designee, will serve as permanent Co-chair of the CCPAC Community Care Program Advisory Committee (CCPAC). One other Co-chair shall be nominated and approved annually by members of the CCPAC.
- e) The Director will designate Department staff to provide technical assistance and staff support to the Committee. Department representation will not constitute membership on the CCPAC.
- f) Terms~~Initial terms~~ of appointment will be for ~~either three or~~ four years. Members shall continue to serve until their replacements are named. Subsequent appointments will be for a single four year term. At no time can a member serve more than one consecutive term in any capacity on the Committee.
- g) The Department will fill vacancies that have a remaining term of over one year, and this replacement will occur through the annual replacement of expiring terms.
- h) All papers, issues, recommendations, reports and meeting memoranda will be advisory only. The Director, or designee, will make a written response/report, as requested, regarding issues before the CCPAC.
- i) The Director retains full decision making authority on the CCPAC Community Care Program regarding any recommendations presented by the CCPAC.

(Source: Amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## HEALTH FACILITIES PLANNING BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Narrative and Planning Policies
- 2) Code Citation: 77 Ill. Adm. Code 1100
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1100.210	Amendment
1100.220	Amendment
1100.510	Amendment
1100.520	Amendment
1100.530	Amendment
1100.540	Amendment
1100.550	Amendment
1100.560	Amendment
1100.630	Amendment
1100.660	Amendment
- 4) Statutory Authority: Illinois Health Facilities Planning Act [20 ILCS 3960]
- 5) A Complete Description of the Subjects and Issues Involved:

Amendments to the Health Facilities Planning Act [P.A. 95-0005(SB244)] mandate the following revisions to planning policies and bed need methodologies contained in Part 1100:

  - A) extend the time horizon for projections from 5 years to 10 years in the following Sections:
    - 1100.520 – Medical/Surgical and Pediatric Care;
    - 1100.530 – Obstetric Care Category of Service;
    - 1100.540 – Intensive Care Category of Service;
    - 1100.550 – Comprehensive Physical Rehabilitation Category of Service;
    - 1100.560 – Acute Mental Illness Treatment Category of Service;
    - 1100 630 – In-Center Hemodialysis Category of Service; and
    - 1100.660 – General Long Term Nursing Care Category of Service; and
  - B) change the migration adjustment factor used in bed need calculations from 15% to no less than 50% for Medical/Surgical and Pediatric Care.

## HEALTH FACILITIES PLANNING BOARD

## NOTICE OF PROPOSED AMENDMENTS

In addition, Section 1100.510 is amended to include "Normal Travel Time", which describes the Health Facilities Planning Board (HFPB) policies regarding the use of normal travel time in Certificate of Need applications, as well as the parameters established for independent travel time studies.

The existing definitions in Section 1100.220 pertain to terms used in the planning policies contained throughout Part 1100. Several definitions have been added to reflect changes in the Need Assessment policies presented in Subpart D, including those for: "base year"; "fertility rate"; "patient migration"; "population estimates"; and "population projections". Definitions for "use rate" and "utilization" were revised for clarification of ambiguous language and terms.

Other definitions were added, including "Normal Travel Time" and "Independent Travel Time Studies" in conjunction with the amendments proposed in Section 1100.510, as discussed above.

In addition, other revisions were made in the above-referenced Sections to remove irrelevant and/or redundant language.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Sections:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
1100.210	Amendment	31 Ill. Reg. 5704; April 13, 2007
1100.220	Amendment	31 Ill. Reg. 5704; April 13, 2007

- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

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Public Hearing  
Friday, December 21, 2007  
9:00 am – 12 Noon  
at  
Harold Washington College  
Room #102  
50 E. Lake Street  
Chicago, Illinois

Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

Claire Burman  
Coordinator, Rules Development  
Illinois Health Facilities Planning Board  
100 W. Randolph Street, 6<sup>th</sup> Floor  
Chicago, Illinois 60601

312/814-2565  
e-mail: CLAIRE.BURMAN@illinois.gov

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Hospitals, long term care facilities, ESRD facilities, ambulatory surgical treatment centers, comprehensive physical rehabilitation centers
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: The rulemaking was not on either of the two most recent regulatory agendas because: the need for the rulemaking was not known at the time that the Regulatory Agendas were prepared.

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

## HEALTH FACILITIES PLANNING BOARD

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 77: PUBLIC HEALTH

CHAPTER II: HEALTH FACILITIES PLANNING BOARD  
SUBCHAPTER a: ILLINOIS HEALTH CARE FACILITIES PLAN

## PART 1100

## NARRATIVE AND PLANNING POLICIES

## SUBPART A: GENERAL NARRATIVE

## Section

1100.10	Introduction
1100.20	Authority
1100.30	Purpose
1100.40	Health Maintenance Organizations (Repealed)
1100.50	Subchapter Organization
1100.60	Mandatory Reporting of Data
1100.70	Data Appendices
1100.75	Annual Bed Report
1100.80	Institutional Master Plan Hospitals (Repealed)
1100.90	Public Hearings

SUBPART B: ~~GENERAL~~ DEFINITIONS

## Section

1100.210	Introduction
1100.220	Definitions

## SUBPART C: PLANNING POLICIES

## Section

1100.310	Need Assessment
1100.320	Staffing
1100.330	Professional Education
1100.340	Public Testimony
1100.350	Multi-Institutional Systems
1100.360	Modern Facilities
1100.370	Occupancy/Utilization Standards
1100.380	Systems Planning
1100.390	Quality

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1100.400	Location
1100.410	Needed Facilities
1100.420	Discontinuation
1100.430	Coordination with Other State Agencies
1100.440	Requirements for Authorized Hospital Beds

SUBPART D: NEED ASSESSMENT FORMULAS/UTILIZATION TARGETS

## Section

1100.510	Introduction, Formula Components, <del>and</del> Planning Area Development Policies, <u>and Normal Travel Time Determinations</u>
1100.520	Medical-Surgical/Pediatric Categories of Service
1100.530	Obstetric <u>Care</u> Category of Service
1100.540	Intensive Care Category of Service
1100.550	Comprehensive Physical Rehabilitation Category of Service
1100.560	Acute Mental Illness <u>Treatment</u> Category of Service
1100.570	Substance Abuse/Addiction Treatment Category of Service (Repealed)
1100.580	Neonatal Intensive Care Category of Service
1100.590	Burn Treatment Category of Service (Repealed)
1100.600	Therapeutic Radiology Equipment (Repealed)
1100.610	Open Heart Surgery Category of Service
1100.620	Cardiac Catheterization Services
1100.630	<u>In-Center Hemodialysis</u> <del>Chronic Renal Dialysis</del> Category of Service
1100.640	Non-Hospital Based Ambulatory Surgery
1100.650	Computer Systems (Repealed)
1100.660	General Long-Term <del>Care</del> Nursing Care Category of Service
1100.661	General Long-Term Care-Sheltered Care Category of Service (Repealed)
1100.670	Specialized Long-Term Care Categories of Service
1100.680	Intraoperative Magnetic Resonance Imaging Category of Service (Repealed)
1100.690	High Linear Energy Transfer (L.E.T.) (Repealed)
1100.700	Positron Emission Tomographic Scanning (P.E.T.) (Repealed)
1100.710	Extracorporeal Shock Wave Lithotripsy (Repealed)
1100.720	Selected Organ Transplantation
1100.730	Kidney Transplantation
1100.740	Subacute Care Hospital Model
1100.750	Postsurgical Recovery Care Center Alternative Health Care Model
1100.760	Children's Respite Care Center Alternative Health Care Model
1100.770	Community-Based Residential Rehabilitation Center Alternative Health Care Model

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1100.APPENDIX A Applicable Codes and Standards Utilized in 77 Ill. Adm. Code: Chapter II, Subchapter a

AUTHORITY: Implementing and authorized by the Illinois Health Facilities Planning Act [20 ILCS 3960].

SOURCE: Fourth Edition adopted at 3 Ill. Reg. 30, p. 194, effective July 28, 1979; amended at 4 Ill. Reg. 4, p. 129, effective January 11, 1980; amended at 5 Ill. Reg. 4895, effective April 22, 1981; amended at 5 Ill. Reg. 10297, effective September 30, 1981; amended at 6 Ill. Reg. 3079, effective March 8, 1982; emergency amendments at 6 Ill. Reg. 6895, effective May 20, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11574, effective September 9, 1982; Fifth Edition adopted at 7 Ill. Reg. 5441, effective April 15, 1983; amended at 8 Ill. Reg. 1633, effective January 31, 1984; codified at 8 Ill. Reg. 15476; amended at 9 Ill. Reg. 3344, effective March 6, 1985; amended at 11 Ill. Reg. 7311, effective April 1, 1987; amended at 12 Ill. Reg. 16079, effective September 21, 1988; amended at 13 Ill. Reg. 16055, effective September 29, 1989; amended at 16 Ill. Reg. 16074, effective October 2, 1992; amended at 18 Ill. Reg. 2986, effective February 10, 1994; amended at 18 Ill. Reg. 8448, effective July 1, 1994; emergency amendment at 19 Ill. Reg. 1941, effective January 31, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 2985, effective March 1, 1995; amended at 19 Ill. Reg. 10143, effective June 30, 1995; recodified from the Department of Public Health to the Health Facilities Planning Board at 20 Ill. Reg. 2594; amended at 20 Ill. Reg. 14778, effective November 15, 1996; amended at 21 Ill. Reg. 6220, effective May 30, 1997; expedited correction at 21 Ill. Reg. 17201, effective May 30, 1997; amended at 23 Ill. Reg. 2960, effective March 15, 1999; amended at 24 Ill. Reg. 6070, effective April 7, 2000; amended at 25 Ill. Reg. 10796, effective August 24, 2001; amended at 27 Ill. Reg. 2904, effective February 21, 2003; amended at 31 Ill. Reg. 15255, effective November 1, 2007; amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART B: ~~GENERAL~~ DEFINITIONS**Section 1100.210 Introduction**

The ~~general~~ definitions related to ~~this Subchapter at the subchapter~~ are listed in this ~~Subpart~~subpart. Additional definitions pertaining to this Subchapter are contained in the Act, as well as in other HFPB rules such as 77 Ill. Adm. Code 1130. Where there is disagreement on the applicability of any definition contained in this ~~Subpart~~subchapter, the Executive Secretary shall decide the matter. The decision may be appealed to the HFPB pursuant to the declaratory ruling provisions of 77 Ill. Adm. Code 1130~~State Board at the next scheduled State Board meeting.~~

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(Source: Amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1100.220 Definitions**

"Act" means the Illinois Health Facilities Planning Act [20 ILCS 3960].

"Admissions" means the number of patients accepted for inpatient service during a 12-month period; the newborn are not included.

"Applicable Codes" and/or "Current Recognized Standards" means the current official codes of governmental bodies applicable under law or regulation to Illinois health facilities and/or standards of health facility design, construction and equipment promulgated on a regular or permanent basis by an authority, public or private. A listing of the applicable codes utilized in the application review process may be found in Appendix A of this Part.

"Authorized Hospital Bed Capacity" means the number of beds recognized for planning purposes at a hospital facility, as determined by HFPB. The operational status of authorized hospital beds is identified as physically available, reserve, or transitional, as follows:

"Physically Available Beds" means beds that are physically set up, meet hospital licensure requirements, and are available for use. These are beds maintained in the hospital for the use of inpatients and that furnish accommodations with supporting services (such as food, laundry, and housekeeping). These beds may or may not be staffed, but are physically available.

"Reserve Beds" means beds that are not set up for inpatients, but could be made physically available for inpatient use within 72 hours.

"Transitional Beds" means beds for which a Certificate of Need (CON) has been issued, but that are not yet physically available, and beds that are temporarily unavailable due to modernization projects that do not require a CON.

"Authorized Long-Term Care Bed Capacity" means the number of beds by category of service, recognized and licensed by IDPH for long-term care.

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"Average Daily Census" or "ADC" means over a 12-month period the average number of inpatients receiving service on any given day.

"Average Length of Stay" or "ALOS" means over a 12-month period the average duration of inpatient stay expressed in days as determined by dividing total inpatient days by total admissions.

"Base Year" means the calendar year, as determined by IDPH, that serves as the starting point or benchmark for the historical utilization and population projections.

"Category of Service" means a grouping by generic class of various types or levels of support functions, equipment, care or treatment provided to patient/residents. Examples include but are not limited to medical-surgical, pediatrics, cardiac catheterization, etc. A category of service may include subcategories or levels of care that identify a particular degree or type of care within the category of service.

"Executive Secretary or Secretary" means the chief executive officer of the State Board, responsible to the Chairman and, through the Chairman, responsible to the State Board for the execution of its policies and procedures.

"Fertility Rate" means determinations by IDPH of population fertility that is based upon resident birth data for an area.

"HFPB" means the Health Facilities Planning Board.

"Health Service Area" or "HSA" means the following geographic areas:

HSA I – Illinois Counties of Boone, Carroll, DeKalb, Jo Daviess, Lee, Ogle, Stephenson, Whiteside, and Winnebago

HSA II – Illinois Counties of Bureau, Fulton, Henderson, Knox, LaSalle, Marshall, McDonough, Peoria, Putnam, Stark, Tazewell, Warren, and Woodford

HSA III – Illinois Counties of Adams, Brown, Calhoun, Cass, Christian, Greene, Hancock, Jersey, Logan, Macoupin, Mason, Menard, Montgomery, Morgan, Pike, Sangamon, Schuyler, and Scott

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HSA IV – Illinois Counties of Champaign, Clark, Coles, Cumberland, DeWitt, Douglas, Edgar, Ford, Iroquois, Livingston, Macon, McLean, Moultrie, Piatt, Shelby, and Vermilion

HSA V – Illinois Counties of Alexander, Bond, Clay, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Johnson, Lawrence, Marion, Massac, Perry, Pope, Pulaski, Randolph, Richland, Saline, Union, Wabash, Washington, Wayne, White, and Williamson

HSA VI – City of Chicago

HSA VII – DuPage County and Suburban Cook County

HSA VIII – Illinois Counties of Kane, Lake, and McHenry

HSA IX – Illinois Counties of Grundy, Kankakee, Kendall, and Will

HSA X – Illinois Counties of Henry, Mercer, and Rock Island

HSA XI – Illinois Counties of Clinton, Madison, Monroe, and St. Clair

"Hospital" means a facility, institution, place or building licensed pursuant to or operated in accordance with the Hospital Licensing Act [210 ILCS 45] or a State-operated facility that is utilized for the prevention, diagnosis and treatment of physical and mental illness. For purposes of this Subchapter, two basic types of hospitals are recognized:

General Hospital – a facility that offers an integrated variety of categories of service and that offers and performs scheduled surgical procedures on an inpatient basis.

Special or Specialized Hospital – a facility that offers, primarily, a special or particular category of service.

*"Illinois Department of Public Health" or "Agency" or "IDPH" means the Department of Public Health of the State of Illinois. [20 ILCS 3960/3]*

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"Independent Travel Time Studies" means studies developed and submitted to refine or supplement the determination of Normal Travel Time. Independent Travel Time studies will be considered by HFPB only if conducted utilizing the criteria specified in this Part.

"Modernization" means modification of an existing health care facility by means of building, alteration, reconstruction, remodeling, replacement, the erection of new buildings, or the acquisition, alteration or replacement of equipment. Modification does not include a substantial change in either the bed count or scope of the facility.

"Normal Travel Time" means the time necessary to traverse a route by an individual vehicle driving at posted speed limits between any two points of interest. Normal Travel Time is to be considered by HFPB only as calculated utilizing methodologies specified in this Part. Normal Travel Time for proposed projects shall be established by using the facility's location as the base point and utilizing time factors specified in the applicable rules.

STATE BOARD NOTE: Normal Travel Time as used in this Part is a conceptual model approximating a reasonable time of travel between two points. It is intended to exclude a "worst" or "best" case situation such as travel during rush hours, midnight hours, or by emergency vehicle.

"Observation Days" means the number of days of service provided to outpatients for the purpose of determining whether a patient requires admission as an inpatient or other treatment. The observation period shall not exceed 48 hours.

"Occupancy Rate" means a measure of inpatient health facility use, determined by dividing average daily census by the ~~facility's bed~~ calculated capacity. It measures the average percentage of a facility's beds occupied and may be institution-wide or specific for one department or service.

~~"Occupancy Target" means a minimum utilization level established by IDPH for a facility or service, reflecting adequate access as well as operational efficiency.~~

"Patient Days" means the total number of days of service provided to inpatients of a facility over a 12-month period. This figure includes observation days if the observation patient occupies a bed that is included in the State Agency's Inventory of Health Care Facilities and Services and Need Determinations ~~as described in~~

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~~Section 1100.70.~~

"Patient Migration" means the total number of patients who reside in a given planning area but receive services at health care facilities located in another planning area for a given year. Patient migration is determined by utilizing the latest available patient origin data concerning admissions to health care facilities by various categories of service for a given year. The term in-migration refers to the number of patients who are not residents of a planning area that enter the area to receive services, while the term out-migration refers to the number of planning area residents who leave the planning area to obtain services elsewhere.

"Planning Area" means a defined geographic area within the State established by the State Board as a basis for the collection, organization, and analysis of information to determine health care resources and needs and to serve as a basis for planning.

~~"Population" or "Population Projections" means the latest estimates available as determined by IDPH.~~

"Population Estimates" means the latest available numbers of residents of a geographic area based upon birth and death records and other inputs, as determined by IDPH. These numbers may be further broken down by age and sex cohorts.

"Population Projections" means the numbers of residents of a geographic area projected for one or more future time periods, as determined by IDPH and based upon State of Illinois population projections, as available. These numbers are for defined geographic areas and may be further broken down by age and sex cohorts.

"Site" means the location of an existing or proposed facility. An existing facility site is determined by street address. In a proposed facility the legal property description or the street address can be used to identify the site.

*"State Board" means the Health Facilities Planning Board established by the Act.*  
[20 ILCS 3960/3]

"Unit" means the grouping of beds to provide a category of service. Units are physically identifiable areas that are staffed to provide all care required for particular service.

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"Use Rate" means the ratio of inpatient days per 1,000 population over a 12-month period (Inpatient Days/Population in Thousands = Use Rate). For need assessment purposes, HFPB may establish minimum or maximum use rates in order to promote the development of additional resources or to limit unnecessary duplication of services and beds in a planning area.

~~"Use Rate or Utilization Maximum" means a ceiling placed on an area's use or utilization rate in order to reduce the projected need for beds or services. Use rate maximums are designed to prevent the overestimation of needed beds in formulas which utilize historical demand. Maximums are used in planning areas where historical demand is inflated due to an immigration of patients from other planning areas.~~

~~"Use Rate or Utilization Minimum" means a lower limit placed on an area's use or utilization rate in order to inflate the projected need for beds or services. Use rate minimums are designed to promote the development of beds in areas where historical utilization is too low to create a formula bed need. Low utilization is caused by a lack of services in the area or by an out migration of area residents to other areas for care.~~

"Utilization" means patterns or rates of use of a single service or type of service or piece of equipment, within a given facility or also in combinations of facilities. Utilization may be expressed by various ratios such as facility or bed service occupancy rates or hours of use for types of equipment, operating rooms, dialysis stations, etc. ~~Use is expressed in rates per unit of population at risk for a given period.~~

~~"Variance" means an exception to computed need based upon criteria or conditions for particular categories of service.~~

(Source: Amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART D: NEED ASSESSMENT~~FORMULAS/UTILIZATION TARGETS~~**Section 1100.510 Introduction, Formula Components, and Planning Area Development Policies, and Normal Travel Time Determinations**

- a) Introduction

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This Subpart details the policies and methodologies utilized to assess the need for beds and services. The calculations and numeric results, as well as the related data elements that pertain to the methodologies detailed in this Subpart, are contained in the Inventory of Health Care Facilities. ~~specifics of all need equations utilized to evaluate services. Each subsection provides information on: planning areas utilized, how beds are counted, the applicable age group or groups, occupancy targets, subservice classifications included in the equation, use rate minimums and maximums, and the formula for the determination of need for beds and services. The Appendices to 77 Ill. Adm. Code 1110 contain formula data including the delineation of planning areas, population and utilization statistics. The Appendices are available from IDPH at 525 West Jefferson Street in Springfield, Illinois 62761.~~

## b) Formula Components

Formulas utilized by ~~HFPB~~the State Board in projecting the need for beds and services can be categorized as demand based or incidence based need formulas. Each of these formula types represents a different conceptual outlook and incorporates different data elements as formula variables.

- 1) Demand Based ~~Formula for services such as M-S/Pediatrics, Intensive Care, Rehabilitation and General Long Term Care Categories of Service.~~ Demand equations utilize the concept that what has occurred in the past will occur in the future. The formulas utilize inpatient days of care and population projections as the key data variables. The first formula step is to establish a utilization to population ratio (use rate). This ratio basically says that within a population an average number of inpatient days of care will be generated. This rate is then applied to the ~~projected~~ population projection estimate for the same area. This states that if the rate of use is constant, a future population can be expected to generate an identifiable number of inpatient days. These projected days are then converted to a daily census (projected days – 365) and multiplied by an occupancy target. The projected day figure can be equated to 100% occupancy of service for which need is projected. An occupancy factor adjustment is applied~~The occupancy target is a means of allowing additional beds to be added to an area~~ to insure that sufficient beds exist to handle days when inpatient admissions are exceptionally high. This type of formula may also be adjusted~~is tempered in use~~ by the application of minimum and maximum use rates in planning areas that lack facilities or certain types of beds or where a high concentration of beds and services has caused unnecessary

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duplication. These rates are controls and serve to inflate (minimum use rate) or deflate (maximum use rate) the projected bed need. These rates are established when historical patterns of use are influenced by a maldistribution of services. By adding to or subtracting from the number of needed beds, development of new beds and facilities can be influenced to add beds to underserved areas and to restrict bed growth in areas of high bed to population ratios.

- 2) Incidence Based Formula ~~for services such as Obstetrics, Acute Mental Illness and Burn Treatment Categories of Service~~. This type of formula utilizes the incidence level of a disease or a condition within a population to predict need. Utilizing national or State rates, the formula predicts the number of planning area residents who will need hospitalization based on the number of people who live in the planning area. Utilizing a standard estimate of how long a patient will be hospitalized, admissions are converted into patient days. As in the demand formulas, days are then converted to an average daily census and an occupancy factor adjustment ~~istarget~~ applied to obtain area bed need.

- c) Planning Area Development Policies  
~~HFPB~~~~The State Board~~ recognizes the need to establish planning areas for the purpose of assessing and determining the need for health care facilities, beds, and services. In establishing planning areas the following principles and factors apply:

- 1) For purposes of delineating planning area boundaries and for purposes of calculating population estimates, the smallest geographical areas to be utilized shall be community areas for the city of Chicago and townships for all other areas in the State outside of Chicago.
- 2) Source of patient information shall be the primary basis for the allocation of geographic areas (e.g., townships, community areas, counties) into planning areas. As a general principle, 50% or more of residents receiving care from facilities or resources located within the planning area should reside within the planning area.

STATE BOARD AGENCY NOTE: Source of patient information may only be available on a zip code basis. In such cases, the relationship between zip code boundaries and community area or township boundaries

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will be approximated for use in establishing planning area boundaries.

- 3) Planning area boundaries should be established taking into consideration the number and type of existing health care facilities and services located within the area, shared and overlapping market areas between or among facilities, and patterns of patient referral to area health care facilities. Planning areas may vary in size in order to insure access within a reasonable travel time.
- 4) The primary market area for health care facilities located within a planning area should serve a substantial number of residents of the planning area. A primary market area means the geographic location in which 50% or more of a facility's patients/residents reside. ~~HFPB~~The State Board recognizes that certain health care facilities (e.g., tertiary and specialty facilities) may have primary market areas that are not entirely contained within the planning area in which the facility is located.
- 5) Planning area boundaries can also be influenced by the following factors:
  - A) natural geographic boundaries;
  - B) political boundaries that affect the patterns of services;
  - C) transportation patterns and systems;
  - D) time and distance required to access service by area residents;
  - E) affiliations between health care facilities and other health care entities ~~that~~which affect patterns of service;
  - F) trade and economic market patterns that influence the financing of health care services;
  - G) the lack of existing health resources or services in an area;
  - H) referral patterns to obtain tertiary services;
  - I) the impact of reimbursement or managed care programs;

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- J) socio-economic factors such as but not limited to population density, income level, or age characteristics.
- 6) Planning area boundaries may vary by category of service. ~~HFPB~~The State Board recognizes that certain services (e.g., neonatal ICU, comprehensive physical rehabilitation, selected organ transplantation, cardiac~~open heart~~ surgery, etc.) may require a large population base in order to assure the provision of quality care and to be cost effective.
- 7) Planning areas for the acute care categories of services of medical-surgical/pediatrics, obstetrics and intensive care must contain a minimum population of 40,000. This population base would be sufficient to support a 100 bed hospital based upon a facility target occupancy of 80% and an inpatient day use rate of 725 days per 1,000 population.
- 8) Planning areas for general long-term service must contain a minimum population of 10,000. This population base would be sufficient to support 100 nursing care beds based upon a rate of 9 beds per 1,000 population (projected 1997 statewide need divided by projected 1997 State population) with a target occupancy of 90%.
- 9) ~~The State Board recognizes that some hospitals, due to location, may provide services to a substantial number of residents from an adjacent planning area. For instance, hospitals located near a planning area boundary may have a primary market area which serves residents in other planning areas. In instances where at least 40% of a facility's inpatient admissions for the medical surgical/pediatrics, obstetrics and intensive care categories of service are residents of an adjoining planning area, the State Board shall allocate (based upon 1994 patient source data on file with IDPH) a proportionate number of the hospital's beds and inpatient utilization in whole numbers, to the adjoining planning area. For example, ABC Community Hospital, with 200 M-S/Peds, 30 ICU and 20 OB beds, is located in Planning Area A. Patient source data indicates that 43% of its admissions are residents of Planning Area B. Therefore, 86 M-S beds, 13 ICU beds, and 9 OB beds and a corresponding 43% allocation of ABC Community Hospital's admissions and patient days would be allocated to Planning Area B.~~
- 9)10) ~~HFPB~~The State Board recognizes that some long-term care facilities may

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have a primary market area that is not contained within the planning area in which the facility is located. Placement in long-term care facilities may be influenced by such factors as, but not limited to: location of next of kin or relatives; seeking services of a specialized nature such as treatment for various diseases or disabilities; or seeking services related to religious, ethnic, or fraternal needs. Because of the significant degree of mobility that is exercised in seeking long term care services, ~~HFPB~~~~the State Board~~ shall not allocate portions of a facility's beds and services to more than one planning area.

- d) Normal Travel Time Determinations  
Normal Travel Time for proposed projects shall be the time determined by MapQuest, Inc. (MapQuest – www.mapquest.com) multiplied by an adjustment factor that is based upon the location of the applicant facility.
- 1) For applicant facilities located in the City of Chicago, Normal Travel Time shall be calculated as MapQuest times 1.25.
  - 2) For applicant facilities located in the Chicago Metropolitan region, including counties of Cook (excluding Chicago), DuPage, Will, Kendall, Kane and McHenry, and Aux Sable Township of Grundy County, plus the counties of Winnebago, Peoria, Sangamon and Champaign, Normal Travel Time shall be calculated as MapQuest times 1.15.
  - 3) For applicant facilities located in any other area of the State, Normal Travel Time shall be calculated as MapQuest times 1.0.
- e) Independent Travel Time Studies may be prepared and submitted in addition to the above to refine or supplement the determination of Normal Travel Time, provided that they are conducted as follows:
- 1) The study is conducted by an engineering firm pre-qualified in traffic studies by the Illinois Department of Transportation (IDOT) or prepared by a Professional Engineer also certified by the Institute of Transportation Engineers (ITE) as a Professional Traffic Operations Engineer (PTOE).
  - 2) A Travel Time shall consist of a minimum of three round trips for each defined survey route.

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- 3) No more than one third of the round trips shall start or conclude during a rush hour period, i.e.:

Morning Peak Period: 6:30 AM-9:30 AM

Evening Peak Period: 3:30 PM-6:30 PM

- 4) The routes used for determination of Normal Travel Time shall be reasonably direct.
- 5) Average travel time for a one-way trip will be considered.
- 6) All travel routes and calculations of Normal Travel Time are to be documented and sealed by the responsible Professional Engineer.

