

# 2008

# ILLINOIS

# REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



Volume 32, Issue 21  
May 23, 2008  
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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.].

### 2008 REGISTER SCHEDULE VOLUME #32

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 21, 2007*	January 4, 2008
2	December 31, 2007	January 11, 2008
3	January 7, 2008	January 18, 2008
4	January 14, 2008	January 25, 2008
5	January 22, 2008	February 1, 2008
6	January 28, 2008	February 8, 2008
7	February 4, 2008	February 15, 2008
8	February 11, 2008	February 22, 2008
9	February 19, 2008	February 29, 2008
10	February 25, 2008	March 7, 2008
11	March 3, 2008	March 14, 2008
12	March 10, 2008	March 21, 2008
13	March 17, 2008	March 28, 2008
14	March 24, 2008	April 4, 2008
15	March 31, 2008	April 11, 2008
16	April 7, 2008	April 18, 2008
17	April 14, 2008	April 25, 2008
18	April 21, 2008	May 2, 2008
19	April 28, 2008	May 9, 2008
20	May 5, 2008	May 16, 2008
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23	May 27, 2008	June 6, 2008

24	June 2, 2008	June 13, 2008
25	June 9, 2008	June 20, 2008
26	June 16, 2008	June 27, 2008
27	June 23, 2008	July 7, 2008
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30	July 14, 2008	July 25, 2008
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40	September 22, 2008	October 3, 2008
41	September 29, 2008	October 10, 2008
42	October 6, 2008	October 17, 2008
43	October 14, 2008	October 24, 2008
44	October 20, 2008	October 31, 2008
45	October 27, 2008	November 7, 2008
46	November 3, 2008	November 14, 2008
47	November 10, 2008	November 21, 2008
48	November 17, 2008	December 1, 2008
49	November 24, 2008	December 5, 2008
50	December 1, 2008	December 12, 2008
51	December 8, 2008	December 19, 2008
52	December 15, 2008	December 26, 2008
53	December 22, 2008	January 2, 2009

**Editor's Note:** The Secretary of State Index Department is providing this opportunity to notify you that the next filing period for your Regulatory Agenda will occur from April 21, 2008 to July 1, 2008.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Duck, Goose and Coot Hunting
- 2) Code Citation: 17 Ill. Adm. Code 590
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
590.10	Amendment
590.20	Amendment
590.40	Amendment
590.50	Amendment
590.60	Amendment
- 4) 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)
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to: add language stating that it is unlawful to possess any shotgun shell loaded with a shot size larger than number T steel or number BBB of any other non-toxic shot when attempting to take waterfowl; remove regulations pertaining to the old Southern Illinois Quota Zone (Alexander, Union, Williamson and Jackson Counties), and to update the list of open sites and site-specific regulations.
- 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 affect units of local government.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

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

217/782-1809

- 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: January 2008

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

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER b: FISH AND WILDLIFEPART 590  
DUCK, GOOSE AND COOT HUNTING

## Section

590.10	Statewide Regulations
590.15	Duck, Goose and Coot General Hunting Regulations on Department-Owned and -Managed Sites Listed in Sections 590.40 and 590.50
590.20	Permit Controlled Department Sites Only – Duck, Goose and Coot Hunting
590.25	Illinois Youth Waterfowl Hunting Permit Requirements (Repealed)
590.26	Illinois Youth Duck Hunting Permit Requirements (Repealed)
590.30	Duck, Goose and Coot General Hunting Regulations on all Department-Owned and -Managed Sites (Repealed)
590.40	Check Station Department Sites Only – Duck, Goose and Coot Hunting
590.50	Non-Check Station Department Sites Only – Duck, Goose and Coot Hunting
590.60	Various Other Department Sites – Duck, Goose and Coot Hunting
590.70	Ohio River
590.80	Early and Late Goose (all species) Hunting Regulations on Department Sites
590.EXHIBIT A	The Non-Toxic Shot Zones of Illinois (Repealed)

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).

SOURCE: Adopted at 5 Ill. Reg. 8857, effective August 25, 1981; emergency amendment at 5 Ill. Reg. 11386, effective October 14, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10638; Part repealed at 6 Ill. Reg. 9647, effective July 21, 1982; new Part adopted at 6 Ill. Reg. 11865, effective September 22, 1982; amended at 7 Ill. Reg. 13229, effective September 28, 1983; emergency amendment at 7 Ill. Reg. 13948, effective October 6, 1983, for a maximum of 150 days; emergency expired March 3, 1984; amended at 8 Ill. Reg. 18968, effective September 26, 1984; amended at 9 Ill. Reg. 14242, effective September 5, 1985; peremptory amendment at 9 Ill. Reg. 15062, effective September 25, 1985; emergency amendment at 9 Ill. Reg. 15928, effective October 8, 1985, for a maximum of 150 days; emergency expired March 5, 1986; amended at 10 Ill. Reg. 16588, effective September 22, 1986; emergency amendment at 10 Ill. Reg. 17773, effective September 26, 1986, for a maximum of 150 days; emergency expired

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

February 23, 1987; amended at 11 Ill. Reg. 10560, effective May 21, 1987; emergency amendment at 11 Ill. Reg. 15242, effective August 28, 1987, for a maximum of 150 days; emergency expired January 25, 1988; amended at 12 Ill. Reg. 12200, effective July 15, 1988; emergency amendment at 12 Ill. Reg. 16233, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; emergency amendment at 12 Ill. Reg. 22244, effective December 7, 1988, for a maximum of 150 days; emergency expired May 6, 1989; amended at 13 Ill. Reg. 10525, effective June 20, 1989; amended at 13 Ill. Reg. 14925, effective September 7, 1989; emergency amendment at 13 Ill. Reg. 16579, effective October 4, 1989, for a maximum of 150 days; emergency expired March 3, 1989; amended at 13 Ill. Reg. 17354, effective October 27, 1989; amended at 14 Ill. Reg. 638, effective January 2, 1990; amended at 14 Ill. Reg. 13529, effective August 13, 1990; emergency amendment at 14 Ill. Reg. 17029, effective September 26, 1990, for a maximum of 150 days; emergency expired February 23, 1991; amended at 15 Ill. Reg. 1487, effective January 22, 1991; amended at 15 Ill. Reg. 13293, effective September 3, 1991; emergency amendment at 15 Ill. Reg. 16745, effective November 5, 1991, for a maximum of 150 days; emergency expired April 3, 1992; amended at 16 Ill. Reg. 570, effective December 31, 1991; amended at 16 Ill. Reg. 12491, effective July 28, 1992; emergency amendment at 16 Ill. Reg. 16672, effective October 15, 1992, for a maximum of 150 days; emergency expired March 9, 1993; emergency amendment at 16 Ill. Reg. 18851, effective November 17, 1992, for a maximum of 150 days; emergency expired April 11, 1993; emergency amendment at 17 Ill. Reg. 1658, effective January 20, 1993, for a maximum of 150 days; emergency expired June 14, 1993; amended at 17 Ill. Reg. 16443, effective September 27, 1993; emergency amendment at 17 Ill. Reg. 18867, effective October 14, 1993, for a maximum of 150 days; emergency expired March 13, 1994; amended at 18 Ill. Reg. 10023, effective June 21, 1994; emergency amendment at 18 Ill. Reg. 15161, effective September 27, 1994, for a maximum of 150 days; emergency expired February 23, 1995; amended at 19 Ill. Reg. 13209, effective September 11, 1995; amended at 20 Ill. Reg. 754, effective December 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 12417, effective August 30, 1996; amended at 21 Ill. Reg. 578, effective December 30, 1996; amended at 21 Ill. Reg. 11713, effective August 12, 1997; amended at 22 Ill. Reg. 2182, effective January 2, 1998; amended at 22 Ill. Reg. 15961, effective August 24, 1998; amended at 22 Ill. Reg. 21881, effective December 3, 1998; emergency amendment at 23 Ill. Reg. 3092, effective March 10, 1999, for a maximum of 150 days; emergency expired August 6, 1999; amended at 23 Ill. Reg. 11195, effective August 26, 1999; emergency amendment at 23 Ill. Reg. 14640, effective December 13, 1999, for a maximum of 150 days; emergency expired May 10, 2000; amended at 24 Ill. Reg. 12517, effective August 7, 2000; amended at 25 Ill. Reg. 14131, effective October 22, 2001; amended at 26 Ill. Reg. 16238, effective October 18, 2002; amended at 27 Ill. Reg. 15409, effective September 18, 2003; amended at 28 Ill. Reg. 13562, effective September 24, 2004; amended at 29 Ill. Reg. 9654, effective June 24, 2005; emergency amendment at 29 Ill. Reg.

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## NOTICE OF PROPOSED AMENDMENTS

13900, effective August 30, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 18924, effective November 4, 2005; amended at 30 Ill. Reg. 15694, effective September 18, 2006; amended at 31 Ill. Reg. 13128, effective August 30, 2007; amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 590.10 Statewide Regulations**

- a) Pursuant to Section 2.18 of the Wildlife Code [520 ILCS 5/2.18], *it shall be unlawful to take, possess, transport, or use migratory waterfowl except during such period of time and in such manner and numbers as may be provided in the Federal Migratory Bird Treaty Act (16 USC 703-711), the Migratory Bird Hunting Stamp Act (16 USC 1718 et seq.), and annual Rules and Regulations for Migratory Bird Hunting (50 CFR 20 (August 31, 2006) and 21 (September 22, 2006) (collectively referred to in this Part as federal regulations) (no incorporation in this Part includes later amendments or editions), or contrary to any State regulations made in the Wildlife Code. Violation is a Class B misdemeanor (see 520 ILCS 5/2.18).*
- b) The regulations in Section 2.33 of the Wildlife Code on illegal devices shall apply to this Part, unless federal regulations are more restrictive. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33), except that violation of Section 2.33(g), (i), (o), (p), (y) and (cc) are Class A misdemeanors with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties.
- c) Duck, goose and coot regulations are in accordance with Federal Regulations (50 CFR 20) unless the regulations in this Part are more restrictive. Violation is a Class B misdemeanor (see 520 ILCS 5/2.18).
- d) It shall be unlawful while attempting to take migratory waterfowl or coots to have in possession any shotgun shells not approved as non-toxic by federal regulations. Violation is a petty offense (see 520 ILCS 5/2.18-1).
- e) It shall be unlawful to possess any shotgun shell loaded with a shot size larger than number T steel or number BBB of any other non-toxic shot when attempting to take waterfowl. Violation is a Class B misdemeanor, when attempting to take waterfowl, any shotgun shell loaded with a shot size larger than number T steel; number BBB bismuth-tin; Federal Ultrashok High Density or Environ-Metal Hevi-Steel; number BB: Federal tungsten/iron, Kent tungsten/matrix (Impact), or Federal tungsten/polymer; number B: Environ-Metal Hevi-Shot, Remington

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## NOTICE OF PROPOSED AMENDMENTS

~~Wingmaster HD, Winchester Xtended Range Hi Density, or Environ Metal Dead Coyote; number 1: Environ Metal Hevi 13; or number 3: Federal Heavyweight. Violation is a petty offense~~ (see 520 ILCS ~~5/2.185/2.18-1~~).

- f) Hunting Canada Geese after the season is closed is a Class B misdemeanor (see 520 ILCS 5/2.18). Possession of freshly killed wild geese during the closed season is a Class A misdemeanor (see 520 ILCS 5/2.33(cc)).
- g) Closed Areas  
Closed areas, including waterfowl refuges and rest areas, may be designated at certain sites in accordance with 17 Ill. Adm. Code 510. Boundaries of these closed areas will be posted. Violation is a petty offense (see 520 ILCS 5/2.20).
- h) Commercial Migratory Waterfowl Hunting Area Permits
- 1) The holder of a permit shall forward information on harvest and hunters to the Department on forms furnished by the Department, at times required by the Department. The Department shall give the permit holder reasonable written notice of the dates reports are required. Permit holders are required to retain a copy of their harvest records for at least 2 years after expiration of their permit. Failure to timely supply such reports will make the permit holder subject to revocation of his permit and suspension of the privilege to hold the permit for up to 5 years. Violation is a petty offense (see 520 ILCS 5/3.6).
  - 2) On any property where the principal waterfowl harvest is wild geese, it is the permit holder's duty to ensure that no more than 5 persons occupy or attempt to take wild geese from any blind or pit at the same time during the Canada goose season. Violation is a petty offense (see 520 ILCS 5/3.8).
- i) No person during the open season shall take or attempt to take wild geese prior to ½ hour before sunrise nor after sunset. ~~In Alexander, Union, Williamson and Jackson Counties, no person shall take or attempt to take wild geese after the hour of 3:00 p.m.; except, during the last 3 days of the Canada goose season and during any goose seasons that occur after the regular Canada goose season and during any Canada goose season set in September, hunting hours in Alexander, Union, Williamson and Jackson Counties shall close at statewide closing time.~~ During special light goose seasons as indicated in subsection (n), statewide hunting hours

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

shall be ½ hour before sunrise to ½ hour after sunset daily. Hunting prior to ½ hour before sunrise during the open season is a Class A misdemeanor (see 520 ILCS 2.33(y)). Hunting after ½ hour after sunset is a Class A misdemeanor (see 520 ILCS 2.33(y)). Hunting after closing hours is a Class B misdemeanor (see 520 ILCS 5/2.18).

- j) ~~On any property where the principal waterfowl harvest is wild geese in Alexander, Union, Williamson and Jackson Counties, no more than 5 persons shall occupy or attempt to take wild geese from any blind or pit at the same time during the Canada goose season. Violation is a petty offense (see 520 ILCS 5/3.8(b)(4)).~~
- j)k) Registration in the U.S. Fish and Wildlife Service Migratory Bird Harvest Information Program (HIP) is required for those persons who are required to have a hunting license before taking or attempting to take ducks, geese or coots. Instructions for registering are provided with issuance of hunting license. Violation is a petty offense (see 520 ILCS 5/3.1(f)).
- k)h) If 50 CFR 20 or 21 allows light goose seasons to be liberalized, snow geese, blue geese and Ross' geese may be taken in accordance with federal regulations regarding hunting hours, method of taking and bag limits through March 31.

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

**Section 590.20 Permit Controlled Department Sites Only – Duck, Goose and Coot Hunting**

- a) Sites covered in this Section, which allow hunting by permit only, are:

Banner Marsh Fish and Wildlife Area

Horseshoe Lake [State Fish and Wildlife Conservation](#) Area

Sangchris Lake State Park subimpoundment

Snakeden Hollow State Fish and Wildlife Area

Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit

Union County [State Fish and Wildlife Conservation](#) Area

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

## b) Permit Requirements

- 1) Permit reservations shall be accepted starting in September. Initial acceptance dates and methods for making reservations will be publicly announced. Only applications for reservations submitted by Illinois residents will be processed during the first 2 weeks of the application period. Applicants making reservations will be sent confirmation.
- 2) Permits shall be issued until the daily quota is filled. The daily quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available; the condition, topography, and configuration of the land at the site; the condition of the roads at the site; the number of employees available to work at the site; and the number of blinds which can be established on a site as set forth in Section 3.8 of the Wildlife Code [520 ILCS 5/3.8].
- 3) The permit shall be for the use of the entire blind. It shall be the responsibility of the permit holder to bring one hunting partner or one non-hunting partner or 2 non-hunting partners (3 persons per blind but not more than 2 hunters per blind) for Snakeden Hollow State Fish and Wildlife Area, Horseshoe Lake [State Fish and Wildlife Conservation](#) Area, and Union County [State Fish and Wildlife Conservation](#) Area, or 3 partners (hunters or non-hunters; 4 persons per blind) for Banner Marsh Fish and Wildlife Area, Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit and Sangchris Lake State Park subimpoundment. Non-hunting partners are defined as persons under 21 years of age accompanying the hunter in the blind. Unallocated blinds shall be filled by a drawing at the sites.
- 4) Permits are not transferrable.
- 5) Permits will be issued from the Springfield Permit Office for permit-controlled sites. For other information write to:

Illinois Department of Natural Resources  
Permit Office – Waterfowl  
P.O. Box 19457

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

Springfield IL 62794-9457

- c) General regulations
- 1) All use other than permit hunting as defined in subsection (b)(3) is prohibited at Snakeden Hollow State Fish and Wildlife Area from [two weeks before duck season](#)~~October 1~~ through close of Central Zone Canada goose season.
  - 2) Hours, Permits and Stamp Charges
    - A) Hunting hours are from legal opening time until 1:00 p.m., except at Horseshoe Lake [State Fish and Wildlife Conservation](#) Area and Union County [State Fish and Wildlife Conservation](#) Area, which close at 12 noon.
    - B) At Snakeden Hollow State Fish and Wildlife Area from opening day through November 30, all hunters must register at the check station by 5:00 a.m. Permits are void after 5:00 a.m. From December 1 through December 31, all hunters must register at the check station by 5:30 a.m. Permits are void after 5:30 a.m. From January 1 through the close of goose season, all hunters must register at the check station by 6:00 a.m. Permits are void after 6:00 a.m. At Banner Marsh Fish and Wildlife Area, Horseshoe Lake [State Fish and Wildlife Conservation](#) Area and Union County [State Fish and Wildlife Conservation](#) Area hunters with permit reservations are required to check in at the check station between 4:30 a.m. and 5:00 a.m. Permits are void after 5:00 a.m. A drawing shall be held to allocate blind sites at all sites. At Sangchris Lake State Park subimpoundment hunters must be checked in 90 minutes before legal hunting hours (2 hours before sunrise). Permits are void after this time. At Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit hunters are required to check in at the check station no later than one hour before legal shooting time, after which time permits are void. Check out is required at all sites listed in this Section.
    - C) A \$15 Daily Usage Stamp must be purchased at Snakeden Hollow State Fish and Wildlife Area, ~~Horseshoe Lake Conservation Area~~

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

~~and Union County Conservation Area.~~ Partners between 16 and 20 years of age must pay daily usage stamp fee. Partners under 16 are not required to purchase a daily usage stamp.

- D) A \$10 Daily Usage Stamp must be purchased at Banner Marsh Fish and Wildlife Area, Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit, [Horseshoe Lake State Fish and Wildlife Area](#), [Union County State Fish and Wildlife Area](#) and Sangchris Lake State Park subimpoundment. Non-hunting partners between 16 and 20 years of age must pay daily usage stamp fee. All partners under 16 are not required to purchase a daily usage stamp.
- 3) Hunting shall be done from assigned blinds only and hunters shall not move from blind to blind or leave the blind and return.
- 4) Guns must be unloaded and encased at all times when not hunting.
- 5) The legal hunting seasons for Horseshoe Lake [State Fish and Wildlife Conservation Area](#) and Union County [State Fish and Wildlife Conservation Area](#) are the dates of the South Zone duck and goose hunting seasons except that these areas shall be closed on Mondays, Tuesdays (except for the Illinois Youth [WaterfowlGoose](#) Hunt) and December 24, 25, 26 and the first weekday after December 26 other than a Monday. (These sites shall be open only for the Illinois Youth Goose Hunt on the first weekday after December 26 other than a Monday, pursuant to Section 685.110.)
- 6) The legal hunting season at Snakeden Hollow State Fish and Wildlife Area is the dates of the Central Zone goose hunting season except that the area shall be closed on Mondays, Tuesdays, Wednesdays, and December 24, 25 and 26.
- 7) The legal hunting season at Banner Marsh Fish and Wildlife Area is the dates of the Central Zone duck hunting season.
- 8) The legal hunting season for the Sangchris Lake Subimpoundment is the opening day of the Central Zone duck hunting season, Tuesdays, Thursdays and Sundays, and the last day of the Central Zone duck hunting

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

season except during the second firearm deer season when the Subimpoundment will be closed on the first day of the season and hunting hours will close at 10:00 a.m. during the remaining days of the second firearm deer season (on Thursdays blinds will be allocated by a daily drawing at the site pursuant to Section 590.60(b)(41)(B)).

- 9) The legal hunting season at Spring Lake State Fish and Wildlife Area – Spring Lake Bottoms Unit is every Tuesday, Thursday and Sunday of the Central Zone duck hunting season except the second Sunday in November, which is closed due to the Youth Hunt.
- 10) At Horseshoe Lake [State Fish and Wildlife Conservation](#) Area and Union County [State Fish and Wildlife Conservation](#) Area during duck season hunters may possess up to 25 shot shells. When duck season is closed hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit. At Snakeden Hollow State Fish and Wildlife Area hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.
- 11) At Horseshoe Lake [State Fish and Wildlife Conservation](#) Area and Union County [State Fish and Wildlife Conservation](#) Area hunters may bring up to 3 dozen decoys per party. No full bodied or supermagnum shell decoys are allowed. At Sangchris Lake Subimpoundment only Department decoys may be used.
- 12) Hunters without their guns may leave the blind to retrieve crippled waterfowl at Horseshoe Lake [State Fish and Wildlife Conservation](#) Area and Union County [State Fish and Wildlife Conservation](#) Area.
- 13) Hunters must be at least 16 years of age (except for the Illinois Youth Goose/Duck Hunt) to draw for a pit or blind. Each person under 16 years of age must be accompanied by a supervising adult.

d) Violation of this Section is a petty offense (see 520 ILCS 5/2.20).

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

**Section 590.40 Check Station Department Sites Only – Duck, Goose and Coot Hunting**

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

- a) The sites listed in this Section conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.15), except as noted in parentheses and in the remainder of this Section. Daily hunting hours close at 1:00 p.m. unless otherwise indicated in parentheses below.
- 1) Anderson Lake Conservation Area – All Management Units (the use of any metal, with the exception of fasteners less than 12 inches in length, carpet, felt paper, plastic snow fence or any mesh material will be prohibited in the construction of waterfowl blinds)
  - 2) Batchtown (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)
  - 3) Calhoun Point (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)
  - 4) Glades (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)
  - 5) Godar-Diamond (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)
  - 6) Horseshoe Lake State Park – Madison County (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset ~~with the exclusion of Christmas Day~~; 3 year blind allocation)
  - 7) Lake DePue and Lake DePue Walk-in Unit (aka 3I)
  - 8) Marshall State Fish and Wildlife Area (the use of any metal, with the exception of fasteners less than 12 inches in length, carpet, and plastic snow fence or mesh will be prohibited in the construction of waterfowl blinds; previous year's blind builders shall have until February 1 to salvage blind materials)

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- 9) Mazonia State Fish and Wildlife Area (previous years blind builders shall have until February 1 to salvage blind materials; goose hunting prohibited before and after duck season; closed Mondays and Tuesdays)
- 10) Rice Lake Conservation Area (the use of any metal, with the exception of fasteners less than 12 inches in length, carpet, felt paper, plastic snow fence or any mesh material will be prohibited in the construction of waterfowl blinds; [previous year's blind builders have until May 1 to remove their blinds](#))
- 11) Sanganois State Fish and Wildlife Area (check station and walk-in areas, hunters are not required to hunt from a blind site during goose seasons held after the duck season)
- 12) Spring Lake State Fish and Wildlife Area (the use of any metal, with the exception of fasteners less than 12 inches in length, carpet, felt paper, plastic snow fence or any mesh material will be prohibited in the construction of waterfowl blinds; waterfowl hunters will have the option to either construct a platform blind (4' x 8' with boat hide) or a boat hide blind no less than 7.5' x 18' in dimension and fully enclosed on all four sides, must include four shooting holes or ports and brushed (doors capable of being closed are permitted for boat access); hunters choosing to construct a boat type of blind will not be required to construct a dog hide; blind numbers 2, 5, 6, 7, 8, 9, 10, 11, 12, 14 and 19 must be removed in their entirety no later than 10 days after the close of the Central Zone waterfowl season, but may be removed beginning November 21; blinds 1, 3, 4, 13, 15, 16, 17, 18 and 20 must be removed in their entirety by the previous year's blind builder no later than 7 days after the next allocation period; hunting from boat blinds is permitted within 10 feet from any numbered stake if the blind has not been constructed, or beginning November 21, at locations where the blind has been dismantled; the maximum horsepower for motors on the lake is 25 h.p.; goose hunting prohibited prior to the regular duck season)
- 13) Stump Lake (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)
- 14) Woodford State Fish and Wildlife Area (the use of any metal, with the

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exception of fasteners less than 12 inches in length, carpet, and plastic snow fence or mesh will be prohibited in the construction of waterfowl blinds; previous year's blind builders shall have until February 1 to salvage blind materials)

- 15) William Powers Conservation Area (previous years blind builders shall have until May 1 to remove blinds in their entirety, including support posts; failure to comply will result in the blind builder and partners for that blind losing privilege of being a blind builder or partner at this site for the following year; no goose hunting prior to duck season; hunting from boat blinds is permitted within 10 feet at all blind sites; all hunters must sign in prior to occupying blind and must sign out no later than one hour after closing time)
- b) The following regulations apply to all sites listed in this Section under subsection (a):
- 1) All hunters must report to the check station to fill out information cards and to turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to blinds. Beginning the day after duck season ends, when the check station is not operating, unclaimed blinds shall be allocated on a first come-first served basis, as per Section 590.50(b)(1), (2) and (3). Goose hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.
  - 2) Registered blind builders or partners desiring to claim their blinds must report to the check station at least one hour before hunting hour each day and occupy that blind for at least one hour. Hunters wishing to move to another blind during their daily hunt must report back to the check station for reassignment.
  - 3) All hunting must be from registered blinds only and hunters must occupy their blinds within one hour after registering at the check station.
  - 4) All hunters must be checked out within one hour of the close of the legal hunting hours. At this time waterfowl and coots bagged must be checked and hunting licenses or Firearm Owner's Identification Cards shall be returned.

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- 5) It shall be unlawful to trespass upon the designated duck hunting area during the 7 days prior to the regular duck season as posted at the site. At Mississippi River Area Pools 25 and 26 and Horseshoe Lake State Park (Madison County) it shall be unlawful to trespass upon the designated duck hunting area between sunset of the Sunday immediately preceding opening day of regular duck season through the day before regular duck season as posted at the site.
- 6) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges from 2 weeks prior to the start of regular duck season through the close of regular duck and Canada goose season, except Mississippi River Area Pools 25 and 26, Batchtown, Crull Hollow and Godar Waterfowl Rest Areas reopen to hunting the day after regular duck season closes.
- 7) No more than 4 persons shall occupy a blind at one time, except on the statewide Youth Waterfowl Hunting Day, as authorized in Section 590.15(f), 5 persons may occupy a blind at one time only if the party is comprised of 2 youth hunters, their non-hunting parents and one non-hunting guide.
- 8) Blind sites shall be allocated for a period of one year unless otherwise noted in parentheses under subsection (a).
- 9) During duck season, blinds not claimed by the builder or partners by one hour before hunting time shall be assigned by a drawing at this time and during the hours from 8:00 a.m. to 11:00 a.m., except at Marshall State Fish and Wildlife Area and Woodford State Fish and Wildlife Area, any blinds left unclaimed after completion of the daily drawing will be assigned on a first come-first served basis up to 30 minutes after the drawing and from 8:00 a.m. to 11:00 a.m., and except at Batchtown, Calhoun Point, Glades, Godar-Diamond, Horseshoe Lake State Park (Madison County) and Stump Lake (9:00 a.m.-1:00 p.m.) after which time the area shall be closed to additional hunters.
- 10) Previous year's blind builders shall have until 7 days after the next allocation period drawing to salvage materials from their blinds, except as listed in parentheses under subsection (a). After this date, all materials become the property of the new blind builder or the Department.

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- 11) For those sites listed in this subsection that have 3 year blind allocation periods, re-registration of blind sites during the non-draw years must be accomplished in person during a publicly announced period. Failure to re-register during the prescribed period will result in the loss of blind site. Registrants must present current year's Illinois hunting license and State waterfowl stamp for each blind builder. Blinds not re-registered will be allocated by a drawing. No waterfowl blind may be removed until after the close of the waterfowl season.

- c) Violation of this Section is a petty offense (see 520 ILCS 5/2.20).

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

**Section 590.50 Non-Check Station Department Sites Only – Duck, Goose and Coot Hunting**

- a) The following sites conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.15), except as noted in the remainder of this Section.

Anderson Lake West Point Management Unit (walk-in or boat; staked sites; daily draw)

Chain O'Lakes State Park (For goose seasons prior to duck season, hunting allowed from numbered blind sites only and blinds need not be completed; blinds must be removed in their entirety, including support posts, by ~~April~~May 1; failure to comply will result in the blind builder and partners for that blind losing the privilege of being a blind builder or partner at this site for the following year)

Clear Lake Wildlife Management Area (one year blind allocation)

Des Plaines River Conservation Area (Goose hunting permitted during special goose season prior to regular waterfowl season; during special goose season hunting allowed from numbered blind sites only and blinds do not have to be completed; previous years blind builders shall have until February 1 to salvage blind materials)

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Double T State Fish and Wildlife Area (Wednesday, Saturday and Sunday hunting only; daily drawing at Rice Lake State Fish and Wildlife Area check station; hunting from staked blind sites only; no other use October 1 through the close of the Central Zone goose season)

Fuller Lake (Daily hunting hours close at 3:30 p.m. CST, except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)

Helmbold Slough (3 year blind allocation period)

Illinois River – Pool 26 (3 year blind allocation period)

Kankakee River State Park (no boat hide required; no goose hunting permitted prior to duck season; previous years blind builders shall have until February 1 to salvage blind materials)

Lake Sinnissippi (Department Owned Land; the use of any metal, with the exception of fasteners less than 12 inches in length, will be prohibited in the construction of waterfowl blinds; waterfowl hunters allocated blind numbers 1, 2, 3, 4, 13, 14, 15, 16, 20, 21, 26, 27, 28, 29, 30, 31 or 32 will have the option to either construct a platform blind (4' x 8' with boat hide) or a boat hide blind no less than 7.5' x 18' in dimension fully enclosed on all four sides, must include 4 shooting holes or ports and brushed (doors capable of being closed are permitted for boat access); hunters choosing to construct a boat hide type of blind will not be required to construct a dog hide; blind numbers 1, 2, 3, 4, 13, 14, 15, 16, 20, 21, 26, 27, 28, 29, 30, 31 and 32 must be removed in their entirety no later than 10 days after the close of the Northern Zone waterfowl season, but may be removed beginning November 15; backwater blinds 5, 6, 7, 8, 9, 10, 11, 12, 18, 19, 22, 23, 24 and 25 must be removed in their entirety by the previous years' blind builder by no later than 7 days after the next allocation period; hunting from boat blinds is permitted within 10 feet from any numbered stake if the blind has not been constructed; for early teal season, hunting is from numbered blinds only, or if blinds have not been constructed, within 10 feet of the numbered stake; there is no early goose season in August or September)

Marshall State Fish and Wildlife Area – Sparland Unit (the use of any

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metal, with the exception of fasteners less than 12 inches in length, carpet, and plastic snow fence or mesh will be prohibited in the construction of waterfowl blinds; previous year's blind builders shall have until February 1 to salvage blind materials; hunters are required to check in and check out at the self-check box located at the Lacon boat ramp)

Meredosia Lake (one year blind allocation period) – Rules and Regulations will be publicly announced.

Mississippi River Pool 16 (Federal Lands; no permanent blinds – temporary blinds only above Velie Chute except for Goose Pond, Sunfish Slough, and Milan Bottoms (landward area upriver from River Mile 474); 2 year blind allocation period; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting)

Mississippi River Pool 17 (Federal Lands; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting; 2 year blind allocation period)

Mississippi River Pool 18 (Federal Lands; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunting; 2 year blind allocation period)

Mississippi River Pools 21, 22, 24 (Federal Lands; hunting allowed from a portable blind or anchored boat, in Illinois waters, maintaining > 200 yard intervals at the following locations: Pool 21 – west of Long Island (river mile 332.5-340.5), Pool 22 – west of Ward Island (river mile 314.0-324.0), Pool 24 – west of Denmark Island (river mile ~~291.0~~290.0-294.5); 2 year blind allocation period)

Mississippi River Pools 25, 26 (Federal Lands; 3 year blind allocation period)

Momence Wetlands (Hunting allowed from a portable blind or anchored boat blind only; no more than 3 persons per blind site; no hunting during firearm deer seasons)

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Pekin Lake State Fish and Wildlife Area (all hunting must be from portable boat blinds within 10 yards of the assigned numbered stake or buoy; no more than 3 persons shall use one blind; exceptions will be announced at the site's annual duck blind drawing; goose hunting prohibited prior to the regular duck season)

Piasa Island (3 year blind allocation period)

Quincy Bay (Mississippi River Pool 21) (hunting hours legal opening to 1:00 p.m. for blinds 1 through 25 [during regular duck season](#) only)

Red's Landing (3 year blind allocation period; that portion of Red's Landing that is north of the access road will be noted as a walk-in/boats without motors area only; no permanent blinds; daily hunting hours will close at 3:30 p.m. CST, except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; hunting parties shall not hunt over less than 12 decoys nor more than 24 decoys)

Redwing Slough/Deer Lake (closed on Mondays, Tuesdays, Thursdays and Fridays except that hunting will be allowed on opening day of duck season; no goose hunting except during duck season; previous years blind builders shall have until February 1 to salvage blind materials; daily hunting hours will close at 1:00 p.m.)

Redwing Slough/Deer Lake State Natural Area (hunting from boat blinds is permitted within 10 feet of marked blind sites)

Rice Lake, Walk-in Management Unit, Copperas Creek Management Unit and Big Lake Management Unit (Walk-in or boats without motors only; daily drawing; daily hunting hours will close at 1:00 p.m.)

Riprap Landing (3 year blind allocation period; that portion of Riprap Landing that is south of blind 5, known as Rust Land Company, will be noted as a walk-in; boats without motors in area only; no permanent blinds; hunting parties shall not hunt over less than 12 decoys or more than 24 decoys; decoys must be picked up daily; no vehicles allowed)

Shabbona Lake State Recreation Area (Hunting will be allowed between

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November 1 and December 31 but only when the North Zone duck and/or Canada goose seasons are open; permanent, pre-constructed blinds will be awarded for either November or December; boat and dog hides are not required; persons awarded blinds at the drawing, or their partners, must claim their blinds one hour before legal shooting hours; hunting hours will end at 1:00 p.m. daily)

Starved Rock State Park (Department managed areas; the use of any metal, with the exception of fasteners less than 12 inches in length, will be prohibited in the construction of waterfowl blinds; all blinds must be removed in their entirety no later than 10 days after the close of the Central Zone duck season; blinds may be removed beginning November 15; hunting from boat blinds is permitted within 10 feet of staked blind sites beginning November 15 for those blinds removed on or after November 15; staked blind locations that have not had a blind built may be hunted the entire season from a boat blind anchored within 10 feet of the numbered blind stake; blind locations not built shall be available on a first come-first served basis; hunting from boat blinds within 10 feet of staked blind sites is allowed until the end of the regular Central Zone Canada goose season)

- b) The following regulations apply to all sites listed in this Section under subsection (a).
- 1) Blind builders or partners must occupy their blinds by one-half hour before opening hunting hour each day in order to claim their blind for the day. Blinds not legally occupied may be claimed on a first come-first served basis.
  - 2) Attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest. The insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind.
  - 3) All hunting must be from registered blinds only unless otherwise noted in parentheses under subsection (a).
  - 4) Blind sites shall be allocated for a period of one year unless otherwise noted in parentheses under subsection (a).

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- 5) Previous year's blind builders shall have until 7 days after the next allocation period drawing to salvage materials from their blinds, except as listed in parentheses under subsection (a). After that date, blinds become the property of the new blind builders.
  - 6) No more than 4 persons shall occupy a blind at one time, except on Mississippi River Pools 16, 17, 18, 21, 22 and 24 and Blanding Wildlife Area.
  - 7) On Mississippi River Pools 16, 17, 18, 21, 22 and 24 and Blanding Wildlife Area the limit of 4 persons does not apply.
  - 8) For those sites listed in subsection (a) that have 3 year blind allocation periods, re-registration of blind sites during the non-draw years must be accomplished in person during a publicly announced period. Failure to re-register during the prescribed period will result in the loss of blind site. Registrants must present current year's Illinois hunting license and State waterfowl stamp for each blind builder. Blinds not re-registered will be allocated by a drawing. No waterfowl blind may be removed until after the close of the waterfowl season.
  - 9) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges 2 weeks prior to the start of regular duck season through the close of regular duck and Canada goose season as posted at the site.
  - 10) It shall be unlawful to trespass upon the designated waterfowl hunting area during the 7 days prior to the waterfowl season as posted at the site. At Mississippi River Area Pools 25 and 26 it shall be unlawful to trespass upon the designated waterfowl hunting area between sunset of the Sunday immediately preceding the opening date of ~~regular duck~~waterfowl season through the day before ~~regular duck~~waterfowl season as posted at the site.
- c) Blind winners on the following sites will be provided forms for the purpose of maintaining waterfowl harvest records. The forms must be completed and returned within 15 days after the close of the site's waterfowl season or the blind builder and partners for that blind shall not be allowed to be a blind builder or partner at these sites for the following year.

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Chain O'Lakes State Park

Clear Lake Wildlife Management Area

Des Plaines Conservation Area

Kankakee River State Park

Pekin Lake State Fish and Wildlife Area

Redwing Slough/Deer Lake

d) Violation of this Section is a petty offense (see 520 ILCS 5/2.20).

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

**Section 590.60 Various Other Department Sites – Duck, Goose and Coot Hunting**

The sites listed in this Section conform to Statewide Regulations (Section 590.10) and the following regulations, except as noted.

- a) Regulations
- 1) Hunting hours are from legal opening to 1:00 p.m., except hunting shall be permitted until sunset on those sites indicated by (1) following the location in subsection (b).
  - 2) No permanent blinds allowed, except for Department constructed blinds; all blinds must be of a portable nature and constructed with natural vegetation at the blind site and no pits can be dug. All materials must be removed or dismantled at the end on the day's hunt.
  - 3) Portable boat blinds must have been completed, including final brushing, before entering the water and must be removed at the end of the day's hunt.
  - 4) Waterfowl hunters must maintain a distance of 200 yards between hunting parties, except for Department constructed blinds or staked locations.

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- 5) No hunting is permitted within 200 yards of developed recreation areas, public use facilities, and construction or industrial sites.
  - 6) No check station is operated nor is any check in/check out required, except as indicated in the remainder of this Section.
  - 7) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges from 2 weeks prior to the start of regular duck season through the close of regular duck and Canada goose season except as indicated in the remainder of this Section.
  - 8) It shall be unlawful to trespass upon the designated waterfowl hunting area during the 7 days prior to the regular duck season unless otherwise posted at the site.
- b) Site specific regulations
- 1) Blanding Wildlife Area  
Federal~~(federal)~~ lands, boat access only; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunters.)
  - 2) Boston Bay  
No~~(no)~~ permanent blinds may be built; temporary blinds only; 200 yards apart.)
  - 3) Cache River State Natural Area (1)
  - 4) Campbell Pond Wildlife Management Area (1)
  - 5) Cape Bend State Fish and Wildlife Area (1)
  - 6) Carlyle Lake Project Lands and Waters
    - A) No one may enter the subimpoundment area to hunt waterfowl before 4:30 a.m. each day of the waterfowl hunting season, or remain in the area after 3:00 p.m. each day of the waterfowl hunting season, except during the last 3 days of the Canada goose season and during any goose seasons that occur before or after

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Canada goose season, hunters must be out of the area by one hour after sunset and not return until 4:30 a.m. The subimpoundment area is defined as that area bordered by the Kaskaskia River on the east and south and extending north and west to the Carlyle Lake project boundary, and includes impoundment areas 1, 2, 3, and 4 and within the impoundments on the East Side Management Area located east of the Kaskaskia River.

- B) The waters of Carlyle Lake are defined as the lake and that portion of the Kaskaskia River, northfork, eastfork, Peppenhorst Branch and Allen Branch north of the buoys only, and Hurricane Creek that are within the boundaries of the Carlyle Lake property.
- C) Walk-in hunting shall be permitted in subimpoundment areas. Boats with no motors are allowed in the subimpoundments. Department personnel will designate boat launching locations.
- D) When the water level in the subimpoundment area is too high (due to flooding) to allow walk-in hunting, Department personnel shall post that the area is open to boats with motors of 10 hp or less and will designate boat launching locations.
- E) Known eagle protection areas will be posted by the Site Superintendent and will be closed to waterfowl hunting.
- F) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys shall not be left out unattended or after 3:00 p.m. each day of the waterfowl season, except during the last 3 days of the Canada goose season and during any goose seasons that occur after Canada goose season, decoys shall not be left out unattended or later than one hour after sunset.
- G) All waterfowl hunters must register prior to hunting each day of the waterfowl hunting season at the nearest accessible registration box. All hunters must sign out and record their harvest daily before they exit the area.
- H) The Army Corps of Engineers may build blinds on Corps managed lands and waters for management purposes only.

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- I) During the last 3 days of Canada goose season ~~and during any goose seasons that occur after Canada goose season~~, hunting hours shall close at sunset daily.
- J) The following rules apply to North Allen Branch Waterfowl Management Area (Eldon Hazlet State Park) only:
- i) Three designated blind sites are available on a first come-first served basis. Walk-in hunting only is permitted with a maximum of 4 hunters per site. All hunting must be from one blind site located between identically numbered stakes.
  - ii) Hunters must sign in prior to hunting, and sign out and report their harvest at the end of each day. All hunters must be checked out by 2:00 p.m. daily, except the last 3 days of the Canada goose season, and during any goose seasons that may occur after the Canada goose season, hunters must be checked out by one hour after sunset.
  - iii) Decoys shall not be left out unattended.
  - iv) When the lake floods this area and designated blind sites are not usable for walk-in hunting, the Department, by public announcement and/or posting, will open the affected area to hunting from boats per Carlyle Lake Project Lands and Waters' rules.
- 7) Chauncey Marsh (1)  
Permit required, may be obtained at Red Hills State Park Headquarters and must be returned by February 15.
- 8) Clinton Lake (1)
- A) Hunters must obtain a free site hunting permit and windshield card from the site office prior to hunting. While hunting, the windshield card must be visible in the windshield with the permit number clearly visible. Site hunting permits must be in the hunter's possession while in the field. Hunters must return the

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permit and report harvest by February 15 of the following year, or hunting privileges for the following season shall be forfeited.