STATE BOARD NOTE: Calculations produced by MapQuest, Inc. have been used as a basis for the above methodologies. MapQuest assumes vehicular travel at posted speed limits, with some adjustment for number of intersections and turns. The adjustment factors in subsection (d) are intended to reflect additional factors related to density of population.

(Source: Amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1100.520 Medical-Surgical Care and Pediatric Care ~~Medical-Surgical/Pediatric Categories of Service~~**

- a) Planning Areas: ~~40 areas in 6 regions~~  
There are 40 medical-surgical and pediatric care planning areas that have been delineated by HFPB contained within six regions established for the State of Illinois.
- 1) Region A (comprised of HSAs 6, 7, 8, and 9)
- A) Planning Area A-1: City of Chicago Community Areas of Uptown, Lincoln Square, North Center, Lakeview, Lincoln Park, Near North Side, Edison Park, Norwood Park, Jefferson Park, Forest Glen, North Park, Albany Park, Portage Park, Irving Park, Dunning, Montclare, Belmont Cragin, Hermosa, Avondale, Logan Square, O'Hare, and Edgewater.

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- B) Planning Area A-2: City of Chicago Community Areas of Humboldt Park, West Town, Austin, West Garfield Park, East Garfield Park, Near West Side, North Lawndale, South Lawndale, Lower West Side, Loop, Armour Square, McKinley Park, and Bridgeport.
- C) Planning Area A-3: City of Chicago Community Areas of Douglas, Oakland, Fuller Park, Grand Boulevard, Kenwood, Near South Side, Washington Park, Hyde Park, Woodlawn, South Shore, Chatham, Avalon Park, South Chicago, Burnside, Calumet Heights, Roseland, Pullman, South Deering, East Side, Garfield Ridge, Archer Heights, Brighton Park, New City, West Elsdon, Gage Park, Clearing, West Lawn, West Englewood, Englewood, Chicago Lawn and Greater Grand Crossing.
- D) Planning Area A-4: City of Chicago Community Areas of West Pullman, Riverdale, Hegewisch, Ashburn, Auburn Gresham, Beverly, Washington Heights, Mount Greenwood, and Morgan Park; Cook County Townships of Lemont, Stickney, Worth, Lyons, Palos, Calumet, Thornton, Bremen, Orland, Rich, and Bloom.
- E) Planning Area A-5: DuPage County.
- F) Planning Area A-6: Cook County Townships of River Forest, Oak Park, Cicero, Berwyn, Riverside, Proviso, Leyden, and Norwood Park.
- G) Planning Area A-7: Cook County Townships of Maine, Elk Grove, Schaumburg, Palatine and Wheeling.
- H) Planning Area A-8: City of Chicago Community Areas of Rogers Park and West Ridge; Cook County Townships of Northfield, New Trier, Niles, and Evanston.
- I) Planning Area A-9: Lake County.
- J) Planning Area A-10: McHenry County.

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- K) Planning Area A-11: Cook County Townships of Barrington and Hanover; Kane County Townships of Hampshire, Rutland, Dundee, Burlington, Plato, Elgin, Virgil, Campton, and St. Charles.
  - L) Planning Area A-12: Kendall County; Kane County Townships of Kaneville, Black Berry, Aurora, Big Rock, Sugar Grove, Batavia and Geneva.
  - M) Planning Area A-13: Grundy and Will Counties.
  - N) Planning Area A-14: Kankakee County.
- 2) Region B (comprised of HSA 1)
- A) Planning Area B-1: Boone and Winnebago Counties; DeKalb County Townships of Franklin, Kingston, and Genoa; Ogle County Townships of Monroe, White Rock, Lynnville, Scott, Marion, Byron, Rockvale, Leaf River, and Mount Morris.
  - B) Planning Area B-2: Jo Daviess and Stephenson Counties; Ogle County Townships of Forrester, Maryland, Lincoln, and Brookville; Carroll County Townships of Washington, Savanna, Woodland, Mount Carroll, Freedom, Salem, Cherry Grove-Shannon, and Rock Creek-Lima.
  - C) Planning Area B-3: Whiteside County; Lee County Townships of Palmyra, Nelson, Harmon, Hamilton, Dixon, South Dixon, Marion, East Grove, Nachusa, China, Amboy, May, Ashton, Bradford, Lee Center, and Sublette; Carroll County Townships of York, Fairhaven, Wysox, and Elkhorn Grove; Ogle County Townships of Eagle Point, Buffalo, Pine Creek, Woosung, Grand Detour, Oregon, Nashua, Taylor, Pine Rock, and Lafayette.
  - D) Planning Area B-4: Lee County Townships of Reynolds, Alto, Viola, Willow Creek, Brooklyn, and Wyoming; DeKalb County Townships of Paw Paw, Victor, Somonauk, Sandwich, Shabbona, Clinton, Squaw Grove, Milan, Afton, Pierce, Malta, DeKalb, Cortland, Mayfield, South Grove and Sycamore; Ogle County

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Townships of Flagg and Dement.

- 3) Region C (comprised of HSAs 2 and 10)
  - A) Planning Area C-1: Woodford, Peoria, Tazwell, and Marshall Counties; Stark County Townships of Goshen, Toulon, Penn, West Jersey, Valley, and Essex.
  - B) Planning Area C-2: LaSalle, Bureau, and Putnam Counties; Stark County Townships of Elmira and Osceola.
  - C) Planning Area C-3: Henderson, Warren, and Knox Counties.
  - D) Planning Area C-4: McDonough and Fulton Counties.
  - E) Planning Area C-5: Rock Island, Henry, and Mercer Counties
- 4) Region D (comprised of HSA 4)
  - A) Planning Area D-1: Champaign, Douglas, and Piatt Counties; Ford County Townships of Lyman, Sullivant, Peach Orchard, Wall, Drummer, Dix, Patton, and Button; Iroquois County Townships of Loda, Pigeon Grove, and Artesia.
  - B) Planning Area D-2: Livingston and McLean Counties; Ford County Townships of Rogers, Mona, Pella, and Brenton.
  - C) Planning Area D-3: Vermilion County; Iroquois County Townships of Milks Grove, Chebanse, Papineau, Beaverville, Ashkum, Martinton, Beaver, Danforth, Douglas, Iroquois, Crescent, Middleport, Belmont, Concord, Sheldon, Ash Grove, Milford, Stockland, Fountain Creek, Lovejoy, Prairie Green, Onarga, and Ridgeland.
  - D) Planning Area D-4: DeWitt, Macon, Moultrie, and Shelby Counties.
  - E) Planning Area D-5: Coles, Cumberland, Clark, and Edgar Counties

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- 5) Region E (comprised of HSA 3)
- A) Planning Area E-1: Logan, Menard, Mason, Sangamon, Christian and Cass Counties; Brown County Townships of Ripley, Cooperstown, and Versailles; Schuyler County Townships of Littleton, Oakland, Buena Vista, Rushville, Browning, Hickory, Woodstock, Bainbridge, and Frederick.
  - B) Planning Area E-2: Macoupin and Montgomery Counties.
  - C) Planning Area E-3: Greene, Jersey, and Calhoun Counties.
  - D) Planning Area E-4: Pike, Scott, and Morgan Counties.
  - E) Planning Area E-5: Adams and Hancock Counties; Schuyler County Townships of Birmingham, Brooklyn, Camden, and Huntsville; Brown County Townships of Pea Ridge, Missouri, Lee, Mount Sterling, Buckhorn, and Elkhorn.
- 6) Region F (comprised of HSAs 5 and 11)
- A) Planning Area F-1: Madison and St. Clair Counties; Monroe County Precincts 2, 3, 4, 5, 7, 10, 11, 14, 16, 17, 18, 19, 21, and 22; Clinton County Townships of Sugar Creek, Looking Glass, Germantown, Breese, St. Rose, Wheatfield, Wade, Sante Fe, Lake, Irishtown, Carlyle, and Clement.
  - B) Planning Area F-2: Bond, Fayette, and Effingham Counties; Clay County Townships of Blair, Bible Grove, and Larkinsburg; Jasper County Townships of Grove, North Muddy, South Muddy, Smallwood, Wade, and Crooked Creek.
  - C) Planning Area F-3: Crawford, Lawrence, Richland, Wabash, and Edwards Counties; Jasper County Townships of Hunt City, Willow Hill, Ste. Marie, Fox, and Grandville; Clay County Townships of Louisville, Songer, Xenia, Oskaloosa, Hoosier, Harter, Stanford, Pixley, and Clay City; Wayne County Townships of Orchard, Keith, Garden Hill, Berry, Bedford, Lamard, Indian Prairie, Zif,

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Elm River, Jasper, Mount Erie, Massilion, Leech, Barnhill, and Grover.

- D) Planning Area F-4: Marion, Jefferson, and Washington Counties; Wayne County Townships of Big Mound, Orel, Hickory Hill, Arrington and Four Mile; Clinton County Townships of East Fork, Meridian and Brookside.
- E) Planning Area F-5: Hamilton, White, Gallatin, Hardin, and Saline Counties; Pope County Townships of Eddyville #6 and Golconda #2.
- F) Planning Area F-6: Franklin, Williamson, Johnson, and Massac Counties; Pope County Townships of Jefferson #4, Webster #5, Golconda #1, and Golconda #3.
- G) Planning Area F-7: Randolph, Perry, Jackson, Union, Alexander, and Pulaski Counties; Monroe County Precincts 1, 6, 8, 9, 12, 13, 15, 20 and 23.

b) Age Groups: ~~Medical-Surgical—15 and over; Pediatrics: 0-14~~

1) For medical-surgical care, ages 15 and over.

2) For pediatric care, ages 0-14.

c) Occupancy Targets:

1) Occupancy Targets for "Modernization".

A)	Medical-Surgical	1-25 beds	60%
		26-99 beds	75%
		100-199 beds	85%
		200+ beds	88%

B)	Pediatrics	1-30 beds	65%
		31+ beds	75%

2) Occupancy Targets for "Addition of Beds".

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A)	Medical-Surgical	1-99 beds	80%
		100-199 beds	85%
		200+ beds	90%
B)	Pediatrics	1-99 MS beds	80%
		100-199 MS beds	85%
		200+ MS beds	90%

## d) Bed Capacity

- 1) ~~Medical-surgical~~Surgical bed capacity is the total number of medical-surgical beds for a facility as determined by HFPB pursuant to this Part~~lesser of measured bed capacity or functional bed capacity per individual room.~~
- 2) ~~Pediatric~~Pediatrics bed capacity is the total number of pediatric beds for a facility as determined by HFPB pursuant to this Part~~lesser of measured bed capacity or functional bed capacity per individual room in units of less than 16 beds which are not distinct pediatric units. In pediatric units—one having its own nursing station—the reported functional capacity is utilized.~~

e) Need Determination

In assessing the number of beds required to serve the residents of a planning area, HFPB shall establish a base year and utilize the following methodology to determine the projected number of medical-surgical and pediatric beds needed in a planning area:~~Total Bed Need for Medical Surgical (M-S) and Pediatrics and the number of additional beds needed are determined by planning area as follows:~~

- 1) ~~Divided~~dividing the three year average of experienced medical-surgical and pediatric patient days (i.e., the average of the base year's and the two prior years' patient days) for each of three age groups (0-14, 15-64 and 65+) by the base year population estimate for each age group, resulting in age specific base use rates;
- 2) Multiply~~multiplying~~ each age specific base use rate by the population projection, 10 years from the base year,~~projected population of the age group~~ to obtain each age group's projected patient days;

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- 3) ~~Add~~adding the projected days of the age groups to obtain total projected patient days;
- 4) Increase or decrease the projected patient days by a migration patient days factor to obtain total projected patient days. The migration patient days factor is determined as follows:
  - A) Subtract the number of medical-surgical and pediatric in-migration admissions (i.e., non-planning area residents who were admitted to planning area facilities) from the number of out-migration admissions (i.e., planning area residents who were admitted to facilities located outside of the planning area) to obtain either a positive or negative net patient migration number;
  - B) Multiply the net patient migration number by the State's base year average length of stay for the combined medical-surgical and pediatric admissions to obtain net migration patient days for the planning area;
  - C) Multiply the net migration patient days number by .50 (50% statutory adjustment factor) to obtain the migration patient days factor;
- 5) Divide the total projected patient days by the number of days in the projected year to obtain the planning area's projected average daily census (ADC);
- 6) Divide the ADC by .80 (80% occupancy factor) if the ADC is below 100; by .85 (85% occupancy factor) if the ADC is 100 through 199; and by .90 (90% occupancy factor) if the ADC is 200 or over, to obtain the projected planning area bed need;
- 7) Subtract the number of existing beds in the planning area from the projected planning area bed need to determine the projected number of surplus (excess) beds or the projected bed deficit or additional beds needed in the area.
- 4) ~~subtracting the number of patients entering the planning area for service~~

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~~from the total out migration to obtain a net patient migration total;\*~~  
~~AGENCY NOTE: \*Patient migration adjustment is for a one year period and the base year shall be the date of the latest available patient origin data.~~

- ~~5) multiplying the net patient migration total by State average length of stay for service to obtain migration patient days;~~
- ~~6) multiplying the migration patient days by .15 (15%) adjustment factor to obtain patient day adjustment;~~
- ~~7) when the area is a:
  - ~~A) net out migration area, adding patient day adjustment to projected patient days; or~~
  - ~~B) net in migration area, subtracting patient day adjustment from projected patient days;~~~~
- ~~8) dividing total migration adjusted patient days by days in year to obtain projected average daily census;~~
- ~~9) dividing the projected average daily census by the occupancy target for new construction for the service to obtain the bed need;~~
- ~~10) calculating the number of beds which should be added in each area by subtracting the number of beds in existing facilities from the number of beds needed.~~

(Source: Amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1100.530 Obstetric Care Category of Service**

- a) Planning Areas: ~~Same as M-S~~  
Planning areas are the same as those for medical-surgical and pediatric care.
- b) Age Groups: ~~Female 15-44; Female 15 and over~~
  - 1) For maternity care, female ages 15-44.

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2) For gynecological care within obstetrics units, female ages 15 and over.

c) Facility Utilization Rates~~Occupancy Targets:~~  
Facilities that provide an obstetrics service should operate those beds at or above an annual minimum occupancy rate of:

- 1) 60% for facilities with a bed capacity of 1-10 beds;
- 2) 75% for facilities with a bed capacity of 11-25 beds;
- 3) 78% for facilities with a bed capacity of 26 or more beds.

1-10 beds	60%	Gynecology Utilization within Obstetrics 90%
11-25 beds	75%	
26+ beds	78%	

d) Bed Capacity  
Obstetrics bed capacity is the total number of obstetrics beds for a facility as determined by HFPB pursuant to this Part~~lesser of measured bed capacity or functional bed capacity per individual room.~~

e) Need Determination  
The following methodology is utilized to determine the projected number of obstetrics beds needed in a planning area~~Total Bed Need for Obstetrics and the number of additional beds needed are determined by:~~

- 1) Multiply the projected year's female 15-44 population (the projected year is 10 years from the base year)~~multiplying the projected female 15-44 population~~ by the current fertility rate of the health planning area to obtain projected births;
- 2) Multiply~~multiplying~~ the projected number of births by a hospitalization factor of .99 (99%) to determine number of projected births occurring in hospitals;
- 3) Multiply~~multiplying~~ projected births occurring in hospitals by length of stay factor of 2.5 days to obtain projected maternity patient days;

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- 4) ~~Divided~~dividing the gynecology utilization (of the base year) within ~~obstetrics~~obstetric units by the current female 15+ population to obtain a gynecology patients use rate;
- 5) ~~Multiply~~multiplying the use rate of gynecology patients by the projected female 15+ population to obtain projected gynecology patient days;
- 6) ~~Divided~~dividing the projected maternity patient days by 365 to obtain a maternity average daily census;
- 7) ~~Divided~~dividing the projected gynecology patient days by 365 to obtain a gynecology average daily census;
- 8) ~~Divided~~dividing the gynecology patient days by .9 (90%) to determine obstetric beds needed for gynecology patients;
- 9) ~~Divided~~dividing the maternity average daily census by .60 (60% occupancy factor) if the ADC is below 10; by .75 (75% occupancy factor) if the ADC is 10 through 25; and by .78 (78% occupancy factor) if the ADC is 26 and over, the occupancy target for new construction to obtain ~~obstetrics~~obstetric beds needed for maternity patients;
- 10) ~~Add~~adding the maternity bed need (step 9) with the gynecology need (step 8) to determine total unadjusted ~~obstetrics~~obstetric bed need.
- 11) ~~Determine~~determine the number of patients entering the planning area from outside and the number of area residents leaving the planning area for obstetrics service;
- 12) ~~Multiply~~multiplying the total number of patients entering the area and those leaving the area by 2.5 to determine a patient day estimate for in-migration and out-migration;
- 13) ~~Multiply~~multiplying the patient totals for area in-migration and out-migration by a .85 (85%) adjustment factor;
- 14) ~~Subtract~~subtracting the resulting in-migration adjusted patient day total from the out-migration adjusted patient day total to determine the net in or

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out patient day migration estimate;\*

~~STATE BOARD AGENCY~~ NOTE: \*Patient migration adjustment is for a one year period and the base year shall be the date of the latest available patient origin data.

- 15) ~~Divided~~ dividing the net in or out patient day estimate by 365 to determine the average daily census for migration;
- 16) ~~Add~~ adding to net in-migration areas the average daily census for migration to the unadjusted bed need to determine the migration adjusted ~~obstetric~~ obstetric bed need; in net out-migration areas subtract the average daily census for migration to determine adjusted ~~obstetric~~ obstetric bed need;:-
- 17) ~~Subtract the number of existing beds in the planning area from the projected planning area bed need to determine the projected number of surplus (excess) beds or the projected bed deficit or additional beds needed in the area. calculating the number of beds which should be added in each area by subtracting the number of beds in existing facilities from the number of beds needed.~~

(Source: Amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1100.540 Intensive Care Category of Service**

- a) Planning Areas: ~~Same as M-S~~  
Planning areas are the same as those for medical-surgical and pediatrics care.
- b) Age Groups: ~~All ages~~  
For intensive care, all ages.
- c) ~~Facility Utilization Rates~~ ~~Occupancy Target: 60%~~  
Facilities that provide intensive care services should operate those beds at or above an annual minimum occupancy rate of 60%.
- d) Bed Capacity:  
Intensive care bed capacity is the total number of intensive care beds for a facility as determined by HFPB pursuant to this Part ~~reported functional capacity of each~~

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~~patient room.~~

e) Need Determination

~~In assessing the number of beds required to serve the residents of a planning area, HFPPB shall establish a base year and utilize the following methodology to determine the projected number of intensive care beds needed in a planning area: Total Bed Need Determination for intensive care and the number of additional beds needed is determined by:~~

- 1) ~~Dividedividing~~ the three year average of experienced intensive care patient days by the total base year population to obtain a use rate;
- 2) ~~Multiplymultiplying~~ the use rate by the projected year's total population projection, 10 years from the base year, to obtain projected patient days;
- 3) ~~Dividedividing~~ the projected patient days by days in the projected year to obtain a projected average daily census;
- 4) ~~Dividedividing~~ the projected average daily census by .60 (60% occupancy factor)~~the occupancy target for new construction for the service~~ to obtain the projected planning area bed need;
- 5) ~~Subtract the number of existing beds in the planning area from the projected planning area bed need to determine the projected number of surplus (excess) beds or the projected bed deficit or additional beds needed in the area. calculating the number of beds which should be added in each area by subtracting the number of beds in existing facilities from the number of beds needed.~~

~~BOARD NOTE: The Burn Treatment Category of Service was repealed by the State Board. Health care facilities that had beds classified as Burn Treatment beds will have those beds classified as Intensive Care beds and included in the Inventory as Intensive Care beds.~~

(Source: Amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 1100.550 Comprehensive Physical Rehabilitation Category of Service

- a) ~~Planning Areas: Health Service Areas.~~  
Planning areas for comprehensive physical rehabilitation are Health Service

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Areas.

- b) ~~Age Groups: All ages~~  
For comprehensive physical rehabilitation, all ages.
- c) ~~Utilization~~Occupancy Target: 85%  
Facilities that provide a comprehensive physical rehabilitation service should operate those beds at or above an annual minimum occupancy rate of 85%.
- d) ~~Use Rate Minimum: 60% of state use rate. The minimum will apply if the area's experienced use rate falls below the minimum.~~
- e) Bed Capacity:  
Comprehensive Physical Rehabilitation bed capacity is the total number of comprehensive physical rehabilitation beds for a facility as determined by HFPB pursuant to this Part lessor of measured bed capacity or functional bed capacity per individual patient room.
- f) Need Determination  
The following methodology is utilized to determine the projected number of comprehensive physical rehabilitation beds needed in a planning area: Total Bed Need for Comprehensive Physical Rehabilitation and the number of additional beds needed are determined by:
- 1) Divide the base year's experienced rehabilitation patient days by the base year population estimate to determine the planning area's experienced use rate. If the experienced use rate is less than 60% of the State's base year experienced use rate, adjust the planning area's use rate to 60% of the State's base year use rate to establish a minimum use rate; multiplying the experienced use rate or minimum use rate if applicable by the projected area population to determine projected patient days for that area;
  - 2) Multiply the planning area's experienced or minimum use rate, if applicable, by the population projection for 10 years from the base year to determine projected patient days for the planning area;
  - 3) Dividing the projected patient days by the number of days in the projected year or planned patient days by 365 to obtain the projected average daily census; and

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- 43) ~~Divided~~ dividing the projected average daily census by ~~the .85 (85% occupancy rate) to obtain the projected planning area bed need;~~ ~~(85%) occupancy factor to obtain the bed need.~~
- 54) ~~Subtract the number of existing beds in the planning area from the projected planning area bed need to determine the projected number of excess beds (surplus) or the projected need (deficit) for additional beds in the area.~~ calculating the number of beds which should be added in each area by subtracting the number of beds in existing facilities from the number of beds needed.

(Source: Amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1100.560 Acute Mental Illness Treatment Category of Service**

- a) Planning Areas:
- 1) For HSAs I, II, III, IV, V, X and XI, the HSA is the planning area;
  - 2) For HSAs VI, VII, VIII and IX, medical-surgical and pediatric care planning areas A-1 through A-14 are the planning areas.
  - 1) For the Department of Human Services, the State of Illinois;
  - 2) For persons other than the Department of Human Services, health service areas except for HSAs VI, VII, VIII, and IX, which are further delineated as Planning Areas A-1 through A-14 having the same boundaries as medical-surgical planning areas A-1 through A-14, respectively.
- b) Age Groups: ~~All ages.~~  
For acute mental illness, all ages.
- c) ~~Utilization~~Occupancy Target: 85%  
Facilities that provide an acute mental illness service should operate those beds at or above an annual minimum occupancy rate of 85%.
- d) Bed Capacity:  
Acute Mental Illness bed capacity for facilities not operated by the Department of

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Human Services is the total number of acute mental illness beds for a facility as determined by HFPB pursuant to this Part~~the lesser of measured bed capacity or functional bed capacity per individual room~~. For facilities operated by the Department of Human Services, all mental illness beds are counted as chronic beds. State facilities can provide acute mental illness care, but for purposes of review, only the service, not the beds, is~~are~~ recognized as acute.

- e) Need Determination for Bed Not Operated by the Department of Human Services  
The following methodology is utilized to determine the projected number of acute mental illness beds needed in a planning area:~~Bed Need Determination for acute mental illness beds not operated by the Department of Human Services is determined as follows:~~
- 1) A bed need of .11 beds per 1,000 projected population is established in each planning area as the minimum bed need.
  - 2) Calculate the planning area's experienced use rate by dividing the number of patient days in the base year by the base year population in thousands. Multiply the experienced use rate by the ~~projected~~ population estimate in thousands to obtain estimated patient days. Divide the estimated patient days by the number of days in the population projection (which is 10 years from the base year)~~365~~ to determine the ~~projected~~estimated average daily census (ADC~~ACD~~). Divide the estimated ADC by .85 (85% occupancy factor) to obtain a projected~~an estimated~~ bed need in the planning area.
  - 3) When the ~~projected~~estimated bed need is less than the minimum bed need, the minimum bed need is the projected bed need. When the estimated bed need is greater than the minimum bed need, the estimated bed need is the projected bed need.
  - 4) Calculate the number of additional beds needed in each area by subtracting the number of existing beds from the projected bed need.
  - 5) Subtract the number of existing beds in the planning area from the projected planning area bed need to determine the projected number of excess (surplus) beds or the projected need for additional beds (deficit) in the area.
- f) No bed need formula for facilities operated by the Department of Human Services

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has been developed. It is the responsibility of the applicant to document the need for a project by complying with the Review Criteria contained in 77 Ill. Adm. Code 1110.

~~Agency Note: Changes to Section 1100.560 will become effective on March 15, 1999. This effective date is necessary due to the State Board publishing a revised Inventory of Healthcare Facilities and Services and Need Determinations in accordance with 77 Ill. Adm. Code 1100.70.~~

(Source: Amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1100.630 In-Center Hemodialysis~~Chronic Renal Dialysis~~ Category of Service**

- a) Planning Areas:~~Health Service Areas~~  
Planning areas for the in-center hemodialysis category of service are Health Service Areas.
- b) Age Groups  
For in-center hemodialysis, all ages.
- ~~cb)~~ Utilization Target Standards:  
Facilities providing in-center hemodialysis should operate their dialysis stations at or above an average annual utilization rate of 80%.~~Renal Dialysis Centers or facilities must operate at a minimum of 80 percent utilization rate,~~ assuming three patient shifts per day per renal dialysis station operating six days a week.
- ~~de)~~ Need Determination~~Chronic Renal Dialysis:~~  
The in-center hemodialysis~~chronic renal dialysis~~ or end stage renal disease (ESRD) station need is a 10 year~~five year~~ projection from the base year. The need for additional treatment stations can be projected~~estimated~~ utilizing the following methodology:
- 1) Establish a minimum institutional dialysis rate by dividing the total number of institutional dialysis patients in the base year by the State base year population estimate in thousands and multiply the result by .6 (60%).
  - 2) Determine each planning area's experienced institutional dialysis rate by dividing the number of patients receiving dialysis in the base year by the planning area population projection in thousands for the base year.

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- 3) Multiply each planning area's ~~projected~~ population projection in thousands by the greater of the minimum institutional dialysis rate or the experienced institutional dialysis rate for the planning area to determine the estimated number of institutional dialysis patients.
- 4) Multiply the planning area's ~~projected~~~~estimated~~ number of institutional dialysis patients by a factor of 1.33 (~~10~~estimated five year increase in prevalence) to determine the projected number of institutional dialysis patients in the planning area for the projected year.
- 5) Multiply the projected number of annual institutional dialysis patients by 156 to determine the projected number of institutional procedures.
- 6) Divide the projected number of annual institutional procedures by ~~936750~~ to determine the projected number of stations needed for the projected year.
- 7) Subtract the number of existing stations from the projected number of needed stations to determine the excess (surplus) or additional (deficit) number of stations needed.

~~Agency Note: Changes to Section 1100.630 will become effective on March 15, 1999. This effective date is necessary due to the State Board publishing a revised Inventory of Healthcare Facilities and Services and Need Determinations in accordance with 77 Ill. Adm. Code 1100.70.~~

(Source: Amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1100.660 General Long-Term ~~Care~~-Nursing Care Category of Service**

~~("General Long Term Care" is defined in 77 Ill. Adm. Code 1110.1720(a)).~~

- a) Planning Areas: ~~95 areas in 11 HSAs~~  
The 95 general long-term nursing care planning areas are located within the 11 HSAs.
  - 1) HSA 1: Planning areas are Boone, Carroll, DeKalb, Jo Daviess, Lee, Ogle, Stephenson, Whiteside, and Winnebago Counties.
  - 2) HSA 2: Planning areas are Bureau/Putnam Counties (combined),

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Henderson/Warren Counties (combined), Marshall/Stark Counties (combined), Fulton, Knox, LaSalle, McDonough, Peoria, Tazewell, and Woodford Counties.