- B) Except as described in subsections (b)(87)(C) and (D), hunting is allowed only from anchored portable blinds, except that no waterfowl hunting is permitted in the area extending from a line between the west side boat ramp and the southern-most point of the central peninsula to the Davenport Bridge.
  - C) Waterfowl hunting is also permitted from staked sites in designated areas on a first come-first served basis. Walk-in or boat hunting only. Hunting parties must hunt within 25 yards of a staked site. No more than 4 hunters per party are permitted.
  - D) Hunting is permitted from permanent land-based Disabled Hunting Program blinds.
  - E) Each party must hunt over a minimum of 12 decoys. Decoys must be removed from the sites following each day's hunt. Decoys must not be left unattended.
  - F) Except for the Handicap Hunting Program facilities, blinds must be portable or built from material brought in or available at the blind site. Blinds must be dismantled and removed at the end of each day's hunt. No trees or bushes may be cut.
- 9) Coffeen Lake State Fish and Wildlife Area
- A) Hunters must sign in prior to hunting and sign out, reporting harvest at the end of each day.
  - B) Hunting from staked sites only.
  - C) No permanent blinds.
  - D) Hunting by boat access only.
  - E) No cutting vegetation on site.

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- F) Hunting north of railroad tracks only.
- G) Hunting hours from legal opening to 1 p.m. Fishing allowed between the railroad tracks and the county road after 1:00 p.m.
- H) Four hunters per blind site.
- I) No hunting during firearm deer seasons.
- J) All hunters must be checked out at sign in box by 2:00 p.m.

10) Copperhead Hollow State Wildlife Area (1)  
Hunters must obtain a free permit from the site office; permit must be in possession while hunting; permit must be returned and harvest reported by February 15; failure to return the permit will result in loss of hunting privileges at the site for the following year.

11)~~10)~~ Cypress Pond State Natural Area (1)  
Hunters~~(hunters~~ must sign in prior to hunting and sign out reporting harvest at the end of each day.)~~(1)~~

12) Deer Pond State Natural Area (1)  
Hunters must sign in prior to hunting and sign out reporting harvest at end of each day.

13)~~11)~~ Devil's Island State Fish and Wildlife Area (1)

14)~~12)~~ Dog Island Wildlife Management Area (1)  
Hunters must sign in prior to hunting and sign out reporting harvest at end of each day.

15)~~13)~~ Donnelley State Wildlife Area

- A) Hunting is prohibited on Tuesdays and Wednesdays except open on opening day and on the first Sunday immediately preceding the first firearm deer season as set forth in 17 Ill. Adm. Code 650.10 except as indicated in Section 590.25.
- B) Goose hunting is prohibited after the close of the duck season.

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- C) All hunting shall be from designated blinds only. Refilling or changing blinds is not permitted.
- D) All hunters must report to the check station to fill out an information card and turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to blinds.
- E) A hunter may bring one or 2 hunting partners under the age of 21.
- F) \$10 daily usage stamp must be purchased to hunt this area. Non-hunting partners between 16 and 20 years of age must pay daily usage stamp fee. Non-hunting partners under 16 are not required to purchase a daily usage stamp.
- G) No outboard motors are allowed by public – only by authorized DNR personnel.
- H) No more than 3 persons shall occupy a blind at any one time.
- I) All parties are required to report to check station within one hour after termination of hunt or no later than 2:00 p.m.
- J) All parties must hunt over a minimum of 12 decoys and a maximum of 48 decoys can be used, which must be removed upon the termination of the hunt.
- K) The first weekend and the third Saturday of the regular duck season shall be designated as youth hunt days. This shall consist of youth or youths 15 and under plus one adult per blind. There shall be no charge for the youth on these days. Those blinds not allocated to youths shall be available to adults on those days.
- L) One blind shall be made available by priority claim to "disabled" persons (as defined in Section 2.33 of the Wildlife Code).

| 16)14 Fort de Chartres Historic Site (1)

- A) Hunting is allowed from anchored, portable boat blinds only on a

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first come-first served basis.

B) Each hunting party is required to hunt over a minimum of 12 decoys which must be removed at the end of each hunting day.

C) No hunting is allowed during firearm deer season.

~~17)15)~~ Fox Ridge State Park (1)  
Hunting restricted to Embarras River and its flood waters.

~~18)16)~~ Fox River (1)

A) Waterfowl hunting is prohibited on that portion of the Fox River running from the Kendall-Kane County line downstream to a line extending from the intersection of Route 71 and Douglas Street in Oswego, across the Fox River to the intersection of Hickory Lane and Riverview Drive.

B) Waterfowl hunting shall be from Department designated sites only on that portion of the Fox River downstream from the line extending from the intersection of Route 71 and Douglas Street in Oswego, across the Fox River to the intersection of Hickory Lane and Riverview Drive downstream to the Fox River Drive Bridge. Hunting at the designated sites will be on a first come-first served basis. Statewide regulations shall be in effect with no other Sections of this Part being applicable.

~~19)17)~~ Fox River – Chain of Lakes (Lake and McHenry Counties) (1)  
Waterfowl blind regulations promulgated in accordance with the Illinois Administrative Procedure Act [5 ILCS 100] under the authority of the Fox Waterway Agency are in full force and effect on those public waters under their jurisdiction. Failure to comply with such regulations constitutes a violation of this Section. Statewide regulations shall be in effect with no other Sections of this Part applicable.

~~20)18)~~ Freeman Mine  
Hunting regulations will be publicly announced.

~~21)19)~~ Heidecke State Fish and Wildlife Area, Braidwood Fish and Wildlife Area

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and Powerton Lake

- A) Blind sites shall be allocated on a daily draw basis conducted at the check stations 60 minutes before hunting time. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select blind site in order drawn; only those hunters registered in party shall be allowed to hunt with their party; no more than 3 hunters per party; persons under the age of 16 shall not be allowed to hunt unless accompanied by an adult.
- B) Blind sites not selected during the drawing shall be allocated on a first come-first served basis. Vacant blind sites shall not be allocated after the drawing until one hour after legal hunting time. No blind sites shall be allocated after 10:00 a.m. Hunters wishing to move to another blind site must report this move to the check station attendant in person before such a move.
- C) Access to water blind sites must be by boat only and from designated boat launch sites.
- D) All hunting must be from portable boat blinds, within 10 yards of the assigned numbered stake or buoy. No more than 3 persons shall use one blind.
- E) Upon vacating blind sites, all hunters must report to the check station within one hour. At this time, waterfowl bagged must be checked in and displayed to the station operator and hunting licenses returned.
- F) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys must be picked up immediately after the hunt is over.
- G) Heidecke Lake and Braidwood Lake shall be closed to all fishing and boat traffic except for legal waterfowl hunters from 10 days prior to regular duck season until the close of the regular duck and Canada goose season. Powerton Lake shall be closed to boat traffic from 7 days prior to opening of regular duck season until February 15, except for legal waterfowl hunters, and closed to all

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unauthorized entry during the regular duck season.

- H) No hunting on Monday and Tuesday at Heidecke and Braidwood Lakes. No hunting at Powerton Lake on Monday through Thursday except hunting permitted on State holidays.
- I) It is unlawful to hunt waterfowl on the water area in any watercraft less than 16 feet long and 60 inches in beam and without a gas-powered motor.
- J) No guns may be carried from water blinds to retrieve waterfowl that fall on land.
- K) Hunting is closed on Christmas Day and New Year's Day.
- L) All water areas not posted with blind site numbers shall be refuge and are closed to all boat traffic except by authorized personnel.
- M) It is unlawful to shoot across any dike.
- N) Waterfowl hunting shall close with the conclusion of the duck season at Powerton Lake. At Heidecke and Braidwood Lakes, waterfowl hunting closes at the end of duck or goose season, whichever is later. No goose hunting is allowed prior to duck season.

| 22)20) Hidden Springs State Forest (hunting restricted to Richland Creek and its floodwaters) (1)

| 23)21) Horseshoe Lake (Alexander County) Public Hunting Area

- A) Closed to waterfowl hunting on Mondays and Tuesdays.
- B) When duck season is closed, goose hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.

| 24)22) Horseshoe Lake Refuge  
No(~~no~~) hunting allowed, no boat motors except trolling motors will be

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allowed on Horseshoe Lake from October 15 to March 1.)

~~25)23)~~ Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Unit  
~~Site(site~~ permit required.)

~~26)24)~~ Kaskaskia River Fish and Wildlife Area (1)  
~~The(the~~ last 3 days of both the duck season and the regular Canada goose season. ~~(1))~~

- A) No waterfowl hunters may remain in the area after 3:00 p.m. For those lands lying south of Illinois Route 154 and north of Illinois Route 13, the legal hunting hours shall be from statewide opening hour until statewide closing hour.
- B) All waterfowl hunting parties must use at least 12 decoys. Hunting is allowed on a first come-first served basis.
- C) It is unlawful to leave duck and goose decoys unattended. Decoys must be picked up at the end of each day's hunt.
- D) All waterfowl hunters must register prior to hunting each day of the waterfowl season at the nearest check station, and must sign out and record their harvest daily before they exit the area.
- E) The following regulations apply to the Doza Creek Waterfowl Management Area:
  - i) No waterfowl hunters may enter the area before 4:30 a.m. each day of the waterfowl hunting season. No waterfowl hunters may remain in the area after 3:00 p.m. During the second firearm deer season, waterfowl hunting closes at 11:00 a.m. and no waterfowl hunters may remain in the area after 1:00 p.m.
  - ii) Only waterfowl, coot, firearm deer hunting (during the second firearm deer season only), archery deer and fall archery turkey hunting (as provided by 17 Ill. Adm. Code 670 and 720) allowed in this area during the duck hunting

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season; goose hunting is closed during the second firearm deer season if the second firearm deer season occurs after duck season.

- iii) For the first 4 days of the duck season, all waterfowl hunting must occur within 10 yards of an assigned, numbered stake. Staked hunting locations shall be allocated on a daily draw basis at the Highway 154 Boat Ramp at ~~4:00~~4:30 a.m. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select a staked location in order drawn; only those hunters registered in a party shall be allowed to hunt with their party; no less than 2 hunters and no more than 4 hunters per party; moving from staked location to staked location is not allowed. Staked locations not allocated during the drawing will not be hunted that day. Starting on day 5 and for the remainder of the waterfowl season, hunting is allowed on a first come-first served basis and hunting need not occur by a stake. Waterfowl hunters must maintain a distance of 200 yards between hunting parties.

F) Handicapped accessible waterfowl hunting blind (Dry Lake Access Area)

- i) Application for hunting dates should be received at the site office September 1-10 and will be allocated on a first request basis or via a drawing, if needed.
- ii) Three hunters are allowed in the blind. At least one hunter must have a P-2 handicapped certification.
- iii) Hunters must sign in/out and report harvest at check station after hunting.

~~27)25)~~ Kickapoo State Recreation Area

- A) Hunting permitted only from staked sites. Hunters must sign in prior to hunting and sign out and report harvest at the end of each day's hunt.

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- B) Hunters must register and hunt as parties. No more than 4 hunters per party are permitted. No non-hunting partners.
- C) Upon vacating their blinds, all hunters must take their completed harvest cards, issued daily on site, and place them in the collection box at the designated check station.
- D) Each hunting party must hunt over a minimum of 12 decoys.
- E) Waterfowl hunting is permitted only during the first 7 weekdays of the November portion of the Central Zone Canada goose season.
- F) Hunting from staked sites only. Hunting must be within 10 feet of the staked location. All hunting must be from one portable blind or one anchored boat blind. Electric motors only for all boats.
- G) Blind material must be brought in and taken out each day. No vegetation may be cut at the site.
- H) Hunting hours are from legal opening to 1:00 p.m. Hunters must be out of the field by 2:00 p.m.
- I) Hunters wishing to move to another vacant blind location may do so on a first come-first served basis, provided they include the blind change on the harvest card and report their harvest for each blind.

~~28)26)~~ Kinkaid Lake Fish & Wildlife Area (1)

~~27)~~ ~~Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area~~

- ~~A) Waterfowl hunting shall be permitted as described below except in duly posted restricted and "No Hunting" areas.~~
- ~~B) Waterfowl hunting in the Fish Hook, the North Dunn, the McGee, and the Jonathan Creek Waterfowl Areas shall be allotted by a daily drawing from opening day through the first Saturday and Sunday of the regular waterfowl season. Parties must register for~~

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~~drawings between 3:00 a.m. and 4:00 a.m. Central Standard Time at the check station on those days. Each party drawn shall be allowed to choose one of the staked sites in the waterfowl area. Parties must select sites in the order they are drawn. Maximum party size is 4 persons. In addition, the following regulations shall apply:~~

- ~~i) All parties must hunt within 10 yards of their assigned stake.~~
  - ~~ii) All parties must be in place by 1/2 hour before hunting time.~~
  - ~~iii) All parties are required to report their harvest by 2:00 p.m. following each hunt.~~
- C) ~~Hunting in the Jonathan Creek, North Dunn and McGee Waterfowl Areas shall be restricted to designated, staked sites on a first come first served basis except as noted in subsections (b)(26)(A) and (B). Hunting in the Fish Hook Area shall be restricted to designated, staked sites on a first come first served basis until the opening of the Illinois Southern Zone duck season, except as noted in subsections (b)(25)(A) and (B). A hunting party must hunt within 10 yards of the stake.~~
- D) ~~Each hunting party in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas are required to hunt over a minimum of 12 decoys.~~
- E) ~~Motors of over 10 horsepower shall not be operated in the Fish Hook, Jonathan Creek, Dunn, and McGee Waterfowl Areas.~~
- F) ~~Waterfowl hunting only is permitted in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas during the regular waterfowl season, except that pheasant, rabbit and quail hunting is permitted after 1:00 p.m. daily beginning the day after the close of the Central Zone Duck Season.~~
- G) ~~During the regular waterfowl season, only licensed waterfowl hunters with valid site waterfowl permits who are in the pursuit of~~

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~~waterfowl are permitted on the Kaskaskia River from the Strickland Boat Access north to the Illinois Central Railroad bridge from ½ hour before sunrise until 1:00 p.m.~~

- H) ~~A free permit is required, which is obtained from the site office. Permits must be in possession while hunting waterfowl. The permit must be returned and harvest reported by February 15 or the hunter will forfeit his hunting privileges at this site for the following year.~~

29)28) Marshall State Fish and Wildlife Area – Duck Ranch Unit Only

- A) On days open to hunting, blind or staked sites shall be allocated by a random drawing held at Marshall State Fish and Wildlife Area (MSFWA) check station, 5 miles south of Lacon on S.R. 26. The drawing will be conducted 60 minutes prior to legal shooting time. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select hunting blinds in the order drawn. No more than 4 hunters per party; only registered party members shall be allowed to hunt in the party's blind.
- B) Blinds or staked sites not selected during the drawing shall be allocated on a first come-first served basis. Vacant staked sites shall not be allocated after the drawing until one hour after legal hunting time. No blind sites shall be allocated after 11:00 a.m. Daily hunting hours will close at 1:00 p.m.
- C) All hunting must be from a designated blind or staked site. Refilling or changing blinds or staked sites is not permitted.
- D) Hunters are required to report their harvest at the end of the day's hunt on a harvest card located in the blind. Hunters are not required to report back to the MSFWA check station.
- E) No hunting on Monday, Wednesday, or Friday.

30)29) Mernmet

- A) Waterfowl hunting shall be permitted during duck season only.

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- B) Hunting is allowed in the walk-in and blind areas only.
- C) No fishing on the area during duck season.
- D) Hunting hours are from legal opening until 3:30 p.m. each day, except the last 3 days of duck season, when hunting shall be allowed until sunset.
- E) Manned check station will be closed Christmas Day and every Sunday and Monday during regular duck hunting season. Walk-in hunting will be allowed on Sundays and Mondays.
- F) Blind sites shall be allocated on a daily drawing basis at the manned waterfowl check station 90 minutes before legal hunting time (except Sunday and Monday when the manned check station is closed). All hunters are required to deposit their hunting licenses before entering the areas. Those persons exempted by law from having a hunting license shall deposit their Firearm Owner's Identification Card.
- G) Hunters shall register as a party/group of up to 4 hunters for the drawing (except on the statewide youth waterfowl hunting day, as authorized in 17 Ill. Adm. Code 685.110(c) when 5 people may occupy a blind at one time if the party includes 2 youth hunters); each party/group drawn shall be allowed to select a blind in the order drawn; only those hunters registered in that party/group shall be allowed to hunt with the party.
- H) Upon allocation of blinds, all hunting parties/hunters must accept and hunt the blind chosen, or reject the allocation of the blind immediately. All those rejecting the allocation of a blind shall be ineligible to hunt within the blind area for the remainder of that day. Individual hunters, or hunting parties, can only be allocated one blind per day. Blinds not selected during the main drawing shall be allocated on a first-come first-served basis. No blinds will be allocated after 1:00 p.m., except the last 3 days of duck season when no allocation will be allowed after 3:00 p.m.

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- I) Hunters must occupy their blinds/hunting area within one hour after registering at the manned check station.
- J) All hunting parties are required to report to the check station immediately after vacating their blind/hunting area and/or no later than 4:00 p.m. At that time, waterfowl harvested must be checked in and displayed to the check station operator. Only then will the hunting license be returned to the hunter.
- K) All hunters must park in designated areas only. All areas are marked with corresponding numbers or area designations. Only one vehicle per hunting party will be allowed, unless approval is granted by check station operator.
- L) Within the blind area, a minimum of 12 decoys per hunting party are required while hunting waterfowl. No decoys are required within the walk-in areas. All decoys must be removed from the area at the end of the day's hunt.
- M) A 25 shotgun shell limit per hunter, per day, applies on this area. It is unlawful for a hunter to have in his or her possession more than 25 shotgun shells while on the site.
- N) All hunting must be conducted from the allocated blind. Hunting outside of allocated blinds is not permitted, except within the walk-in areas.
- O) Attempts to claim a blind by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest. Insertion of a boat into a boat hide and/or the spread of decoys before a blind shall not be considered legal occupation of a blind.
- P) Due to safety factors, persons under 16 years of age shall not hunt, or attempt to hunt, unless accompanied by a parent, legal guardian, or person designated by the parent or guardian who is 18 years of age or older.
- Q) Claiming or attempting to claim any blind that is legally occupied

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and/or harassing, in any manner, the occupants of a blind that is legally occupied is unlawful.

R) Boats without motors may be used within the walk-in areas.

31)30) Newton Lake Fish and Wildlife Area

- A) Blind sites shall be allocated by a daily drawing to be conducted at 4:30 a.m. Blind sites not selected during the drawing (or in the event that personnel are not available to conduct drawing) shall be allocated on a first come-first served basis until one hour before shooting time; and then after 9:00 a.m. All hunters must register before entering the hunting area. Hunting hours end at 1:00 p.m.; all hunters must be off the water or out of the field by 2:30 p.m. daily.
- B) Upon vacating their blinds, all hunters must place their completed harvest cards in the collection box located at the boat ramp or site headquarters.
- C) There will be duly posted waterfowl refuges. These areas shall be closed to all boat traffic and boat fishing during the waterfowl season.
- D) No more than 4 persons shall occupy a blind at one time.
- E) The west arm of the lake shall be closed to all waterfowl hunting.
- F) Blind sites shall be determined by the Department of Natural Resources and marked with numbered stakes. When it is deemed necessary, the Department shall remove, move or close blind sites in order to carry out the operations of the overall management program.
- G) Hunters wishing to move to another vacant blind location may do so on a first come-first served basis, providing they include the blind change on the harvest card and report their kill for each blind. If hunters do not occupy the stake they have drawn by legal shooting time, they forfeit the right to the staked hunting location.

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- H) Access to water blind sites shall be by boat only and from the east side boat ramps. Access to land sites shall be by walk-in only and from nearby hunter parking lots. No parking is allowed along county roads.
- I) All water hunting must be from one portable blind or one anchored portable boat blind located between the assigned numbered stakes, no more than 10 yards from shore. All land hunting must be done from a position within 50 feet of the assigned numbered stake.
- J) Crippled waterfowl that fall on land, other than areas designated as refuge, shall be retrieved by foot. However, no gun may be carried while attempting to recover such birds.
- K) Blind site water: A position between 2 like numbered stakes where a blind may be located. Blind site land: A position within 50 feet of numbered stakes where a hunter may set up or a temporary blind may be located.
- L) Fishing shall be prohibited in the east arm of the lake during the waterfowl season.
- M) Each party must hunt over a minimum of 12 decoys, and all decoys must be removed at the end of each day's hunt.
- N) When it is deemed necessary for public safety reasons, such as flooding, high winds, or heavy fog, the Department will close the lake area to all fishing and all boating activity except for non-water hunting programs.
- O) This site is closed to all users except firearm deer hunters during the firearms deer seasons.

| [32\)31\)](#) Oakford Conservation Area (1)

| [33\)32\)](#) Pyramid State Park – Captain Unit

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- A) All vehicles must have a site hunting permit displayed in windshield. Permits must be returned by February 15.
- B) Hunting hours are from legal opening to 1:00 p.m.; hunters must be out of the field by 2:00 p.m.
- C) Each hunting party is required to hunt over a minimum of 12 decoys; all decoys must be picked up at the end of each day's hunt.
- D) All hunters must register as a group not to exceed 4 names per card. A hunter's name may only appear on one lottery card.
- E) Blind sites will be allocated by daily drawing at the Galum Unit Office beginning at 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January. All hunting must occur within 10 yards of an assigned, numbered stake, except for stakes identified at the check station where hunters may hunt from any place in the wetland in which the stake is located. There will be no moving to staked locations after initial drawing.
- F) Successful participants must have their lottery card stamped with the date and blind number. The card must be in the possession of the hunter or group while hunting. Waterfowl harvested must be reported on blind selection card and returned daily to a hunter check station box.
- G) Waterfowl hunters not participating in daily draw must report their harvest on site hunting permit by February 15.
- H) Entry time for hunters not participating in daily lottery is 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January.
- I) Waterfowl hunters may not hunt on main lakes other than staked locations. Hunters may hunt crop fields and wetlands that have not been staked; however, they must be a minimum of 200 yards from the nearest staked location or another hunter.
- J) No waterfowl hunting is allowed within 200 yards of the Captain Unit Waterfowl Rest Area or within 100 yards of any private

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property boundary.