- 3) HSA 3: Planning areas are Brown/Schuyler Counties (combined), Calhoun/Pike Counties (combined), Morgan/Scott Counties (combined), Adams, Cass, Christian, Greene, Hancock, Jersey, Logan, Macoupin, Mason, Menard, Montgomery, and Sangamon Counties.
- 4) HSA 4: Planning areas are Coles/Cumberland Counties (combined), Champaign, Clark, DeWitt, Douglas, Edgar, Ford, Iroquois, Livingston, McLean, Macon, Moultrie, Piatt, Shelby, and Vermilion Counties.
- 5) HSA 5: Planning areas are Alexander/Pulaski Counties (combined), Edwards/Wabash Counties (combined), Gallatin/Hamilton/Saline Counties (combined), Johnson/Massac Counties (combined), Hardin/Pope Counties (combined), Bond, Clay, Crawford, Effingham, Fayette, Franklin, Jackson, Jasper, Jefferson, Lawrence, Marion, Perry, Randolph, Richland, Union, Washington, Wayne, White, and Williamson Counties.
- 6) HSA 6: Planning Areas
  - A) 6A: City of Chicago Community Areas Rogers Park, West Ridge, Uptown, Lincoln Square, Edgewater, Edison Park, Norwood Park, Jefferson Park, Forest Glen, North Park, Albany Park, Portage Park, Irving Park and Avondale.
  - B) 6B: City of Chicago Community Areas North Center, Lakeview, Lincoln Park, Near North Side, Loop, Logan Square, West Town, Near West Side, Lower West Side, West Garfield Park, East Garfield Park, North Lawndale, South Lawndale, O'Hare, Dunning, Montclare, Belmont Cragin, Hermosa, Humboldt Park, and Austin.
  - C) 6C: City of Chicago Community Areas Near North Side, Armour Square, Douglas, Oakland, Fuller Park, Grand Boulevard, Kenwood, Washington Park, Hyde Park, Woodlawn, South Shore, Chatham, Avalon Park, South Chicago, Burnside, Calumet Heights, Roseland, Pullman, South Deering, East Side, West

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Pullman, Riverdale, Hegewisch, Garfield Ridge, Archer Heights, Brighton Park, McKinley Park, Bridgeport, New City, West Elson, Gage Park, Clearing, West Lawn, Chicago Lawn, West Englewood, Englewood, Greater Grand Crossing, Ashburn, Auburn Gresham, Beverly, Washington Heights, Mount Greenwood, and Morgan Park.

- 7) HSA 7: Planning Areas
    - A) 7A: Cook County Townships of Barrington, Palatine, Wheeling, Hanover, Schaumburg, and Elk Grove.
    - B) 7B: Cook County Townships of Northfield, New Trier, Evanston, Niles, and Maine.
    - C) 7C: DuPage County.
    - D) 7D: Cook County Townships of Norwood Park, Leyden, Proviso, River Forest, Oak Park, Riverside, Berwyn, and Cicero.
    - E) 7E: Cook County Townships of Lyons, Lemont, Palos, Orland, Stickney, Worth, Calumet, Bremen, Thornton, Rich, and Bloom.
  - 8) HSA 8: Planning areas are Kane, Lake, and McHenry Counties.
  - 9) HSA 9: Planning areas are Grundy, Kankakee, Kendall, and Will Counties.
  - 10) HSA 10: Planning areas are Henry, Mercer, and Rock Island Counties.
  - 11) HSA 11: Planning areas are Clinton, Madison, Monroe, and St. Clair Counties.
- b) ~~Age Groups: 0-64, 65-74 and 75 and over~~  
For general long-term nursing care, age groups of 0-64, 65-74, and 75 and over.
- c) Utilization Target  
Facilities providing a general long-term nursing care service should operate those beds at a minimum annual average occupancy of 90% or higher. ~~Occupancy~~

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~~Targets: Modernization 85%; Additional Beds 90%~~

d) Bed Capacity

General long-term nursing care bed capacity is the licensed capacity for facilities subject to the Nursing Home Care Act and the total number of LTC beds for a facility as determined by HFPB pursuant to this Part for facilities not subject to the Nursing Home Care Act.

e) Need Determination

The following methodology is utilized to determine the projected number of nursing care beds needed in a planning area:

1) Establish minimum and maximum planning area use rates for the 0-64, the 65-74, and the 75 and over age groups as follows:

A) Divide the HSA's base year experienced nursing care patient days for each age group by the base year population estimate for each age group to determine the HSA experienced use rate for each age group;

B) the minimum planning area use rate for each age group is 60% of the HSA experienced use rate for each age group, and the maximum planning area use rate for each age group is 160% of the HSA experienced use rate for each age group;

2) Divide the planning area's base year experienced nursing care patient days for each age group by the base year population estimate for each group to determine the planning area experienced use rate for each age group;

3) Determine the planning area's population projection, which is 10 years from the base year; the use rate for each age group is as follows:

A) If the experienced use rate for an age group is below the minimum use rate, the minimum use rate is the projected use rate for that age group;

B) If the experienced use rate for an age group is above the maximum use rate, the maximum use rate is the projected use rate for that age group;

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- C) If the experienced use rate for an age group is above the minimum use rate and below the maximum use rate, the experienced use rate for the age group is the projected use rate for that age group;
- 4) Multiply each age group's projected use rate times the projected population for the age group to determine the projected patient days for each age group;
  - 5) Total the projected patient days for the age groups to determine the planning area's total projected patient days;
  - 6) Divide the planning area's total projected patient days by the number of days in the projected year to obtain the projected average daily census;
  - 7) Divide the projected average daily census by .90 (90% occupancy factor) to obtain the projected planning area bed need;
  - 8) Subtract the number of existing beds in the planning area from the projected planning area bed need to determine the projected number of excess (surplus) beds or the projected need for additional (deficit) beds in an area.
- ~~d) Need Determination:  
Bed need for the Nursing Care Category of Service includes skilled nursing and/or intermediate nursing levels of care.~~
- ~~e) Minimum Use Rate:~~
- ~~1) Determine the overall health service area use rates by age group (0-64, 65-74 and 75 and over) by dividing the patient days for each age group by the area population for that age group.~~
  - ~~2) Establish a minimum use rate for each age group by multiplying the HSA use rate for age group by .6 (60%).~~
- ~~f) Maximum Use Rate:~~
- ~~1) Determine the overall HSA use rates by age group (0-64, 65-74 and 75~~

## HEALTH FACILITIES PLANNING BOARD

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- ~~and over) by dividing the patient days in each age group by the area population for that age group.~~
- 2) ~~Establish a maximum use rate for each age group by multiplying the HSA use rate for that age group by 1.6 (160%).~~
- g) ~~Formula or Planned Use Rate:~~
- 1) ~~Each planning areas experienced use rate is then calculated for each of the age groups by dividing the total number of patient days attributed to an age group (in all area facilities) by the current planning area population within the same age group (expressed in thousands).~~
- 2) ~~The experienced use rates established by planning area, the HSA maximum use rates (by age group) and the HSA minimum use rates (by age group) are multiplied by the projected age group populations for the HSA.~~
- 3) ~~The results of the "experienced use rate calculations" and the "HSA minimum and maximum use rate calculations" for each age group are compared. The experienced use rate is utilized in the formula if it is between the minimum and maximum totals in each age group. If the experienced use rate exceeds the maximum, the maximum rate for that age group is utilized. If it falls below the minimum, the minimum use rate for that age group is utilized in the need projection.~~
- h) ~~Bed Capacity: Skilled and intermediate bed capacity is the licensed bed capacity for the service.~~
- i) ~~Total Bed Need and the number of additional beds needed for care are determined by:~~
- 1) ~~Multiplying the formula or planned use rate for each age group by the planning areas projected population (in thousands) for each age group to obtain the projected or planned patient days for each age group for that area;~~
- 2) ~~The three age group projections are summed to reflect "total area projected patient days";~~

## HEALTH FACILITIES PLANNING BOARD

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- 3) ~~Dividing the projected patient days by 365 (days) to obtain the projected average daily census;~~
- 4) ~~Dividing the projected average daily census by the .9 (90%) occupancy factor to obtain the number of beds needed; and~~
- 5) ~~Subtracting the number of existing beds in the area from the number of beds needed to determine additional beds needed or the excess number of beds existing.~~

(Source: Amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Number: 100.3420                      Proposed Action:  
New Section
- 4) Statutory Authority: 35 ILCS 5/1401
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking provides guidance on which taxpayers are required to apportion their business income using the insurance company formula in IITA Section 304(b) and on the application of that apportionment formula.
- 6) Published studies or reports and sources of underlying data used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
100.2110	Amendment	31 Ill. Reg. 13086; September 14, 2007
100.2160	Amendment	31 Ill. Reg. 13331; September 21, 2007
100.5070	New Section	31 Ill. Reg. 13697; October 5, 2007
100.5080	New Section	31 Ill. Reg. 13697; October 5, 2007
100.2197	Amendment	31 Ill. Reg. 14217; October 12, 2007
100.2406	New Section	31 Ill. Reg. 15240; November 16, 2007
100.2450	New Section	31 Ill. Reg. 15744; November 26, 2007
- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

## DEPARTMENT OF REVENUE

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- 12) Time, Place and Manner in which interested persons may comment on this rulemaking:  
Persons who wish to submit comments on this rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Paul Caselton  
Deputy General Counsel - Income Tax  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794

217/524-3951

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Small insurance companies will be receive guidance for determining their Illinois income tax liabilities. Municipalities and not-for-profit corporations are not affected.
  - B) Reporting, bookkeeping or other procedures required for compliance: None
  - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2007

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

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUEPART 100  
INCOME TAX

## SUBPART A: TAX IMPOSED

## Section

- 100.2000 Introduction  
100.2050 Net Income (IITA Section 202)

## SUBPART B: CREDITS

## Section

- 100.2100 Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))  
100.2101 Replacement Tax Investment Credit (IITA 201(e))  
100.2110 Investment Credit; Enterprise Zone (IITA 201(f))  
100.2120 Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))  
100.2130 Investment Credit; High Impact Business (IITA 201(h))  
100.2140 Credit Against Income Tax for Replacement Tax (IITA 201(i))  
100.2150 Training Expense Credit (IITA 201(j))  
100.2160 Research and Development Credit (IITA 201(k))  
100.2163 Environmental Remediation Credit (IITA 201(l))  
100.2165 Education Expense Credit (IITA 201(m))  
100.2170 Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)  
100.2180 Credit for Residential Real Property Taxes (IITA 208)  
100.2185 Film Production Services Credit (IITA 213)  
100.2190 Tax Credit for Affordable Housing Donations (IITA Section 214)  
100.2195 Dependent Care Assistance Program Tax Credit (IITA 210)  
100.2196 Employee Child Care Assistance Program Tax Credit (IITA Section 210.5)  
100.2197 Foreign Tax Credit (IITA Section 601(b)(3))  
100.2198 Economic Development for a Growing Economy Credit (IITA 211)  
100.2199 Illinois Earned Income Tax Credit (IITA 212)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS  
OCCURRING PRIOR TO DECEMBER 31, 1986

## DEPARTMENT OF REVENUE

## NOTICE OF PROPOSED AMENDMENT

Section	
100.2200	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) - Scope
100.2210	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Definitions
100.2220	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) - Current Net Operating Losses: Offsets Between Members
100.2230	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group. (IITA Section 202) - Carrybacks and Carryforwards
100.2240	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Effect of Combined Net Operating Loss in Computing Illinois Base Income
100.2250	Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS FOR LOSSES  
OCCURRING ON OR AFTER DECEMBER 31, 1986

Section	
100.2300	Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
100.2310	Computation of the Illinois Net Loss Deduction for Losses Occurring On or After December 31, 1986 (IITA 207)
100.2320	Determination of the Amount of Illinois Net Loss for Losses Occurring On or After December 31, 1986
100.2330	Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring On or After December 31, 1986
100.2340	Illinois Net Losses and Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns
100.2350	Illinois Net Losses and Illinois Net Loss Deductions, for Losses Occurring On or After December 31, 1986, of Corporations that are Members of a Unitary

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## NOTICE OF PROPOSED AMENDMENT

Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF  
INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

## Section

- 100.2410 Net Operating Loss Carryovers for Individuals, and Capital Loss and Other Carryovers for All Taxpayers (IITA Section 203)
- 100.2430 Addition and Subtraction Modifications for Transactions with 80-20 Companies
- 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))
- 100.2480 Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))
- 100.2490 Foreign Trade Zone/High Impact Business Dividend Subtraction (IITA Sections 203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), 203(d)(2)(M))

## SUBPART F: BASE INCOME OF INDIVIDUALS

## Section

- 100.2580 Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))
- 100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

## SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

## Section

- 100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity (Repealed)

SUBPART I: GENERAL RULES OF ALLOCATION AND  
APPORTIONMENT OF BASE INCOME

## Section

- 100.3000 Terms Used in Article 3 (IITA Section 301)
- 100.3010 Business and Nonbusiness Income (IITA Section 301)
- 100.3015 Business Income Election (IITA Section 1501)
- 100.3020 Resident (IITA Section 301)

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## SUBPART J: COMPENSATION

## Section

- 100.3100 Compensation (IITA Section 302)
- 100.3110 State (IITA Section 302)
- 100.3120 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

## SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

## Section

- 100.3200 Taxability in Other State (IITA Section 303)
- 100.3210 Commercial Domicile (IITA Section 303)
- 100.3220 Allocation of Certain Items of Nonbusiness Income by Persons Other Than Residents (IITA Section 303)

## SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

## Section

- 100.3300 Allocation and Apportionment of Base Income (IITA Section 304)
- 100.3310 Business Income of Persons Other Than Residents (IITA Section 304) - In General
- 100.3320 Business Income of Persons Other Than Residents (IITA Section 304) - Apportionment (Repealed)
- 100.3330 Business Income of Persons Other Than Residents (IITA Section 304) - Allocation
- 100.3340 Business Income of Persons Other Than Residents (IITA Section 304)
- 100.3350 Property Factor (IITA Section 304)
- 100.3360 Payroll Factor (IITA Section 304)
- 100.3370 Sales Factor (IITA Section 304)
- 100.3380 Special Rules (IITA Section 304)
- 100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))
- 100.3400 Apportionment of Business Income of Financial Organizations (IITA Section 304(c))
- [100.3420 Apportionment of Business Income of Insurance Companies \(IITA Section 304\(b\)\)](#)
- 100.3500 Allocation and Apportionment of Base Income by Nonresident Partners

## SUBPART M: ACCOUNTING

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Section  
100.4500 Carryovers of Tax Attributes (IITA Section 405)

## SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section  
100.5000 Time for Filing Returns: Individuals (IITA Section 505)  
100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)  
100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)  
100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)  
100.5040 Innocent Spouses  
100.5050 Frivolous Returns  
100.5060 Reportable Transactions

## SUBPART O: COMPOSITE RETURNS

Section  
100.5100 Composite Returns: Eligibility  
100.5110 Composite Returns: Responsibilities of Authorized Agent  
100.5120 Composite Returns: Individual Liability  
100.5130 Composite Returns: Required forms and computation of Income  
100.5140 Composite Returns: Estimated Payments  
100.5150 Composite Returns: Tax, Penalties and Interest  
100.5160 Composite Returns: Credits for Resident Individuals  
100.5170 Composite Returns: Definition of a "Lloyd's Plan of Operation"

## SUBPART P: COMBINED RETURNS

Section  
100.5200 Filing of Combined Returns  
100.5201 Definitions and Miscellaneous Provisions Relating to Combined Returns  
100.5205 Election to File a Combined Return  
100.5210 Procedures for Elective and Mandatory Filing of Combined Returns  
100.5215 Filing of Separate Unitary Returns  
100.5220 Designated Agent for the Members  
100.5230 Combined Estimated Tax Payments

## DEPARTMENT OF REVENUE

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100.5240	Claims for Credit of Overpayments
100.5250	Liability for Combined Tax, Penalty and Interest
100.5260	Combined Amended Returns
100.5265	Common Taxable Year
100.5270	Computation of Combined Net Income and Tax
100.5280	Combined Return Issues Related to Audits

## SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

## Section

100.7000	Requirement of Withholding (IITA Section 701)
100.7010	Compensation Paid in this State (IITA Section 701)
100.7020	Transacting Business Within this State (IITA Section 701)
100.7030	Payments to Residents (IITA Section 701)
100.7040	Employer Registration (IITA Section 701)
100.7050	Computation of Amount Withheld (IITA Section 702)
100.7060	Additional Withholding (IITA Section 701)
100.7070	Voluntary Withholding (IITA Section 701)
100.7080	Correction of Underwithholding or Overwithholding (IITA Section 701)
100.7090	Reciprocal Agreement (IITA Section 701)
100.7095	Cross References

## SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

## Section

100.7100	Withholding Exemption (IITA Section 702)
100.7110	Withholding Exemption Certificate (IITA Section 702)
100.7120	Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

## SUBPART S: INFORMATION STATEMENT

## Section

100.7200	Reports for Employee (IITA Section 703)
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## SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

## Section

100.7300	Returns of Income Tax Withheld from Wages (IITA Section 704)
100.7310	Quarterly Returns Filed on Annual Basis (IITA Section 704)

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- 100.7320 Time for Filing Returns (IITA Section 704)
- 100.7330 Payment of Tax Deducted and Withheld (IITA Section 704)
- 100.7340 Correction of Underwithholding or Overwithholding (IITA Section 704)

## SUBPART U: COLLECTION AUTHORITY

## Section

- 100.9000 General Income Tax Procedures (IITA Section 901)
- 100.9010 Collection Authority (IITA Section 901)
- 100.9020 Child Support Collection (IITA Section 901)

## SUBPART V: NOTICE AND DEMAND

## Section

- 100.9100 Notice and Demand (IITA Section 902)

## SUBPART W: ASSESSMENT

## Section

- 100.9200 Assessment (IITA Section 903)
- 100.9210 Waiver of Restrictions on Assessment (IITA Section 907)

## SUBPART X: DEFICIENCIES AND OVERPAYMENTS

## Section

- 100.9300 Deficiencies and Overpayments (IITA Section 904)
- 100.9310 Application of Tax Payments Within Unitary Business Groups (IITA Section 603)
- 100.9320 Limitations on Notices of Deficiency (IITA Section 905)
- 100.9330 Further Notices of Deficiency Restricted (IITA Section 906)

## SUBPART Y: CREDITS AND REFUNDS

## Section

- 100.9400 Credits and Refunds (IITA Section 909)
- 100.9410 Limitations on Claims for Refund (IITA Section 911)
- 100.9420 Recovery of Erroneous Refund (IITA Section 912)

## SUBPART Z: INVESTIGATIONS AND HEARINGS

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## Section

100.9500	Access to Books and Records (IITA Section 913)
100.9505	Access to Books and Records - 60-Day Letters (IITA Section 913) (Repealed)
100.9510	Taxpayer Representation and Practice Requirements
100.9520	Conduct of Investigations and Hearings (IITA Section 914)
100.9530	Books and Records

## SUBPART AA: JUDICIAL REVIEW

## Section

100.9600	Administrative Review Law (IITA Section 1201)
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## SUBPART BB: DEFINITIONS

## Section

100.9700	Unitary Business Group Defined (IITA Section 1501)
100.9710	Financial Organizations (IITA Section 1501)
100.9720	Nexus
100.9750	Corporation, Subchapter S Corporation, Partnership and Trust Defined (IITA Section 1501)

## SUBPART CC: LETTER RULING PROCEDURES

## Section

100.9800	Letter Ruling Procedures
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## SUBPART DD: MISCELLANEOUS

## Section

100.9900	Tax Shelter Voluntary Compliance Program
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100.APPENDIX A	Business Income Of Persons Other Than Residents
100.TABLE A	Example of Unitary Business Apportionment
100.TABLE B	Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

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SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4624, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at

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25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687, effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. 18225, effective November 17, 2003; emergency amendment at 27 Ill. Reg. 18464, effective November 20, 2003, for a maximum of 150 days; emergency expired April 17, 2004; amended at 28 Ill. Reg. 1378, effective January 12, 2004; amended at 28 Ill. Reg. 5694, effective March 17, 2004; amended at 28 Ill. Reg. 7125, effective April 29, 2004; amended at 28 Ill. Reg. 8881, effective June 11, 2004; emergency amendment at 28 Ill. Reg. 14271, effective October 18, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 14868, effective October 26, 2004; emergency amendment at 28 Ill. Reg. 15858, effective November 29, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2420, effective January 28, 2005; amended at 29 Ill. Reg. 6986, effective April 26, 2005; amended at 29 Ill. Reg. 13211, effective August 15, 2005; amended at 29 Ill. Reg. 20516, effective December 2, 2005; amended at 30 Ill. Reg. 6389, effective March 30, 2006; amended at 30 Ill. Reg. 10473, effective May 23, 2006; amended by 30 Ill. Reg. 13890, effective August 1, 2006; amended at 30 Ill. Reg. 18739, effective November 20, 2006; amended at 31 Ill. Reg. 16240, effective November 26, 2007; amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

**Section 100.3420 Apportionment of Business Income of Insurance Companies (IITA Section 304(b))**

- a) In General. Except as otherwise provided in this Section, *business income of an insurance company for a taxable year shall be apportioned to this State by multiplying such income by a fraction, the numerator of which is the direct premiums written for insurance upon property or risk in this State, and the denominator of which is the direct premiums written for insurance upon property or risk everywhere.* [IITA Section 304(b)(1)]
- b) Insurance Company. For purposes of the IITA, an "insurance company" means any taxpayer properly treated as an insurance company for purposes of federal income taxation under subchapter L of the Internal Revenue Code (IRC sections 801 through 848). (See IITA Section 102.) No other taxpayer may be treated as an insurance company for purposes of the IITA.

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- c) Direct Premiums Written. *"Direct premiums written" means the total amount of direct premiums written, assessments and annuity considerations as reported for the taxable year on the annual statement filed by the company with the Illinois Director of Insurance in the form approved by the National Convention of Insurance Commissioners (currently known as the National Association of Insurance Commissioners) or such other form as may be prescribed in lieu of the NAIC form.*
- 1) The apportionment factor shall take into account only those receipts that are included in either "gross premiums written" under section 832(b)(4)(A) of the Internal Revenue Code or "gross amount of premiums" under section 803(a)(1)(A) of the Internal Revenue Code. Only receipts that are included in federal taxable income of the taxpayer, and that are not subtracted in the computation of base income under a provision of Section 203 of the IITA, may be included in the apportionment factor. (See Continental Illinois National Bank and Trust Company of Chicago v. Lenckos, 102 Ill.2d 210 (1984).)
  - 2) Only direct premiums written for insurance, assessments against mutual policyholders and consideration for annuity contracts that include elements of insurance are included in the apportionment factor. Other receipts are excluded from the apportionment factor, even if included in net income.
  - 3) Examples of receipts that are excluded from the apportionment factor include:
    - A) Interest, dividends and other income from investments.
    - B) Gains or losses from the adjustment of reserves, salvage or subrogation.
    - C) Deposit-type funds. This is due to the fact that deposit-type funds involve no insurance risk and are therefore reported separately from premiums, assessments and annuity considerations on the annual report.

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- 4) Premiums rebated or repaid to policyholders and reported as negative amounts on the annual statement are treated as negative amounts in the computation of the apportionment factor. However, neither the numerator nor the denominator of the apportionment factor may be reduced below zero.
- d) Insurance on Property or Risk in this State. A direct premium is written for insurance upon property or risk in this State and included in the numerator of the apportionment factor if it is allocated to this State in the annual statement filed by the insurance company with the Director of Insurance. If an insurance company does not file an annual statement with the Director of Insurance or if any direct premiums written by an insurance company are not allocated to a specific state on its annual statement, that insurance company shall include in the numerator of its apportionment factor the direct premiums written for insurance on property or risk in this State, determined in accordance with the determination of gross taxable premium written under Section 409(1) of the Illinois Insurance Code [215 ILCS 5/409(1)], provided that the determination shall be made without allowing the exceptions in that Section 409(1) for premiums on annuities, premiums on which State premium taxes are prohibited by federal law, premiums paid by the State for Medicaid eligible insureds, premiums paid for health care services included as an element of tuition charges at any university or college owned and operated by the State of Illinois, premiums on group insurance contracts under the State Employees Group Insurance Act of 1971 [5 ILCS 375], or premiums for deferred compensation plans for employees of the State, units of local government or school districts.
- e) Reinsurance. If the principal source of premiums written by an insurance company consists of premiums for reinsurance accepted by it, the business income of such company shall be apportioned to this State by multiplying such income by a fraction, the numerator of which is the sum of direct premiums written for insurance upon property or risk in this State, plus premiums written for reinsurance accepted in respect of property or risk in this State, and the denominator of which is the sum of direct premiums written for insurance upon property or risk everywhere, plus premiums written for reinsurance accepted in respect of property or risk everywhere. (IITA Section 304(b)(2))
- 1) The principal source of premiums written by an insurance company consists of premiums for reinsurance accepted by the taxpayer for a taxable year if the premiums written for reinsurance accepted that would

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be includable in the denominator of the apportionment fraction for the taxable year under this subsection (e) exceed the direct premiums written for insurance that would be includable in the denominator of the apportionment fraction under this subsection (e).

- 2) Property or risk in this State. An insurance company may determine the amount of *premiums written for reinsurance accepted in respect of property or risk in this State* by consideration of each premium written, or the premiums may, at the election of the company, be determined on the basis of:
- A) *the proportion which premiums written for reinsurance accepted from companies commercially domiciled in Illinois bears to premiums written for reinsurance accepted from all sources; or*
- B) *the proportion which the sum of the direct premiums written for insurance upon property or risk in this State by each ceding company from which reinsurance is accepted bears to the sum of the total direct premiums written by each such ceding company for the taxable year.*
- 3) The election to determine the portion of reinsurance premiums accepted in respect of property or risk in this State for a particular tax year, by consideration of each premium written or by either of the alternative methods outlined in subsection (e)(2), may be made or changed at any time.

(Source: Added at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of Part: Halal Food Disclosure
- 2) Code Citation: 8 Ill. Adm. Code 190
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
190.10	New Section
190.20	New Section
190.30	New Section
190.40	New Section
190.50	New Section
190.60	New Section
190.70	New Section
190.80	New Section
190.90	New Section
190.100	New Section
190.APPENDIX A	New Section
190.APPENDIX B	New Section
190.APPENDIX C	New Section
190.APPENDIX D	New Section
190.APPENDIX E	New Section
- 4) Statutory Authority: Implementing and authorized by Section 2LL of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2LL]
- 5) Effective Date of Amendments: December 1, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: February 2, 2007; 31 Ill. Reg. 2053
- 10) Has JCAR issued a Statement of Objection to these rules? No

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- 11) Differences between proposal and final version: All nonsubstantive technical changes recommended by JCAR were made. "Distributor" is being defined in Section 190.10. Subparagraph (a)(1) in Section 190.40 is being stricken; subparagraph (a)(3) is being added to include a disclosure statement for "distributor"; and a new subparagraph (c) is being added. Section 190.Appendix A is being stricken. Section 190.Appendix B and C now become Section 190.Appendix A and B. In Section 190.Appendix B the slaughter of poultry is being expanded. A new Section 190.Appendix C is being added for "Distributor". In Section 190.Appendix D, subparagraph D, "Milk" is being added. All appendices have other nonsubstantive changes to make them easier to comprehend.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Halal is a method of preparing food and maintaining strict compliance with the laws and customs of the Islamic religion. The halal food disclosure statement must be filled out by any business that wants to be registered with the State of Illinois. These statements will be accessible and posted in a public area so the consumer is able to determine if the product sold meets their requirements.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Dr. Colleen O'Keefe  
Illinois Department of Agriculture  
P. O. Box 19281, State Fairgrounds  
Springfield, Illinois 62794-9281

Telephone: 217/557-4645  
Facsimile: 217/558-6033

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

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TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER I: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS (EXCEPT MEAT  
AND POULTRY INSPECTION ACT REGULATIONS)

PART 190  
HALAL FOOD DISCLOSURE

## Section

190.10	Definitions
190.20	Registration Requirements; Posting of Registration
190.30	Labeling Requirements
190.40	Disclosure Statement Requirements; Posting of Disclosure Statement
190.50	Record Keeping Requirements
190.60	Record Availability
190.70	Humane Methods of Slaughter
190.80	Halal Food Act
190.90	Meat and Poultry Inspection Act
190.100	Unlawful Practice
190.APPENDIX A	Disclosure Statement: Slaughterhouse - Cattle, Goats, Sheep and Lambs
190.APPENDIX B	Disclosure Statement: Slaughterhouse - Poultry
190.APPENDIX C	Disclosure Statement: Distributor
190.APPENDIX D	Disclosure Statement: Retail
190.APPENDIX E	Disclosure Statement: Restaurant, Nursing Home, Summer Camp, Caterer or Other Dealer Who Serves Prepared Food

AUTHORITY: Implementing and authorized by Section 2LL of the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505/2LL].

SOURCE: Adopted at 31 Ill. Reg. 16443, effective December 1, 2007.

**Section 190.10 Definitions**

"Act" means the Consumer Fraud and Deceptive Business Practices Act [815 ILCS 505].

"Certifying Entity" means a certifying Islamic entity specializing in halal food or the supervising Muslim Inspector of Halal Food.

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*"Dealer" means any establishment that advertises, represents, or holds itself out as growing animals in a halal way or selling, preparing, or maintaining food as halal, including, but not limited to, manufacturers, animal farms, slaughterhouses, wholesalers, stores, restaurants, hotels, catering facilities, butcher shops, summer camps, bakeries, delicatessens, supermarkets, grocery stores, licensed health care facilities, freezer dealers, and food plan companies. These establishments may also sell, prepare or maintain food not represented as halal.*

"Department " or "IDOA" means the Illinois Department of Agriculture.

"Director" means the Director of the Department.

"Distributor" means any person, firm or corporation engaged in the business of buying, negotiating for purchase of, handling or taking possession of, or selling products on commission or otherwise purchasing or selling of such articles other than for the person's own account.

*"Food" means an animal grown to become food for human consumption, a food, a food product, a food ingredient, a dietary supplement, or a beverage.*

*"Halal" means prepared under and maintained in strict compliance with the laws and customs of the Islamic religion, including but not limited to those laws and customs of the zabiha/zebeeha (slaughtered according to appropriate Islamic codes) and as expressed by reliable recognized Islamic entities and scholars.*  
[815 ILCS 505/2LL(a)]

**Section 190.20 Registration Requirements; Posting of Registration**

- a) No dealer may represent an animal to be grown in a halal way to become food for human consumption or a food commodity as halal until the dealer has registered with the Department.
- b) Dealers shall register on forms prescribed by the Department. Registration shall be valid until June 30 of each year. Each location of a dealer shall be separately registered. All dealers shall pay to the Department at the time of registration a \$75 registration fee.

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- c) The following information is required for dealer registration: business name, address, and phone number. In addition, the dealer shall provide information disclosing the certifying entity, including the name, address, and phone number of the certifying entity, and a completed disclosure statement as provided in Section 190.40. The dealer must sign the registration form and certify that: "All food labeled halal is kept in the halal way and is from halal sources."
- d) If the information required on a registration form changes during a year, then the dealer shall file an amended registration form.
- e) A dealer shall post a copy of its registration form filed with the Department in a conspicuous place readily visible to customers.

**Section 190.30 Labeling Requirements**

- a) A dealer shall not sell or distribute halal food unless such food is plainly labeled with the word "HALAL". No person shall deface, erase or remove any label required by this Section.
- b) Any halal marking applied to red meat carcasses and/or poultry from animals represented as grown and slaughtered in the halal way shall be visible and readable.
- c) A dealer may not sell, offer for sale, prepare, or service in or from the same place of business both unpackaged non-halal food and unpackaged food that he or she represents to be halal unless he or she posts a window sign at the entrance of his or her establishment that states in block letters at least 4 inches in height: "Halal and Non-Halal Foods Sold Here" or "Halal and Non-Halal Foods Served Here" or a statement of similar import.

**Section 190.40 Disclosure Statement Requirements; Posting of Disclosure Statement**

- a) A dealer shall request from the Department the disclosure statements applicable to the business (see Appendices A-E). When making a request, the dealer shall identify its business type as (or a combination of) the following:
  - 1) Slaughterhouse - Cattle, goats, sheep, and lambs (Appendix A);
  - 2) Slaughterhouse - Poultry (Appendix B);

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- 3) Distributor (Appendix C)
  - 4) Retail establishment (Appendix D); and
  - 5) All other establishments that advertise, represent, or hold themselves out as selling, preparing, or maintaining food as halal, including, but not limited to, manufacturers, wholesalers, restaurants, hotels, catering facilities, summer camps, bakeries, delicatessens, licensed health care facilities, freezer dealers, and food plan companies (Appendix E).
- b) A dealer shall have copies of the disclosure statements filed with the Department in a public place, readily accessible to customers.
  - c) A dealer shall post in a conspicuous place the name and address of the distributor or slaughter facility of all meat and poultry products sold on the premises.
  - d) In the event of any change in the practices reported to the Department on the halal disclosure statement, a dealer shall immediately manually amend its posted halal disclosure statement to reflect the change in the posted practices and shall inform the Department in writing and, if applicable, any party to a contract, within 14 calendar days after any change in the stated information. The Department shall provide the dealer with a new halal disclosure statement form. The dealer shall complete and return the new halal statement to the Department within 14 calendar days. A dealer shall have a copy of the amended disclosure statement in a public place, readily accessible to customers.

**Section 190.50 Record Keeping Requirements**

- a) Dealers shall maintain records evidencing sales, purchases, or other transfers of halal animals or food for 2 years from the date of sale, purchase or transfer. The records shall contain the date of the transaction, the type of halal food involved in the transaction, the parties to the transaction and copies of the disclosure statements.
- b) Dealers shall maintain copies of disclosure forms that certify the dealer's food or animals to be halal as provided by a certifying entity for two years from the date of sale, purchase or transfer. Copies of the disclosure statements shall accompany products with each sale.

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**Section 190.60 Record Availability**

Upon request, a dealer shall provide to the Director or the Director's designee copies of any records maintained under this Part. Failure of a dealer to comply with the Director's or designee's request for records is prima facie evidence that the dealer has violated this Part.

**Section 190.70 Humane Methods of Slaughter**

Nothing in this Part shall be construed to exempt any dealer from any of the provisions of the federal Humane Methods of Slaughter Act of 1978 (7 USC 1901) or the Illinois Humane Slaughter of Livestock Act [510 ILCS 75] that may be applicable.

**Section 190.80 Halal Food Act**

Nothing in this Part shall be construed to exempt any dealer from any of the provisions of the Halal Food Act [410 ILCS 637] that may be applicable.

**Section 190.90 Meat and Poultry Inspection Act**

Nothing in this Part shall be construed to exempt any meat and/or poultry product from any of the provisions of the Meat and Poultry Inspection Act [225 ILCS 650] that may be applicable.

**Section 190.100 Unlawful Practice**

- a) It shall be an unlawful practice under the Act for any person to violate this Part. The Department shall refer any alleged violations of this Part to the Attorney General.
- b) *Any person subject to the requirements of Section 190.40 does not commit an unlawful practice if the person shows by a preponderance of the evidence that the person relied in good faith upon the representations of the animal farm, slaughterhouse, manufacturer, processor, packer, or distributor of any food represented as halal. [815 ILCS 505/2LL(c)]*
- c) *Possession by a dealer of any food not in conformance with Section 190.40 with respect to that food is presumptive evidence that the person is in possession of that food with the intent to sell. [815 ILCS 505/2LL(d)]*

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**Section 190.APPENDIX A Disclosure Statement: Slaughterhouse - Cattle, Goats, Sheep and Lambs**

Name of Slaughterhouse: \_\_\_\_\_

Please check all that apply.

**A. Raising of Animals**

- This establishment slaughters only cattle, goats, sheep and lambs that have only been fed feed that does not contain animal by-products, such as 100% vegetarian feed, organic feed or Amish feed.
- The cattle, goats, sheep and lambs are free from diseases and raised without added hormones.
- The cattle, goats, sheep and lambs slaughtered here do not have any sub-therapeutic antibiotics in their system at the time of slaughter.

**B. Origin of Animals Slaughtered**

Animals are raised on the premises.  
 USDA premises ID number: \_\_\_\_\_

Animals are purchased from the following farms (include the USDA Premise ID Number):

Name	ID #
_____	_____
_____	_____
_____	_____
_____	_____

Animals are purchased from the following auctions:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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**C. Slaughter**

The USDA Plant Number of this slaughterhouse is: \_\_\_\_\_

The Illinois Department of Agriculture  
plant number of this slaughterhouse is: \_\_\_\_\_

- The slaughterhouse is not under the supervision of any halal certifying entity.
- The slaughterhouse is under the supervision of the following halal certifying entity.

Name of  
Certifying  
Entity: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

The slaughter of animals is performed in the following manner:

- The animal is alive at the time of slaughter.
- The animal is not stunned before slaughter.
- The animal is slaughtered with a sharp knife.
- The knife used during the slaughter is cleaned/sanitized after each animal.
- The animal is facing Mecca when slaughtered.
- The animal is slaughtered by a person who represents him/herself as a Muslim.

Name: \_\_\_\_\_

Certifying entity: \_\_\_\_\_

- The slaughterer pronounces an Islamic benediction while performing the slaughter.
- The animal is slaughtered with a swift, deep, transverse incision on the neck that causes a simultaneous and instantaneous severance of the jugular veins and carotid arteries on both sides, including the trachea and esophagus.
- The spinal cord is not severed at the time of slaughter.
- If any additional steps or procedures are performed, they are:

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- Pigs are slaughtered in this slaughterhouse.

If the above box is checked, answer the following:

- Pigs are slaughtered on separate equipment.
- Pigs are slaughtered on the same day as animals that are slaughtered to be sold as halal.
- Pigs are slaughtered on a different day than animals that are slaughtered to be sold as halal.

**D. Post-Slaughter**

- No part of the animal is cut before the animal is completely dead.
- Only non-animal derived/non-alcohol based cleansers and sanitizers are used to wash/clean the equipment.
- The animal is drained of blood following the slaughter.
- The animal slaughtered to be sold as halal is stored in a cooler or freezer that contains only meat or poultry to be sold as halal.
- Animals are labeled as halal or zabiha halal consistent with the Food Standards and Labeling Policy Book of the USDA.
- If the slaughterhouse fabricates meat to be sold as halal, food packaging materials have been certified as halal by a halal certifying entity.
- If the slaughterhouse fabricates meat to be sold as halal, the meat has not been commingled with any food or food product not represented to be halal.

**E. Certification by Slaughterhouse**

I certify that the above information is correct.

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Signature

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Printed Name

---

Business Name

---

Address

---

City

---

State

---

Zip Code

---

Telephone Number

---

Date

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**Section 190.APPENDIX B Disclosure Statement: Slaughterhouse - Poultry**

Name of Poultry Slaughterhouse: \_\_\_\_\_

Please check all that apply.

**A. Raising of Poultry**

- This establishment slaughters only poultry that have been fed feed that does not contain any animal or animal by-products, such as 100% vegetarian feed, organic feed or Amish feed or seafood.
- This establishment slaughters only poultry that has been raised on free roaming farms.
- The poultry are free from diseases and raised without added hormones.
- The poultry slaughtered do not have any sub-therapeutic antibiotics in their system at the time of slaughter.

**B. Origin of Poultry Slaughtered**

- Poultry are raised on the premises.

USDA Premises ID number: \_\_\_\_\_

- Poultry is purchased from the following farms (include the USDA Premises ID number):

Name	ID #
_____	_____
_____	_____
_____	_____
_____	_____

- Poultry is purchased from the following auctions:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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**C. Slaughter**

The USDA Plant Number of this slaughterhouse is: \_\_\_\_\_

The IDOA plant number of this slaughterhouse is: \_\_\_\_\_

- The slaughterhouse is not under the supervision of any halal certifying entity.
- The slaughterhouse is under the supervision of the following halal certifying entity.

Name of  
Certifying  
Entity: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

The slaughter of poultry is performed in the following manner:

- If the poultry is hand-slaughtered with a sharp knife:  
If the above box is checked, answer the following:
  - The poultry is alive at the time of slaughter.
  - The poultry is not stunned before slaughter.
  - The knife used during the slaughter is cleaned/sanitized after each use.
  - The poultry is facing Mecca when slaughtered.
  - The poultry is slaughtered by a person who represents him/herself as a Muslim.
  - The slaughterer pronounces an Islamic benediction while performing the slaughter.
  - The poultry is slaughtered with a swift, deep, transverse incision on the neck that causes a simultaneous and instantaneous severance of the jugular veins and carotid arteries on both sides, including the trachea and esophagus.
  - The spinal cord is not severed at the time of slaughter.

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If the poultry is slaughtered by mechanical means:

If the above box is checked, answer the following:

- The poultry is alive at the time of slaughter.
- The poultry is not stunned before slaughter.
- The poultry is facing Mecca when slaughtered.
- The machine is turned on and supervised by a person who represents him/herself as a Muslim.
- An Islamic benediction is pronounced when the machine is turned on.
- The poultry is slaughtered with a swift, deep incision on the neck that cuts the jugular veins and carotid arteries on both sides and also the trachea and esophagus.
- Poultry that are not adequately slaughtered by the machine are manually slaughtered by a person who represents him/herself as a Muslim slaughterer with Islamic benediction.
- The poultry is not decapitated.
- If any additional steps or procedures are performed, they are:

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Pigs are slaughtered in this slaughterhouse.

If the above box is checked, answer the following:

- Pigs are slaughtered on separate equipment.
- Pigs are slaughtered on the same day as animals that are slaughtered to be sold as halal.
- Pigs are slaughtered on a different day as animals that are slaughtered to be sold as halal.

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**D. Post-Slaughter**

- No part of the poultry is cut before the poultry is completely dead.
- Only non-animal derived/non-alcohol based cleansers and sanitizers are used to wash/clean the equipment.
- The poultry is drained of blood following the slaughter.
- The poultry slaughtered to be sold as halal is stored in a cooler or freezer that contains only meat or poultry to be sold as halal.
- Poultry is labeled as halal or zabiha halal consistent with the Food Standards and Labeling Policy Book of the USDA.
- If the slaughterhouse fabricates poultry to be sold as halal, food packaging materials have been certified as halal by a halal certifying entity.
- If the slaughterhouse fabricates poultry to be sold as halal, the poultry has not been co-mingled with any food or food product not represented to be halal.

**E. Certification by Slaughterhouse**

I certify that the above information is correct.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Business Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City State Zip Code

\_\_\_\_\_  
Telephone Number Date

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**Section 190.APPENDIX C Disclosure Statement: Distributor**

For purposes of this disclosure, non-halal means food that this establishment does not represent to be halal.

Name of Distributor: \_\_\_\_\_

Please check all that apply.

**A. General Disclosure**

- This establishment distributes only halal foods.
- This establishment distributes both halal and non-halal foods.
- This establishment distributes only meat and poultry as halal.
- This establishment makes no representation as to the halal status of its foods other than that which appears on the package label of prepackaged food.
- Meat distributed at this establishment is kept in the original package.
- Meat distributed at this establishment is repackaged.
- Meat repackaged at this establishment may be from different sources.
- This establishment is under the supervision of the following halal certifying entity:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

**B. Meat and Poultry**

Meat offered for sale at this establishment has been purchased from the vendors listed below who made the following representations. Each vendor must have Part B (Meat) filled out individually:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

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Telephone Number: \_\_\_\_\_

IDOA halal registration number (if applicable): \_\_\_\_\_

- The animal was fed only 100% vegetarian feed, organic feed, or Amish feed, none of which contain any animal by-products.
- The animal was not treated with hormones.
- The animal was alive at the time of slaughter.
- The animal was not stunned before slaughter.
- The animal was hand-slaughtered with a sharp knife.
- The knife used during the slaughter was sharpened/cleaned after each animal.
- The animal was facing Mecca when slaughtered.
- The animal was slaughtered by a person who represents him/herself as a Muslim.
- The slaughterer pronounced an Islamic benediction while performing the slaughter.
- The animal was slaughtered with a swift, deep incision on the neck that cut the jugular veins and carotid arteries on both sides and also the trachea and esophagus.
- The spinal cord was not severed at the time of slaughter.
- Only non-animal derived/non-alcohol based cleansers and sanitizers were used to wash/clean the equipment.
- The animal was drained of blood following slaughter.
- The animal slaughtered to be sold as halal was stored in a cooler or freezer that contained only meat or poultry to be sold as halal.
- If any additional steps or procedures were performed, they were:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED RULES

- This establishment distributes meat or poultry labeled halal or zabiha halal from a federally inspected meat packaging plant.
- This establishment distributes meat or poultry that has not been identified as halal or zabiha halal by the slaughterhouse.
- Pork or pork products are not sold at this establishment.

Poultry offered for sale at this establishment has been purchased from the vendors listed below who made the following representations. Each vendor must have Part B (Poultry) filled out individually:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

IDOA halal registration number (if applicable): \_\_\_\_\_

- The poultry was fed only 100% vegetarian feed, organic feed, or Amish feed, none of which contain any animal by-products.
- The poultry was not treated with hormones.
- The poultry was alive at the time of slaughter.
- The poultry was not stunned before slaughter.
- The poultry was slaughtered by mechanical means.
- The poultry was hand-slaughtered with a sharp knife.
- The knife used during the slaughter was sharpened/cleaned after each use.
- The poultry was facing Mecca when slaughtered.
- The poultry was slaughtered by a person who represents him/herself as a Muslim.
- The slaughterer pronounced an Islamic benediction while performing the slaughter.
- The poultry was slaughtered with a swift, deep incision on the neck that cut the jugular veins and carotid arteries on both sides and also the trachea and esophagus.
- The spinal cord was not severed at the time of slaughter.

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED RULES

- Only non-animal derived/non-alcohol based cleansers and sanitizers were used to wash/clean the equipment.
- The poultry was drained of blood following slaughter.
- The poultry slaughtered to be sold as halal was stored in a cooler or freezer that contained only meat or poultry to be sold as halal.
- If any additional steps or procedures were performed, they were:

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---



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- This establishment purchases only meat or poultry labeled halal or zabiha halal from a federally inspected meat packaging plant.
- This establishment sells meat or poultry that has not been identified as halal or zabiha halal by the slaughterhouse.
- Pork or pork products are not sold at this establishment.

**C. Food Products Prepared On Site**

- Prepared food labeled or represented as halal does not contain or use any ingredients from an animal not represented as halal by the slaughterhouse.
- Prepared food labeled or represented as halal does not contain any product containing pork.
- Prepared food labeled or represented as halal does not contain any alcohol.
- No alcohol is used in the preparation of any prepared food represented as halal.

**D. Food Packaging**

- Food packaging materials have been certified as halal by the following halal certifying entity:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED RULES

Telephone Number: \_\_\_\_\_

**E. Cleaners and Sanitizers**

Only non-animal derived/non-alcohol based cleansers and sanitizers are used to wash/clean the equipment.

**F. Certification by Livestock Producer**

I certify that the above information is correct.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Business Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City State Zip Code

\_\_\_\_\_  
Telephone Number Date

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED RULES

**Section 190.APPENDIX D Disclosure Statement: Retail**

For purposes of this disclosure, non-halal means food that this establishment does not represent to be halal.

Name of Retail Establishment: \_\_\_\_\_

Please check all that apply.

**A. General Disclosure**

- This establishment sells only halal foods.
- This establishment sells both halal and non-halal foods.
- This establishment sells only meat and poultry as halal.
- This establishment sells dairy goods as halal.
- This establishment sells bakery products as halal.
- This establishment makes no representation as to the halal status of its foods other than that which appears on the package label of prepackaged food.
- Meat sold at this establishment is under the supervision of the following halal certifying entity:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

- Poultry sold at this establishment is under the supervision of the following halal certifying entity:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED RULES

Telephone Number: \_\_\_\_\_

- Dairy products sold at this establishment are under the supervision of the following halal certifying entity:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone Number: \_\_\_\_\_

- Bakery goods sold at this establishment are under the supervision of the following halal certifying entity:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone Number: \_\_\_\_\_

- This establishment uses separate utensils, cutting boards, machine slicers, meat grinders, knives and other equipment for halal and non-halal foods and the equipment is appropriately identified.
- This establishment uses separate refrigerators, freezers and storage areas for halal and non-halal food.
- Non-halal food products are not mixed with halal food products.

**B. Meat and Poultry**

Meat offered for sale at this establishment has been purchased from the vendors listed below who made the following representations. Each vendor must have Part B (Meat) filled out individually:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED RULES

Telephone Number: \_\_\_\_\_

IDOA halal registration number (if applicable): \_\_\_\_\_

- The animal was fed only 100% vegetarian feed, organic feed or Amish feed, none of which contains any animal by-products.
- The animal was raised without added hormones.
- The animal was alive at the time of slaughter.
- The animal was not stunned before slaughter.
- The animal was hand-slaughtered with a sharp knife.
- The knife used during the slaughter was cleaned/sanitized after each animal.
- The animal was facing Mecca when slaughtered.
- The animal was slaughtered by a person who represents him/herself as a Muslim.
- The slaughterer pronounced an Islamic benediction while performing the slaughter.
- The animal was slaughtered with a swift, deep, transverse incision on the neck that causes a simultaneous and instantaneous severance of the jugular veins and carotid arteries on both sides, including the trachea and esophagus.
- The spinal cord was not severed at the time of slaughter.
- Only non-animal derived/non-alcohol based cleansers and sanitizers were used to wash/clean the equipment.
- The animal was drained of blood following the slaughter.
- The animal slaughtered to be sold as halal was stored in a cooler or freezer that contains only meat or poultry to be sold as halal.
- If any additional steps or procedures were performed, they were:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED RULES

The poultry offered for sale at this establishment has been purchased from the vendors listed below who made the following representations. Each vendor must have Part B (Poultry) filled out individually:

- The name, address and telephone number of the vendors from whom the poultry referred to above was purchased:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone Number: \_\_\_\_\_

IDOA halal registration number (if applicable): \_\_\_\_\_

- The poultry was fed only 100% vegetarian feed, organic feed or Amish feed, none of which contain any animal by-products.
- The poultry was raised without added hormones.
- The poultry was alive at the time of slaughter.
- The poultry was not stunned before slaughter.
- The poultry was slaughtered by mechanical means.
- The poultry was hand-slaughtered with a sharp knife.
- The knife used during the slaughter was cleaned/sanitized after each use.
- The poultry was facing Mecca when slaughtered.
- The poultry was slaughtered by a person who represents him/herself as a Muslim.
- The slaughterer pronounced an Islamic benediction while performing the slaughter.
- The animal was slaughtered with a swift, deep incision on the neck that cut the jugular veins and carotid arteries on both sides and also the trachea and esophagus.
- The spinal cord was not severed at the time of slaughter.
- Only non-animal derived/non-alcohol based cleansers and sanitizers were used to wash/clean the equipment.
- The poultry was drained of blood following the slaughter.

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED RULES

The poultry slaughtered to be sold as halal was stored in a cooler or freezer that contains only meat or poultry to be sold as halal.

If any additional steps or procedures were performed, they were:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This establishment purchases only meat or poultry labeled halal or zabiha halal from a federally inspected meat packaging plant.

This establishment sells meat or poultry that has not been identified as halal or zabiha halal by the slaughterhouse.

Pork or pork products are not sold at this establishment.

**C. Bakery Products**

Bakery products sold here do not contain any alcohol.

Bakery products sold here do not contain any pork, animal fat or lard.

Bakery products sold here do not contain any non-halal beef gelatin.

Bakery products sold here contain only gelatin derived from plants.

Bakery products sold here contain only gum derived from plants.

**D. Milk and Dairy Products**

All cheese sold here is certified as halal.

The name, address and telephone number of the halal certifying entity is:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED RULES

Telephone Number: \_\_\_\_\_

- All milk sold here is certified as halal.

The name, address and telephone number of the halal certifying entity is:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

**E. Food Products Prepared On Site**

- Prepared food labeled or represented as halal does not contain or use any ingredients from an animal not represented as halal by the slaughterhouse.
- Prepared food labeled or represented as halal does not contain any product containing pork.
- Prepared food labeled or represented as halal does not contain any alcohol.
- No alcohol is used in the preparation of any prepared food represented as halal.

**F. Food Packaging**

- Food packaging materials have been certified as halal by the following halal certifying entity:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

**G. Cleaners and Sanitizers**

- Only non-animal derived/non-alcohol based cleansers and sanitizers are used to wash/clean the equipment.

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED RULES

**H. Certification by Retailer**

I certify that the above information is correct.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Business Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Date

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED RULES

**Section 190.APPENDIX E Disclosure Statement: Restaurant, Nursing Home, Summer Camp, Caterer or Other Dealer Who Serves Prepared Food**

Name of Restaurant, Nursing Home, Summer Camp, Caterer or Other Dealer:

Please check all that apply.

**A. General Disclosures**

- This establishment sells only food represented as halal as described in this disclosure statement.
- This establishment sells both food represented as halal and food not represented as halal.
- The restaurant, nursing home, summer camp, caterer or other dealer is not under the supervision of a halal certifying entity.
- The restaurant, nursing home, summer camp, caterer or other dealer is under the supervision of the following halal certifying entity.

Name of  
Certifying  
Entity:

\_\_\_\_\_

Address:

\_\_\_\_\_

\_\_\_\_\_

- All food sold does not contain pork or pork products.
- All food sold does not contain blood as an ingredient.
- All food sold does not contain alcohol.
- All cheese used is certified as halal.
- All milk used is certified as halal.
- This establishment uses separate utensils, cutting boards, cooking utensils, ovens, microwaves and knives for halal and non-halal foods, which are appropriately identified.

## DEPARTMENT OF AGRICULTURE

## NOTICE OF ADOPTED RULES

- This establishment uses separate refrigerators, freezers and storage areas for food represented as halal and food not represented as halal.
- All food served as halal is not mixed with any non-halal food.
- Alcohol is not used in the preparation of food.

**B. Meat and Poultry**

Meat offered for sale at this establishment has been purchased from the vendors listed below who made the following representations. Each vendor must have Part B (Meat) filled out individually:

- The name, address and telephone number of the vendors from whom the meat referred to above was purchased:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

IDOA halal registration number (if applicable): \_\_\_\_\_

- The animal was fed only 100% vegetarian feed, organic feed or Amish feed, none of which contains any animal by-products.
- The animal was raised without added hormones.
- The animal was alive at the time of slaughter.
- The animal was not stunned before slaughter.
- The animal was hand-slaughtered with a sharp knife.
- The knife used during the slaughter was cleaned/sanitized after each animal.
- The animal was facing Mecca when slaughtered.
- The animal was slaughtered by a person who represents him/herself as a Muslim.
- The slaughterer pronounced an Islamic benediction while performing the slaughter.

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED RULES

- The animal was slaughtered with a swift, deep, transverse incision on the neck that causes a simultaneous and instantaneous severance of the jugular veins and carotid arteries on both sides, including the trachea and esophagus.
- The spinal cord was not severed at the time of slaughter.
- Only non-animal derived/non-alcohol based cleansers and sanitizers were used to wash/clean the equipment.
- The animal was drained of blood following the slaughter.
- The animal slaughtered to be sold as halal was stored in a cooler or freezer that contains only meat or poultry to be sold as halal.
- If any additional steps or procedures were performed, they were:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The poultry offered for sale at this establishment has been purchased from the vendors listed below who made the following representations. Each vendor must have Part B (Poultry) filled out individually:

- The name, address and telephone number of the vendors from whom the meat referred to above was purchased:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

IDOA halal registration number (if applicable): \_\_\_\_\_

- The poultry was fed only 100% vegetarian feed, organic feed or Amish feed, none of which contains any animal by-products.
- The poultry was raised without added hormones.