- K) The land and water portion of the Captain Unit Waterfowl Rest Area is closed to all entry from October 28 through February 28. The location of the Captain Unit Waterfowl Rest Area is described as follows: All land and water west of Panda Bear Road north to Northern Haul Road, then south on Beltline Road to Western Haul Road, then east on Pyatt-Cutler Road.
- L) After duck season is closed and during the Canada goose hunting season, hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag.
- M) ~~The area is closed to waterfowl hunting on Mondays and The waterfowl daily drawing and staked locations will be closed to hunting on~~ December 25.

~~34)33)~~ Pyramid State Park – Denmark Unit

- A) All vehicles must have a site hunting permit displayed in windshield. Permits must be returned by February 15.
- B) Hunting hours are from legal opening to 1:00 p.m.; hunters must be out of the field by 2:00 p.m.
- C) Each hunting party is required to hunt over a minimum of 12 decoys; all decoys must be picked up at the end of each day's hunt.
- D) All hunters must register as a group, but no more than 4 names shall be listed per card. A hunter's name may only appear on one lottery card.
- E) Blind sites will be allocated by daily drawing at the Galum Unit office beginning at 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January. All hunting must occur within 10 yards of an assigned, numbered stake, except for stakes identified at the check station where hunters may hunt from any place in the wetland in which the stake is located. There will be no moving to staked locations after initial drawing.

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- F) Successful participants must have their lottery card stamped with the date and blind number. The card must be in the possession of the hunter or group while hunting. Waterfowl harvested must be reported on blind selection card and returned daily to a hunter check station box.
- G) Waterfowl hunters not participating in daily draw must report their harvest on site hunting permit by February 15.
- H) Entry time for hunters not participating in daily lottery is 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January.
- I) Waterfowl hunters may not hunt on main lakes other than staked locations. Hunters may hunt crop fields and wetlands that have not been staked; however, they must be a minimum of 200 yards from the nearest staked location or another hunter.
- J) No waterfowl hunting within 200 yards of Denmark Unit Waterfowl Rest Area and 100 yards of any private property boundary.
- K) The land and water portion of the Denmark Unit Waterfowl Rest Area is closed to all entry from October 28 through February 28. The location of the Denmark Unit Waterfowl Rest Area is described as follows: All land and water east of field DM 72 following Pipestone Creek, north and then east along Seven Island Trust Property Boundary, then east to Eastern Haul Road, then north to Pyatt-Cutler Road.
- L) After duck season is closed and during the Canada goose hunting season, hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag.
- M) [The area is closed to waterfowl hunting on Mondays and The waterfowl daily drawing and staked locations will be closed to hunting on December 25.](#)

[35\)34\)](#) Pyramid State Park – East Conant Unit

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- A) All vehicles must have a site hunting permit displayed in windshield. Permits must be returned by February 15.
- B) Hunting hours are from legal opening to 1:00 p.m.; hunters must be out of the field by 2:00 p.m.
- C) Each hunting party is required to hunt over a minimum of 12 decoys; all decoys must be picked up at the end of each day's hunt.
- D) No more than 4 hunters to a party.
- E) No waterfowl hunting within 100 yards from any private property boundary.
- F) After duck season is closed and during the Canada goose hunting season, hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag.
- G) Entry time for hunters not participating in daily lottery is 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January.
- H) Hunters may hunt crop fields and wetlands; however, they must be a minimum of 200 yards from the nearest staked location or another hunter.

D) [The area is closed to waterfowl hunting on Mondays and December 25.](#)

36)35) Pyramid State Park – Galum Unit

- A) All vehicles must have a site hunting permit displayed in windshield. Permits must be returned by February 15.
- B) Hunting hours are from legal opening to 1:00 p.m.; hunters must be out of the field by 2:00 p.m.
- C) Each hunting party is required to hunt over a minimum of 12 decoys; all decoys must be picked up at the end of each day's hunt.

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- D) All hunters must register as a group, but no more than 4 names shall be listed per card. A hunter's name may only appear on one lottery card.
- E) Blind sites will be allocated by daily drawing at the Galum Unit Office beginning at 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January. All hunting must occur within 10 yards of an assigned, numbered stake, except for stakes identified at the check station where hunters may hunt from any place in the wetland in which the stake is located. There will be no moving to staked locations after initial drawing.
- F) Successful participants must have their lottery card stamped with the date and blind number. The card must be in the possession of the hunter or group while hunting. Waterfowl harvested must be reported on blind selection card and returned daily to a hunter check station box.
- G) Waterfowl hunters not participating in daily draw must report their harvest on site hunting permit by February 15.
- H) Entry time for hunters not participating in daily lottery is 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January.
- I) Waterfowl hunters may not hunt on main lakes other than staked locations. Hunters may hunt crop fields and wetlands that have not been staked; however, they must be a minimum of 200 yards from the nearest staked location or another hunter.
- J) No waterfowl hunting within 100 yards of any private property boundary.
- K) After duck season is closed and during the Canada goose hunting season, hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag.
- L) [The area is closed to waterfowl hunting on Mondays and](#)  
[The waterfowl daily drawing and staked locations will be closed to](#)

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~~hunting on~~ December 25.

~~37)36)~~ Ray Norbut State Fish and Wildlife Area (1)

~~38)37)~~ Rend Lake Project Lands and Waters

- A) All waterfowl hunters and all boats must be out of the Casey Fork and Big Muddy subimpoundments by 2:00 p.m. each day of the waterfowl season and not return until 4:30 a.m., except during the last 3 days of the Canada goose season, ~~and during any goose season occurring after the Canada goose season,~~ hunters must be out of the areas by one hour after sunset and not return until 4:30 a.m.
- B) No hunting permitted from the subimpoundment dams.
- C) While waterfowl hunting, no one may have in his/her possession any tool or device designed to cut brush or limbs, except common hunting knives and pocket knives.
- D) No waterfowl hunting permitted within 200 yards of the refuge boundary, or within 100 yards of any private property boundary.
- E) All boat traffic is prohibited from entering the subimpoundments from one week before waterfowl season until opening day of waterfowl season.
- F) All waterfowl hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.
- G) Air boats will not be allowed in the Casey Fork Subimpoundment, the Big Muddy Subimpoundment, and the impoundments on Corps of Engineers' managed areas such as Atchison Creek, Gun Creek and Rend City Wetland during the regular duck and Canada goose seasons. When ice conditions do not allow access at boat ramps by normal watercraft, then air boats can be used in the Casey Fork and Big Muddy Subimpoundments.
- H) Permanent blinds at the Whistling Wings Access Area shall be

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regulated as follows:

- i) During goose season, a separate drawing will be held for the pits at Whistling Wings. This drawing will be held at the Cottonwood check station following the drawing for staked hunting sites. Hunters may not register for more than one drawing per day. Unsuccessful hunters in the drawing for Whistling Wings pits may select any unclaimed staked location after the drawings.
  - ii) Hunters who wish to hunt together must register as a hunting party and be present at the drawing.
  - iii) All hunters must have the registration card from the check station in their possession while hunting.
  - iv) Hunting parties can only hunt from the pit location that they chose in that day's drawing. No moving to or hunting from any other pit location is allowed.
  - v) No more than 6 dozen decoys may be used per pit.
  - vi) No more than 4 hunters will be allowed in a pit or hunting party.
- I) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.
- J) During the last 3 days of Canada goose season ~~and during any goose seasons occurring after Canada goose season~~, hunting hours shall close at sunset daily.
- K) The land and water portion of the Rend Lake Refuge is closed to trespassing during waterfowl season. The location of the Rend Lake Refuge is described as follows:
- i) Bounded on the south by a buoy line, approximating the Jefferson-Franklin County Line.

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- ii) Bounded on the east by a buoy line and/or signs approximating the channel of the Casey Fork Creek.
  - iii) Bounded on the west by a buoy line and/or signs approximating the channel of the Big Muddy River.
  - iv) Bounded on the north portion of the Big Muddy River by a buoy line and/or signs approximating a line which would extend west from Ina, Illinois.
  - v) Bounded on the north portion of the Casey Fork Creek by the Casey Fork Subimpoundment Dam.
  - vi) Bounded on Nason Point by refuge boundary signs at project limits.
- L) After the close of regular duck season, goose hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.
- M) Staked Hunting Areas – Those areas designated as a staked hunting area will be publicly announced and the following regulations will apply:
- i) All hunting must occur within 10 yards of an assigned, numbered stake except for stakes identified at the check station where hunters may hunt from any place in the field in which the stake is located.
  - ii) Stakes will be assigned via a daily drawing held at 4:00 a.m. during November, 4:30 a.m. in December and 5:00 a.m. in January.
  - iii) Check station at the Bonnie Dam Access Area will be operated on a daily basis through the second weekend of the waterfowl season. Thereafter, Bonnie Dam check station will only be open on weekends and holidays as posted at the check station. Cottonwood Access Area will

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be operated on a daily basis throughout the waterfowl season for both Bonnie Dam and Cottonwood Hunting Areas. Hunters who wish to hunt together at a staked location must register as a hunting party and be present for the drawing. Only those persons in that party may hunt at the assigned stake. No more than 5 persons shall be in a hunting party.

- iv) All hunters must register at the check station. Hunters arriving at the check station after the initial draw will have the opportunity to select any stakes that are still available up to one hour before legal shooting time. Hunters may enter the subimpoundment up to ½ hour before legal shooting time or between 9:00 a.m. and 9:30 a.m.
- v) Hunting parties can only hunt from the staked hunting location that they chose in that day's drawing. No moving to or hunting from any other staked hunting location is allowed. Once a staked hunting location is killed out, no other hunting party may hunt from that stake for the remainder of that day.
- vi) When hunting parties have killed their legal daily bag limit of ducks (not including coots and mergansers) and/or Canada geese in respect to the legal hunting season dates they must vacate the hunting site.
- vii) Hunters must sign in and out and report their harvest on the cards at the access area where they launch.

| [39\)38\)](#) Sahara Woods State Fish and Wildlife Area (1)

| [40\)39\)](#) Saline County Conservation Area (1)

- A) Waterfowl hunting is allowed north of the township road only.
- B) Walk-in hunting only.
- C) Hunters must sign in prior to hunting and sign out reporting

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF PROPOSED AMENDMENTS

harvest at the end of each day.

| 41)40) Sand Ridge State Forest (Sparks Pond Land and Water Reserve) (1)

- A) Hunting is permitted on Tuesdays and Saturdays during the duck season. Permits are issued on a first come-first served basis.
- B) Two hunters are allowed per blind. At least one hunter must have a P-2 handicapped certification.
- C) Hunters must report harvest to site office.

| 42)41) Sanganois State Fish and Wildlife Area

- A) Hunters using the main walk-in hunting area from opening day of the Central Zone duck season through the first Sunday of the Central Zone duck season must have a permit issued from the site office. Procedures for issuance of permits will be publicly announced.
- B) Hunters using the walk-in area shall use the check station at the headquarters area located 8 miles northwest of Chandlerville just off Route 78 or the check station on the west side of the Illinois River one mile north of Browning near Route 100.
- C) Walk-in waterfowl hunting shall be permitted only in the area posted for this purpose.
- D) All hunters using a walk-in area must report to the check station to fill out information cards and to turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to area.
- E) Topper's Hole is a walk-in area accessed by boat only, no check-in, check-out, no permanent blinds, hunting parties must stay at least 200 yards apart, hunting parties shall hunt over no less than 12 decoys, daily hunting hours are legal shooting hours through 1:00 p.m. CST.
- F) The Baker tract is a daily-draw walk-in area with 4 separate

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hunting compartments. One party of hunters (up to 4 hunters per party) will be permitted to hunt in each hunting compartment. The allocation of the 4 Baker tract hunting compartments will be by daily draw as part of the site's daily draw vacant blind allocation. Parties must register for the draw together on the same card.

- G) Upon the completion of hunting, hunters must report to the check station within one hour.
- H) Fishing is prohibited in the impoundment areas during the duck season, except that walk-in only access for fishing from the bank is permitted after 1:00 p.m.
- I) No person shall trespass on the Barkhausen Refuge during the period from October 1 through end of goose season.
- J) No person shall trespass on the Marion-Pickerel Waterfowl Refuge during the period from October 1 through the last day of the waterfowl season, unless prior permission for a specific reason (such as access to private land or to retrieve dead or wounded game) is granted by the site superintendent.
- K) When the Central Zone goose season extends beyond the duck season, goose hunting shall be permitted with statewide hunting hours in effect. Hunters need not occupy a blind. All hunting must be conducted within non-refuge areas.
- L) No hunting permitted from the walk-in area subimpoundment levee.
- M) Hunters may use boats without motors in the walk-in area; the construction and/or use of permanent blinds in the walk-in area is prohibited.

| 43)42) Sangchris Lake State Park

- A) During the last 3 days of the regularly scheduled Canada goose season, hunting hours will close at statewide closing.

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- B) Blind sites shall be allocated by a daily drawing to be conducted 90 minutes prior to hunting time. Blind sites not selected during the drawing (or in the event that personnel are not available to conduct the drawing) shall be allocated on a first come-first served basis. (During that portion of the Canada goose season which follows the duck season, the west side goose pit area, the west arm blind sites and east arm blind sites south of power lines shall be available for goose hunting and shall be allocated on a daily drawing basis to be held at 5:30 a.m. daily.)
- C) During that portion of the light goose season which follows the regular Canada goose season, the west-side goose pit area blinds, subimpoundment blinds, and designated fields west of the west boat ramp shall be available daily on a first come-first served basis. Hunters must sign in at the appropriate parking area no earlier than 5 a.m.
- D) All hunting must be from registered blind sites only and hunters must occupy their blinds within one hour after registering at the check station.
- E) Upon vacating their blinds, hunters must place their completed harvest cards in the collection boxes located at either the east or west boatdock.
- F) There will be a duly posted waterfowl refuge. These areas shall be closed to all boat traffic (except as allowed in subsection (b)(~~4241~~)(K)) and boat fishing during the waterfowl season. Bank fishing along the dam shall be permitted.
- G) No more than 4 persons shall occupy a blind at one time.
- H) The center arm of the lake shall be closed to all waterfowl hunting.
- I) Blind sites shall be determined by the Department of Natural Resources and marked with a numbered stake. When it is deemed necessary, the Department of Natural Resources shall remove, move or close blind sites in order to carry out the operations of the overall management program.

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- J) Hunters wishing to move to another blind location may do so after 10 a.m. providing they include the blind change on the harvest card and report their kill for each blind.
- K) Access to water blind sites shall be by boat only and from designated boat launch sites. Blinds on the peninsula subimpoundment shall be accessed on foot once the hunter has reached the peninsula by boat. Corridors located along the edges of the existing refuge will be established to provide access to all available blind sites as designated by site superintendent when conditions warrant.
- L) All hunting must be from one portable blind or one anchored portable boat blind located within a numbered cove and between the assigned numbered stakes or from one Department designated blind or pit.
- M) Crippled waterfowl that fall on land, other than areas designated as refuge, shall be retrieved by foot. However, no gun may be carried while attempting to recover such birds.
- N) No unauthorized pits or blinds shall be built on State managed land.
- O) Blind sites: A position between 2 like numbered stakes within a cove or other Department designated site where a blind may be located.
- P) Fishing shall be prohibited in the east and west arms of the lake during the period from 10 days prior to the duck season through the end of the duck season, unless the youth waterfowl hunt is more than 10 days before the regular duck season, then the east and west arms will be closed to accommodate the youth waterfowl hunt. Fishing shall be prohibited in the west arm of the lake and the east arm of the lake south of the power lines during that portion of the Canada goose season that follows the duck season.
- Q) Each party must hunt over a minimum of 12 decoys, and all decoys

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must be removed at the end of each day's hunt.

- R) When it is deemed necessary for public safety reasons, such as flooding, high winds, or heavy fog, the Department of Natural Resources will close the lake area to all fishing and all boating activity except for non-water hunting programs.
- S) During flood conditions, waterfowl hunters may hunt the tailwaters of Sangchris Lake dam including Clear Creek and the South Fork of the Sangamon River. Decoys must be removed at the end of each day's hunt.
- T) West-side goose pit area blinds will be available every day each week except Tuesday and Wednesday, through the regular Canada goose season, except for the Tuesday and Wednesday preceding the last day of the Canada goose season.
- U) Hunters in the west-side goose pit area may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit after the close of the Central Zone duck season.
- V) All blinds will be closed during the first day of the second firearm deer season; hunting hours will be from statewide hunting hours until 10:00 a.m. the remaining days of the second firearm deer season.

44)43) Shawnee National Forest, Upper and Lower Bluff Lakes  
Goose hunting is prohibited at Lower Bluff Lake. [Legal entry time is 4:30 a.m. and exit time is 2:00 p.m. for all hunters in flooded management compartments.](#)

45)44) Shawnee National Forest, LaRue Scatters  
All hunting must be by walking in or in boats without motors. [Legal entry time is 4:30 a.m. and exit time is 2:00 p.m. for all hunters in flooded management compartments.](#)

46)45) Shawnee National Forest, Oakwood Bottoms (Green Tree Reservoir west of the Big Muddy levee)

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- A) All hunting must be by walking into the area.
- B) Each hunting party must hunt over a minimum of 12 decoys in Compartments 19, 20 and 21.
- C) No person shall tamper with or attempt to manipulate any of the gates, pumps or structures in the subimpoundment area.
- D) Legal entry time is 4:30 a.m. and exit time is 2:00 p.m. for all hunters in flooded management compartments.

47) Shelbyville State Fish and Wildlife Area

- A) Waterfowl hunting shall be permitted as described in this subsection (b)(47) except in duly posted restricted and "No Hunting" areas.
- B) Waterfowl hunting in the Fish Hook, North Dunn, McGee, and Jonathan Creek Waterfowl Areas shall be allotted by a daily drawing for the first 4 days for the regular waterfowl season. Parties must register for drawings between 3:00 a.m. and 4:00 a.m. Central Standard Time at the check station on those days. Each party drawn shall be allowed to choose one of the staked sites in the waterfowl area. Parties must select sites in the order they are drawn. Maximum party size is 4 persons. In addition, the following regulations shall apply.
  - i) All parties must hunt within 10 yards of their assigned stake.
  - ii) All parties must be in place by ½ hour before hunting time.
  - iii) All parties are required to report their harvest by 2:00 p.m. following each hunt.
- C) Hunting in the Jonathan Creek, North Dunn and McGee Waterfowl Areas shall be restricted to designated, staked sites on a first come-first served basis except as noted in subsection (b)(47)(B). Hunting in the Fish Hook Area shall be restricted to designated,

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staked sites on a first come-first served basis for the first 14 days of the Illinois Central Zone duck season, except as noted in subsection (b)(47)(B). A hunting party must hunt within 10 yards of the stake.

- D) Each hunting party in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas is required to hunt over a minimum of 12 decoys.
- E) Motors of over 10 horsepower shall not be operated in the Fish Hook, Jonathan Creek, Dunn and McGee Waterfowl Areas.
- F) Waterfowl hunting only is permitted in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas during the regular waterfowl season, except that pheasant, rabbit and quail hunting is permitted after 1:00 p.m. daily beginning the day after the close of the Central Zone Duck Season.
- G) During the regular waterfowl season, only licensed waterfowl hunters with valid site waterfowl permits who are in the pursuit of waterfowl are permitted on the Kaskaskia River from the Strickland Boat Access north to the Illinois Central Railroad bridge from ½ hour before sunrise until 1:00 p.m.
- H) A free permit is required, which can be obtained from the site office. Permits must be in possession while hunting waterfowl. The permit must be returned and harvest reported by February 15 or the hunter will forfeit hunting privileges at this site for the following year.

48)46) Sielbeck Forest Natural Area (1)

49)47) Stephen A. Forbes State Park

- A) On the main lake hunting is allowed from a boat blind only in the designated areas.
- B) Only walk-in hunting is allowed in the subimpoundment.

## DEPARTMENT OF NATURAL RESOURCES

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- C) Hunting shall be allowed on a first come-first served basis. All hunters must use 12 decoys, minimum.

~~50)48)~~ Ten Mile Creek Fish and Wildlife Area (1)

- A) Waterfowl hunters must obtain permits prior to hunting. Permits must be returned by February 15.
- B) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the end of each day's hunt.
- C) Areas designated as Rest Areas are closed to all access during the Canada Goose Season only. Rest Area designation has been given to that part of the Belle Rive unit that lies south of Auxier Creek and is posted as Rest Area, and the 250 acre tract at the Western edge of the Eads Mine unit.
- D) After the close of the duck season, goose hunters in that portion of Ten Mile Creek that lies in the Rend Lake Quota Zone may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.

~~51)49)~~ Turkey Bluffs State Fish and Wildlife Area (1)  
(~~All hunters must sign in and out and report kill.~~)(1)

~~52)50)~~ Union County (Firing Line Waterfowl Management Area)

- A) Blind sites shall be allocated on a daily draw basis at the site shop building 60 minutes prior to hunting time. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select a blind site in order drawn; only those hunters registered in a party shall be allowed to hunt with their party; no less than 2 hunters and no more than 4 hunters per party; persons under the age of 16 shall not be allowed to hunt unless accompanied by an adult.
- B) Blinds not allocated during the drawing will not be hunted that day. Moving from blind to blind is not allowed.

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- C) Access to blind sites is from Clear Creek Levee only.
- D) Each hunting party must hunt over a minimum of 12 decoys. Decoys must be picked up immediately after the hunt is over.
- E) Hunting hours end at 1:00 p.m. and all hunters must be out of the area by 2:00 p.m. Daily entry into the area is restricted until after the drawing for hunting sites.
- F) When duck season is closed, hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.

53)54) Weinberg-King State Park – Spunky Bottoms Unit (1)  
No~~(no)~~ access restrictions; sign in/sign out required. (1)

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

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Collections and Recoveries
- 2) Code Citation: 89 Ill. Adm. Code 165
- 3) Section Number: 165.104                      Adopted Action:  
Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 11-18, 12-4.4 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-18, 12-4.4 and 12-13]
- 5) Effective Date of Amendment: May 7, 2008
- 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 agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in the Illinois Register: October 26, 2007; 31 Ill. Reg. 14576
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: No substantive changes were made to the text of the proposed rulemaking.
- 12) Have all 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: Pursuant to provisions of Section 10 of the Illinois State Collection Act of 1986, this rulemaking establishes that delinquent debt will be referred to the Department of Revenue Debt Collection Bureau for the collection of debt using all legal authority available to the Department of Revenue.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

- 16) Information and questions regarding this adopted amendment shall be directed to:

Tracie Drew, Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
Harris Building, 3<sup>rd</sup> Floor  
Springfield, Illinois 62762

217/785-9772

- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code? No

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

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER f: COLLECTIONS

PART 165  
COLLECTIONS AND RECOVERIES

SUBPART A: GENERAL OVERPAYMENT PROVISIONS

Section

- 165.1 Incorporation By Reference
- 165.10 Overpayments
- 165.20 Determination of Financial Assistance Overpayments
- 165.30 Types of Food Stamp Overpayment Claims
- 165.40 Determination of Food Stamp Overpayments
- 165.42 Establishment of Claims for Food Stamp Overpayments
- 165.44 Acceptable Forms of Food Stamp Payments
- 165.50 Suspension and Termination of Food Stamp Claims

SUBPART B: COLLECTION OF FINANCIAL ASSISTANCE  
OVERPAYMENTS FROM CURRENT CASES

Section

- 165.70 Recoupment of Overpayments from Current Temporary Assistance to Needy Families (TANF), Aid to the Aged, Blind or Disabled (AABD) and General Assistance (GA) Cases

SUBPART C: COLLECTION OF FOOD STAMP OVERPAYMENTS FROM  
CURRENTLY PARTICIPATING HOUSEHOLDS

Section

- 165.80 Initiating Collection from Currently Participating Households
- 165.82 Methods of Food Stamp Claim Repayment
- 165.84 Determination of Monthly Benefit Reduction Amount
- 165.86 Failure to Respond to Initial Demand Letter
- 165.88 Failure to Comply with Repayment Schedule (Repealed)

SUBPART D: COLLECTION OF OVERPAYMENTS FROM NON-RECIPIENTS

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENT

## Section

- 165.100 Collection of Overpayments from Persons Not Receiving Financial Assistance or Food Stamps
- 165.102 Demand for Repayment
- 165.104 Methods of Involuntary Repayment
- 165.106 Effect of Return to Active Assistance Status

**AUTHORITY:** Implementing and authorized by Sections 11-18, 12-4.4 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-18, 12-4.4 and 12-13].

**SOURCE:** Recodified from 89 Ill. Adm. Code 102.100 and 102.110 and 89 Ill. Adm. Code 121.200 through 121.208 at 10 Ill. Reg. 21094; amended at 11 Ill. Reg. 10604, effective May 29, 1987; amended at 12 Ill. Reg. 18192, effective November 4, 1988; amended at 13 Ill. Reg. 3843, effective March 17, 1989; amended at 17 Ill. Reg. 8187, effective May 24, 1993; amended at 17 Ill. Reg. 18113, effective September 29, 1993; emergency amendment at 20 Ill. Reg. 13376, effective October 1, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3151, effective February 28, 1997; emergency amendments at 21 Ill. Reg. 8607, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15502, effective November 26, 1997; amended at 22 Ill. Reg. 18939, effective October 1, 1998; amended at 26 Ill. Reg. 400, effective January 1, 2002; amended at 26 Ill. Reg. 16495, effective October 28, 2002; amended at 32 Ill. Reg. 7916, effective May 7, 2008.

## SUBPART D: COLLECTION OF OVERPAYMENTS FROM NON-RECIPIENTS

**Section 165.104 Methods of Involuntary Repayment**

If the debtor has failed for 90 days to make regular installment payments to retire the overpayment according to the repayment schedule and a balance due is outstanding, the Department may take any or all of the following actions to collect the overpayment:

- a) Initiation of wage garnishment proceedings, if the overpayment was established by a civil judgment and the Department determines that the debtor is employed.
- b) Referral of the overpayment to a private collection agency for collection.
- c) Referral of the overpayment to the Comptroller of the State of Illinois for collection under Section 10.05 of the State Comptroller Act [15 ILCS 405/10.5].

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## NOTICE OF ADOPTED AMENDMENT

- d) Initiation of proceedings to obtain a civil judgment under Section 8A-76 of the Illinois Public Aid Code [305 ILCS 5/8A-7].
- e) Referral of the overpayment to the Treasury Offset Program for deduction of the debt from tax refunds and/or other federal warrants in accordance with federal regulations (see 7 CFR 272-273).
- f) [Referral of delinquent debt to the Department of Revenue Debt Collection Bureau for collection of debt using all legal authority available to the Department of Revenue to collect debt in accordance with Section 10 of the Illinois State Collection Act of 1986 \[30 ILCS 210/10\].](#)

(Source: Amended at 32 Ill. Reg. 7916, effective May 7, 2008)

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Fire Safety Standards for Cigarettes
- 2) Code Citation: 41 Ill. Adm. Code 400
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
400.10	New
400.20	New
400.30	New
400.40	New
400.50	New
400.60	New
400.70	New
400.80	New
400.90	New
400.100	New
400.110	New
- 4) Statutory Authority: Implementing and authorized by the Cigarette Fire Safety Standard Act [425 ILCS 8]
- 5) Effective Date of Rules: May 7, 2008
- 6) Does this rulemaking include an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the principal office of the State Fire Marshal, 1035 Stevenson Drive, Springfield, IL 62703, and is available for public inspection.
- 9) Notice of Proposed Rules published in the Illinois Register: 31 Ill. Reg. 15757; November 26, 2007
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final versions: In addition to nonsubstantive and grammatical changes, the following substantive changes were made in the final version:

In Section 400.10, added subsection (c).

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED RULES

In Section 400.30(f), added "This testing shall be conducted in accordance with this Section."

In Section 400.60(d), added "Notice of electronic transmission of the marking to a wholesale dealer or agent shall satisfy the requirement to identify the number of copies of the markings."

In Section 400.80(a)(1), added ", *or a combination of alphanumeric and symbolic characters,*" before "permanently".

In Section 400.90, deleted all proposed text and added new text consisting of subsections (a) through (e).

Added Section 400.110 to the adopted text.

- 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 Rules: The rules are intended to carry out the requirements of the Fire Safety Standard Act and provide enforcement for the provisions of the Act.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

John J. Fennell, Jr., General Counsel  
Office of the State Fire Marshal  
1035 Stevenson Dr.  
Springfield, IL 62703-4259

217/785-4144 or 312/814-6322  
Facsimile: 217/785-1002

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

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED RULES

TITLE 41: FIRE PROTECTION  
CHAPTER I: OFFICE OF THE STATE FIRE MARSHALPART 400  
FIRE SAFETY STANDARDS FOR CIGARETTES

Section	
400.10	Scope
400.20	Definitions
400.30	Test Method
400.40	Performance Standard
400.50	Test Data
400.60	Certification
400.70	Notification of Certification
400.80	Marking of Cigarette Packaging
400.90	Penalties
400.100	Federal Fire Safety Standards
400.110	Notification to OSFM

**AUTHORITY:** Implementing and authorized by the Cigarette Fire Safety Standard Act [425 ILCS 8].

**SOURCE:** Adopted at 32 Ill. Reg. 7921, effective May 7, 2008.

**Section 400.10 Scope**

- a) On and after January 1, 2008, no cigarettes subject to the provisions of the Cigarette Fire Safety Standard Act or this Part shall be sold or offered for sale in this State unless:
  - 1) the cigarettes have been tested in accordance with the test method prescribed in Section 400.30;
  - 2) the cigarettes meet the performance standard specified in Section 400.40; and
  - 3) a written certification has been filed by the manufacturer with the Office of the State Fire Marshal, Division of Safety Compliance, 1035 Stevenson Drive, Springfield IL 62703 and the Office of the Attorney General,

## OFFICE OF THE STATE FIRE MARSHAL

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Tobacco Enforcement Bureau, 500 S. Second Street, Springfield IL 62706, in accordance with Section 400.60.

- b) Nothing in this Part shall prohibit wholesale dealers or retail dealers from selling their inventory of cigarettes existing on January 1, 2008, provided that the wholesale dealer or retail dealer can establish that Illinois State tax stamps were affixed to these cigarettes prior to January 1, 2008, and provided further that the wholesale dealer or retail dealer can establish that the inventory was purchased prior to January 1, 2008 in comparable quantity to the inventory purchased during the same period in the prior year.
- c) Nothing in this Part shall be construed to prohibit cigarettes that have not been certified by the manufacturer in accordance with Section 30 of the Act if the cigarettes are or will be stamped for sale in another state or are packaged for sale outside the United States.

**Section 400.20 Definitions**

For the purposes of this Part:

"Act" means the Cigarette Fire Safety Standard Act [425 ILCS 8].

*"Agent" means any person licensed by the Department of Revenue to purchase and affix adhesive or meter stamps on packages of cigarettes.*

*"Cigarette" means any roll for smoking, whether made wholly or in part of tobacco or any other substance, irrespective of size or shape, and whether or not such tobacco or substance is flavored, adulterated, or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material except tobacco.*

*"Manufacturer" means:*

*any entity that manufactures or otherwise produces cigarettes or causes cigarettes to be manufactured or produced anywhere that the manufacturer intends to be sold in this State, including cigarettes intended to be sold in the United States through an importer;*

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED RULES

*The first purchaser anywhere that intends to resell in the United States cigarettes manufactured anywhere that the original manufacturer or maker does not intend to be sold in the United States; or*

*any entity that becomes a successor of an entity described above.*

"OSFM" means the Office of the State Fire Marshal.

*"Quality Control and Quality Assurance Program" means the laboratory procedures implemented to ensure that operator bias, systematic and nonsystematic methodological errors, and equipment-related problems do not affect the results of the testing. This program ensures that the testing repeatability remains within the required repeatability values stated in Section 400.30(e) of this Part for all test trials used to certify cigarettes in accordance with the Act.*

*"Repeatability" means the range of values within which the repeat results of cigarette test trials from a single laboratory will fall 95% of the time.*

*"Retail Dealer" means any person, other than a manufacturer or wholesale dealer, engaged in selling cigarettes or tobacco products.*

*"Sale" means any transfer of title or possession or both, exchange or barter, conditional or otherwise, in any manner or by any means whatever or any agreement therefore. In addition to cash and credit sales, the giving of cigarettes as samples, prizes, or gifts and the exchanging of cigarettes for any consideration other than money are considered sales.*

*"Sell" means to sell or to offer or agree to sell.*

*"Wholesale Dealer" means any person who sells cigarettes or tobacco products to retail dealers or other persons for purposes of resale, and any person who owns, operates or maintains one or more cigarette or tobacco product vending machines in, at or upon premises owned or occupied by any other person. [425 ILCS 8/5]*

**Section 400.30 Test Method**

## OFFICE OF THE STATE FIRE MARSHAL

## NOTICE OF ADOPTED RULES

- a) *Testing of cigarettes shall be conducted in accordance with the American Society of Testing and Materials (ASTM) Standard E2187-04 (2004) "Standard Test Method for Measuring the Ignition Strength of Cigarettes". [425 ILCS 8/15(a)]*  
This standard may be obtained from the publisher at ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken PA 19428-2959. This material is available for public inspection and distribution at the Office of the State Fire Marshal, 1035 Stevenson Drive, Springfield IL 62703.
- b) *Testing shall be conducted on 10 layers of filter paper. [425 ILCS 8/15(b)]*
- c) *Forty replicate tests shall comprise a complete test trial for each cigarette tested. [425 ILCS 8/15(c)]*
- d) *The performance standard required by Section 400.40 shall only be applied to a complete test trial. [425 ILCS 8/15(d)]*
- e) *Laboratories conducting testing in accordance with this Section shall implement a quality control and quality assurance program that includes a procedure that will determine the repeatability of the testing results. The repeatability value shall be no greater than 0.19 pursuant to Section 400.40. [425 ILCS 8/15(e)]*
- f) *This Part does not require additional testing, in accordance with this Section, if cigarettes are tested consistently with the Act for any other purpose. [425 ILCS 8/15(f)]* OSFM may, at its sole discretion, conduct random independent tests of certified brands to verify the accuracy of the information submitted to OSFM by the manufacturer. This testing shall be conducted in accordance with this Section.

**Section 400.40 Performance Standard**

- a) *When tested in accordance with Section 400.30, no more than 25 percent of the cigarettes tested in a test trial shall exhibit full length burns. [425 ILCS 8/20(a)]*
- b) *Each cigarette listed in a certification submitted pursuant to Section 400.60 that uses lowered permeability bands in the cigarette paper to achieve compliance with the performance standard set forth in subsection (a) shall have at least 2 nominally identical bands on the paper surrounding the tobacco column. At least one complete band shall be located at least 15 millimeters from the lighting end of the cigarette. For cigarettes on which the bands are positioned by design, there shall be at least 2 bands fully located at least 15 millimeters from the lighting end*

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*and 10 millimeters from the filter end of the tobacco column or 10 millimeters from the labeled end of the tobacco column for a non-filtered cigarette. [425 ILCS 8/20(b)]*

- c) *The manufacturer of a cigarette that OSFM determines cannot be tested in accordance with the test method prescribed in Section 400.30 shall propose a test method and performance standard for that cigarette to OSFM. Upon approval of the proposed test method and a determination by OSFM that the performance standard proposed by the manufacturer is equivalent to the performance standard prescribed in Section 400.40, the manufacturer may employ that test method and performance standard to certify the cigarette pursuant to Section 400.60. [425 ILCS 8/20(c)] All other applicable requirements of this Part shall apply to the manufacturer.*
- d) *If OSFM determines that another state, with reduced cigarette ignition propensity standards that are the same as those contained in the Act, has adopted an alternative test method and performance standard for a particular cigarette proposed by a manufacturer as meeting the fire safety standards of that state's law or regulation, then the State Fire Marshal shall authorize that manufacturer to employ the alternative test method and performance standard to certify that cigarette for sale in this State unless the State Fire Marshal demonstrates reasonable basis for not accepting the alternative test method and performance standard. [425 ILCS 8/20(c)]*

**Section 400.50 Test Data**

*In order to ensure compliance with the performance standard specified in Section 400.40, data from testing conducted by manufacturers to comply with this performance standard shall be kept on file by the manufacturers for a period of 3 years and shall be sent to OSFM upon its request, and to the Office of the Attorney General upon its request, at the addresses specified in Section 400.10(a)(3). [425 ILCS 8/25]*

**Section 400.60 Certification**

- a) *Each manufacturer shall submit a written certification attesting that:*
- 1) *each cigarette listed in the certification has been tested in accordance with Section 400.30 prior to January 1, 2008 for the initial certification; and*

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- 2) *each cigarette listed in the certification meets the performance standard set forth in Section 400.40 or meets the performance standard of any other state having equal or stricter performance standards. [425 ILCS 8/30(a)]*
- b) *Each cigarette listed in the certification shall be described with the following information:*
- 1) *brand (i.e., the trade name on the package);*
  - 2) *style (e.g., light, ultra light);*
  - 3) *length in millimeters;*
  - 4) *circumference in millimeters;*
  - 5) *flavor (e.g., menthol, chocolate), if applicable;*
  - 6) *filter or non-filter;*
  - 7) *package description (e.g., soft pack, box); and*
  - 8) *marking approved in accordance with Section 400.80. [425 ILCS 8/30(b)]*
- c) *Each cigarette certified under this Section shall be re-certified every 3 years. [425 ILCS 8/30(c)]* Recertification may be coordinated with recertification required by other states with the same standard.
- d) In addition to the certification, each manufacturer shall provide identification of the wholesale dealers and agents that are provided markings by the manufacturer and the number of copies of the markings provided by the manufacturer to each wholesale dealer and agent. Notice of electronic transmission of the marking to a wholesale dealer or agent shall satisfy the requirement to identify the number of copies of the markings. Each manufacturer shall also provide such additional information as may be required by OSFM, upon request of OSFM.

**Section 400.70 Notification of Certification**

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- a) After the acceptance of the manufacturer's certification by OSFM, *manufacturers certifying cigarettes in accordance with Section 400.60 shall provide a copy of the certifications to all wholesale dealers and agents to which they sell cigarettes. Manufacturers shall also provide sufficient copies of an illustration of the cigarette packaging marking utilized by the manufacturer pursuant to Section 400.80 for each retailer to which the wholesale dealers and agents sell cigarettes. Wholesale dealers and agents shall provide a copy of these cigarette packaging markings received from manufacturers to all retail dealers to which they sell cigarettes. Wholesale dealers, agents and retail dealers shall permit OSFM, Department of Revenue, and the Office of the Attorney General to inspect cigarette packaging to ensure it is marked in accordance with Section 400.80.* [425 ILCS 8/35]
- b) OSFM and the Office of the Attorney General will cooperate to produce a list of cigarette brands and styles that are legal for sale under any and all of the laws of the State of Illinois.
- c) If OSFM intends to remove a brand from the certified list, it will send a notice of intent to remove to the manufacturer. The notice of intent to remove shall include:
- 1) the factual and legal deficiencies upon which OSFM's intended action rests;
  - 2) the actions that the manufacturer must undertake to cure the factual or legal deficiencies upon which the intended action is based; and
  - 3) a notification that the manufacturer shall have 30 calendar days to cure deficiencies and submit documentation or other information of its attempt to cure to OSFM. OSFM may extend the time period for a manufacturer to cure its deficiencies.

**Section 400.80 Marking of Cigarette Packaging**

- a) *Cigarettes that have been certified by a manufacturer in accordance with Section 400.60 shall be marked to indicate compliance with the requirements of this Part. Marking shall be in 8 point type or larger and consist of:*

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- 1) *Modification of the product UPC Code to include a visible mark printed at or around the area of the UPC Code. The mark may consist of alphanumeric or symbolic characters, or a combination of alphanumeric and symbolic characters, permanently stamped, engraved, embossed or printed in conjunction with the UPC [425 ILCS 8/40(a)]; or*
- 2) *A manufacturer's marking that is approved for use in the State of New York. [425 ILCS 8/40(d)]*
- b) *A manufacturer must use only one marking, and must apply this marking uniformly for all packages (including but not limited to packs, cartons and cases) and brands marketed by that manufacturer. [425 ILCS 8/40(b)]*
- c) *The OSFM must be notified at the address specified in Section 400.10(a)(3) as to the marking that is selected [425 ILCS 8/40(c)].*
- d) *Prior to the certification of any cigarette, a manufacturer shall present its proposed marking to OSFM for approval. Upon receipt of the request, OSFM will approve or disapprove the marking offered. Proposed markings shall be deemed approved if OSFM fails to act within 10 business days after receiving a request for approval. [425 ILCS 8/40(d)]*
- e) *No manufacturer shall modify its approved marking unless the modification has been approved by OSFM in accordance with this Section. [425 ILCS 8/40(e)]*

**Section 400.90 Penalties**

- a) *Any manufacturer, wholesale dealer, agent, or other person or entity who knowingly sells cigarettes wholesale in violation of Section 400.10(a)(3) shall be subject to a civil penalty not to exceed \$10,000 for each sale of the cigarettes.*
- b) *Any retail dealer who knowingly sells cigarettes in violation of Section 10 of the Act shall be subject to the following:*
  - 1) *a civil penalty not to exceed \$500 for each sale or offer for sale of cigarettes, provided that the total number of cigarettes sold or offered for sale in that sale does not exceed 1,000 cigarettes;*

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- 2) *a civil penalty not to exceed \$1,000 for each sale or offer for sale of the cigarettes, provided that the total number of cigarettes sold or offered for sale in that sale exceeds 1,000 cigarettes.*
- c) *In addition to any penalty prescribed by law, any corporation, partnership, sole proprietorship, limited partnership, or association engaged in the manufacture of cigarettes that knowingly makes a false certification pursuant to Section 30 of this Act shall be subject to a civil penalty not to exceed \$10,000 for each false certification.*
- d) *Upon discovery by OSFM, the Department of Revenue, the Office of the Attorney General, or a law enforcement agency that any person offers, possesses for sale, or has made a sale of cigarettes in violation of Section 10 of the Act, OSFM, the Department of Revenue, the Office of the Attorney General, or the law enforcement agency may seize those cigarettes possessed in violation of the Act. [425 ILCS 8/45]*
- e) *To enforce the provisions of the Act, the Attorney General may bring an action on behalf of the people of this State to enjoin acts in violation of the Act and to recover civil penalties authorized under Section 45 of the Act and this Part. [425 ILCS 8/50]*

**Section 400.100 Federal Fire Safety Standards**

If federal fire safety standards for cigarettes preempt the Act or this Part, the OSFM will repeal this Part.