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED RULES

- The poultry was alive at the time of slaughter.
- The poultry was not stunned before slaughter.
- The poultry was slaughtered by mechanical means.
- The poultry was hand-slaughtered with a sharp knife.
- The knife used during the slaughter was cleaned/sanitized after each use.
- The poultry was facing Mecca when slaughtered.
- The poultry was slaughtered by a person who represents him/herself as a Muslim.
- The slaughterer pronounced an Islamic benediction while performing the slaughter.
- The poultry was slaughtered with a swift, deep, transverse incision on the neck that causes a simultaneous and instantaneous severance of the jugular veins and carotid arteries on both sides, including the trachea and esophagus.
- The spinal cord was not severed at the time of slaughter.
- Only non-animal derived/non-alcohol based cleansers and sanitizers were used to wash/clean the equipment.
- The poultry was drained of blood following the slaughter.
- The poultry slaughtered to be sold as halal was stored in a cooler or freezer that contains only meat or poultry to be sold as halal.
- If any additional steps or procedures were performed, they were:

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- Meat and poultry offered for sale have been slaughtered as halal or zabiha halal and identified as such at the slaughterhouse consistent with Federal labeling guidelines.
- This establishment purchases only meat or poultry labeled halal or zabiha halal from a federally or State inspected meat packing plant.
- Pork or pork products are not sold at this establishment.
- This establishment sells meat or poultry that has not been identified as halal or

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED RULES

zabiha halal by the slaughterhouse.

**C. Food Packaging**

- Food packaging materials have been certified as halal by the following halal certifying entity:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone Number: \_\_\_\_\_

**D. Cleaners and Sanitizers**

- Only non-animal derived/non-alcohol based cleansers and sanitizers are used to wash/clean the equipment.

**E. Certification by Establishment**

I certify that the above information is correct.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Business Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City State Zip Code

\_\_\_\_\_  
Telephone Number Date

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DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED RULES

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## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Taking of Wild Turkeys – Spring Season
- 2) Code Citation: 17 Ill. Adm. Code 710
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
710.10	Amendment
710.22	Amendment
710.30	Amendment
710.50	Amendment
710.70	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11]
- 5) Effective Date of Amendments: November 28, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: August 24, 2007; 31 Ill. Reg. 12271
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to: update season dates; add definitions and provisions for bona fide equity members of limited liability

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

companies, current income beneficiaries of trusts and bona fide equity partners of a general or limited partnership to receive free permits; update open sites and site-specific regulations.

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

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

217/782-1809

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 17: CONSERVATION

## CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

## SUBCHAPTER b: FISH AND WILDLIFE

## PART 710

## THE TAKING OF WILD TURKEYS - SPRING SEASON

## Section

710.5	Hunting Zones
710.10	Hunting Seasons
710.20	Statewide Turkey Permit Requirements
710.21	Turkey Permit Requirements - Special Hunts (Renumbered)
710.22	Turkey Permit Requirements - Landowner/Tenant Permits
710.25	Turkey Permit Requirements - Special Hunts
710.28	Turkey Permit Requirements - Heritage Youth Turkey Hunt (Repealed)
710.30	Turkey Hunting Regulations
710.40	Other Regulations (Repealed)
710.50	Regulations at Various Department-Owned or -Managed Sites
710.55	Special Hunts for Disabled Hunters
710.60	Releasing or Stocking of Turkeys
710.70	Spring Youth Turkey Hunt

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

SOURCE: Adopted at 4 Ill. Reg. 15, p. 153, effective April 1, 1980; codified at 5 Ill. Reg. 10643; amended at 6 Ill. Reg. 3852, effective March 31, 1982; amended at 7 Ill. Reg. 4208, effective March 25, 1983; amended at 8 Ill. Reg. 5663, effective April 16, 1984; amended at 9 Ill. Reg. 6200, effective April 24, 1985; amended at 10 Ill. Reg. 6848, effective April 4, 1986; amended at 11 Ill. Reg. 2267, effective January 20, 1987; amended at 12 Ill. Reg. 5342, effective March 8, 1988; amended at 13 Ill. Reg. 5090, effective April 4, 1989; amended at 14 Ill. Reg. 663, effective January 2, 1990; amended at 15 Ill. Reg. 4161, effective March 4, 1991; amended at 16 Ill. Reg. 1843, effective January 17, 1992; amended at 17 Ill. Reg. 3184, effective March 2, 1993; amended at 18 Ill. Reg. 1156, effective January 18, 1994; emergency amendment at 18 Ill. Reg. 3751, effective March 1, 1994, for a maximum of 150 days; emergency expired July 29, 1994; amended at 19 Ill. Reg. 2450, effective February 17, 1995; emergency amendment at 19 Ill. Reg. 5312, effective April 1, 1995, for a maximum of 150 days; emergency expired August 29, 1995; amended at 20 Ill. Reg. 777, effective December 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Reg. 9389; amended at 21 Ill. Reg. 3125, effective March 3, 1997; amended at 22 Ill. Reg. 2192, effective January 2, 1998; amended at 22 Ill. Reg. 19568, effective October 23, 1998; amended at 23 Ill. Reg. 11956, effective September 21, 1999; amended at 24 Ill. Reg. 7984, effective May 24, 2000; amended at 24 Ill. Reg. 17778, effective November 27, 2000; amended at 25 Ill. Reg. 14176, effective October 22, 2001; amended at 26 Ill. Reg. 18028, effective December 6, 2002; amended at 27 Ill. Reg. 17075, effective October 22, 2003; amended at 29 Ill. Reg. 3935, effective February 24, 2005; amended at 29 Ill. Reg. 20484, effective December 2, 2005; amended at 31 Ill. Reg. 1958, effective January 16, 2007; amended at 31 Ill. Reg. 16476, effective November 28, 2007.

**Section 710.10 Hunting Seasons**

## a) Northern Zone Season Dates:

1 <sup>st</sup> Season:	Monday, April <del>1416</del> -Friday, April <del>1820</del> , <del>20082007</del>
2 <sup>nd</sup> Season:	Saturday, April <del>1921</del> -Thursday, April <del>2426</del> , <del>20082007</del>
3 <sup>rd</sup> Season:	Friday, April <del>2527</del> -Wednesday, <del>April 30</del> <del>May 2</del> , <del>20082007</del>
4 <sup>th</sup> Season:	Thursday, May <del>13</del> -Wednesday, May <del>79</del> , <del>20082007</del>
5 <sup>th</sup> Season:	Thursday, May <del>810</del> -Thursday, May <del>1547</del> , <del>20082007</del>

## b) Southern Zone Season Dates:

1 <sup>st</sup> Season:	Monday, April <del>79</del> -Friday, April <del>1143</del> , <del>20082007</del>
2 <sup>nd</sup> Season:	Saturday, April <del>1244</del> -Thursday, April <del>1749</del> , <del>20082007</del>
3 <sup>rd</sup> Season:	Friday, April <del>1820</del> -Wednesday, April <del>2325</del> , <del>20082007</del>

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

4<sup>th</sup> Season: Thursday, April ~~24~~<sup>26</sup>-Wednesday, ~~April 30~~<sup>May 2</sup>,  
~~2008~~<sup>2007</sup>

5<sup>th</sup> Season: Thursday, May ~~13~~<sup>14</sup>-Thursday, May ~~8~~<sup>10</sup>, ~~2008~~<sup>2007</sup>

## c) Open Counties:

## NORTHERN ZONE

Adams  
Boone  
Brown  
Bureau  
Calhoun  
Carroll  
Cass  
Champaign  
Christian  
Clark  
Coles  
Cumberland  
DeKalb  
DeWitt  
Edgar  
Fulton  
Greene  
Grundy  
Hancock  
Henderson  
Henry  
Iroquois  
Jersey  
Jo Daviess  
Kankakee  
Kendall  
Knox  
La Salle

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Lee  
Livingston  
Logan  
Macon  
Macoupin  
Marshall-Putnam  
Mason  
McDonough  
McHenry  
McLean  
Menard  
Mercer  
Montgomery  
Morgan  
Moultrie  
Ogle  
Peoria  
Piatt  
Pike  
Rock Island  
Sangamon  
Schuyler  
Scott  
Shelby  
Stark  
Stephenson  
Tazewell  
Vermilion  
Warren  
Whiteside  
Will  
Winnebago  
Woodford

SOUTHERN ZONE

Alexander  
Bond  
Clay  
Clinton

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Crawford  
Edwards  
Effingham  
Fayette  
Franklin  
Hamilton  
Gallatin-Hardin  
Jackson  
Jasper  
Jefferson  
Johnson  
Lawrence  
Madison  
Marion  
Massac  
Monroe  
Perry  
Pope  
Pulaski  
Randolph  
Richland  
Saline  
St. Clair  
Union  
Wabash  
Washington  
Wayne  
White  
Williamson

(Source: Amended at 31 Ill. Reg. 16476, effective November 28, 2007)

**Section 710.22 Turkey Permit Requirements - Landowner/Tenant Permits**

- a) The "immediate family" is defined as the spouse, children, and parents permanently residing on the same property as the landowner or tenant.
- b) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. A hunting rights lease, or other non-agricultural lease, is not valid for a landowner or tenant permit.

- c) Resident landowners who own 40 acres or more of land, and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family may apply for one free turkey permit for their property only in counties open for turkey hunting. Non-resident Illinois landowners of 40 or more acres of land and members of their immediate family are eligible to receive a permit for their property only for a fee of \$37.50. All landowners/tenants who do not reside on the property must possess a valid hunting license.
- d) Applicants for Landowner/Tenant permits must apply using the official application form. Applications for Landowner/Tenant wild turkey permits must be submitted to:
- Illinois Department of Natural Resources  
POH Spring Wild Turkey Permit  
One Natural Resources Way  
P.O. Box 19227  
Springfield IL 62794-9227
- e) Landowners or tenants are not required to participate in the public drawing for permits. Landowner/tenant permits are valid for the entire 32 days encompassed by the 5 seasons, but allow the taking of only one wild turkey. This turkey hunting permit shall be valid on all lands the permit holder owns, leases, or rents in counties open for spring turkey hunting.
- f) Recipients of Landowner/Tenant permits to hunt their owned or leased property may apply for a second permit in the third lottery (the first working day after February 8), and a third permit in the Random Daily Drawing period that begins the first working day after March 8. Fees for these additional permits shall be \$15 for residents and the maximum fee as allowed by Section 2.11 of the Wildlife Code [520 ILCS 5/2.11] for nonresidents.
- g) Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:

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- 1) Submittal of a copy of property deed;
  - 2) Submittal of a copy of contract for deed;
  - 3) Submittal of copy of most recent real estate tax statement upon which landowner's name appears;
  - 4) Submittal of a copy of a Farm Service Agency 156EZ form; or
  - 5) Submittal of a copy of trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a current income beneficiary of the trust.
- h) If you are applying for a tenant permit, you are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:
- 1) Submittal of a copy of a lease (not a hunting rights lease) or rental agreement, file stamped as recorded by the County Clerk, covering the current year; or
  - 2) Submittal of a copy of a Farm Service Agency 156EZ form.
- i) If the property is owned or rented by more than one person: Only one landowner (and his immediate family) or one tenant (and his immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate families may receive turkey permits.
- j) Shareholder/Member/Beneficiary/Partner Landowner Permits
- 1) Bona fide equity shareholders of corporations, bona fide equity members of limited liability companies, current income beneficiaries of trusts and bona fide equity partners of general or limited partnerships owning 40 or more acres of land in a county may apply for a free permit to hunt the corporation, limited liability company, trust or partnership lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county, shall be issued based on ownership of lands by corporations, trusts and limited liability companies. Only one permit for 40 acres, for a

## DEPARTMENT OF NATURAL RESOURCES

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maximum of 3 permits per county, shall be issued based on ownership of lands by partnerships. Lands leased to corporations, limited liability companies, trusts or partnerships shall not be considered as a basis for a free permit for the shareholders/members/beneficiaries/partners of the lessee. Lands held in trust by corporations, limited liability companies or partnerships shall not be considered as a basis for a free permit by the shareholders/members/partners of the trustee. If application is made for a free permit based upon lands owned by the corporation, limited liability company, trust or partnership, a duly authorized officer of the corporation, limited liability company, trust or partnership must sign a notarized statement authorizing the applicant to hunt on the corporate, company, trust or partnership lands for which a permit is being requested. This statement must identify the applicant as a bona fide equity shareholder, member, beneficiary or partner as defined in ~~subsection~~ (j)(2), (3) and (4), identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation, limited liability company, trust or partnership lands. This document must be attached to the application upon submittal to the Permit Office. This shareholder/member/beneficiary/partner turkey permit shall be free to resident shareholders/members/beneficiaries/partners ~~eligible residents~~ and the cost to nonresident shareholders and members ~~eligible nonresidents~~ shall be \$37.50. Nonresident partners are not eligible to receive permits for partnership lands.

- 2) Bona fide equity shareholder means an individual who:
  - A) purchased, for market price, publicly sold stock shares in a corporation; purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation; or is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation accurately reflecting his or her percentage of ownership; and
  - B) intends to retain the ownership of the shares of stock for at least 5 years.
  
- 3) Bona fide equity member means an individual who:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- A) became a member upon the formation of the limited liability company; or has purchased a distributional interest in a limited liability company for a value equal to the percentage of the appraised value of the limited liability company assets represented by the distributional interest in the limited liability company and subsequently becomes a member of the company pursuant to Article 30 of the Limited Liability Company Act [805 ILCS 180].
- B) intends to retain the membership for at least 5 years.
- 4) Current income beneficiary means an individual who, at the time of application for a permit, is entitled to income (whether income exists or not) from the trust that owns the land the applicant wishes to hunt with no condition precedent (such as surviving another person, reaching a certain age, etc.) other than the trustee distributing the income, and is listed by name in the trust documents as an income beneficiary.
- 5) Bona fide equity partner means an individual who:
  - A) became a partner, either general or limited, upon the formation of a partnership or limited partnership, or has purchased, acquired, or been gifted a partnership interest accurately representing his or her percentage distributional interest in the profits, losses, and assets of a partnership or limited partnership;
  - B) intends to retain ownership of the partnership interest for at least 5 years; and
  - C) is a resident of Illinois as defined in Section 2.26 of the Wildlife Code.

(Source: Amended at 31 Ill. Reg. 16476, effective November 28, 2007)

**Section 710.30 Turkey Hunting Regulations**

It is unlawful:

- a) 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

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## NOTICE OF ADOPTED AMENDMENTS

the removal of the bait);

- b) to take any wild turkey except a hen with a visible beard or a gobbler (male);
- c) to take, or attempt to take, more than three wild turkeys during the spring season, one must have a valid permit for each turkey that is taken;
- d) to use any weapon except a shotgun or bow and arrow. #4 shot is the largest and #7½ is the smallest size shot that may be legally used or possessed while turkey hunting. 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 expandable blades, but they must have a minimum ? 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;
- e) to hunt except from ½ hour before sunrise to 1:00 p.m. during each day of the season;
- f) for any person having taken the legal limit of wild turkeys to further participate with a weapon in any hunting party for the purpose of taking additional wild turkeys;
- g) for any person to possess while in the field during wild turkey season any turkey permit issued to another person (permits are non-transferable);
- h) 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 as the turkey was taken by calling the toll-free telephone check-in system at 1-866-ILCHECK or by accessing the on-line check-in system at <http://dnr.state.il.us/vcheck>. Hunters must provide all information requested by the 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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

the hunter on 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;

- i) for any person to shoot a wild turkey while it is in a tree before 7:00 a.m.;
- j) for any person to hunt wild turkeys without possessing a Wild Turkey Hunting Permit which shall include the hunter's signature recorded on the permit and carried on the person while hunting, except that a person without a weapon may accompany a turkey hunter as a caller or observer;
- k) for any person to use a turkey call that imitates sounds made by a turkey or to attempt to call a turkey by making these sounds while in the field in the Southern Zone from March 15 through the day before the 1<sup>st</sup> turkey season and in the Northern Zone from March 22 through the day before the 1<sup>st</sup> turkey season. This prohibition only applies in counties open to spring turkey hunting. This prohibition does not apply to participants in the Youth Turkey Hunt with a valid permit, or their accompanying adult, during that season as prescribed by Section 710.70.

(Source: Amended at 31 Ill. Reg. 16476, effective November 28, 2007)

**Section 710.50 Regulations at Various Department-Owned or -Managed Sites**

- a) Hunters who intend to hunt Department sites and who have a physical disability that requires special accommodations must contact the site superintendent at least 10 days before the date they wish to hunt. The site superintendent shall make reasonable accommodations necessary to allow the disabled person to participate in the hunting experience at the site. Disabled hunters who require an aide or assistant with them during the hunt are responsible for providing the aide or assistant and notifying the site superintendent that an assistant will be present, and whether the assistant will also be hunting.
- b) Hunters must sign in/sign out at all sites in subsections (c) and (d) that which are followed by a (1).
- c) Statewide regulations shall apply for the following sites:

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Anderson Lake Conservation Area (1)

Argyle Lake State Park (1)

Cache River State Natural Area (1)

Campbell Pond Wildlife Management Area

[Cape Bend State Fish and Wildlife Area \(1\)](#)

Carlyle Lake Wildlife Management Area

Cypress Pond State Natural Area (1)

Deer Pond State Natural Area (1)

Devil's Island State Fish and Wildlife Area

Dog Island Wildlife Management Area (1)

Ferne Clyffe State Park - Cedar Draper Bluff Hunting Area (1)

Fort de Chartres State Historic Site (muzzleloading shotgun or archery only; no in-line muzzleloading shotguns or muzzleloaders with scopes allowed) (1)

Giant City State Park (1)

Horseshoe Lake Conservation Area - Alexander County (controlled goose hunting area and public hunting area only) (1)

[Horseshoe Lake State Park \(Madison County\) - Gabaret, Mosenthein, Chouteau Island Units \(all hunters must obtain a free site permit\)](#)

Jubilee State Park (archery only) (1)

Kaskaskia River State Fish and Wildlife Area (no hunting east of and within 50 yards of the defined Baldwin Lake Waterfowl Rest Area's main north-south road, within 100 yards of any house or building, or south of

## DEPARTMENT OF NATURAL RESOURCES

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the Dry Lake access road; a hunter with a P-2 handicapped certification, accompanied by a non-hunting attendant, may hunt at the site's designated handicapped hunting spot within this closed area; the hunting spot will be allocated on a first come-first served basis or via a drawing, if needed, held at the site office) (1)

Kinkaid Lake Fish and Wildlife Area (1)

Mark Twain National Wildlife Refuge, Gardner Division

Mississippi River Fish and Wildlife Area (Pools 25 and 26)

Mississippi River Pools 16, 17, 18, 21, 22, and 24

Nauvoo State Park (Max Rowe Unit only)

Oakford Conservation Area

Pere Marquette State Park (designated area only) (1)

Ray Norbut Fish and Wildlife Area (1)

Rend Lake Project Lands and Waters except Wayne Fitzgerald State Park

Saline County Fish and Wildlife Area (1)

Sanganois Conservation Area (site issued free permit required)

Sielbeck Forest State Natural Area (1)

Skinner Farm State Habitat Area (1)

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area (1)

Union County Conservation Area - Firing Line Unit and Public Hunting Area only (1)

## DEPARTMENT OF NATURAL RESOURCES

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Weinberg-King State Park (1)

Weinberg-King State Park (Cecil White Unit)

Weinberg-King State Park (Spunky Bottoms Unit)

Wildcat Hollow State Forest (1)

- d) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 710.20. This permit is only valid for the specific site and season indicated on the permit.

Apple River Canyon State Park - Thompson and Salem Units (1)

Beaver Dam State Park

Big Bend State Fish and Wildlife Area (1)

Big River State Forest (1)

Burning Star 5 (preseason scouting is permitted beginning the Saturday prior to the regular season; hunters must have their permit in possession while scouting; permit holders must display a parking card on the dash of their vehicle; only hunters with valid spring turkey permits may be on the property)

Castle Rock State Park (1)

Clinton Lake State Recreation Area

Coffeen Lake State Fish and Wildlife Area

Crawford County Conservation Area

Dixon Springs State Park (youth ages 10-15 only) (1)

Falling Down Prairie State Natural Area (1)

## DEPARTMENT OF NATURAL RESOURCES

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Ferne Clyffe Hunting Area (1)

Fort Massac State Park (Youth Ages 10-15 only) (1)

Fox Ridge State Park (1)

French Bluff State Natural Area (1)

Green River State Wildlife Area (1)

Hamilton County Conservation Area

Hanover Bluff State Natural Area (1)

Harry "Babe" Woodyard State Natural Area (1)

Hidden Springs State Forest (first 2 seasons only) (1)

Horseshoe Lake State Park (Madison County)

~~Horseshoe Lake State Park (Madison County) — Gabaret, Mosenthein,  
Chouteau Island Units~~

Hurricane Creek Habitat Area (must have Fox Ridge State Park permit)  
(1)

Iroquois County State Wildlife Area

Jim Edgar Panther Creek State Fish and Wildlife Area

Johnson-Sauk Trail State Park (1)

Kankakee River State Park (hunting hours are from one-half hour before  
sunrise until 12:00 noon) (1)

Kickapoo State Park (1)

Kishwaukee River State Fish and Wildlife Area (1)

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## NOTICE OF ADOPTED AMENDMENTS

Lowden Miller State Forest (1)

Mackinaw River Fish and Wildlife Area (1)

Marseilles Fish and Wildlife Area (site is open to hunting Monday through Thursday only; hunting hours are from one-half hour before sunrise until 8:30 a.m.; if space is available after site permit holders have checked in or if there have been no site specific permits issued, La Salle County permit holders who have an unfilled permit for the current season may be allowed on the site to hunt; if more La Salle County permit holders want to hunt than there are vacancies, a daily drawing at the site hunter check station will be held to determine who may enter the site to hunt; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may only enter the site from designated parking lots) (1)

Marshall Fish and Wildlife Area (1)

Matthiessen State Park (South of Vermilion River Area) (1)

Meeker State Habitat Area

Mermet Lake State Fish and Wildlife Area (1)

Middlefork State Fish and Wildlife Management Area (1)

Mississippi Palisades State Park (closed during the fifth season) (1)

Momence Wetlands (1)

Moraine View State Park (no hunting on weekends during 4<sup>th</sup> and 5<sup>th</sup> season) (1)

Newton Lake Fish and Wildlife Area

Pere Marquette State Park (Piasa, Quotoga, Potawatomi Camp Areas) (no hunting allowed on weekends)

Pyramid State Park (1)

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Pyramid State Park - East Conant Unit

Ramsey Lake State Park (1)

Randolph County Conservation Area (a handicapped hunter with a P-2 handicapped certification, accompanied by a non-hunting attendant, wanting to hunt at one of the site's two designated handicapped hunting spots is not required to have a site-specific permit; these hunting spots will be allocated on a first come-first served basis or via a drawing, if needed, held at the site office) (1)

Red Hills State Park

Red Hills State Park/Chauncey Marsh

Sahara Woods (1)

Sam Dale Lake Conservation Area (1)

Sam Parr State Park

Sand Ridge State Forest

Sandy Ford State Natural Area

Sangamon County Conservation Area

Sanganois Conservation Area (Squirrel Timber Unit) (1)

Sangchris Lake State Park

Siloam Springs State Park (1)

Siloam Springs State Park (Buckhorn Unit) (1)

Spoon River State Forest (1)

Stephen A. Forbes State Park (1)

## DEPARTMENT OF NATURAL RESOURCES

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Tapley Woods State Natural Area (1)

Ten Mile Creek Fish and Wildlife Area

Washington County Conservation Area (hunting hours are from ½ hour before sunrise until 12:00 noon) (1)

Weinberg-King State Park (Scripps Unit) (1)

Weldon Springs State Park - Piatt County Unit

Witkowsky State Wildlife Area (1)

Wolf Creek State Park (first 2 seasons only) (1)

(Source: Amended at 31 Ill. Reg. 16476, effective November 28, 2007)

**Section 710.70 Spring Youth Turkey Hunt**

- a) Hunting Dates
  - 1) Northern Zone: the Saturday and Sunday beginning 9 days prior to the opening date of the Northern Zone first spring turkey hunting season.
  - 2) Southern Zone: the Saturday and Sunday beginning 9 days prior to the opening date of the Southern Zone first spring turkey hunting season.
- b) Open Counties: All counties listed in Section 710.10 are open to Spring Youth Turkey Hunting.
- c) Eligibility: The Spring Youth Turkey Hunt is open only to Illinois residents under the age of 16 on the beginning date of the designated youth hunting days. All participating youths must have completed a Department-approved Hunter Education course.
- d) Permit Requirements - Spring Youth Turkey Hunt

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## NOTICE OF ADOPTED AMENDMENTS

- 1) All youth hunters must have a current, valid Youth 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 Youth Wild Turkey Permit application.
  - 4) Applications will be accepted through the second Monday in February.
  - 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 Youth 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.
  - 8) The Youth Turkey Hunt Permit shall be valid only for the dates and counties listed on the permit. Each youth must also possess a valid Illinois hunting license and Habitat Stamp prior to hunting, unless exempt. Hunting without a permit is a Class B misdemeanor [520 ILCS 5/2.9].
  - 9) A permit issued for the Youth Turkey Hunt will count toward the maximum number of permits (Section 710.20(j)) an individual can receive for the Spring Wild Turkey Season .
- e) Youth Turkey Hunting Regulations

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## NOTICE OF ADOPTED AMENDMENTS

- 1) Each Illinois Youth Turkey Hunt Permit holder is required to be accompanied afield 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 shall be subject to the criminal penalties provided by law.
  - 2) All regulations prescribed by Section 710.30 of this Part apply during the Youth Turkey Hunt.
- f) The following sites will be open to holders of a valid Youth Turkey Hunt Permit for the county in which the site is located. Persons wishing to hunt one of the listed sites should contact that site prior to hunting for information about site regulations and restrictions.

Anderson Lake Fish and Wildlife Area

Apple River Canyon State Park - Thompson and Salem Units (1)

Argyle Lake State Park

Big Bend Fish and Wildlife Area (Whiteside County)

Big River State Forest

Cache River State Natural Area

[Cape Bend State Fish and Wildlife Area](#)

Castle Rock State Park

~~[Clinton Lake State Recreation Area](#)~~

Crab Orchard National Wildlife Refuge Public Hunting Area

Crawford County Conservation Area

## DEPARTMENT OF NATURAL RESOURCES

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Cypress Pond State Natural Area

Deer Pond State Natural Area

[Devil's Island State Fish and Wildlife Area](#)

Falling Down Prairie State Natural Area (1)

~~[Ferne Clyffe State Park](#)~~

Ferne Clyffe State Park - Cedar Draper State Habitat Area

Giant City State Park

Green River State Wildlife Area

Hanover Bluff State Natural Area (1)

Horseshoe Lake Conservation Area - Alexander County

Kankakee River State Park

Kaskaskia River State Fish and Wildlife Area

Kinkaid Lake State Fish and Wildlife Area

Mackinaw River State Fish and Wildlife Area (1)

Mermet Lake State Fish and Wildlife Area

Moraine View State Park (free site permit required)

Mississippi River Area Pools 21, 22, 24, 25 and 26

Momence Wetlands

Nauvoo State Park (Max Rowe Unit Only)

## DEPARTMENT OF NATURAL RESOURCES

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Newton Lake State Fish and Wildlife Area

Pere Marquette State Park (open area south of Graham Hollow Road only)  
(1)

Pyramid State Park

Pyramid State Park - East Conant Unit

Ray Norbut Fish and Wildlife Area

Rend Lake Corps of Engineers-managed land in Jefferson and  
Franklin Counties

Rend Lake State Fish and Wildlife Area

Sam Parr State Park

Sielbeck Forest State Natural Area

Siloam Springs State Park

Siloam Springs State Park (Buckhorn Unit)

Skinner Farm State Habitat Area

Spoon River State Forest

Trail of Tears State Forest

Ten Mile Creek State Fish and Wildlife Area

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area

Weinberg-King State Park

Weinberg-King State Park (Cecil White Unit)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Weinberg-King State Park (Scripps Unit)

Weinberg-King State Park (Spunky Bottoms Unit)

~~Weldon Springs - Piatt County Unit~~

Witkowsky State Wildlife Area (1)

- g) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 710.70(d). This permit is only valid for the specific site and season indicated on the permit.