**Section 400.110 Notification to the OSFM**

All required notices, test results and documents shall be sent to:

Office of the State Fire Marshal  
Division of Safety Compliance  
1035 Stevenson Drive  
Springfield IL 62703

## DEPARTMENT OF PUBLIC HEALTH

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- 1) Heading of the Part: Hospital Licensing Requirements
- 2) Code Citation: 77 Ill. Adm. Code 250
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
250.160	Amendment
250.1830	Amendment
- 4) Statutory Authority: Hospital Licensing Act [210 ILCS 85]
- 5) Effective Date of Rulemaking: May 12, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: June 22, 2007; 31 Ill. Reg. 8617
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:

The following change was made in response to comments and suggestions of the JCAR:

In Section 250.1830, subsection (g)(6)(D), "to" was changed to a comma in the second line, and "to" was deleted in the third line.

In addition, various typographical, grammatical and form changes were made in response to the comments from JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

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<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
250.160	Amendment	32 Ill. Reg. 3146; March 7, 2008
250.250	Amendment	32 Ill. Reg. 3146; March 7, 2008
250.890	New	32 Ill. Reg. 3146; March 7, 2008

- 15) Summary and Purpose of Rulemaking: Part 250 establishes requirements for hospital licensure under the Hospital Licensing Act [250 ILCS 85]. Section 250.160 (Incorporated and Referenced Materials) was amended to update the *Guidelines for Perinatal Care* to the fifth edition and to update other information in the Section. In this Section, some National Fire Protection Association publications were changed to earlier dates to conform to the dates for those publications in the National Fire Protection Association 101, Life Safety Code, 2000 edition. Those publications are 250.160(a)(1)(C)(vi) and (vii), which were changed from 2000 to 1996, (xiv), which was changed from 2000 to 1998, (xix), which was changed from 2000 to 1997, and (xx), which was changed from 2000 to 1996.

Section 250.1830 (General Requirements for all Maternity Departments) was amended to update requirements for the identification of infants. These requirements are consistent with the *Guidelines for Perinatal Care*, fifth edition, published by the American Academy of Pediatrics/American College of Obstetricians and Gynecologists.

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

Susan Meister  
 Division of Legal Services  
 Department of Public Health  
 535 West Jefferson, Fifth Floor  
 Springfield, Illinois 62761

217/782-2043  
 e-mail: [dph.rule@illinois.gov](mailto:dph.rule@illinois.gov)

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 250

HOSPITAL LICENSING REQUIREMENTS

SUBPART A: GENERAL

Section

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

SUBPART B: ADMINISTRATION AND PLANNING

Section

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

SUBPART C: THE MEDICAL STAFF

Section

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

SUBPART D: PERSONNEL SERVICE

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

## SUBPART E: LABORATORY

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

## SUBPART F: RADIOLOGICAL SERVICES

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

## SUBPART G: GENERAL HOSPITAL EMERGENCY SERVICE

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

## SUBPART H: RESTORATIVE AND REHABILITATION SERVICES

Section

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

## SUBPART I: NURSING SERVICE AND ADMINISTRATION

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

Section

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

SUBPART K: ANESTHESIA SERVICES

- Section
- 250.1410 Anesthesia Service

SUBPART L: RECORDS AND REPORTS

- Section
- 250.1510 Medical Records
  - 250.1520 Reports

SUBPART M: FOOD SERVICE

- Section
- 250.1610 Dietary Department Administration
  - 250.1620 Facilities
  - 250.1630 Menus and Nutritional Adequacy
  - 250.1640 Diet Orders
  - 250.1650 Frequency of Meals
  - 250.1660 Therapeutic (Modified) Diets
  - 250.1670 Food Preparation and Service
  - 250.1680 Sanitation

SUBPART N: HOUSEKEEPING AND LAUNDRY SERVICES

Section

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250.1710	Housekeeping
250.1720	Garbage, Refuse and Solid Waste Handling and Disposal
250.1730	Insect and Rodent Control
250.1740	Laundry Service
250.1750	Soiled Linen
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## SUBPART O: MATERNITY AND NEONATAL SERVICE

## Section

250.1810	Applicability of other Parts of these regulations
250.1820	Maternity and Neonatal Service (Perinatal Service)
250.1830	General Requirements for All Maternity Departments
250.1840	Discharge of Newborn Infants from Hospital
250.1850	Rooming-In Care of Mother and Infant
250.1860	Special Programs
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## SUBPART P: ENGINEERING AND MAINTENANCE OF THE PHYSICAL PLANT, SITE, EQUIPMENT, AND SYSTEMS – HEATING, COOLING, ELECTRICAL, VENTILATION, PLUMBING, WATER, SEWER, AND SOLID WASTE DISPOSAL

## Section

250.1910	Maintenance
250.1920	Emergency electric service
250.1930	Water Supply
250.1940	Ventilation, Heating, Air Conditioning, and Air Changing Systems
250.1950	Grounds and Buildings Shall be Maintained
250.1960	Sewage, Garbage, Solid Waste Handling and Disposal
250.1970	Plumbing
250.1980	Fire and Safety

## SUBPART Q: CHRONIC DISEASE HOSPITALS

## Section

250.2010	Definition
250.2020	Requirements

## SUBPART R: PHARMACY OR DRUG AND MEDICINE SERVICE

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## Section

250.2110	Service Requirements
250.2120	Personnel Required
250.2130	Facilities for Services
250.2140	Pharmacy and Therapeutics Committee

## SUBPART S: PSYCHIATRIC SERVICES

## Section

250.2210	Applicability of other Parts of these Regulations
250.2220	Establishment of a Psychiatric Service
250.2230	The Medical Staff
250.2240	Nursing Service
250.2250	Allied Health Personnel
250.2260	Staff and Personnel Development and Training
250.2270	Admission, Transfer and Discharge Procedures
250.2280	Care of Patients
250.2290	Special Medical Record Requirements for Psychiatric Hospitals and Psychiatric Units of General Hospitals or General Hospitals Providing Psychiatric Care
250.2300	Diagnostic, Treatment and Physical Facilities and Services

## SUBPART T: DESIGN AND CONSTRUCTION STANDARDS

## Section

250.2410	Applicability of these Standards
250.2420	Submission of Plans for New Construction, Alterations or Additions to Existing Facility
250.2430	Preparation of Drawings and Specifications – Submission Requirements
250.2440	General Hospital Standards
250.2442	Fees
250.2443	Advisory Committee
250.2450	Details
250.2460	Finishes
250.2470	Structural
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## SUBPART U: CONSTRUCTION STANDARDS FOR EXISTING HOSPITALS

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## Section

250.2610	Applicability of these Standards
250.2620	Codes and Standards
250.2630	Existing General Hospital Standards
250.2640	Details
250.2650	Finishes
250.2660	Mechanical
250.2670	Plumbing and Other Piping Systems
250.2680	Electrical Requirements

## SUBPART V: SPECIAL CARE AND/OR SPECIAL SERVICE UNITS

## Section

250.2710	Special Care and/or Special Service Units
250.2720	Day Care for Mildly Ill Children

## SUBPART W: ALCOHOLISM AND INTOXICATION TREATMENT SERVICES

## Section

250.2810	Applicability of Other Parts of These Requirements
250.2820	Establishment of an Alcoholism and Intoxication Treatment Service
250.2830	Classification and Definitions of Service and Programs
250.2840	General Requirements for all Hospital Alcoholism Program Classifications
250.2850	The Medical and Professional Staff
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250.2880	Client Legal and Human Rights
250.APPENDIX A	Codes and Standards (Repealed)
250.EXHIBIT A	Codes (Repealed)
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250.EXHIBIT C	Addresses of Sources (Repealed)
250.ILLUSTRATION A	Seismic Zone Map
250.TABLE A	Measurements Essential for Level I, II, III Hospitals
250.TABLE B	Sound Transmission Limitations in General Hospitals
250.TABLE C	Filter Efficiencies for Central Ventilation and Air Conditioning Systems in General Hospitals (Repealed)
250.TABLE D	General Pressure Relationships and Ventilation of Certain Hospital Areas (Repealed)
250.TABLE E	Piping Locations for Oxygen, Vacuum and Medical Compressed Air

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250.TABLE F	General Pressure Relationships and Ventilation of Certain Hospital Areas
250.TABLE G	Insulation/Building Perimeter

AUTHORITY: Implementing and authorized by the Hospital Licensing Act [210 ILCS 85].

SOURCE: Rules repealed and new rules adopted August 27, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 49, effective May 16, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 45, p. 85, effective November 6, 1978; amended at 3 Ill. Reg. 17, p. 88, effective April 22, 1979; amended at 4 Ill. Reg. 22, p. 233, effective May 20, 1980; amended at 4 Ill. Reg. 25, p. 138, effective June 6, 1980; amended at 5 Ill. Reg. 507, effective December 29, 1980; amended at 6 Ill. Reg. 575, effective December 30, 1981; amended at 6 Ill. Reg. 1655, effective January 27, 1982; amended at 6 Ill. Reg. 3296, effective March 15, 1982; amended at 6 Ill. Reg. 7835 and 7838, effective June 17, 1982; amended at 7 Ill. Reg. 962, effective January 6, 1983; amended at 7 Ill. Reg. 5218 and 5221, effective April 4, 1983 and April 5, 1983; amended at 7 Ill. Reg. 6964, effective May 17, 1983; amended at 7 Ill. Reg. 8546, effective July 12, 1983; amended at 7 Ill. Reg. 9610, effective August 2, 1983; codified at 8 Ill. Reg. 19752; amended at 8 Ill. Reg. 24148, effective November 29, 1984; amended at 9 Ill. Reg. 4802, effective April 1, 1985; amended at 10 Ill. Reg. 11931, effective September 1, 1986; amended at 11 Ill. Reg. 10283, effective July 1, 1987; amended at 11 Ill. Reg. 10642, effective July 1, 1987; amended at 12 Ill. Reg. 15080, effective October 1, 1988; amended at 12 Ill. Reg. 16760, effective October 1, 1988; amended at 13 Ill. Reg. 13232, effective September 1, 1989; amended at 14 Ill. Reg. 2342, effective February 15, 1990; amended at 14 Ill. Reg. 13824, effective September 1, 1990; amended at 15 Ill. Reg. 5328, effective May 1, 1991; amended at 15 Ill. Reg. 13811, effective October 1, 1991; amended at 17 Ill. Reg. 1614, effective January 25, 1993; amended at 17 Ill. Reg. 17225, effective October 1, 1993; amended at 18 Ill. Reg. 11945, effective July 22, 1994; amended at 18 Ill. Reg. 15390, effective October 10, 1994; amended at 19 Ill. Reg. 13355, effective September 15, 1995; emergency amendment at 20 Ill. Reg. 474, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 3234, effective February 15, 1996; amended at 20 Ill. Reg. 10009, effective July 15, 1996; amended at 22 Ill. Reg. 3932, effective February 13, 1998; amended at 22 Ill. Reg. 9342, effective May 20, 1998; amended at 23 Ill. Reg. 1007, effective January 15, 1999; emergency amendment at 23 Ill. Reg. 3508, effective March 4, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9513, effective August 1, 1999; amended at 23 Ill. Reg. 13913, effective November 15, 1999; amended at 24 Ill. Reg. 6572, effective April 11, 2000; amended at 24 Ill. Reg. 17196, effective November 1, 2000; amended at 25 Ill. Reg. 3241, effective February 15, 2001; amended at 27 Ill. Reg. 1547, effective January 15, 2003; amended at 27 Ill. Reg. 13467, effective July 25, 2003; amended at 28 Ill. Reg. 5880, effective March 29, 2004; amended at 28 Ill. Reg. 6579, effective April 15, 2004; amended at 29 Ill. Reg. 12489, effective July 27, 2005; amended at 31 Ill. Reg. 4245,

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effective February 20, 2007; amended at 31 Ill. Reg. 14530, effective October 3, 2007; amended at 32 Ill. Reg. 3756, effective February 27, 2008; amended at 32 Ill. Reg. 4213, effective March 10, 2008; amended at 32 Ill. Reg. 7932, effective May 12, 2008.

## SUBPART A: GENERAL

**Section 250.160 Incorporated and Referenced Materials**

- a) The following regulations and standards are incorporated in this Part:
  - 1) Private and professional association standards:
    - A) American Society for Testing and Materials (ASTM), Standard No. E90-99 (2002): Standard Test Method for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions and Elements, which may be obtained from the American Society for Testing and Materials, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959. ([See Section 250.2420.](#))
    - B) The following standards of the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE), which may be obtained from the American Society of Heating, Refrigerating, and Air-Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, GA 30329: (See Section 250.2480.)
      - i) ASHRAE Handbook of Fundamentals ([2005](#))(~~2001~~);
      - ii) ASHRAE Handbook for HVAC Systems and Equipment ([2004](#))(~~1996~~);
      - iii) ASHRAE Handbook-HVAC Applications ([2003](#))(~~1999~~).
    - C) The following standards of the National Fire Protection Association (NFPA), which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts [0216902269](#):
      - i) No. 101 (2000): Life Safety Code; (See Sections 250.2420, 250.2450, 250.2460, 250.2470, and 250.2490.)

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- ii) No. 10 (1998): Standards for Portable Fire Extinguishers; (See Section 250.1980.)
- iii) No. 13 (1999): Standards for the Installation of Sprinkler Systems; (See Sections 250.2490 and 250.2670.)
- iv) No. 14 (2000): Standard for the Installation of Standpipe, Private Hydrants and Hose Systems; (See Sections 250.2490 and 250.2670.)
- v) No. 25 (1998): Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems;
- vi) No. 30 ~~(1996)~~(2000): Flammable and Combustible Liquids Code; (See Section 250.1980.)
- vii) No. 45 ~~(1996)~~(2000): Standard on Fire Protection for Laboratories Using Chemicals;
- viii) No. 54 (1999): National Fuel Gas Code;
- ix) No. 70 (1999): National Electrical Code; (See Sections 250.2440 and 250.2500.)
- x) No. 72 (1999): National Fire Alarm Code;
- xi) No. 80 (1999): Standard for Fire Doors and Fire Windows; (See Section 250.2450.)
- xii) No. 82 (1999): Standard on Incinerators and Waste and Linen Handling Systems and Equipment; (See Section 250.2440.)
- xiii) No. 90A (1999): Standard for Installation of Air-Conditioning and Ventilating Systems; (See Sections 250.2480 and 250.2660.)
- xiv) No. 96 ~~(1998)~~(1999): Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations; (See

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Section 250.2660.)

- xv) No. 99 (1999): Standard for Health Care Facilities; (See Sections 250.1410, [250.1910](#), 250.1980, ~~250.1910~~, 250.2460, 250.2480, 250.2490 and 250.2660.)
  - xvi) No. 101-A (2001): Guide on Alternative Approaches to Life Safety; (See Section 250.2620.)
  - xvii) No. 110 (1999): Standard for Emergency and Standby Power Systems;
  - xviii) No. 220 (1999): Standard on Types of Building Construction; (See Sections 250.2470 and 250.2620.)
  - xix) No. 221 (~~1997~~)(~~2000~~): Standard for Fire Walls and Fire Barrier Walls;
  - xx) No. 241 (~~1996~~)(~~2000~~): Standard for Safeguarding Construction, Alteration and Demolition Operations;
  - xxi) No. 255 and 258 (2000): Standard Method of Test of Surface Burning Characteristics of Building Materials, and Recommended Practice for Determining Smoke Generation of Solid Materials; (See Section 250.2480.)
  - xxii) No. 701 (1999): Standard Methods of Fire Tests for Flame-Propagation of Textiles and Films. (See Sections 250.2460 and 250.2650.)
- D) American Academy of Pediatrics and American College of Obstetricians and Gynecologists, Guidelines for Perinatal Care, ~~Fifth~~[Fourth](#) Edition (~~2002~~[1997](#)), which may be obtained from the American College of Obstetricians and Gynecologists Distribution Center, [P.O. Box 933104, Atlanta, Georgia 31193-3104](#)~~P.O. Box 4500, Kearneysville, West Virginia 25430-4500~~ (800-762-2264). (See Section 250.1820.)
- E) American College of Obstetricians and Gynecologists, Guidelines for Women's Healthcare (Second Edition (2002)), which may be

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obtained from the American College of Obstetricians and Gynecologists Distribution Center, [P.O. Box 933104, Atlanta, Georgia 31193-3104](#), ~~[P.O. Box 4500, Kearneysville, West Virginia 25430-4500](#)~~ (800-762-2264). (See Section 250.1820.)

- F) National Council on Radiation Protection and Measurements (NCRP), Report No. 49: Structural Shielding Design and Evaluation for Medical Use of X-rays and Gamma Rays of Energies up to 10 MeV (1976) and NCRP Report No. 102: Medical X-Ray, Electron Beam and Gamma-Ray Protection for Energies Up to 50 MeV (Equipment Design, Performance and Use) (1989), which may be obtained from the National Council on Radiation Protection and Measurements, 7910 Woodmont Ave., Suite ~~400800~~, Bethesda, Maryland 20814-3095. (See Sections 250.2440 and 250.2450.)
- G) ~~DODDOP~~ Penetration Test Method MIL STD No. 282 (1995): Filter Units, Protective Clothing, Gas-mask Components and Related Products: Performance Test Methods, which may be obtained from Naval Publications and Form Center, 5801 Tabor Avenue, Philadelphia, Pennsylvania 19120. (See Section 250.2480.)
- H) National Association of Plumbing-Heating-Cooling Contractors (PHCC), National Standard Plumbing Code ~~(2003)(1957)~~, which may be obtained from the National Association of Plumbing-Heating-Cooling Contractors, [180 S. Washington Street, P.O. Box 6808, Falls Church, Virginia 22046 \(703-237-8100\)](#), ~~1016 20th Street, N.W., Washington, D.C. 20036.~~ (See Section ~~250.2420~~.)
- I) The International Code Council, International Building Code (2000), which may be obtained from the International Code Council, 4051 Flossmoor Road, Country Club Hills, Illinois 60477-5795. (See Section 250.2420.)
- J) ~~American National Standards Institute~~[American Standards Association, Inc.](#), Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped (1968), which may be obtained from the [American National Standards Institute](#)~~American Standards Association, Inc.~~,

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[25 West 433<sup>rd</sup> Street, 4<sup>th</sup> Floor](#)~~East 40<sup>th</sup> Street~~, New York, New York [10036](#)~~10016~~. (See Section 250.2420.)

- K) Accreditation Council for Graduate Medical Education, Essentials of Accredited Residencies in Graduate Medical Education (1997), which may be obtained from the Accreditation Council for Graduate Medical Education, 515 North State Street, Suite [2000200](#), Chicago, Illinois 60610. (See Section 250.315.)
- L) Joint Commission on Accreditation of Healthcare Organizations, [20062002](#) Hospital Accreditation Standards (HAS) ~~(January 1, 2002)~~, Standard [PC.3.10P.E.1.9](#) and ~~Standard P.E.8~~, which may be obtained from the Joint Commission on Accreditation of Healthcare Organizations, One Renaissance Boulevard, [Oakbrook](#)~~Oak Brook~~ Terrace, Illinois 60181. (See Section 250.1035.)

- 2) Federal Government Publications:  
Department of Health and Human Services, United States Public Health Service, Centers for Disease Control and Prevention, "Isolation Precautions in Hospitals", February 18, 1997 and "Guidelines for Infection Control in Health Care Personnel", 1998, which may be obtained from National Technical Information Service (NTIS), U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161. (See Section 250.1100.)

- b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any [editions or amendments](#)~~additions or deletions~~ subsequent to the date specified.

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

- 1) State of Illinois statutes:
- A) Hospital Licensing Act [210 ILCS 85].
- B) Illinois Health Facilities Planning Act [20 ILCS 3960].
- C) Medical Practice Act of 1987 [225 ILCS 60].

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- D) Podiatric Medical Practice Act of 1987 [225 ILCS 100].
- E) Pharmacy Practice Act of 1987 [225 ILCS 85].
- F) Physicians Assistant Practice Act of 1987 [225 ILCS 95].
- G) Illinois Clinical Laboratory [and Blood Bank](#) Act [210 ILC 25].
- ~~H) Radiation Installation Act [420 ILCS 30].~~
- ~~H)D~~ X-ray Retention Act [210 ILCS 90].
- ~~D)D~~ Safety Glazing Materials Act [430 ILCS 60].
- ~~J)K~~ Mental Health and Developmental Disabilities Code [405 ILCS 5].
- ~~K)L~~ [Nurse](#)~~Nursing and Advanced~~ Practice ~~Nursing~~ Act [225 ILCS 65].
- L) [Health Care Worker Background Check Act \[225 ILCS 46\].](#)

## 2) State of Illinois rules:

- A) Department of Public Health, Illinois Plumbing Code (77 Ill. Adm. Code 890).
- B) Department of Public Health, Sexual Assault Survivors Emergency Treatment Code (77 Ill. Adm. Code 545).
- C) Department of Public Health, Control of Communicable Diseases Code (77 Ill. Adm. Code 690).
- D) Department of Public Health, Food Service Sanitation Code (77 Ill. Adm. Code 750).
- E) Department of Public Health, Public Area Sanitary Practice Code (77 Ill. Adm. Code 895).
- F) Department of Public Health, Maternal Death Review (77 Ill. Adm. Code 657).

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G) [Department of Public Health, Health Care Worker Background Check Code \(77 Ill. Adm. Code 955\).](#)

H) [Department of Public Health, Language Assistance Services Code \(77 Ill. Adm. Code 940\).](#)

D)G) Capital Development Board, Illinois Accessibility Code (71 Ill. Adm. Code 400).

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

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

L)J) [Illinois Emergency Management Agency](#)~~Department of Nuclear Safety~~, Standards for Protection Against Radiation (32 Ill. Adm. Code 340).

M)K) [Illinois Emergency Management Agency](#)~~Department of Nuclear Safety~~, Use of X-rays in the Healing Arts Including Medical, Dental, Podiatry, and Veterinary Medicine (32 Ill. Adm. Code 360).

(Source: Amended at 32 Ill. Reg. 7932, effective May 12, 2008)

## SUBPART O: MATERNITY AND NEONATAL SERVICE

**Section 250.1830 General Requirements for All Maternity Departments**

- a) The temperature and humidity in the nurseries and in the delivery suite shall be maintained at a level best suited for the protection of mother and baby as determined by the responsible people in the department and as recommended by the American Academy of Pediatrics and ACOG. Chilling of the neonate ~~shall~~must be avoided; the neonate ~~shall~~must be immediately placed in an approved radiant heat source ready to receive the infant and that allows access for resuscitation efforts. Personnel trained to use the equipment to maintain a neutral thermal environment for the neonate shall be available. For general temperature and humidity requirements, see Section 250.2480(d)(1). In general, a temperature

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between 72 degrees and 76 degrees and relative humidity between 35% and 60% are acceptable.

- b) Linens and Laundry:
- 1) Nursery linens shall be washed separately from other hospital linens.
  - 2) Soiled linens shall be discarded into impervious plastic bags placed in hampers that are easy to clean and disinfect. ~~Soiled diapers shall be placed in special diaper receptacles immediately after removal from the neonate. Diapers shall not be rinsed in the nursery.~~ Chutes from nursery to laundry shall be used only if a system of negative air pressure exists.
  - 3) Plastic bags of soiled diapers (reusable or disposable) and other linens shall be sealed and removed from the nursery at least every eight hours.
  - 4) Linens shall be transported to the nursery in an enclosed unit or otherwise protected from contamination.
  - 5) No new unlaundered garments shall be used in the nursery. Linen used in observation and special care nurseries shall be autoclaved.
- c) Sterilizing equipment, as required in Section 250.1090, shall be available. This may be provided in the maternity department or in a central sterilizing unit, provided that flash sterilizing equipment or adequate sterile supplies and instruments are provided in the maternity department.
- d) Accommodations and facilities for mothers
- 1) The hospital shall identify specific rooms and beds, adjacent when possible to other maternity facilities, as maternity rooms and beds. These rooms and beds shall be used exclusively for maternity patients or for combined maternity and gynecological service beds in accordance with Section 250.1820(h).
  - 2) Whenever feasible, adjacent patient rooms and beds may be used as "swing beds" to be made a part of another nursing unit. Adjacent rooms and beds may be used for clean cases. A corridor partition with doors is recommended to provide a separation between the maternity beds and maternity facilities and the nonmaternity rooms. The doors shall be kept

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closed except when in active use as a passageway.

- 3) Facilities shall be available for the immediate isolation of all patients in whom an infectious condition ~~is thought to exist~~ or other conditions inimical to the safety of other maternity and neonatal patients are thought to exist.
  - 4) It is preferred that labor rooms be private or two-bed rooms. Labor rooms shall be conveniently located with reference to the delivery rooms and shall have facilities for examination and preparation of patients.
  - 5) Delivery rooms shall be equipped and staffed to provide emergency resuscitation for infants. Equipment shall include an infant size positive pressure bag with capability of 100% O<sub>2</sub> delivery; bag and mask with attachment for oxygen; laryngoscope with ~~0-zero~~ and ~~1-size one sized~~ blades; endotracheal tubes sizes 10, 12, 14 French or equivalent; oral airways; and an appropriate device to provide a source of continuous suction for aspiration of the pharynx and stomach. An umbilical vessel catheterization tray should be available. Only personnel qualified and trained to do so should use this equipment.
  - 6) If only one delivery room is required, one labor room shall be arranged as an emergency delivery room and shall have a minimum clear floor area of 180 square feet.
  - 7) A recovery room is recommended. The patient shall be kept under close observation until her condition is stabilized following delivery. Observations at established time intervals shall be recorded as a part of the patient's chart. A recovery area shall be provided. Emergency equipment and supplies ~~shall~~must be available for use in the recovery area. Continuing education for personnel providing recovery room care ~~shall~~should be provided. Refer to Section 250.1410(g).
- e) Accommodations and facilities for infants
- 1) Primary Care Nurseries:
    - A) A clean nursery or nurseries shall be provided, near the mothers' rooms with adequate lighting and ventilation. There shall be a minimum of 30 square feet of floor area for each bassinet and three

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feet between bassinets. Equipment ~~shall~~must be provided to prevent direct draft on the infants. Because one nursing staff person is required for every six to eight normal infants, individual nursery rooms should have a capacity of six to eight or 12 to 16. The normal newborn infant care area in a smaller hospital should limit room size to eight, so that two or more rooms are available to permit cohorting in the presence of infection.

- B) Bassinets equipped to provide for the medical examination of the newborn infant and for the storage of necessary supplies and equipment shall be provided in a number to exceed obstetric beds by at least 20% to accommodate multiple births, extended stay, and fluctuating patient loads. Bassinets ~~shall~~are to be separated by a minimum of three feet measuring from the edge of one bassinet to the edge of the adjacent one.
- C) A glass observation window shall be provided through which babies may be viewed.
- D) Resuscitation equipment as described for the delivery suite and below, and personnel trained to use it, shall be available in the nursery at all times.
- E) Each primary care nursery shall have immediately on hand equipment necessary to stabilize the sick infant prior to transfer. Such equipment shall consist of:
- i) A heat source capable of maintaining the core temperature of even the smallest infant at 98 degrees (an incubator, or preferably a radiant heat source);~~;~~
  - ii) Equipment with the ability to monitor blood sugar frequently (Dextrostix);~~;~~
  - iii) A resuscitation tray containing at least a laryngoscope, 0- and 1-size blades, endotracheal tubes of various neonatal sizes, infant size positive pressure bag and appropriate sized masks, gavage tubes, and an umbilical vessel catheterization tray; ~~and-~~

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- iv) Equipment for delivery of 100% oxygen concentration, and the ability to measure delivered oxygen in fractional inspired concentrations (FI O<sub>2</sub>). The oxygen analyzer shall be calibrated and serviced at least monthly by the hospital's respiratory therapy department or other responsible personnel trained to perform the task.
- F) Consultation and Referral Protocols:
- i) Each primary care nursery shall have a clearly designated Level II or Level III nursery to which it refers patients and from which it seeks consultation and advice. The telephone number of the Level II or Level III nursery and the name of the nursery director shall be posted in the nursery. A log of communication between the general nursery and the referral nursery shall be maintained by the head nurse of the general nursery.
  - ii) Protocols for management of certain disease states, and for consultation and referral shall be developed by the nursery director in conjunction with the director of the Level II or Level III unit to which referrals are sent.
  - iii) These protocols shall spell out details for local management of disease states and specific transfer criteria. These protocols shall be maintained in the nursery.
- 2) Intermediate and Intensive Care Nurseries shall meet all of the conditions described above except that infant cribs shall be separated by four to six feet of space to allow for ease of movement of additional personnel, and to allow space for additional equipment used in care of infants in these areas. There should be 80 to 100 square feet of space for each infant cared for in the Level III or Intensive Care area.
  - 3) Facilities shall be available for the immediate isolation of all newborn infants who have or are suspected of having an infectious disease.
  - 4) When an infectious condition is thought to exist, the infant shall be isolated in accordance with policies and procedures established and approved by the hospital and consistent with recommended procedures of

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ACOG, AAP, and the Control of Communicable Diseases Code.

- f) The personnel requirements and recommendations set forth in Subpart D apply to the operation of the maternity department in addition to the following:
- 1) Nursing Staff – General Requirements:
    - A) Nursing supervision by a registered professional nurse shall be provided for the entire 24-hour period for each occupied unit of the maternity and neonatal services. This nurse shall have education and experience in maternity and/or neonatal nursing.
    - B) At least one maternity or neonatal nurse trained in maternity and nursery care shall be assigned to the care of mothers and infants at all times. When infants are present in the nursery, at least one person trained to give care to the newborn infants shall be assigned at all times to the nursery with duties restricted to the care of the infants. Infants shall never be left unattended.
    - C) A registered professional nurse ~~shall~~must be in attendance at all deliveries, and must be available to monitor the mother's general condition and that of the fetus during labor and for at least two hours after delivery and longer if complications occur.
    - D) Nursing personnel providing care for obstetric and other patients shall be instructed on a continuing basis in the proper technique to prevent cross-infection. When necessary for the same nurse to care for both maternity and nonmaternity patients in the gynecologic unit, proper technique shall be followed.
    - E) Nursing personnel are ~~only~~ permitted to be assigned to the maternity neonatal division only for an entire shift.
    - F) Temporary relief from outside the maternity neonatal division by qualified personnel shall be permitted as necessary according to appropriate infection control policy.
  - 2) Nursing Staff – Level I or Primary Care for occupied units. These units shall meet the following requirements in addition to General Care Requirements in Section 250.1830(f)(1).

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- A) Labor and Delivery Unit Staffing shall be planned to ensure that the total nursing personnel on each shift is equal to one-half the average number of deliveries per 24 hours. At least half of the personnel on each shift shall be R.N.s, and at no time shall the nursing staff on any shift be fewer than two. The nursing staff of the labor and post delivery recovery area shall not have other responsibilities in the labor/delivery suite except for emergencies.
- B) Postpartum and General Care Newborn Unit:
- i) If these units are organized as separate nursing units, staffing should be based on a formula of one nursing personnel per six to eight patients and ~~shall~~should ensure one R.N. per unit per shift.
- ii) If the units are combined as a rooming-in or modified rooming-in unit, the nursing staff shall be planned to provide one nursing personnel per four mother baby units and shall never be staffed at fewer than two nursing personnel per shift. One shall be ~~an R.N. a registered professional nurse (R.N.)~~ an R.N. a registered
- C) At least one member of the nursing staff on each shift, who is skilled in cardiopulmonary resuscitation of the newborn, ~~shall~~must be immediately available to the delivery suite and newborn nursery area.
- D) Changes in medical staff regulations, where applicable, shall be provided to permit the perinatal medicine service to fully utilize the services of specially trained paramedical and nursing personnel where these personnel are needed and/or desired.
- 3) Nursing Staff – Level II Intermediate Perinatal Care Requirements. These units shall meet the following requirements in addition to General Care Requirements in Section 250.1830(f)(1).
- A) Labor and delivery shall include at least one registered professional nurse on each shift who must be competent in the use of continuous electronic fetal monitoring techniques.

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- B) Intermediate Care Nursery:
- i) A staffing ratio of one licensed nursing personnel per three or four infants ~~shall~~**must** be available.
  - ii) Nursing personnel may be shared with the general care nursery as needed.
  - iii) There ~~shall~~**must** never be fewer than two licensed nursing personnel available in the general and intermediate care nurseries, at least one of whom is an R.N.
- 4) Nursing Staff – Level III Tertiary Perinatal Care. These units shall meet the following requirements in addition to Intermediate Care Requirements in subsection (f)(3).
- A) Staffing patterns on each shift ~~shall~~**must** be such that a 1:1 ratio between patients who require intensive care during labor and delivery and a registered professional nurse who is competent, by virtue of training and/or experience, in the care of high risk obstetric patients can be maintained as necessary. A ratio of at least one registered professional nurse to 1½ patients shall be maintained at all times.
  - B) Neonatal intensive care nursing on a 1:1 basis ~~shall~~**must** be available as indicated. A ratio of at least one registered professional nurse to 1½ patients shall be maintained at all times.
- 5) Medical Personnel
- A) Level I or Primary Care:
    - i) One physician should be Chief of Neonatal Care. He or she should be a board certified pediatrician. Where this is not possible, a physician with experience and regular practice may be the Chief and responsible for neonatal care, and a source of pediatric and/or neonatology consultation shall be documented.

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- ii) The director of obstetrical service should be a board certified obstetrician. Where this is not possible, a physician with experience and regular practice may be Chief and responsible for obstetric care, and a source of obstetric consultation shall be documented.

## B) Level II or Intermediate Care:

- i) A board certified pediatrician with special interest and training in neonatal/perinatal medicine or a certified neonatologist should be Chief of Neonatal Care. A board certified obstetrician should be Chief of Obstetrical Care. Obstetrical anesthesia should be directed by a board certified anesthesiologist with experience and competence in obstetrical anesthesia. Hospital staff should also include a pathologist and an "on call" radiologist 24 hours a day. Specialized medical and surgical consultation shall be readily available.
- ii) Other staff: Laboratory and X-ray technicians in the hospital shall be readily available at all times. In addition, a respiratory therapist may be part of the staff.

## C) Level III or Intensive Care:

- i) The Chief of Neonatal Pediatrics ~~shall~~ should be eligible for certification by the American Board of Pediatrics' subspecialty board of neonatal/perinatal medicine, and is responsible for care in intensive care areas. Only physicians eligible for certification in neonatal/perinatal medicine shall be responsible for care of infants in the Intensive Care area, but other physicians should be encouraged to participate. The Chief shall be full-time with the hospital service. There shall be sufficient number of qualified or certified neonatologists to assure availability of such care at all times. The chief of obstetric/perinatal service at the Level III facility shall be a board certified obstetrician and preferably certified in fetal/maternal medicine.

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- ii) Pediatric medical and surgical subspecialists ~~shall~~must be available for consultation. An anesthesiologist with special training in maternal fetal and neonatal anesthesia ~~shall~~must be in charge of anesthesia services. A pathologist and radiologist with experience in interpretation of radiographs of neonatal patients shall be members of the hospital staff.
- 6) Nutritionist Staff:
- A) For Level II units, a registered dietitian with professional experience and/or course work that relates to perinatal maternal and newborn dietary management should be available.
  - B) For Level III units, a registered dietitian with professional experience and/or course work that relates to perinatal maternal and newborn dietary management shall be available.
- g) Practices and procedures for care of mothers and infants:
- 1) The hospital shall effect all necessary precautionary measures against the admission to the maternity department of actual or suspected infectious patients.
  - 2) Patients with clean obstetric complications (regardless of month of gestation), such as toxemia of pregnancy for observation and treatment, placenta praevia for observation or delivery, ectopic pregnancy, and hypertensive heart disease in a pregnant patient, may be admitted to the maternity department and be under the same rules as any other maternity case. (See Section 250.1820(h)(6)(B).)
  - 3) The physician shall determine whether a prenatal serological test for syphilis has been done on each mother and the results recorded. If no such test has been done before the admission of the patients, the test shall be performed as soon as possible. Specimens may be submitted in appropriate containers to an Illinois Department of Public Health laboratory for testing without charge.
  - 4) No maternity patient under the effect of an analgesic or an anesthetic, in active labor or delivery, shall be left unattended at any time.

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- 5) Fetal maturity shall be established and documented prior to elective inductions and Cesarean sections. The hospital shall establish a written policy and procedure concerning the administration of oxytocic drugs.
- A) Oxytocin should be used for the contraction stress test only when qualified personnel, determined by the hospital staff and administration, can attend the patient closely. Written policies and procedures shall be available to the team members assuming this responsibility. It is recommended that Oxytocin be administered by controlled infusion.
- B) Oxytocin shall be used for medical induction or stimulation of labor only when qualified personnel, determined by the hospital staff and administration, can attend the patient closely. Written policies and procedures shall be available to the team members assuming this responsibility. It is recommended that the following be included in these policies:
- i) The attending physician should evaluate the patient for induction or stimulation, especially with regard to indications.
- ii) The physician or other individuals starting the Oxytocin shall be familiar with its effect and complications and be qualified to identify both maternal and fetal complications.
- iii) A qualified physician shall be immediately available as is necessary to manage any complication effectively.
- iv) The intravenous route is the only acceptable mode of administration. It is recommended that an infusion pump, or other device for accurate control of the rate of flow, and a two-bottle system, one of which contains no Oxytocin substance, be used.
- v) During Oxytocin administration, the fetal heart rate; the resting uterine tone; and the frequency, duration and intensity of contractions ~~shall~~must be monitored electronically and recorded. Maternal blood pressure and pulse ~~shall~~must be monitored and recorded at intervals

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comparable to the dosage regimen; that is, at 30 to 60 minute intervals, when the dosage is evaluated for maintenance, increase or decrease. Evidence of maternal and fetal surveillance ~~shall~~must be documented.

- 6) Identification of infants: ~~The hospital shall use standards that are consistent with, but not limited to, procedures for the identification of newborn infants as recommended by the American Academy of Pediatrics, which are as follows (Guidelines for Perinatal Care; American Academy of Pediatrics/American College of Obstetricians and Gynecologists; 1983; pg. 78):~~
- A) While the neonate is still in the delivery room, the nurse in the delivery room shall prepare identical identification bands for both the mother and the neonate. Wrist bands alone may be used; however, it is recommended that both wrist and ankle bands be used on the neonate. The hospital shall not use footprinting and fingerprinting alone as methods of patient identification. The bands shall indicate the mother's admission number, the neonate's gender, the date and time of birth, and any other information required by hospital policy. Delivery room personnel shall review the bands prior to securing them on the mother and the neonate to ensure that the information on the bands is identical. The nurse in the delivery room shall securely fasten the bands on the neonate and the mother without delay as soon as he/she has verified the information on the identification bands. The birth records and identification bands shall be checked again before the neonate leaves the delivery room.
  - B) If the condition of the neonate does not allow the placement of identification bands, the identification bands shall accompany the neonate and shall be attached as soon as possible. Identification bands shall be affixed to the bassinet or incubator until they are placed on the infant and shall not be left unattached and unattended in the nursery.
  - C) When the neonate is taken to the nursery, both the delivery room nurse and the admitting nurse shall check the neonate's identification bands and birth records, verify the gender of the neonate, and sign the neonate's medical record. The admitting

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nurse shall complete the bassinet card and attach it to the bassinet.

- D) When the neonate is taken to the mother, the nurse shall examine the mother's and the neonate's identification bands, verify the gender of the neonate and verify that the information on the bands is identical.
- E) The umbilical cord (cords, with multiple births) shall be identified according to hospital policy (e.g., by the use of a different number of clamps) so that umbilical cord blood specimens are correctly labeled. All umbilical cord blood samples shall be labeled correctly with an indication that these are a sample of the neonate's umbilical cord blood and not the blood of the mother.
- F) The hospital shall develop a newborn infant security system. This system shall include instructions to the mother regarding safety precautions designed to avoid abduction when her newborn infant is rooming in. Electronic sensor devices may be included as well.
- A) ~~"NEONATE IDENTIFICATION. While the newborn is still in the delivery room, two identical bands indicating the mother's admission number, the neonate's sex, and the date and time of birth should be placed on the wrist or ankle. The nurse in charge of the delivery room is responsible for preparing and securely fastening these identification bands to the neonate. The birth records and identification bands should be checked by both the nurse and the responsible physician before the neonate leaves the resuscitation area of the delivery room. When the neonate is admitted to the nursery, both the delivery room nurse and the admitting nurse should check the identification bands and birth records, verify the sex of the neonate, and sign the neonate's record. The admitting nurse should fill out the bassinet card and attach it to the bassinet. Later, when the neonate is shown to the mother, she should be asked to verify the information on the identification bands and the sex of the neonate. It is imperative that delivery room and nursery personnel be meticulous in the preparation and placement of neonate identification bands."~~
- B) ~~"Footprinting and fingerprinting have in the past been recommended for purposes of neonate identification. Techniques~~

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~~such as sophisticated blood typing are now available and appear to be more reliable. If utilized, dermatoglyphics should be done carefully. Individual hospitals may want to continue with footprinting and fingerprinting, but universal use of this practice is no longer recommended."~~

- 7) Within one hour after delivery, a one-percent silver nitrate solution or ophthalmic ointment or drops containing tetracycline or erythromycin shall be instilled into the eyes of the newborn infant as a preventive against ophthalmia neonatorum. Do not irrigate immediately. This solution may be obtained free of charge from the Department.
- 8) Each infant shall be given complete individual cribside care. The use of a common bath table is prohibited. Scales shall be adequately protected to prevent cross-infection.
- 9) Artificial feedings and formula changes shall not be instituted except by written order of the attending physician.
- 10) Facilities for drug services. See Section 250.2130(a).
- 11) Transport of newborn infants from the delivery room to the nursery shall be done in a safe manner. Adequate support systems (heating, oxygen, suction) should be incorporated into the transport units for these infants (e.g., to x-ray). Chilling of the newborn and cross-infection ~~shall~~ must be avoided. Where travel is excessive and through other areas, special transport incubators may be required. The method of transporting infants from the nursery to the mothers shall be individual, safe and free from cross-infection hazards.
- 12) The stay of the mother and the baby in the hospital after delivery should be planned to allow the identification of problems and to reinforce instructions in preparation for the infant's care at home. The mother and infant shall be carefully observed for a sufficient period of time and assessed prior to discharge to ensure that their conditions are stable. Healthy infants should be discharged from the hospital simultaneously with the mother or to other authorized (by the mother) personnel should the mother remain in the hospital for an extended stay. It is recommended that there be a provision for follow-up for the mothers and babies discharged within 24 hours. This follow-up should include a face-to-face

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encounter with a health care provider who will assess the condition of mother and baby and arrange for intervention if problems are identified.