Burning Star 5 (preseason scouting is permitted beginning the Saturday prior to the youth season; hunters must have their permit in possession while scouting; permit holders must display a parking card in the dash of their vehicle)

Clinton Lake State Recreation Area

Crab Orchard National Wildlife Refuge (Closed Portion)

Ferne Clyffe State Park - Ferne Clyffe Hunting Area

Hidden Springs State Forest

Jim Edgar Panther Creek State Fish and Wildlife Area

Sangchris Lake State Park

Weldon Springs - Piatt County Unit

(Source: Amended at 31 Ill. Reg. 16476, effective November 28, 2007)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Ginseng Harvest and Commerce Regulations
- 2) Code Citation: 17 Ill. Adm. Code 1580
- 3) Section Number: 1580.10                      Adopted Action:  
Amendment
- 4) Statutory Authority: Implementing and authorized by the Ginseng Harvesting Act [525 ILCS 20]
- 5) Effective Date of Amendment: November 28, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: August 31, 2007; 31 Ill. Reg. 12445
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary
- 13) Will this amendment replace any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking was amended to update license purchasing information and to more clearly identify fees charged for licenses.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Jack Price, Legal Counsel

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

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

217/782-1809

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENT

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER d: FORESTRYPART 1580  
GINSENG HARVEST AND COMMERCE REGULATIONS

Section	
1580.10	Licensing Procedure
1580.20	Revocation of License (Repealed)
1580.30	Harvest Season
1580.35	Harvest Regulations for Wild Ginseng
1580.40	Records of Dealers
1580.50	Records of Growers
1580.60	Reports of Growers
1580.70	Certification of Ginseng Shipments

AUTHORITY: Implementing and authorized by the Ginseng Harvesting Act [525 ILCS 20].

SOURCE: Emergency rule adopted at 7 Ill. Reg. 15888, effective November 16, 1983, for a maximum of 150 days; adopted at 8 Ill. Reg. 3670, effective March 8, 1984; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 26 Ill. Reg. 16537, effective October 28, 2002; amended at 30 Ill. Reg. 458, effective January 3, 2006; amended at 31 Ill. Reg. 16501, effective November 28, 2007.

**Section 1580.10 Licensing Procedure**

- a) Ginseng dealer, grower and harvester licenses are available for purchase through DNR authorized vendors, and through DNR Direct by phone (1-888-673-7648) and over the internet (www.dnr.state.il.us)~~Ginseng dealer and grower licenses are available only through a mail application addressed to Ginseng Program, License Unit, Illinois Department of Natural Resources, One Natural Resources Way, P.O. Box 19458, Springfield IL 62794 9458. Applications must include name and address of applicant and must be accompanied by a check or money order payable to Illinois Department of Natural Resources in the amounts of \$25 for growers license, \$50 for resident dealers license and \$100 for non resident dealers license.~~
- b) Fees for licenses shall be as follows:~~Ginseng harvester licenses are available from~~

## DEPARTMENT OF NATURAL RESOURCES

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~~the Department of Natural Resources, License Unit, One Natural Resources Way, P.O. Box 19458, Springfield IL 62794-9458. The fee is \$7 plus \$.50 issuing fee. Ginseng harvester licenses may be consigned by the Department pursuant to the provision of 17 Ill. Adm. Code 2520.~~

- 1) \$25 for grower's license
  - 2) \$50 for resident dealer's license
  - 3) \$100 for non-resident dealer's license
  - 4) \$7 for ginseng harvester's license
  - 5) \$.50 issuing fee for each license
- c) Persons who purchase one and two year old live cultivated ginseng plants for the purpose of propagation are not required to obtain a ~~dealer's~~ license.

(Source: Amended at 31 Ill. Reg. 16501, effective November 28, 2007)

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Horse Health
- 2) Code Citation: 11 Ill. Adm. Code 605
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
605.10	New
605.20	New
605.30	New
605.40	New
605.50	New
605.60	New
605.70	New
605.80	New
605.90	New
605.100	New
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: December 1, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporation by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 31 Ill. Reg. 11266; August 3, 2007
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? No agreements were necessary.
- 13) Will these rules replace any emergency rulemakings currently in effect? No
- 14) Are there any other proposed rules pending in this Part? No

ILLINOIS RACING BOARD

NOTICE OF ADOPTED RULES

15) Summary and purpose of Rulemaking: The proposed rulemaking creates Part 605 as the first phase of the Board's efforts to consolidate the harness and thoroughbred rules. The repeal of existing rules regarding horse health have been filed concurrently.

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

Mickey Ezzo  
Illinois Racing Board  
100 West Randolph, Suite 7-701  
Chicago, Illinois 60601

312/814-5017

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

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED RULES

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING  
CHAPTER I: ILLINOIS RACING BOARD  
SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 605  
HORSE HEALTH

## Section

605.10	State Veterinarian and Veterinarian's List
605.20	Report Deceased and Sick Horses
605.30	Observe Sanitary, Safety, Humane Rules
605.40	Valid Health Certificate
605.50	Coggins Test
605.60	Equine Herpesvirus (EHV-1)
605.70	Sterile Equipment and Disposable Needles
605.80	Bandages
605.90	Humane Treatment of Horses
605.100	Pest Control and Clean Equipment

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

SOURCE: Adopted at 31 Ill. Reg. 16505, effective December 1, 2007.

**Section 605.10 State Veterinarian and Veterinarian's List**

- a) The State Veterinarian shall report to the Stewards all examinations and inspections of any horse or premises under the jurisdiction of the Board.
- b) The State Veterinarian shall establish procedures, relative to this Part, that will govern all practicing veterinarians at the race track.
- c) The State Veterinarian shall be consulted about any alleged violations of this Part. Investigations will be made and reported promptly to the Board. The Board shall suspend or revoke the license of any person violating this Part.
- d) The State Veterinarian shall maintain a veterinarian's list and any horse excused through sickness or disability shall be placed on the list. Any horse placed on the

## ILLINOIS RACING BOARD

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list shall not be permitted to enter or start in a race until its name is removed from the list.

- e) In thoroughbred racing, horses shall remain on the veterinarian's list at least five calendar days, unless, in the opinion of the State Veterinarian its name should be removed earlier. A workout at a distance specified by the State Veterinarian may be required prior to removing a horse from the list.
- f) At the close of each meeting, the State Veterinarians shall make a written report to the Board of the conditions of the meeting and any recommendations they deem advisable.

**Section 605.20 Report Deceased and Sick Horses**

- a) The attending veterinarian and the trainer shall report immediately to the State Veterinarian:
  - 1) Castrations, neurectomies, and all major surgical procedures.
  - 2) Contagious and "exotic" appearing diseases.
  - 3) Deceased horses.
  - 4) Sick or disabled horses.
- b) No deceased or sick horse may be removed from the grounds of a licensed race track operator without the prior approval of the State Veterinarian's office.

**Section 605.30 Observe Sanitary, Safety, Humane Rules**

A trainer shall see to it that the stables and immediate surrounding area assigned to him or her are sanitary at all times and that the humane laws of the State of Illinois are observed, and that the fire prevention rules (especially no-smoking in the stable area) are strictly observed at all times. Constant misuse of property will be considered when stall assignments are made.

**Section 605.40 Valid Health Certificate**

A certificate of veterinary inspection and entry permit are not required for Illinois equine. Illinois equine traveling out of the State, for 30 consecutive days or less, on an Illinois certificate

## ILLINOIS RACING BOARD

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of veterinary inspection are not required to obtain a permit to return home. If, however, Illinois equine are out of the State longer than 30 days (i.e., boarding, training), a certificate of veterinary inspection issued by the state where the animal has been residing and an entry permit will be required. Once an animal has been out of the State longer than 30 days, it is no longer recognized as being an Illinois native animal. All equine entering Illinois for any reason other than slaughter must be accompanied by a negative test for equine infectious anemia (EIA) conducted within a year if the animal is more than one year of age, certificate of veterinary inspection issued by an accredited veterinarian within 30 days prior to entry, and an entry permit number issued by the Illinois Department of Agriculture. The organization licensee shall be responsible for compliance with this Section.

**Section 605.50 Coggins Test**

Horses racing in Illinois must have a negative ELISA test (Coggins test) for equine infectious anemia (EIA) done at least once every 12 months. A current negative test certificate from a laboratory, approved by the U.S. Department of Agriculture, must be on file with the Racing Secretary. Trainers or owners shall not enter or start a horse unless the horse has a current negative Coggins test certificate on file with the Racing Secretary. Trainers or owners that do so shall be fined pursuant to the Illinois Horse Racing Act of 1975. Horses having a positive Coggins test must be removed from the race track under the direction of the State Veterinarian.

**Section 605.60 Equine Herpesvirus (EHV-1)**

All horses, including ponies, entering or stabling on the grounds of any pari-mutuel racetrack in Illinois shall have documented proof of EHV-1 vaccination administered within the prior 180 days. No entries shall be accepted by the Racing Secretary without documented proof of a current EHV-1 vaccination. The Racing Secretary shall maintain records to substantiate current vaccinations of all horses entering or stabling on the grounds.

**Section 605.70 Sterile Equipment and Disposable Needles**

- a) Veterinarians practicing on a race track where a race meet is in progress or imminent shall use one time disposable needles and shall dispose of them in an approved manner. All types of instruments used on horses, including surgical, tattooing, dental and similar items, must be properly cleaned and sterilized.
- b) No person other than a licensed veterinarian may have a needle or syringe of any kind, type or description, or an injectable drug, on his or her person or in his or

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her custody, or in the control, custody or possession of any of his or her employees.

**Section 605.80 Bandages**

The paddock judge or paddock veterinarian shall inspect bandages just prior to the participation in a race of the horse on which they are used. The judge or veterinarian may order removal and replacement of bandages if they see fit to do so. Any circumstances in the use of bandages that indicate fraud shall be reported to the Stewards. In thoroughbred racing, cold water bandages, ice-boots, or bandages of a similar nature must be removed when a horse enters the paddock for a race and may not be used for racing purposes.

**Section 605.90 Humane Treatment of Horses**

- a) No person shall subject any animal to any form of cruelty, mistreatment, neglect, abuse, abandonment, or injury on the grounds of an organization licensee.
- b) No person shall deprive any animal of necessary care, sustenance, shelter or veterinary care on the grounds of an organization licensee.

**Section 605.100 Pest Control and Clean Equipment**

- a) The race track operator shall maintain systematic, effective control against flies, mosquitoes, other insects and rats at all times during a meeting. Horses must be stabled in individual box stalls with appropriate feeding and watering facilities. Stables and immediate surrounding areas must be disinfected and kept in a sanitary condition at all times. Satisfactory drainage must be provided and manure and other refuse must be promptly and properly removed. These regulations apply to any stabling areas that the Board has approved for the race track operator. The Board or its official representatives will make periodic inspections of a track. Failure to comply with sanitary practices or to provide any pest control will result in loss of racing dates.
- b) The race track operator shall maintain paddocks, starting gates and other equipment subjected to contact by different animals so that they are disinfected, kept in a clean condition, and kept in a safe condition that does not endanger animals.



ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

Illinois Racing Board  
100 West Randolph, Suite 7-701  
Chicago, Illinois 60601

312/814-5017

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

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING  
CHAPTER I: ILLINOIS RACING BOARD  
SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

PART 1306  
RACE OFFICIALS

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

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

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

## ILLINOIS RACING BOARD

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1986; amended at 30 Ill. Reg. 16319, effective October 1, 2006; amended at 31 Ill. Reg. 16511, effective December 1, 2007.

**Section 1306.230 State Veterinarian (Repealed)**

- a) ~~The state veterinarian shall report to the state steward all examinations or inspections of any horse or premises under the jurisdiction of the Board.~~
- b) ~~He shall maintain a veterinarian's list and any horse that is ill, infirm or extremely lame shall be placed on said list. Any horse placed on said list shall not be permitted to enter in a race until his name is removed from the list.~~

(Source: Repealed at 31 Ill. Reg. 16511, effective December 1, 2007)



ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

Illinois Racing Board  
100 West Randolph, Suite 7-701  
Chicago, Illinois 60601

312/814-5017

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

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING  
CHAPTER I: ILLINOIS RACING BOARD  
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PART 1309  
ELIGIBILITY AND QUALIFICATION FOR RACES

## Section

1309.10	Eligibility Certificate
1309.20	Registration
1309.30	Leased Horses
1309.40	Sale or Lease During Current Year
1309.50	Tampering With Eligibility Certificate
1309.60	Corrections on Eligibility Certificates
1309.70	Loss or Destruction of Certificate
1309.80	Time Bars Prohibited
1309.90	Racing Secretary Shall Prescribe Conditions
1309.100	Conflicting Conditions
1309.110	Condition Books
1309.120	Races to be Offered
1309.130	Invitational Races
1309.140	Rejection of Declarations
1309.150	Eligibles Posted
1309.160	AGID (Coggins) Test <a href="#">(Repealed)</a>

**AUTHORITY:** Authorized by and implementing Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1979, ch. 8, par. 37-9(b)).

**SOURCE:** Published in Rules and Regulations of Harness Racing, (original date not cited in publication); amended December 9, 1977, filed December 29, 1977; codified at 5 Ill. Reg. 10931; emergency amendment at 31 Ill. Reg. 7152, effective May 1, 2007, for a maximum of 150 days; emergency expired September 27, 2007; amended at 31 Ill. Reg. 16515, effective December 1, 2007.

**Section 1309.160 AGID (Coggins) Test [\(Repealed\)](#)**

~~Horses racing in Illinois must have a negative Agar-Gel immunodiffusion test (Coggins test) done at least once every twelve months. A current negative test certificate from a laboratory,~~

## ILLINOIS RACING BOARD

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~~approved by the U.S. Department of Agriculture, must be on file with the Racing Secretary. Trainers that start a horse without having a current negative test certificate on file with the Racing Secretary may be fined. The state veterinarian may draw blood from any horse on the grounds for the purpose of conducting the Agar Gel immunodiffusion (Coggins) test.~~

(Source: Repealed at 31 Ill. Reg. 16515, effective December 1, 2007)

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: General Licensee Rules
- 2) Code Citation: 11 Ill. Adm. Code 1313
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1313.20	Repeal
1313.30	Repeal
1313.90	Repeal
1313.120	Repeal
1313.130	Repeal
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: December 1, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporation by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 31 Ill. Reg. 11276; August 3, 2007
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? No agreements were necessary.
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rulemaking: The proposed rulemaking repeals Sections 20, 30, 90, 120 and 130 as the first phase of the Board's efforts to consolidate the harness and thoroughbred rules. Proposed rules have been filed concurrently to establish a new Part 605 dedicated to horse health.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

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

Mickey Ezzo  
Illinois Racing Board  
100 West Randolph, Suite 7-701  
Chicago, Illinois 60601

312/814-5017

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

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING  
CHAPTER I: ILLINOIS RACING BOARD  
SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

PART 1313  
GENERAL LICENSEE RULES

## Section

1313.10	Worker's Compensation (Repealed)
1313.20	Health Regulations ( <a href="#">Repealed</a> )
1313.30	Observe Sanitary, Safety, Humane Rules ( <a href="#">Repealed</a> )
1313.40	Halters
1313.48	Safety Helmets
1313.50	Equipment Change and Records
1313.60	Sulky Performance Standards
1313.70	Horses in Paddock
1313.80	Body Alcohol Testing
1313.90	Deceased and Sick Horses ( <a href="#">Repealed</a> )
1313.100	Firearms
1313.110	Private Practice Prohibited
1313.120	Veterinarian Reports ( <a href="#">Repealed</a> )
1313.130	Clean Equipment ( <a href="#">Repealed</a> )

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

SOURCE: Published in Rules and Regulations of Harness Racing, (original date not cited in publication); passed July 11, 1972; amended April 13, 1973; amended June 11, 1973; amended October 25, 1973, filed December 17, 1973 codified at 5 Ill. Reg. 10937; amended at 11 Ill. Reg. 14816, effective August 24, 1987; amended at 11 Ill. Reg. 20205, effective December 31, 1987; amended at 18 Ill. Reg. 15442, effective September 30, 1994; emergency amendment at 28 Ill. Reg. 5713, effective March 24, 2004, for a maximum of 150 days; emergency expired August 20, 2004; amended at 28 Ill. Reg. 12119, effective August 22, 2004; amended at 29 Ill. Reg. 19688, effective December 1, 2005; amended at 31 Ill. Reg. 16519, effective December 1, 2007.

**Section 1313.20 Health Regulations ([Repealed](#))**

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~~A certificate of veterinary inspection and entry permit are not required for Illinois equine. Illinois equine traveling out of the State on an Illinois certificate of veterinary inspection are not required to obtain a permit to return home. If, however, Illinois equine are out of the State longer than 30 days (i.e., boarding, training), a certificate of veterinary inspection issued by the state where the animal has been residing and an entry permit will be required. Once an animal has been out of the State longer than 30 days, it is no longer recognized as being an Illinois native animal. All equine entering Illinois for any reason other than slaughter must be accompanied by a negative test for equine infectious anemia (EIA) conducted within a year if the animal is more than one year of age, certificate of veterinary inspection issued by an accredited veterinarian within 30 days prior to entry, and an entry permit number issued by the Illinois Department of Agriculture. The organization licensee shall be responsible for compliance with this Section.~~

(Source: Repealed at 31 Ill. Reg. 16519, effective December 1, 2007)

**Section 1313.30 Observe Sanitary, Safety, Humane Rules (Repealed)**

~~A trainer shall see to it that the stables and immediate surrounding area assigned to him are sanitary at all times and that the humane laws of the State of Illinois be observed, also that the fire prevention rules (especially no smoking in the stable area) be strictly observed at all times. Constant misuse of property will be considered when stall assignments are made.~~

(Source: Repealed at 31 Ill. Reg. 16519, effective December 1, 2007)

**Section 1313.90 Deceased and Sick Horses (Repealed)**

~~No deceased or sick horse may be removed from the grounds of a licensed race track operator without the prior approval of the state veterinarian's office.~~

(Source: Repealed at 31 Ill. Reg. 16519, effective December 1, 2007)

**Section 1313.120 Veterinarian Reports (Repealed)**

~~Reportable in writing within 48 hours to the state veterinarian by the attending veterinarian and the trainer are:~~

- ~~a) Castrations, neurectomies, and all other major surgical procedures.~~
- ~~b) Contagious and "exotic" appearing diseases.~~

## ILLINOIS RACING BOARD

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- e) ~~Expired horses.~~

(Source: Repealed at 31 Ill. Reg. 16519, effective December 1, 2007)

**Section 1313.130 Clean Equipment (Repealed)**

- a) ~~Paddocks, starting gates and other equipment subjected to contact by different animals must be kept in a clean condition and free from dangerous surfaces by management.~~

~~Sterile equipment must be used for collecting material for the saliva and blood tests. All types of instruments used on horses, including surgical, tattooing, dental, and similar items, must be properly cleaned and sterilized by boiling for 15 minutes or autoclaving 15 minutes at 15 pounds pressure before use on each animal.~~

(Source: Repealed at 31 Ill. Reg. 16519, effective December 1, 2007)



ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

Illinois Racing Board  
100 West Randolph, Suite 7-701  
Chicago, Illinois 60601

312/814-5017

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

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING  
CHAPTER I: ILLINOIS RACING BOARD  
SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

PART 1320  
FORBIDDEN CONDUCT

## Section

1320.10	Improper Conduct
1320.20	Assault and/or Battery
1320.30	Conspiracy Not to Race
1320.40	Demand Special Rewards
1320.50	Betting On Starters
1320.60	Fraudulent Proposals
1320.70	Acts Injurious to Racing
1320.80	Conspiracy to Violate Rules
1320.90	Sworn Oaths
1320.100	Association with Undesirables
1320.110	Bookmaking
1320.120	Solicitation of Wagers
1320.130	Betting By Board Employees
1320.140	Sale of Products by Board Appointees (Repealed)
1320.150	Humane Treatment of Horses ( <u>Repealed</u> )

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

SOURCE: Published in Rules and Regulations of Harness Racing (original date not cited in publication); codified at 5 Ill. Reg. 10948; amended at 9 Ill. Reg. 11653, effective July 15, 1985; amended at 18 Ill. Reg. 17751, effective November 28, 1994; amended at 20 Ill. Reg. 5883, effective April 15, 1996; amended at 31 Ill. Reg. 16524, effective December 1, 2007.

**Section 1320.150 Humane Treatment of Horses (Repealed)**

- a) ~~No person shall subject any animal to any form of cruelty, mistreatment, neglect, abuse, abandonment, or injury on the grounds of an organization licensee.~~
- b) ~~No person shall deprive any animal of necessary care, sustenance, shelter or~~

ILLINOIS RACING BOARD

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~~veterinary care on the grounds of an organization licensee.~~

(Source: Repealed at 31 Ill. Reg. 16524, effective December 1, 2007)

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Officials of Meeting
- 2) Code Citation: 11 Ill. Adm. Code 1403
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1403.60	Repeal
1403.63	Repeal
1403.66	Repeal
1403.74	Repeal
1403.77	Repeal
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: December 1, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporation by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 31 Ill. Reg. 11289; August 3, 2007
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? No agreements were necessary.
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rulemaking: The proposed rulemaking repeals certain Sections of Part 1403 as the first phase of the Board's efforts to consolidate the harness and thoroughbred rules. Proposed rules have been filed concurrently to establish a new Part 605 dedicated to horse health.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

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

Mickey Ezzo  
Illinois Racing Board  
100 West Randolph, Suite 7-701  
Chicago, Illinois 60601

312/814-5017

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

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING  
CHAPTER I: ILLINOIS RACING BOARD  
SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING  
(THOROUGHBRED)

PART 1403  
OFFICIALS OF MEETING

Section	
1403.10	Designation of Officials
1403.20	Wagering Prohibited
1403.30	Patrol Judges
1403.40	Leaving Employment
1403.60	State Veterinarians Report Examinations <a href="#">(Repealed)</a>
1403.63	Veterinarians' List <a href="#">(Repealed)</a>
1403.66	Reports at Close of Meeting <a href="#">(Repealed)</a>
1403.68	Dental Work on Horse (Repealed)
1403.70	Paddock Judge
1403.74	Inspection of Bandages <a href="#">(Repealed)</a>
1403.77	Ice Bandages <a href="#">(Repealed)</a>
1403.80	Jockey Room Custodian

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

SOURCE: Published in Rules and Regulations of Horse Racing (original date not cited in publication); amended November 17, 1977, filed December 29, 1977; codified at 5 Ill. Reg. 10962; amended at 20 Ill. Reg. 13058, effective October 1, 1996; amended at 28 Ill. Reg. 11264, effective August 1, 2004; amended at 31 Ill. Reg. 16528, effective December 1, 2007.

**Section 1403.60 State Veterinarians Report Examinations [\(Repealed\)](#)**

~~The state veterinarians shall report to the state steward all examinations or inspections of any horse or premises under the jurisdiction of the Board.~~

(Source: Repealed at 31 Ill. Reg. 16528, effective December 1, 2007)

**Section 1403.63 Veterinarians' List [\(Repealed\)](#)**

## ILLINOIS RACING BOARD

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~~The state veterinarian shall maintain a veterinarians' list and any horse placed on said list shall not be permitted to enter in a race until his name is removed from said list. Horses shall remain on said list at least five calendar days, unless in the opinion of the state veterinarians his name should be removed earlier from said list. A workout, at a distance specified by the state veterinarians, may be required prior to removing a horse from said list. The owner or trainer of a horse to be placed on the veterinarians' list for soreness or lameness by one of the state veterinarians may request a second opinion from the other official veterinarian. The official veterinarians shall then reach a mutual decision.~~

(Source: Repealed at 31 Ill. Reg. 16528, effective December 1, 2007)

**Section 1403.66 Reports at Close of Meeting (Repealed)**

~~At the close of each meeting, the state veterinarians shall make a written report to the Board of the conditions of the meeting and any recommendations they deem advisable.~~

(Source: Repealed at 31 Ill. Reg. 16528, effective December 1, 2007)

**Section 1403.74 Inspection of Bandages (Repealed)**

~~The paddock judge or paddock veterinarian shall inspect bandages just prior to the participation in a race of the horse on which they are used. They may order their removal and replacement if they see fit to do so. Should there be any circumstances in their use that indicates fraud, it shall be reported to the stewards, who after an investigation, shall report all the facts to the Board for such action as it deems appropriate.~~

(Source: Repealed at 31 Ill. Reg. 16528, effective December 1, 2007)

**Section 1403.77 Ice Bandages (Repealed)**

~~Cold water bandages, ice boots, or bandages of that nature must be removed when a horse enters the paddock for a race and such equipment may not be used for racing purposes.~~

(Source: Repealed at 31 Ill. Reg. 16528, effective December 1, 2007)

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Trainers and Owners
- 2) Code Citation: 11 Ill. Adm. Code 1410
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1410.20	Repeal
1410.25	Repeal
1410.40	Repeal
1410.50	Repeal
1410.60	Repeal
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rulemaking: December 1, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporation by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 31 Ill. Reg. 11293; August 3, 2007.
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? No agreements were necessary.
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of Rulemaking: The proposed rulemaking repeals certain Sections of Part 1410 as the first phase of the Board's efforts to consolidate the harness and thoroughbred rules. Proposed rules have been filed concurrently to establish a new Part 605 dedicated to horse health.

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

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

Mickey Ezzo  
Illinois Racing Board  
100 West Randolph, Suite 7-701  
Chicago, Illinois 60601

312/814-5017

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

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING  
CHAPTER I: ILLINOIS RACING BOARD  
SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING  
(THOROUGHBRED)

PART 1410  
TRAINERS AND OWNERS

## Section

1410.10	Absence of Trainers
1410.15	Deadline on Absence (Repealed)
1410.20	Report Disabled Horses ( <a href="#">Repealed</a> )
1410.25	Deceased or Sick Horses ( <a href="#">Repealed</a> )
1410.30	Horses Entered in the Daily Double (Repealed)
1410.40	State Veterinarians' List ( <a href="#">Repealed</a> )
1410.50	Obey Sanitary, Humane and Safety Laws ( <a href="#">Repealed</a> )
1410.55	Halters
1410.60	Report Deaths of Horses ( <a href="#">Repealed</a> )
1410.65	Fillies and Mares Bred
1410.70	Trainer Responsibility
1410.80	Employment of Veterinarians
1410.90	Harboring Unauthorized Persons
1410.95	Harboring of Drug Addicts
1410.100	Workout After Finish
1410.110	Addition to Owner-Trainer Rules
1410.115	Ownership of Horses

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1981, ch. 8, par. 37-9(b)).

SOURCE: Published in Rules and Regulations of Horse Racing, (original date not cited in publication); amended October 17, 1975, filed October 21, 1975; codified at 5 Ill. Reg. 10975; amended at 6 Ill. Reg. 10014, effective August 3, 1982; amended at 13 Ill. Reg. 1846, effective January 25, 1989; amended at 31 Ill. Reg. 16532, effective December 1, 2007.

**Section 1410.20 Report Disabled Horses ([Repealed](#))**

~~A trainer shall report all sickness or disability of his horses to the state veterinarians.~~

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

(Source: Repealed at 31 Ill. Reg. 16532, effective December 1, 2007)

**Section 1410.25 Deceased or Sick Horses (Repealed)**

~~No deceased or sick horse may be removed from the grounds of a licensed race track operator without prior approval of the state veterinarian's office.~~

(Source: Repealed at 31 Ill. Reg. 16532, effective December 1, 2007)

**Section 1410.40 State Veterinarians' List (Repealed)**

~~A horse excused through sickness or disability shall be placed on the state veterinarians' list.~~

(Source: Repealed at 31 Ill. Reg. 16532, effective December 1, 2007)

**Section 1410.50 Obey Sanitary, Humane and Safety Laws (Repealed)**

~~A trainer shall see to it that the stables and immediate surrounding area assigned to him are sanitary at all times and that the humane laws of the State of Illinois be observed, also that the fire prevention rules (especially no smoking in the stable areas) be strictly observed at all times. Constant misuse of property will be considered when stall assignments are made.~~

(Source: Repealed at 31 Ill. Reg. 16532, effective December 1, 2007)

**Section 1410.60 Report Deaths of Horses (Repealed)**

~~A trainer shall report the death of any horse to the state veterinarians at once. Castrations and other operations shall be reported to the state veterinarians at once.~~

(Source: Repealed at 31 Ill. Reg. 16532, effective December 1, 2007)



ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

Illinois Racing Board  
100 West Randolph, Suite 7-701  
Chicago, Illinois 60601

312/814-5017

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

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENT

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY  
SUBTITLE B: HORSE RACING  
CHAPTER I: ILLINOIS RACING BOARD  
SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING  
(THOROUGHBRED)

PART 1424  
REGULATIONS FOR MEETINGS  
(THOROUGHBRED)

## Section

1424.10	Illinois Racing Board Right of Entry
1424.20	Office for Racing Board
1424.25	Moving Offices (Repealed)
1424.40	Inspections and Searches
1424.45	Investigative Authority
1424.50	Allocation of Stalls
1424.55	AGID (Coggins) Test ( <a href="#">Repealed</a> )
1424.60	Distance Poles
1424.70	Arrivals, Departures and Stabling
1424.80	Departure Slips
1424.90	Horse Ambulance
1424.100	Races Per Day (Repealed)
1424.110	Extra Races
1424.120	Clockers
1424.125	Outriders
1424.140	Safety Rails
1424.150	Backstretch Paging System
1424.160	Camera
1424.170	Emergency Medical Services
1424.175	Manned Ambulance (Repealed)
1424.180	Policing of Premises
1424.190	Stable Area Security
1424.200	Stable Area Security
1424.210	Security Reports
1424.220	Night Patrol
1424.230	Telephones
1424.240	Calls Through Switchboard (Repealed)
1424.250	Races for Illinois Horses

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENT

1424.260	Breeder Awards
1424.270	Admission to Parts of Premises
1424.280	Stable Areas Fenced
1424.290	Merchandise Selling
1424.300	Tip Sheets
1424.310	Alcoholic Beverages
1424.320	Jockey Quarters
1424.330	Water Supply and Washrooms
1424.340	Drug Vendors
1424.350	Seven Day Rule
1424.353	Penalty for Violation of Rules
1424.355	Stall Availability Prior to Meet
1424.360	Notification of Change

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

SOURCE: Published in Rules and Regulations of Horse Racing (original date not cited in publication); added October 25, 1973, filed November 26, 1973; added August 8, 1973; amended February 15, 1974, filed February 28, 1974; amended April 11, 1974, filed April 30, 1974; amended July 12, 1974, filed July 22, 1974; amended October 25, 1974, filed November 7, 1974; amended March 14, 1975, filed and effective March 27, 1975; amended May 9, 1975, filed May 15, 1975; amended June 19, 1976, filed June 25, 1976; amended December 9, 1977, filed December 29, 1977; amended at 4 Ill. Reg. 41, p. 164, effective September 26, 1980; codified at 5 Ill. Reg. 10996; amended at 8 Ill. Reg. 12460, effective June 27, 1984; amended at 9 Ill. Reg. 9166, effective May 30, 1985; amended at 14 Ill. Reg. 20545, effective December 7, 1990; amended at 16 Ill. Reg. 7493, effective April 24, 1992; amended at 16 Ill. Reg. 11193, effective June 25, 1992; amended at 17 Ill. Reg. 3038, effective February 23, 1993; emergency amendment at 23 Ill. Reg. 7779, effective June 28, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13943, effective November 2, 1999; amended at 28 Ill. Reg. 6605, effective April 19, 2004; amended at 31 Ill. Reg. 16536, effective December 1, 2007.

**Section 1424.55 AGID (Coggins) Test (Repealed)**

~~Horses racing in Illinois must have a negative Agar-Gel immuno-diffusion test (Coggins) test done at least once every twelve months. A current negative test certificate from a laboratory, approved by the U.S. Department of Agriculture, must be on file with the Racing Secretary. Trainers that start a horse without a current negative test certificate on file with the Racing Secretary may be fined. The state veterinarian may draw blood from any horse on the grounds~~

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT

~~for the purpose of conducting the Agar-Gel immuno-diffusion (Coggins) test.~~ |

(Source: Repealed at 31 Ill. Reg. 16536, effective December 1, 2007)

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Horse Health Rules
- 2) Code Citation: 11 Ill. Adm. Code 1431
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1431.10	Repeal
1431.20	Repeal
1431.30	Repeal
1431.40	Repeal
1431.50	Repeal
1431.70	Repeal
1431.80	Repeal
1431.85	Repeal
1431.90	Repeal
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Repealer: December 1, 2007
- 6) Does this repealer contain an automatic repeal date? No
- 7) Does this repealer contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's central office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 31 Ill. Reg. 12155; August 17, 2007
- 10) Has JCAR issued a Statement of Objection to this repealer? 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 letter issued by JCAR? No agreements were necessary.
- 13) Will this repealer replace any emergency amendments currently in effect? No
- 14) Are there any other proposed amendments pending in this Part? No

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED REPEALER

- 15) Summary and Purpose of Repealer: The adopted rulemaking repeals all Sections of Part 1431 as the first phase of the Board's efforts to consolidate the harness and thoroughbred rules. Proposed rules have been filed concurrently to establish a new Part 605 dedicated to horse health.
- 16) Information and questions regarding this adopted repealer shall be directed to:

Mickey Ezzo  
Illinois Racing Board  
100 West Randolph, Suite 7-701  
Chicago, Illinois 60601

312/814-5017

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) Section Numbers:                      Adopted Action:  
1030.100                                      Repeal  
1030.110                                      Amendment
- 4) Statutory Authority: 625 ILCS 5/6-110(b); 625 ILCS 5/6-110(c); 625 ILCS 5/6-521
- 5) Effective Date of Amendments: November 27, 2007
- 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 amendments, including any material incorporated by reference, is on file in the Secretary of State's Division of Driver Services and is available for public inspection.
- 9) Notice of Proposed Published in Illinois Register: 31 Ill. Reg. 11503; August 10, 2007
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Technical, non-substantive changes were made as suggested by JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
1030.11	Amendment	31 Ill. Reg. 13725; October 5, 2007
1030.13	Amendment	31 Ill. Reg. 13725; October 5, 2007
1030.50	Amendment	31 Ill. Reg. 13725; October 5, 2007
1030.55	Amendment	31 Ill. Reg. 13725; October 5, 2007

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

1030.65	Amendment	31 Ill. Reg. 13725; October 5, 2007
1030.89	Amendment	31 Ill. Reg. 13725; October 5, 2007
1030.92	Amendment	31 Ill. Reg. 13725; October 5, 2007
1030.97	Amendment	31 Ill. Reg. 13725; October 5, 2007

- 15) Summary and Purpose of Amendments: Section 1030.100 is being repealed since the Office of the Secretary of State no longer places stickers for organ donor on the back of a driver's license. If a person registers to be an organ donor, the information is now printed on the front of the driver's license or identification card. An amendment is being made to Section 1030.110 to clarify the location of the sticker or decal on the reverse side of the driver's license.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Arlene J. Pulley  
Office of the Secretary of State  
Driver Services Department  
2701 South Dirksen Parkway  
Springfield, Illinois 62723

217/557-4462

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

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATEPART 1030  
ISSUANCE OF LICENSES

Section	
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License
1030.13	Denial of License or Permit
1030.15	Cite for Re-examination
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers
1030.65	Instruction Permits
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses
1030.80	Driver's License Testing/Written Test
1030.81	Endorsements
1030.82	Charter Bus Driver Endorsement Requirements
1030.83	Hazardous Material Endorsement
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts – Written and/or Road Tests
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Licenses
1030.90	Requirement for Photograph and Signature of Licensee on Driver's License
1030.91	Disabled Person/Handicapped Identification Card
1030.92	Restrictions
1030.93	Restricted Local Licenses
1030.94	Duplicate or Corrected Driver's License or Instruction Permit

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

- 1030.95 Consular Licenses (Repealed)
- 1030.96 Seasonal Restricted Commercial Driver's License
- 1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
- 1030.98 School Bus Commercial Driver's License
- 1030.100 Anatomical Gift Donor ([Repealed](#))
- 1030.110 Emergency Medical Information Card
- 1030.115 Change-of-Address
- 1030.120 Issuance of a Probationary License
- 1030.130 Grounds for Cancellation of a Probationary License
- 1030.140 Use of Captured Images
- 1030.APPENDIX A Questions Asked of a Driver's License Applicant
- 1030.APPENDIX B Acceptable Identification Documents

**AUTHORITY:** Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

**SOURCE:** Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill. Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007; amended at 31 Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg. 11342, effective July 18, 2007;

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

amended at 31 Ill. Reg. 14547, effective October 9, 2007; amended at 31 Ill. Reg. 14849, effective October 22, 2007; amended at 31 Ill. Reg. 16543, effective November 27, 2007.

**Section 1030.100 Anatomical Gift Donor (Repealed)**

- a) ~~Every licensee who is an Anatomical Gift Donor may place a sticker or decal, in appropriate language, on his driver's license indicating that said licensee carries a Uniform Anatomical Gift Card conforming to the provisions of the Uniform Anatomical Gift Act (Ill. Rev. Stat. 1981, ch. 110½ pars 301 et. seq.)~~
- b) ~~The sticker or decal shall not exceed one-half inch in vertical height or one inch in horizontal width and shall be placed on the reverse or back of said donor's license in the upper right hand corner in such a manner so that none of the printed material on said license is in any way obliterated.~~

(Source: Repealed at 31 Ill. Reg. 16543, effective November 27, 2007)

**Section 1030.110 Emergency Medical Information Card**

- a) Every licensee who carries an Emergency Medical Information Card may place a sticker or decal, in appropriate language, on his/her driver's license indicating that said licensee carries an Emergency Medical Information Card.
- b) The sticker or decal shall be in a form approved by the Secretary of State and shall be placed on the reverse side of the driver's license in an area so designated on the license by the Secretary of State~~not exceed one-half inch in vertical height or one inch in horizontal width and shall be placed on the reverse of back of said drivers license in the upper right portion immediately beneath the area currently reserved for the Uniform Anatomical Gift Card Sticker, in such a manner so that none of the printed material on said license is in any way obliterated.~~

(Source: Amended at 31 Ill. Reg. 16543, effective November 27, 2007)

## DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

## NOTICE OF CORRECTION TO NOTICE ONLY

- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) The Notice of Proposed Amendments being corrected appeared at: 31 Ill. Reg. 15424; November 26, 2007
- 4) The information being corrected is as follows: Information appeared in the introductory notice pages of these proposed amendments at #13(A) that stated the amendments would not have an impact on small businesses, small municipalities, and non-for-profit corporations. This information appeared in error. The proposed amendments may have an impact on Medicaid providers. The Department regrets any inconvenience this error may have caused.

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 November 27, 2007 through December 3, 2007 and have been scheduled for review by the Committee at its December 11, 2007 or January 9, 2008 meetings. 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>
1/9/08	<u>Department of Revenue</u> , Income Tax (86 Ill. Adm. Code 100)	10/5/07 31 Ill. Reg. 13697	12/11/07
1/9/08	<u>Department of Public Health</u> , Smoke Free Illinois Code (77 Ill. Adm. Code 975)	10/5/07 31 Ill. Reg. 13672	12/11/07
1/10/08	<u>Department of Revenue</u> , Income Tax (86 Ill. Adm. Code 100)	10/12/07 31 Ill. Reg. 14217	1/9/08
1/11/08	<u>Pollution Control Board</u> , Water Quality Standards (35 Ill. Adm. Code 302)	8/3/07 31 Ill. Reg. 11028	1/9/08

## DEPARTMENT OF NATURAL RESOURCES

NOTICE OF AGENCY RESPONSE TO JOINT COMMITTEE ON ADMINISTRATIVE  
RULES STATEMENT OF OBJECTION TO EMERGENCY RULEMAKING

- 1) Heading of the Part: Youth Hunting Seasons
- 2) Code Citation: 17 Ill. Adm. Code 685
- 3) 

<u>Section Numbers:</u>	<u>Action:</u>
685.10	Agreement with JCAR finding
685.20	
685.40	
685.50	
- 4) Date Notice of Emergency Rules Published in the Register: 31 Ill. Reg. 12096; August 10, 2007
- 5) Date JCAR Statement of Objection Published in the Register: 31 Ill. Reg. 14118; October 5, 2007
- 6) Agency Response to Specific Joint Committee Objection: At its meeting on September 18, 2007, the Joint Committee on Administrative Rules objected to the Department's use of emergency rulemaking to adopt amendments to this Part because any emergency situation that had arisen was agency-created. Since this Part is updated annually, the Joint Committee on Administrative Rules advised that the Department should have anticipated the need for these amendments.

The emergency amendments were replaced effective October 18, 2007 in the November 2, 2007 *Illinois Register* at 31 Ill. Reg. 14829, when the permanent amendments were adopted. However, the Department agrees that we should have anticipated the situation and filed the proposed amendments in a more timely manner.

## DEPARTMENT OF NATURAL RESOURCES

## JANUARY 2008 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Rulemaking and Organization - 2 Ill. Adm. Code 825
- 1) Rulemaking:
- A) Description: Proposed amendments will update procedures for rulemaking and the organization structure.
- B) Statutory Authority: Implementing and authorized by Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: June 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Jack Price  
Address: One Natural Resources Way  
Springfield, IL 62702-1271  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- b) Part(s) (Heading and Code Citation): Freedom of Information - 2 Ill. Adm. Code 826
- 1) Rulemaking:
- A) Description: Add information pertaining to lists available for purchase and to update costs for information.
- B) Statutory Authority: Implementing and authorized by the Freedom of Information Act [5 ILCS 140/1 et seq.].
- C) Scheduled meeting/hearing dates: None

## DEPARTMENT OF NATURAL RESOURCES

## JANUARY 2008 REGULATORY AGENDA

- D) Date agency anticipates First Notice: February 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Jack Price  
Address: One Natural Resources Way  
Springfield, IL 62702-1271  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- c) Part(s) (Heading and Code Citation): Americans With Disabilities Act Grievance Procedure – 4 Ill. Adm. Code 1000
- 1) Rulemaking:
- A) Description: This Part is being amended to incorporate the Department's current address.
- B) Statutory Authority: Implementing Title II, Subtitle A of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131-12134), as specified in Title II regulations (28 CFR 35.107).
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Jack Price  
Address: One Natural Resources Way  
Springfield, IL 62702-1271

## DEPARTMENT OF NATURAL RESOURCES

## JANUARY 2008 REGULATORY AGENDA

Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Camping on Department of Natural Resources Properties - 17 Ill. Adm. Code 130

1) Rulemaking:

A) Description: Amendments are necessary to update the regulations for the 2008 camping season.

B) Statutory Authority: Implementing and authorized by Sections 1 and 4(1) and (5) of the State Parks Act [20 ILCS 835/1 and 4(1) and (5)], and by Sections 63a23 and 63a28 of the Civil Administrative Code of Illinois [20 ILCS 805/63a23 and 63a28].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: January 2008

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Jack Price

Address: One Natural Resources Way  
Springfield, IL 62702-1271

Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Regulations Concerning Horse Barns at Sites Having Equestrian Use Areas - 17 Ill. Adm. Code 140

1) Rulemaking:

## DEPARTMENT OF NATURAL RESOURCES

## JANUARY 2008 REGULATORY AGENDA

- A) Description: Amendments are necessary to update regulations for overnight barn stabling of horses at Department sites having equestrian use areas.
- B) Statutory Authority: Implementing and authorized by Sections 1, 4, 4c and 6 of the "State Parks Act" [20 ILCS 835/1, 4, 4c and 6]; and by Section 5 of the State Parks Designation Act [20 ILCS 840/5].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: June 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: Will affect persons with concession contracts with DNR.
- F) Agency contact person for information:
- Name: Jack Price  
Address: One Natural Resources Way  
Springfield, IL 62702-1271  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- f) Part(s) (Heading and Code Citation): Regulations for the Letting of Concessions, Farm Leases, Sale of Buildings and Facilities, and Demolitions - 17 Ill. Adm. Code 150
- 1) Rulemaking:
- A) Description: Amendments to this Part are necessary to update regulations and selection criteria regarding concession leases, agricultural management leases, sale of buildings and facilities and demolitions.

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- B) Statutory Authority: Implementing and authorized by Sections 805-235, 805-300 and 805-330 of the Civil Administrative Code of Illinois [20 ILCS 805/805-235, 805-300 and 805-330].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: Will affect persons with concession agreements, lease agreements or contracts with DNR.
- F) Agency contact person for information:
- Name: Jack Price  
Address: One Natural Resources Way  
Springfield, IL 62702-1271  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- g) Part(s) (Heading and Code Citation): Hunting and Trapping Accidents - 17 Ill. Adm. Code 515
- 1) Rulemaking:
- A) Description: Amendments are necessary to update regulations for reporting hunting and trapping accidents to the Department.
- B) Statutory Authority: Implementing and authorized by Section 3.40 of the Wildlife Code [520 ILCS 5/3.40] and Section 63a37 of The Civil Administrative Code of Illinois [20 ILCS 805/63a37]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None

## DEPARTMENT OF NATURAL RESOURCES

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- F) Agency contact person for information:
- Name: Jack Price  
Address: One Natural Resources Way  
Springfield, IL 62702-1271  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- h) Part(s) (Heading and Code Citation): Scientific Permits - 17 Ill. Adm. Code 520
- 1) Rulemaking:
- A) Description: These amendments are being proposed to update statutory citations, regulations and the Department's address.
- B) Statutory Authority: Implementing and authorized by Sections 1-120, 1-135 and 20-100 of the Fish and Aquatic Life Code [515 ILCS 5/1-120, 1-135, 20-100] and Sections 1.2, 1.3, 2.1, 2.4, 3.22 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.1, 2.4, 3.22 and 3.26].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Jack Price  
Address: One Natural Resources Way  
Springfield, IL 62702-1271  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF NATURAL RESOURCES

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- i) Part(s) (Heading and Code Citation): Special Purpose Permits – 17 Ill. Adm. Code 522
- 1) Rulemaking:
- A) Description: This new Part establishes regulations for wildlife rehabilitation special purpose permittees.
- B) Statutory Authority: Implementing and authorized by Sections 1-125, 5-5, 20-100 and 20-105 of the Fish and Aquatic Life Code [515 ILCS 5/1-125, 5-5, 20-100 and 20-105] and Sections 2.1, 3.22 and 3.36 of the Wildlife Code [520 ILCS 5/2.1, 3.22 and 3.36].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: June 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Jack Price  
Address: One Natural Resources Way  
Springfield IL 62702-1271  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- j) Part(s) (Heading and Code Citation): Nuisance Wildlife Control Permits – 17 Ill. Adm. Code 525
- 1) Rulemaking:
- A) Description: This Part will be amended to update approved methods and regulations for issuance of permits.
- B) Statutory Authority: Implementing and authorized by Section 2.37 of the Wildlife Code [520 ILCS 5/2.37].

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- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: February 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: Persons licensed to take nuisance wildlife will need to comply with new requirements.
- F) Agency contact person for information:
- Name: Jack Price  
Address: One Natural Resources Way  
Springfield, IL 62702-1271  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- k) Part(s) (Heading and Code Citation): Use of Alternative Methods of Deer Population Control by Municipalities and Other Units of Local Government – 17 Ill. Adm. Code 527
- 1) Rulemaking:
- A) Description: Pursuant to Public Act 095-0529, effective August 28, 2007, this new Part will regulate the taking and/or possession of white-tailed deer by municipalities and other units of local government for scientific purposes for deer population control.
- B) Statutory Authority: Implementing and authorized by Section 2.39 of the Wildlife Code [520 ILCS 5/2.39]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: Participating municipalities conduct a scientific study of at least 4 years and approved by the Department on

## DEPARTMENT OF NATURAL RESOURCES

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controlling the deer population using a method in addition to taking of the deer.

F) Agency contact person for information:

Name: Jack Price  
Address: One Natural Resources Way  
Springfield, IL 62702-1271  
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

l) Part(s) (Heading and Code Citation): Cock Pheasant, Hungarian Partridge, Bobwhite Quail and Rabbit Hunting – 17 Ill. Adm. Code 530

1) Rulemaking:

A) Description: Amendments are necessary to update this Part for the 2008 hunting season.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.26, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: February 2008

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Jack Price  
Address: One Natural Resources Way  
Springfield IL 62702-1271  
Telephone: 217/782-1809

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- G) Related rulemakings and other pertinent information: None
- m) Part(s) (Heading and Code Citation): Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting – 17 Ill. Adm. Code 550
- 1) Rulemaking:
- A) Description: Amendments are necessary to update regulations for the 2008 hunting season
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Jack Price  
Address: One Natural Resources Way  
Springfield IL 62702-1271  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- n) Part(s) (Heading and Code Citation): Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Trapping – 17 Ill. Adm. Code 570
- 1) Rulemaking:

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- A) Description: This Part is being amended to update regulations for the 2008 trapping season.
- B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Jack Price  
Address: One Natural Resources Way  
Springfield IL 62702-1271  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- o) Part(s) (Heading and Code Citation): Duck, Goose and Coot Hunting – 17 Ill. Adm. Code 590
- 1) Rulemaking:
- A) Description: This Part is being amended to update regulations for the 2008 season.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8 and 3.10 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5 3.6, 3.7, 3.8 and 3.10], and Migratory Bird Hunting (50 CFR 20, effective September 26, 1990).
- C) Scheduled meeting/hearing dates: None

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- D) Date agency anticipates First Notice: February 2008
- E) Affect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Jack Price  
Address: One Natural Resources Way  
Springfield IL 62702-1271  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- p) Part(s) (Heading and Code Citation): Disease Free Certification and Quarantine Provisions for Propagation, Release, Importation, Exportation and Transportation of Game Mammals, Game Birds or Exotic Wildlife - 17 Ill. Adm. Code 630
- 1) Rulemaking:
- A) Description: These amendments are being proposed to update statutory citations.
- B) Statutory Authority: Implementing and authorized by Sections 1.10, 3.23, 3.25, 3.27, 3.34, and 3.36 of the Wildlife Code 520 ILCS 5/1.10, 3.23, 3.25, 3.27, 3.34 and 3.36].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: April 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Jack Price  
Address: One Natural Resources Way

## DEPARTMENT OF NATURAL RESOURCES

## JANUARY 2008 REGULATORY AGENDA

Springfield, IL 62702-1271

Telephone: 217/782-1809G) Related rulemakings and other pertinent information: Noneq) Part(s) (Heading and Code Citation): White-Tailed Deer Hunting By Use of Firearms – 17 Ill. Adm. Code 6501) Rulemaking:A) Description: This Part will be amended to update the rule for the 2008 hunting season. Amendments include updating application/permit requirements, firearm requirements, Statewide regulations, sites open to hunting and site-specific information.B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].C) Scheduled meeting/hearing dates: NoneD) Date agency anticipates First Notice: March 2008E) Effect on small businesses, small municipalities or not for profit corporations: NoneF) Agency contact person for information:Name: Jack Price, Legal CounselAddress: One Natural Resources Way  
Springfield IL 62702-1271Telephone: 217/782-1809G) Related rulemakings and other pertinent information: Noner) Part(s) (Heading and Code Citation): White-Tailed Deer Hunting by Use of Muzzleloading Rifles – 17 Ill. Adm. Code 6601) Rulemaking:

## DEPARTMENT OF NATURAL RESOURCES

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- A) Description: This Part will be amended to update the rule for the 2008 hunting season. Amendments include updating application/permit requirements, muzzleloading rifle requirements, Statewide regulations, sites open to hunting and site-specific information.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Jack Price, Legal Counsel  
Address: One Natural Resources Way  
Springfield IL 62702-1271  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- s) Part(s) (Heading and Code Citation): White-Tailed Deer Hunting by Use of Bow and Arrow – 17 Ill. Adm. Code 670
- 1) Rulemaking:
- A) Description: This Part will be amended to update the rule for the 2008 hunting season. Amendments include updating open seasons and counties, sites and site-specific information, hunting regulations, permit requirements and harvest reporting requirements.

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- B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Jack Price, Legal Counsel  
Address: One Natural Resources Way  
Springfield IL 62702-1271  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- t) Part(s) (Heading and Code Citation): White-Tailed Deer Hunting by Use of Handguns – 17 Ill. Adm. Code 680
- 1) Rulemaking:
- A) Description: This Part will be amended to update the rule for the 2008 hunting season. Amendments include updating Statewide requirements, permit requirements and hunting regulations.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 2008

## DEPARTMENT OF NATURAL RESOURCES

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- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Jack Price, Legal Counsel  
Address: One Natural Resources Way  
Springfield IL 62702-1271  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- u) Part(s) (Heading and Code Citation): Youth Hunting Season – 17 Ill. Adm. Code 685
- 1) Rulemaking:
- A) Description: This Part will be amended to update the rule for the 2008 hunting season.
- B) 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].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: June 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Jack Price, Legal Counsel  
Address: One Natural Resources Way  
Springfield IL 62702-1271  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF NATURAL RESOURCES

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- v) Part(s) (Heading and Code Citation): Squirrel Hunting – 17 Ill. Adm. Code 690
- 1) Rulemaking:
- A) Description: This Part is being amended to update regulations for the 2008 hunting season.
- B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Jack Price  
Address: One Natural Resources Way  
Springfield IL 62702-1271  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- w) Part(s) (Heading and Code Citation): The Taking of Wild Turkeys – Fall Gun Season – 17 Ill. Adm. Code 715
- 1) Rulemaking:
- A) Description: This Part is being amended to update regulations for the 2008 hunting season.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

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- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: February 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Jack Price  
Address: One Natural Resources Way  
Springfield IL 62702-1271  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- x) Part(s) (Heading and Code Citation): The Taking of Wild Turkeys – Fall Archery Season – 17 Ill. Adm. Code 720
- 1) Rulemaking:
- A) Description: This Part is being amended to update regulations for the 2008 hunting season.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: February 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Jack Price

## DEPARTMENT OF NATURAL RESOURCES

## JANUARY 2008 REGULATORY AGENDA

Address: One Natural Resources Way  
Springfield IL 62702-1271  
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

y) Part(s) (Heading and Code Citation): Dove Hunting – 17 Ill. Adm. Code 730

1) Rulemaking:

A) Description: This Part is being amended to update regulations for the 2008 hunting season.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: February 2008

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Jack Price  
Address: One Natural Resources Way  
Springfield IL 62702-1271  
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

z) Part(s) (Heading and Code Citation): Crow, Woodcock, Snipe, Rail and Teal Hunting – 17 Ill. Adm. Code 740

1) Rulemaking:

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- A) Description: This Part is being amended to update regulations for the 2008 hunting season.
- B) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987).
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Jack Price  
Address: One Natural Resources Way  
Springfield IL 62702-1271  
Telephone: 217/782-1809
- aa) Part(s) (Heading and Code Citation): Hunting Season for Game Breeding and Hunting Preserve Areas - 17 Ill. Adm. Code 745
- 1) Rulemaking:
- A) Description: This Part will be amended to update statutory citations and outdated language.
- B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.1, 2.2, 3.27, 3.28, 3.29 and 3.30 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.1, 2.2, 3.27, 3.28 and 3.29].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 2008

## DEPARTMENT OF NATURAL RESOURCES

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- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Jack Price  
Address: One Natural Resources Way  
Springfield, IL 62702-1271  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- bb) Part(s) (Heading and Code Citation): Commercial Fishing and Musseling in Certain Waters of the State - 17 Ill. Adm. Code 830
- 1) Rulemaking:
- A) Description: Amendments will be made to update regulations.
- B) Statutory Authority: Implementing and authorized by Sections 1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-60, 1-65, 1-120, 10-120, 15-35, 15-40, 20-35 and 25-5].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: March 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Jack Price  
Address: One Natural Resources Way  
Springfield, IL 62702-1271  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None

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- cc) Part(s) (Heading and Code Citation): Fish Salvage - 17 Ill. Adm. Code 860
- 1) Rulemaking:
- A) Description: These amendments are being proposed to update the Stautatory Authority/Citations and outdated language.
- B) Statutory Authority: Implementing and authorized by Sections 1-15, 1-20, 1-150, 5-5 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-15, 1-20, 1-150, 5-5 an 25-5].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: February 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Jack Price  
Address: One Natural Resources Way  
Springfield, IL 62702-1271  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- dd) Part(s) (Heading and Code Citation): The Taking of Reptiles and Amphibians - 7 Ill. Adm. Code 880
- 1) Rulemaking:
- A) Description: These amendments are being proposed to update the Stautatory Authority/Citations and outdated language.
- B) Statutory Authority: Implementing and authorized by Sections 5/10-30, 10-35, 10-60, 10-115, 20-5 and 20-90 of the Fish and

## DEPARTMENT OF NATURAL RESOURCES

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Aquatic Life Code [515 ILCS 5/10-30, 10-35, 10-60, 10-115, 20-5 and 20-90] and the Aquaculture Development Act [20 ILCS 215]

- C) Scheduled meeting/hearing dates: None
  - D) Date agency anticipates First Notice: February 2008
  - E) Effect on small businesses, small municipalities or not for profit corporations: None
  - F) Agency contact person for information:
    - Name: Jack Price
    - Address: One Natural Resources Way  
Springfield, IL 62702-1271
    - Telephone: 217/782-1809
  - G) Related rulemakings and other pertinent information: None
- ee) Part(s) (Heading and Code Citation): Fish Removal With Chemicals - 17 Ill. Adm. Code 890
- 1) Rulemaking:
    - A) Description: These amendments are being proposed to update the Authority Note and statutory citations.
    - B) Statutory Authority: Implementing and authorized by Sections 1-135, 1-150 and 5-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-135, 1-150 and 5-5].
    - C) Scheduled meeting/hearing dates: None
    - D) Date agency anticipates First Notice: January 2008
    - E) Effect on small businesses, small municipalities or not for profit corporations: None
    - F) Agency contact person for information:

## DEPARTMENT OF NATURAL RESOURCES

## JANUARY 2008 REGULATORY AGENDA

Name: Jack Price  
Address: One Natural Resources Way  
Springfield, IL 62702-1271  
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

ff) Part(s) (Heading and Code Citation): Consultation Procedures for Assessing Impacts of Agency Actions on Endangered and Threatened Species and Natural Areas - 17 Ill. Adm. Code 1075

1) Rulemaking:

A) Description: These amendments are being proposed to update statutory citations.

B) Statutory Authority: Implementing and authorized by Section 11(b) of the Illinois Endangered Species Protection Act [520 ILCS 10/11] and Section 17 of the Illinois Natural Areas Preservation Act [525 ILCS 30/17].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: May 2008

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Jack Price  
Address: One Natural Resources Way  
Springfield, IL 62702-1271  
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

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gg) Part(s) (Heading and Code Citation): Conservation Stewardship Program – 17 Ill. Adm. Code

1) Rulemaking:

A) Description: Program to preserve and restore unimproved land by use of conservation and management practices.

B) Statutory Authority: Implementing and authorized by the Conservation Stewardship Law [35 ILCS 200/10-400 et seq.]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: January 2008

E) Effect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

Name: Jack Price

Address: One Natural Resources Way  
Springfield, IL 62702-1271

Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

hh) Part(s) (Heading and Code Citation): Forestry Cost-Share Program - 17 Ill. Adm. Code 1536

1) Rulemaking:

A) Description: These amendments are being proposed to update the Department's address.

B) Statutory Authority: Implementing and authorized by the Illinois Forestry Development Act [525 ILCS 15].

C) Scheduled meeting/hearing dates: None

## DEPARTMENT OF NATURAL RESOURCES

## JANUARY 2008 REGULATORY AGENDA

- D) Date agency anticipates First Notice: May 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Jack Price  
Address: One Natural Resources Way  
Springfield, IL 62702-1271  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- ii) Part(s) (Heading and Code Citation): Forest Management Plan - 17 Ill. Adm. Code 1537
- 1) Rulemaking:
- A) Description: These amendments are being proposed to update statutory citations and the Department's address.
- B) Statutory Authority: Implementing and authorized by the Illinois Forestry Development Act [525 ILCS 15].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: May 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Jack Price  
Address: One Natural Resources Way  
Springfield, IL 62702-1271  
Telephone: 217/782-1809

## DEPARTMENT OF NATURAL RESOURCES

## JANUARY 2008 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: None

jj) Part(s) (Heading and Code Citation): Distribution and Sale of Plant and Plant Materials - 17 Ill. Adm. Code 1540

1) Rulemaking:

A) Description: These amendments are being proposed to update statutory citations and the Department's.

B) Statutory Authority: Implementing and authorized by the State Forest Act [525 ILCS 40]; Section 1.12 of the Wildlife Code [520 ILCS 5/1.12]; and Sections 805-105 and 805-130 of the Civil Administrative Code of Illinois [20 ILCS 805/805-105 and 805/130]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: May 2008

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Jack Price  
Address: One Natural Resources Way  
Springfield, IL 62702-1271  
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

kk) Part(s) (Heading and Code Citation): Sale of Forest Products - 17 Ill. Adm. Code 1545

1) Rulemaking:

## DEPARTMENT OF NATURAL RESOURCES

## JANUARY 2008 REGULATORY AGENDA

- A) Description: These amendments are being proposed to update statutory citations and the Department's address.
- B) Statutory Authority: Implementing and authorized by the State Forest Act [525 ILCS 40].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: May 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Jack Price  
Address: One Natural Resources Way  
Springfield, IL 62702-1271  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- II) Part(s) (Heading and Code Citation): Forest Fire Protection Districts Act - 17 Ill. Adm. Code 1560
- 1) Rulemaking:
- A) Description: These amendments are being proposed to update the Department's address.
- B) Statutory Authority: Implementing and authorized by the Forest Fire Protection District Act [425 ILCS 40].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: May 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None

## DEPARTMENT OF NATURAL RESOURCES

## JANUARY 2008 REGULATORY AGENDA

F) Agency contact person for information:

Name: Jack Price  
Address: One Natural Resources Way  
Springfield, IL 62702-1271  
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

mm) Part(s) (Heading and Code Citation): Falconry and the Captive Propagation of Raptors - 17 Ill. Adm. Code 1590

1) Rulemaking:

A) Description: These amendments are being proposed to update regulations and to update the CFR citations.

B) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.1, 2.2, 2.4, 2.6, 2.7, 2.13, 2.18, 2.20, 2.27, 2.28, 2.29, 2.30, 3.5 and 3.6 of the Wildlife Code [520 ILCS 1.3, 1.4, 2.1, 2.2, 2.4, 2.6, 2.7, 2.13, 2.18, 2.20, 2.27, 2.28, 2.29, 2.30, 3.5 and 3.6] and Section 5 of the Illinois Endangered Species Protection Act [520 ILCS 10/5].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: April 2008

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Jack Price  
Address: One Natural Resources Way  
Springfield, IL 62702-1271  
Telephone: 217/782-1809

## DEPARTMENT OF NATURAL RESOURCES

## JANUARY 2008 REGULATORY AGENDA

G) Related rulemakings and other pertinent information: None

nn) Part(s) (Heading and Code Citation): Exotic Weeds - 17 Ill. Adm. Code 1595

1) Rulemaking:

A) Description: This new rule will contain regulations pertaining to the purchase, sale, offer to sell, distribution and planting of certain plants designated as exotic weeds.

B) Statutory Authority: Implementing and authorized by Section 15 of the Department of Natural Resources Law [20 ILCS 805/805-15] and Sections 3 and 4 of the Illinois Exotic Weed Act [525 ILCS 10/3 and 10/4].

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: March 2008

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Jack Price  
Address: One Natural Resources Way  
Springfield, IL 62702-1271  
Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

oo) Part(s) (Heading and Code Citation): Boat and Snowmobile Registration and Safety - 17 Ill. Adm. Code 2010

1) Rulemaking:

A) Description: These amendments are being proposed to update the Department's address.

## DEPARTMENT OF NATURAL RESOURCES

## JANUARY 2008 REGULATORY AGENDA

- B) Statutory Authority: Implementing and authorized by Sections 3-1, 3-2, 3-3, 4-1 and 9-1 of the Boat Registration and Safety Act [625 ILCS 45/3-1, 3-2, 3-3, 4-1 and 9-1] and the Snowmobile Registration and Safety Act [625 ILCS 40].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: April 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Jack Price  
Address: One Natural Resources Way  
Springfield, IL 62702-1271  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- pp) Part(s) (Heading and Code Citation): Consignment of Licenses, Stamps and Permits - 17 Ill. Adm. Code 2520
- 1) Rulemaking:
- A) Description: These amendments are being proposed to update the Department's address.
- B) Statutory Authority: Implementing and authorized by Sections 1.4, 3.1, 3.2, 3.37, 3.38 and 3.39 of the Wildlife Code [520 ILCS 5/1.4, 3.1, 3.2, 3.37, 3.38 and 3.39] and Sections 1-125, 20-6, 20-10, 20-30, 20-45, 20-55 and 20-120 of the Fish and Aquatic Life Code [515 ILCS 5/1-125, 20-6, 20-10, 20-30, 20-45, 20-55 and 20-120].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: May 2008

## DEPARTMENT OF NATURAL RESOURCES

## JANUARY 2008 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Jack Price  
Address: One Natural Resources Way  
Springfield, IL 62702-1271  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- qq) Part(s) (Heading and Code Citation): Advertising in Department Publications - 17 Ill. Adm. Code 2650
- 1) Rulemaking:
- A) Description: These amendments are being proposed to update the Statutory Authority and to update regulations.
- B) Statutory Authority: Implementing and authorized by Section 805-430 of the Civil Administrative Code of Illinois [20 ILCS 805/805-430].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: May 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Name: Jack Price  
Address: One Natural Resources Way  
Springfield, IL 62702-1271  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF NATURAL RESOURCES

## JANUARY 2008 REGULATORY AGENDA

- rr) Part(s) (Heading and Code Citation): Illinois Snowmobile Grant Program - 17 Ill. Adm. Code 3010
- 1) Rulemaking:
- A) Description: These amendments are being proposed to update requirements pertaining to retention of records.
- B) Statutory Authority: Implementing and authorized by Sections 8-1 and 9-1 of the Snowmobile Registration and Safety Act [625 ILCS 40/8-1 and 9-1].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: This amendment will specify how long grant recipients are required to keep records.
- F) Agency contact person for information:
- Name: Jack Price  
Address: One Natural Resources Way  
Springfield, IL 62702-1271  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- ss) Part(s) (Heading and Code Citation): Snowmobile Trail Establishment Fund Grant Program - 17 Ill. Adm. Code 3020
- 1) Rulemaking:
- A) Description: These amendments are being proposed to update requirements pertaining to retention of records.

## DEPARTMENT OF NATURAL RESOURCES

## JANUARY 2008 REGULATORY AGENDA

- B) Statutory Authority: Implementing and authorized by Sections 9-1 and 9-2 of the Snowmobile Registration and Safety Act [625 ILCS 40/9-1 and 9-2].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: This amendment will specify how long grant recipients are required to keep records.
- F) Agency contact person for information:
- Name: Jack Price  
Address: One Natural Resources Way  
Springfield, IL 62702-1271  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- tt) Part(s) (Heading and Code Citation): Land and Water Conservation Fund (LWCF) Grant Program - 17 Ill. Adm. Code 3030
- 1) Rulemaking:
- A) Description: These amendments are being proposed to update requirements pertaining to retention of records.
- B) Statutory Authority: Implementing and authorized by the Outdoor Recreation Resources Act [20 ILCS 860 and the Land and Water Conservation Fund Program (36 CFR 59 and 72).
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2008

## DEPARTMENT OF NATURAL RESOURCES

## JANUARY 2008 REGULATORY AGENDA

- E) Effect on small businesses, small municipalities or not for profit corporations: This amendment will specify how long grant recipients are required to keep records.
- F) Agency contact person for information:
- Name: Jack Price  
Address: One Natural Resources Way  
Springfield, IL 62702-1271  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- uu) Part(s) (Heading and Code Citation): Illinois Bicycle Path Grant Program - 17 Ill. Adm. Code 3040
- 1) Rulemaking:
- A) Description: These amendments are being proposed to update requirements pertaining to retention of records.
- B) Statutory Authority: Implementing and authorized by Section 805-70 of the Civil Administrative Code of Illinois [20 ILCS 805/805-70] and Section 2-119 of the Illinois Vehicle Code [625 ILCS 5/2-119].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: This amendment will specify how long grant recipients are required to keep records.
- F) Agency contact person for information:
- Name: Jack Price  
Address: One Natural Resources Way  
Springfield, IL 62702-1271

## DEPARTMENT OF NATURAL RESOURCES

## JANUARY 2008 REGULATORY AGENDA

Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

vv) Part(s) (Heading and Code Citation): Off-Highway Vehicle Recreational Trails Grant Program – 17 Ill. Adm. Code 3045

1) Rulemaking:

A) Description: Changes in regulations pertaining to maintenance of trails.

B) Statutory Authority: Implementing and authorized by Section 15 of the Recreational Trails of Illinois Act [20 ILCS 862/15].

C) Scheduled meeting/hearing dates:

D) Date agency anticipates First Notice: February 2008

E) Effect on small businesses, small municipalities or not for profit corporations: Grant recipients will be required to follow changes.

F) Agency contact person for information:

Name: Jack Price

Address: One Natural Resources Way  
Springfield, IL 62702-1271

Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

ww) Part(s) (Heading and Code Citation): Open Land Trust Grant Program - 17 Ill. Adm. Code 3050

1) Rulemaking:

A) Description: These amendments are being proposed to update requirements pertaining to retention of records.

## DEPARTMENT OF NATURAL RESOURCES

## JANUARY 2008 REGULATORY AGENDA

- B) Statutory Authority: Implementing and authorized by the Open Land Trust Act [525 ILCS 33].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: This amendment will specify how long grant recipients are required to keep records.
- F) Agency contact person for information:
- Name: Jack Price  
Address: One Natural Resources Way  
Springfield, IL 62702-1271  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None
- xx) Part(s) (Heading and Code Citation): Special Wildlife Funds Grant Program - 17 Ill. Adm. Code 3060
- 1) Rulemaking:
- A) Description: These amendments are being proposed to add a new Section pertaining to wildlife rehabilitation facilities and make additional minor changes to other programs to maintain consistency throughout the rule.
- B) Statutory Authority: Implementing and authorized by Section 805-70 of the Civil Administrative Code [20 ILCS 805/805-70]; Sections 1.28, 1.29, 1.31 and 1.32 of the Wildlife Code [520 ILCS 5/1.28, 1.29, 1.31 and 1.32]; the Habitat Endowment Act [520 ILCS 25]; and the Illinois Non-Game Wildlife Protection Act [30 ILCS 155].
- C) Scheduled meeting/hearing dates: None

## DEPARTMENT OF NATURAL RESOURCES

## JANUARY 2008 REGULATORY AGENDA

- D) Date agency anticipates First Notice: January 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: This amendment will specify how long grant recipients are required to keep records.
- F) Agency contact person for information:
- Name: Jack Price  
Address: One Natural Resources Way  
Springfield, IL 62702-1271  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None

yy) Part(s) (Heading and Code Citation): Public Museum Grants Program - 17 Ill. Adm. Code 3200

- 1) Rulemaking:
- A) Description: Update regulations for administration of the public museum grant program.
- B) Statutory Authority: Implementing and authorized by Section 1-25(22) of the Department of Natural Resources Act [20 ILCS 801/1-25(22)].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: May 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: This amendment will only affect recipients of grants.
- F) Agency contact person for information:
- Name: Stanley Yonkauski  
Address: One Natural Resources Way  
Springfield, IL 62702-1271

## DEPARTMENT OF NATURAL RESOURCES

## JANUARY 2008 REGULATORY AGENDA

Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

zz) Part(s) (Heading and Code Citation): Dam Safety Devices – 17 Ill. Adm. Code 3703

1) Rulemaking:

A) Description: P.A. 095-0020, effective August 2, 2007, requires the Department to establish specifications for signs and devices that provide warnings of the presence of dams for persons using the public waters of the State.

B) Statutory Authority: Implementing and authorized by Section of The Rivers, Lakes, and Streams Act [615 ILCS 5/23b]

C) Scheduled meeting/hearing dates: None

D) Date agency anticipates First Notice: January 2008

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Jack Price

Address: One Natural Resources Way

Springfield, IL 62702-1271

Telephone: 217/782-1809

G) Related rulemakings and other pertinent information: None

aaa) Part(s) (Heading and Code Citation): The Illinois Oil and Gas Act - 62 Ill. Adm. Code 240

1) Rulemaking:

## DEPARTMENT OF NATURAL RESOURCES

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- A) Description: These amendments are being proposed to increase the amount for civil penalties for non-compliance with the rules, clarify who is required to be notified of administrative hearings by the Division of Oil and Gas, to require the GPS locations for new wells, and to clarify existing language in the rules.
- B) Statutory Authority: Implementing and authorized by Sections 6 and 8a of "The Illinois Oil and Gas Act" [225 ILCS 725/6 and 8a].
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: Yes-will impact oil and gas operators.
- F) Agency contact person for information:
- Name: Jack Price  
Address: One Natural Resources Way  
Springfield, IL 62702-1271  
Telephone: 217/782-1809
- G) Related rulemakings and other pertinent information: None

## PROCLAMATIONS

**2007-402  
SPECIAL SESSION PROCLAMATION**

- WHEREAS, the Regional Transportation Authority (RTA) is the financial oversight and regional planning body for the three public transit operators in northeastern Illinois: the Chicago Transit Authority (CTA), Metra commuter rail, and Pace suburban bus; and
- WHEREAS, the RTA is an important public asset that, according to the RTA, generates an annual economic impact of more than \$12 billion to the State of Illinois; and
- WHEREAS, approximately two million riders per day use the CTA, Metra commuter rail, or Pace suburban bus; and
- WHEREAS, strengthening Illinois' transit system will enhance residents' quality of life by reducing pollution as well as traffic congestion; and
- WHEREAS, according to the CTA, revenues to support transit are not keeping up with increased maintenance, repair, and transit costs potentially necessitating additional state funding; and
- WHEREAS, the CTA asserts that without additional funding by January 20, 2008, it is prepared to raise cash fares as high as \$3.25 for rail passengers who pay cash, cut 81 bus routes, and layoff 2,400 employees; and
- WHEREAS, Metra officials have warned riders to expect fares to increase up to 30 % if additional funding is not received by the State of Illinois; and
- WHEREAS, according to the RTA, without additional funding, Metra will face a \$40 million deficit in 2008; and
- WHEREAS, the Legislature has been unable to reach a funding solution that is acceptable to its membership; and
- WHEREAS, a capital plan will focus resources in core areas including roads, schools, bridges, and economic development; and
- WHEREAS, a proposed capital plan would leverage additional federal and local funds for infrastructure needs; and
- WHEREAS, a proposed capital plan would support many jobs statewide;

## PROCLAMATIONS

THEREFORE, pursuant to Article IV, Section 5 (b) of the Illinois Constitution of 1970, I hereby call and convene the 95<sup>th</sup> General Assembly, in duly constituted quorums capable of conducting business, in a special session to commence on November 29, 2007, at 10:00 a.m., to consider a bill that provides for long-term funding for the RTA, the CTA, Metra, and Pace as well as to consider a capital plan and a funding source for a capital plan.

Dated: November 28, 2007

Filed: November 28, 2007

**2007-403****Lung Cancer Awareness Month**

WHEREAS, lung cancer is the leading cause of cancer death in the United States. This year alone, lung cancer will claim the lives of more than 163,000 Americans, including 6,790 from the State of Illinois; and

WHEREAS, lung cancer takes the lives of more Americans than breast, prostate, colon, liver, and kidney cancers combined. Clearly, lung cancer is a serious health issue; and

WHEREAS, despite that, there is currently no standard screening for lung cancer; and

WHEREAS, sadly, more than 50 percent of lung cancer patients are diagnosed in a late stage with only a 5 percent five-year survival rate. However, with early and regular checkups and exams, lung cancer can be diagnosed in an early stage when the chance of survival is as high as 85 percent; and

WHEREAS, this year, the Lung Cancer Alliance, a national patient advocacy group for lung cancer, and other organizations throughout the country will raise awareness about the disease this November:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim November 2007 as **LUNG CANCER AWARENESS MONTH** in Illinois to call attention to the devastating problem of lung cancer, and in support of efforts by organizations such as the Lung Cancer Alliance to combat this terrible disease that affects so many families in our state.

Issued by the Governor November 1, 2007

Filed by the Secretary of State November 30, 2007

**2007-404****Pearl Harbor Remembrance Day**

## PROCLAMATIONS

- WHEREAS, December 7, 1941 is one of the most memorable dates of the 20<sup>th</sup> century. On that day, Japanese bombers attacked unsuspecting American sailors and soldiers stationed at Pearl Harbor; and
- WHEREAS, more than 2,000 Americans were killed, including 50 servicemen from Illinois, and another 1,000 were wounded during the bombardment, which outraged Americans like few other events in our nation's history; and
- WHEREAS, President Franklin Roosevelt and Congress promptly declared war against Japan and her allies, and our sailors and soldiers performed superbly on all fronts. Together, a Grand Coalition of French, English, Russian, and American servicemen conducted mass campaigns and operations in the Pacific, African, and European theaters; and
- WHEREAS, on May 7, 1945 Germany surrendered, which was swiftly followed by Japan's surrender on August 14 of that same year; and
- WHEREAS, during the war, more American sailors and soldiers were mobilized than at any other time in our history. By war's end, more than 8 million Americans were serving in just the Army; and
- WHEREAS, thanks to the Grand Coalition, our servicemen, and all those at home who contributed to the war effort, the world was made safer for liberty and freedom, the right of all peoples everywhere, which the aggressions of Germany and Japan endangered; and
- WHEREAS, this year marks the 62<sup>nd</sup> anniversary of the end of the Second World War. Although we can never repay all those who faithfully and honorably served during the war, we will always remember what they did and fought for:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 7, 2007 as **PEARL HARBOR REMEMBRANCE DAY** in Illinois in memory of all the heroes who died from the attack, and in tribute to all the men and women whose sacrifices made the world safer for liberty and freedom.

Issued by the Governor November 27, 2007

Filed by the Secretary of State November 30, 2007

**2007-405**

**Perianesthesia Nurse Awareness Week**

## PROCLAMATIONS

WHEREAS, perianesthesia nursing is a specialized nursing practice dealing in all phases of preanesthesia and postanesthesia care, ambulatory surgery and pain management; and

WHEREAS, the depth and breadth of the perianesthesia nursing profession meets the varied and emerging health care needs of the American population in a diversified range of environments; and

WHEREAS, the demand for perianesthesia nurses will only increase due to an aging American population and advances in medicine that are prolonging life. Consequently, the role of these nurses is essential and vital in the quality of health care and safety of patients in hospital and ambulatory surgery settings; and

WHEREAS, there are more than 49,000 perianesthesia registered nurses in the United States. The American Society of PeriAnesthesia Nurses represents them and is one of our nation's premier specialty nursing organizations; and

WHEREAS, their mission is to advance the field of nursing by providing education, conducting research and developing professional standards of practice for their field; and

WHEREAS, the Illinois Society of PeriAnesthesia Nurses, founded in 1976 as a branch of the American Society, also represents perianesthesia nurses and promotes quality and cost-effective care for their patients; and

WHEREAS, the Illinois Society of PeriAnesthesia Nurses, in conjunction with the American Society of PeriAnesthesia Nurses, will recognize perianesthesia nurses during PeriAnesthesia Nurse Awareness Week, with the theme, "Advocacy PeriAnesthesia Nurses: Be the Voice:"

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 4-10, 2008 as **PERIANESTHESIA NURSE AWARENESS WEEK** in Illinois, and urge all residents to join the American and Illinois Societies of PeriAnesthesia Nurses in recognizing perianesthesia nurses for their indispensable service to the medical profession, as well as quality care and treatment of patients.

Issued by the Governor November 27, 2007

Filed by the Secretary of State November 30, 2007

**2007-406**  
**AIDS Awareness Day**

## PROCLAMATIONS

- WHEREAS, the prevention of HIV infection and AIDS necessitates a worldwide effort to increase communication, education and action to stop the transmission of HIV and the spread of AIDS; and
- WHEREAS, the United Nations now estimates that 33.2 million people worldwide are living with HIV/AIDS; and
- WHEREAS, in Illinois, the number of AIDS cases has reached nearly 35,000 with more than 54 percent of these lives lost to this devastating disease; and
- WHEREAS, the World Health Organization has designated December 1 of each year as World AIDS Day, a day to expand and strengthen the worldwide effort to stop the spread of HIV and AIDS; and
- WHEREAS, the World AIDS Day 2007 slogan, - "Stop AIDS. Keep the Promise" with this year's theme "Leadership" - highlights the need for innovation, vision and perseverance in the face of the AIDS challenge. The campaign calls on all sectors of society such as families, communities and civil society organizations, as well as governments, to take the initiative and provide leadership on AIDS; and
- WHEREAS, this day in Illinois is commemorated by a number of events across the state, including the dimming of the lights atop the Illinois State Capitol dome and at the James R. Thompson Center in Chicago during the evening hours to coincide with the dimming of the lights at the White House in tribute to those infected and affected by HIV and AIDS;

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim December 1, 2007 as **AIDS AWARENESS DAY** in Illinois and encourage all residents to take part in activities and observances designed to increase awareness and understanding of AIDS, to take part in AIDS prevention activities and programs, and to join in the efforts to prevent transmission of HIV and further spread of AIDS.

Issued by the Governor November 28, 2007

Filed by the Secretary of State November 30, 2007

**2007-407**

**Employee Learning Week**

- WHEREAS, the State of Illinois recognizes that its employees are its most important resource; and

## PROCLAMATIONS

WHEREAS, in order to grow and stay competitive in today's global economy, organizations must have a highly-skilled and knowledgeable workforce; and

WHEREAS, the American Society for Training and Development (ASTD) is the largest international organization dedicated to workplace learning and performance professionals. The Central Illinois Chapter of ASTD serves learning and performance professionals in Bloomington-Normal, Springfield, Decatur, Champaign-Urbana, Charleston, Effingham, Mattoon, and many other smaller communities in the region; and

WHEREAS, ASTD has designated December 3-7 as Employee Training Week – an opportunity for companies to demonstrate their commitment to workforce development by introducing new employee learning opportunities:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 3-7, 2007 as **EMPLOYEE LEARNING WEEK** in Illinois in recognition of the value of employee learning within organizations.

Issued by the Governor November 29, 2007

Filed by the Secretary of State November 30, 2007

**2007-408****Henry John Hyde**

WHEREAS, on Thursday, November 29, we lost a respected leader and dedicated public official. The Honorable Henry John Hyde, an 8-year member of the Illinois General Assembly and prominent United States Congressman, passed away at the age of 83; and

WHEREAS, The Honorable Henry Hyde was born in Chicago on April 18, 1924, where he was an all-city basketball center. After serving in the Navy from 1944 to 1946, seeing combat in the Philippines, he graduated from Georgetown University in 1947 and returned to Chicago to earn a law degree from Loyola University in 1949; and

WHEREAS, The Honorable Henry Hyde worked as a Chicago trial lawyer before winning a seat in the Illinois House in 1966, which marked the beginning of a remarkable career in public service that led to prominence as a United States Congressman; and

WHEREAS, The Honorable Henry Hyde is best known for his career in the United States House of Representatives, where he served from 1975 to 2007. Representative

## PROCLAMATIONS

Hyde gained the respect of his colleagues, including his opponents, for his wit, charm and fairness; and

WHEREAS, in 2001, subject to term limits imposed on committee chairmen, The Honorable Henry Hyde stepped down as chairman of the Judiciary Committee he had led since 1995 to take over the International Relations Committee until he retired; and

WHEREAS, in a fitting tribute to The Honorable Henry Hyde, who is survived by his wife, Judy Wolverton, four children and four grandchildren, President Bush presented him with the Presidential Medal of Freedom earlier this month:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff until sunset on December 1, 2007 in honor and remembrance of The Honorable Henry John Hyde, whose dedication and commitment to public service was unwavering.

Issued by the Governor November 30, 2007

Filed by the Secretary of State November 30, 2007

# ILLINOIS ADMINISTRATIVE CODE

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