- 13) When a patient's condition permits, an infant may be transferred from an intensive care nursery to the referring nursery or to another nursery that is nearest the home and at which an appropriate level of care may be provided.
  - 14) Circumcisions by a Mohel shall be performed under aseptic conditions. Such circumcisions shall not be performed in the delivery room. A registered nurse or physician shall be in attendance, and attendance by visitors shall be limited.
  - 15) Circumcisions shall not be performed in the delivery room or within the first six hours after birth. A physician may order and perform a circumcision when the infant is over the age of six hours and, in the physician's professional judgment, is healthy and stable. A single parenteral dose of vitamin K-1, water soluble 0.5 mgm, shall be given to the infant soon after birth as a prophylaxis against hemorrhagic disorder in the first days of life.
  - 16) A single parenteral dose of vitamin K-1, water soluble 0.5 mgm, shall be given to the infant soon after birth as a prophylaxis against hemorrhagic disorder in the first days of life. Circumcisions shall not be done in the delivery room or within the first six hours after birth. A physician may order and perform a circumcision when the infant is over the age of 6 hours and is healthy and stable in the physician's professional judgment.
  - 17) The hospital shall adhere to the practices prescribed in Guidelines for Perinatal Care and Guidelines for Women's Health Care (American College of Obstetricians and Gynecologists) (see Section 250.160).
- h) Medical Records
- 1) Obstetric records:
    - A) Adequate~~For each patient there shall be adequate~~, accurate, and complete medical records shall be maintained for each patient. The medical records shall include findings during the prenatal period, which should be available in the maternity department prior

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to the patient's admission and shall include medical and obstetric history, observations and proceedings during labor, delivery and the postpartum period, and laboratory and x-ray findings.

- B) Records shall be maintained in accordance with the minimum observations and laboratory tests outlined in Guidelines for Perinatal Care and Guidelines for Women's Health Care. The physician director of the maternity department shall require all physicians delivering obstetrics care to send copies of the prenatal records to the obstetrical unit at or before 37 weeks of gestation.
- 2) Infant records. ~~Accurate~~For each infant there shall be accurate and complete medical records shall be maintained for each infant. The medical records shall include:
- A) History of maternal health and prenatal course.
  - B) Description of labor, including drugs administered, method of delivery, complications of labor and delivery, and description of placenta and amniotic fluid.
  - C) Time of birth and condition of infant at birth, including the Apgar score at one and five minutes, the age at which respiration became spontaneous and sustained, a description of resuscitation if required, and a description of abnormalities and problems occurring from birth until transfer from the delivery room.
  - D) Report of a complete and detailed physical examination within 24 hours following birth; report of a medical examination within 24 hours of discharge and one at least every three days during the hospital stay.
  - E) Physical measurements, including length, weight and head circumference at birth, and weight every day; temperature twice daily.
  - F) Documentation of infant feeding: intake, content, and amount if by formula.
  - G) Clinical course during hospital stay, including treatment rendered

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and patient response; clinical note of status at discharge.

- 3) The hospital shall keep a record of births that contains data sufficient to duplicate the birth certificate. The requirement may be met:
  - A) by retaining the yellow "hospital copy" of the birth certificate properly bound in chronological order, or
  - B) by retaining this copy with the individual medical record.
- i) Reports
  - 1) Each hospital that provides maternity service shall submit a monthly perinatal activities report on forms provided for this purpose by the Department. This report shall be signed by a representative of the department preparing the document and shall be mailed not later than the 15<sup>th</sup> of the following month.
  - 2) Maternal Death Report
    - A) The hospital shall submit an immediate report of the occurrence of a maternal death to the Department, in accordance with the Department's rules titled Maternal Death Review (77 Ill. Adm. Code 657). Maternal death is the death of any woman dying of any cause whatsoever while pregnant or within one year after termination of the pregnancy, irrespective of the duration of the pregnancy at the time of the termination or the method by which it was terminated. A death shall be reported regardless of whether the death occurred in the maternity division or any other section of the hospital, or whether the patient was delivered in the hospital where death occurred, or elsewhere.
    - B) The filing of this report shall in no way preclude the necessity of filing a death certificate or of including the death on the Maternity Activities Report.
  - 3) The hospital shall comply with the laws of the State and the regulations of the Department as regards the preparation and filing of birth, stillbirth, and death certificates.

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## 4) Epidemic and Communicable Disease Reporting

- A) The hospital shall develop a protocol for the management and reporting of infections consistent with the Control of Communicable Diseases Code and with Guidelines for Perinatal Care and Guidelines for Women's Health Care and as approved by the Infection Control Committee. These policies shall be known to maternity and nursery personnel.
- B) The facility shall particularly address those infections specifically related to mothers and infants, including but not limited to diarrhea of the newborn, staphylococcal infections occurring in infants younger than~~under~~ 28 days of age, and ophthalmia neonatorum.

## j) Formula

- 1) If pasteurized, commercially prepared formula is used exclusively and no formula is prepared by the hospital, a formula room and formula room equipment are not required. However;~~however~~, adequate space, equipment and procedures acceptable to the Department for processing, handling and storing of commercially prepared formula shall be provided. Procedures and aseptic techniques shall be established and enforced. Provisions shall~~must~~ be made for the preparation of special formula.
- 2) All hospitals providing maternity or pediatric services that prepare their own formula shall provide a well-ventilated and well-lighted formula room, which shall be adequately supervised and used exclusively for the preparation of formulas.
- 3) Equipment shall include hand-washing facilities with hot and cold running water with knee, foot or elbow controlled valves; a double~~section~~ sink for washing and rinsing bottles; facilities for storing cleaning equipment, refrigeration facilities; utensils in good condition for preparation of formulas; cupboard and work space and a work table; an autoclave and a supply of individual formula bottles, nipples and protecting caps, adequate to prepare a 24-hour supply of formula and water for each infant. Procedures shall be established by the hospital and enforced.

## k) Visiting regulations

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- 1) The visiting regulations set forth in Subpart B shall apply to maternity departments, except as modified in this subsection.
- 2) It is recommended that visitors be limited to two per patient at any one time.
- 3) Contact with the infant shall be restricted to the father, or one other adult selected by the mother, except as provided in subsection (k)(4) of this Section or as part of a rooming-in program as provided in Section 250.1850.
- 4) Siblings and grandparents may have contact with the infant only if the hospital has established specific policies and procedures for such a program. The program shall include:
  - A) Approval of the program by the hospital's Infection Control Committee and Governing Board;
  - B) A requirement for written consent of the mother for visitation by specific siblings or grandparents;
  - C) A procedure for hand washing by visitors prior to having contact with the infant; and
  - D) A policy on the location where visitation will occur.
- 5) The presence of the father or individual selected by the mother in the delivery room shall be discretionary with the individual hospital. If the father or the individual selected by the mother of the baby is to be admitted to the delivery room of any hospital, the hospital shall first have adopted a policy statement on the matter that includes the following conditions:
  - A) Written consent of both the mother and the attending physician;
  - B) Prior orientation preparation of the father of the baby or the selected individual and mother to this experience; and
  - C) Application of safeguards against the introduction of infection or other hazard by the father of the baby or selected individual.

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- 6) Smoking shall be prohibited in the delivery rooms, nurseries, corridors and other areas in accordance with [hospital facility](#) policy. (See Section 250.250(g).)
- 7) Visiting hours shall not correspond with periods during which infants are with the mothers or with periods during which mothers are receiving nursing care, nor interfere with the care of patients.
- 8) Visitors shall neither sit nor place their clothing upon the beds.
- l) *Every hospital shall demonstrate to the Department that the following have been adopted:*
  - 1) *Procedures designed to reduce the likelihood that an infant patient will be abducted from the hospital. The procedures may include, but need not be limited to, architectural plans to control access to infant care areas, video camera observation of infant care areas, and procedures for identifying hospital staff and visitors.*
  - 2) *Procedures designed to aid in identifying allegedly abducted infants who are recovered. The procedures may include, but need not be limited to, footprinting infants by staff who have been trained in that procedure, photographing infants, and obtaining and retaining blood samples for genetic testing. (Section 6.15 of the Act)*

(Source: Amended at 32 Ill. Reg. 7932, effective May 12, 2008)

## DEPARTMENT OF PUBLIC HEALTH

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Assisted Living and Shared Housing Establishment Code
- 2) Code Citation: 77 Ill. Adm. Code 295
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
295.300	Amendment
295.500	Amendment
- 4) Statutory Authority: Assisted Living and Sharing Housing Act [210 ILCS 9]
- 5) Effective Date of Rulemaking: May 12, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: January 4, 2008; 32 Ill. Reg. 85
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Various typographical, grammatical and form changes were made in response to comments from JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: As of the end of 2007, there were 225 facilities licensed under the Assisted Living and Shared Housing Act (the Act) [210 ILCS 9]. An additional 29 facilities have pending applications to be licensed. Nationally, assisted living facilities outnumber nursing homes by a 2 to 1 margin. Most states enacted an assisted living licensure statute many years before the Illinois Act was implemented. As such, it is expected that the number of Illinois facilities will continue to grow at a rapid

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rate until they are closer in number to the national averages. The Department is charged with the duty of regulating this burgeoning growth of facilities and seeks to do so through additional checks and balances of on-site surveys.

Current staffing in the Division of Assisted Living includes three people, with only one of these three being a field surveyor.

The increase of annual license fees to \$1,000 plus \$10 per unit for assisted living, and \$500 for shared housing will allow the Department to create three additional survey positions for the Division of Assisted Living, helping the Department to protect resident safety, protect the elderly and disabled, and protect consumers from unlicensed, unsafe facilities.

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

Susan Meister  
Division of Legal Services  
Department of Public Health  
535 West Jefferson, Fifth Floor  
Springfield, Illinois 62761

217/782-2043  
e-mail: [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

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

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TITLE 77: PUBLIC HEALTH  
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 295  
ASSISTED LIVING AND SHARED HOUSING ESTABLISHMENT CODE

## SUBPART A: GENERAL PROVISIONS

Section	
295.100	Purpose of the Act and this Part
295.200	Definitions
295.300	Incorporated and Referenced Materials
295.400	License Requirement
295.500	Application for License
295.600	Issuance of an Initial Regular License
295.700	Issuance of a Renewal License
295.800	Probationary License
295.900	Denial of a License
295.1000	Revocation, Suspension, or Refusal to Renew a License
295.1010	Transfer of Ownership
295.1020	Information to Be Made Available to the Resident by the Licensee
295.1030	Information to Be Made Available to the Public by the Department
295.1040	Technical Infractions
295.1050	Violations
295.1060	Remedies and Sanctions
295.1070	Annual On-Site Review and Complaint Investigation Procedures
295.1080	Waivers
295.1090	Complaints
295.1100	Alzheimer's Special Care Disclosure

## SUBPART B: POLICIES

Section	
295.2000	Residency Requirements
295.2010	Termination of Residency
295.2020	Notice of Closure
295.2030	Establishment Contracts
295.2040	Disaster Preparedness

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- 295.2050 Incident and Accident Reporting
- 295.2060 Quality Improvement Program
- 295.2070 Negotiated Risk Agreement

## SUBPART C: PERSONNEL

## Section

- 295.3000 Personnel Requirements, Qualifications and Training
- 295.3010 Manager's Qualifications
- 295.3020 Employee Orientation and Ongoing Training
- 295.3030 Initial Health Evaluation for Direct Care and Food Service Employees
- 295.3040 Health Care Worker Background Check

## SUBPART D: RESIDENT CARE AND SERVICES

## Section

- 295.4000 Physician's Assessment
- 295.4010 Service Plan
- 295.4020 Mandatory Services
- 295.4030 Special Safety and Service Needs of Individuals Who Are Quadriplegic or Paraplegic, or Who Have Neuro-Muscular Diseases
- 295.4040 Communicable Disease Policies
- 295.4050 Tuberculin Skin Test Procedures
- 295.4060 Alzheimer's and Dementia Programs

## SUBPART E: MEDICATIONS

## Section

- 295.5000 Medication Reminders, Supervision of Self-Medication, Medication Administration and Storage

## SUBPART F: RESIDENT RIGHTS

## Section

- 295.6000 Resident Rights
- 295.6010 Abuse, Neglect, and Financial Exploitation Prevention and Reporting
- 295.6030 Resident's Representative

## SUBPART G: RESIDENT AND ESTABLISHMENT RECORDS

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## Section

295.7000 Resident Records  
295.7010 Establishment Records

## SUBPART H: FOOD SERVICE

## Section

295.8000 Food Service

## SUBPART I: PHYSICAL PLANT AND ENVIRONMENTAL REQUIREMENTS

## Section

295.9000 Physical Plant  
295.9005 Units  
295.9010 Supplemental Physical Plant Requirements for Assisted Living Establishments  
295.9020 Supplemental Physical Plant Requirements for Shared Housing Establishments  
295.9030 Furnishings  
295.9040 Environmental Requirements

295.APPENDIX A Physician's Assessment Form  
295.TABLE A Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Assisted Living and Shared Housing Act [210 ILCS 9].

SOURCE: Adopted at 25 Ill. Reg. 14401, effective December 1, 2001; emergency amendment at 27 Ill. Reg. 6378, effective April 1, 2003, for a maximum of 150 days; emergency expired August 28, 2003; amended at 27 Ill. Reg. 18087, effective November 12, 2003; amended at 28 Ill. Reg. 14593, effective October 21, 2004; amended at 32 Ill. Reg. 7968, effective May 12, 2008.

## SUBPART A: GENERAL PROVISIONS

**Section 295.300 Incorporated and Referenced Materials**

- a) The following private and professional association standards are incorporated in this Part.

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- 1) National Fire Protection Association (NFPA) Standard No. 101: Life Safety Code, Chapter 32, New Residential Board and Care Occupancies (2000), which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts [0216902269](http://www.nfpa.org).
  - 2) American Psychiatric Association, Diagnostic and Statistical Manual of Mental Disorder, Fourth Edition (DSM-IV) (1994), which may be obtained from the American Psychiatric Association, 1400 K Street, N.W., Washington, D.C. 20005.
- b) The following federal guidelines are incorporated in this Part: ADA Accessibility Guidelines (ADAAG), January 1998, which may be obtained from the U.S. Access Board, 133 F Street NW, Suite 1000, Washington, D.C. 20004-1111.
- c) All incorporations by reference of federal guidelines and the standards of nationally recognized organizations refer to the standards on the date specified and do not include any additions or deletions subsequent to the date specified.
- d) The following statutes and State rules are referenced in this Part:
- 1) Federal statutes:  
Americans with Disabilities Act (42 USC 12101 et seq.)
  - 2) State of Illinois statutes:
    - A) Medical Practice Act of 1987 [225 ILCS 60]
    - B) Nursing and Advanced Practice Nursing Act [225 ILCS 65]
    - C) Child Care Act of 1969 [225 ILCS 10]
    - D) Hospital Licensing Act [210 ILCS 85]
    - E) Nursing Home Care Act [210 ILCS 45]
    - F) Probate Act of 1975 [755 ILCS 5]
    - G) Illinois Public Aid Code [305 ILCS 5]

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- H) Illinois Administrative Procedure Act [5 ILCS 100]
- I) Health Care Worker Background Check Act [225 ILCS 46]
- J) Criminal Code of 1961 [720 ILCS 5]
- K) Cannabis Control Act [720 ILCS 550]
- L) Powers of Attorney for Health Care Law [755 ILCS 45/Art. IV]
- M) Health Care Surrogate Act [755 ILCS 40]
- N) Illinois Controlled Substances Act [720 ILCS 570]
- O) Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135]
- P) Hospice Program Licensing Act [210 ILCS 60]
- Q) Freedom of Information Act [5 ILCS 140]
- R) [Alzheimer's](#)~~Alzheimer's~~ Special Care Disclosure Act [210 ILCS 4]
- S) Home Health, [Home Services, and Home Nursing](#) Agency Licensing Act [210 ILCS 55]
- T) Code of Civil Procedure [735 ILCS 5]
- U) Dietetic and Nutrition Services Practice Act [225 ILCS 30]
- V) Community Living Facilities Licensing Act [210 ILCS 35]
- W) Supportive [Residences](#)~~Residence~~ Licensing Act [~~210~~20 ILCS 65]
- X) Life Care Facilities Act [210 ILCS 40]
- Y) Uniform Conviction Information Act [20 ILCS 2635]

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- Z) Criminal Jurisprudence Act [720 ILCS 115]
- AA) Wrongs to Children Act [720 ILCS 150]
- 3) State of Illinois rules:
  - A) Capital Development Board, Illinois Accessibility Code (71 Ill. Adm. Code 400)
  - B) Department of Public Health
    - i) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)
    - ii) Food Service Sanitation Code (77 Ill. Adm. Code 750)
    - iii) Private Sewage Disposal Code (77 Ill. Adm. Code 905)
    - iv) Drinking Water Systems Code (77 Ill. Adm. Code 900)
    - v) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)
    - vi) Public Area Sanitary Practice Code (77 Ill. Adm. Code 895)
    - vii) Control of Tuberculosis Code (77 Ill. Adm. Code 696)

(Source: Amended at 32 Ill. Reg. 7968, effective May 12, 2008)

**Section 295.500 Application for License**

- a) *An applicant shall provide the following information, on forms provided by the Department, to be considered for licensure:*
  - 1) *The business name, street address, mailing address, and telephone number of the establishment;*
  - 2) *The name and mailing address of the owner or owners of the*

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*establishment and, if the owner or owners are not natural persons, identification of the type of business entity of the owners, and the names and addresses of the officers and members of the governing body, or comparable persons for partnerships, limited liability companies, or other types of business organizations;*

- 3) *Financial information establishing that the project is financially feasible, in one of the following forms:*
  - A) A surety bond in an amount equal to at least three months operating expenses;
  - B) An independent certified public accountant's report expressing an opinion on the financial status of the establishment;
  - C) An audited financial report certifying the financial status of the applicant;
  - D) The entity's most recent bond rating (less than 2 years old) from Fitch's, Moody's, or Standard and Poor's rating agency that documents an "A" rating or better;
  - E) Evidence of operation for at least 2 years of a facility licensed under the Nursing Home Care Act or under the Assisted Living and Shared Housing Act; or
  - F) If the applicant is not able to provide any of the information listed in subsections (a)(3)(A)-(E), the applicant may provide any other information acceptable to the Department that demonstrates financial status.
- 4) *The name and mailing address of the managing agent of the establishment, whether hired under a management agreement or lease agreement, if different from the owner or owners, and the name of the full-time manager;*
- 5) *Verification that the establishment has entered or will enter into a service delivery contract as provided in Section 295.2030, as required under the Act, with each resident or resident's representative;*

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- 6) *The name and address of at least one natural person who shall be responsible for dealing with the Department on all matters provided for in this Part, on whom personal service of all notices and orders shall be made, and who shall be authorized to accept service on behalf of the owner or owners and the managing agent. Notwithstanding a contrary provision of the Code of Civil Procedure, personal service on the person identified pursuant to this subsection (a)(6) shall be considered service on the owner or owners and the managing agent, and it shall not be a defense to any action that personal service was not made on each individual or entity;*
- 7) *The signature of the authorized representative of the owner or owners;*
- 8) *Proof of an ongoing quality improvement program in accordance with Section 295.2060 of this Part;*
- 9) *Information about the number and types of units and the maximum census;*
- 10) If all units are not licensed, the establishment shall maintain documentation of which units are providing assisted living services. This number shall not exceed the number of units on the license. The entire building having any licensed units shall meet the physical plant requirements of this Part;
- 11) *Information about the mandatory and optional services to be provided at the establishment;*
- 12) *Proof of compliance with applicable State and local residential standards, as evidenced by completion of the Department's Certificate of Compliance form;*
- 13) *A copy of the standard contract offered to residents;*
- 14) *Documentation of adequate liability insurance; (Section 30 of the Act)*
- 15) If the establishment does not have a permit under the Life Care Facilities Act and the establishment requires entrance or application fees in excess of three months of a resident's minimum fees, the establishment must

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maintain a bond or restricted account that guarantees the return of the resident's entrance fees and/or the unused portion of his or her deposit if the establishment ceases to operate;

- 16) A completed Alzheimer's Special Care Disclosure form; and
  - 17) A schematic drawing of the establishment.
- b) To support regulatory activities necessary to implement the Act, applications shall be accompanied by a nonrefundable fee of:
- 1) ~~\$1,000~~~~\$300~~ for an assisted living establishment and ~~\$10~~~~\$5~~ per licensed unit; or
  - 2) ~~\$500~~~~\$150~~ for a shared housing establishment.
- c) If any of the information in the application changes during the application process, the applicant shall notify the Department, in writing, of those changes. Such written notification will become a part of the licensee's file.

(Source: Amended at 32 Ill. Reg. 7968, effective May 12, 2008)

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: The Administration and Operation of the Teachers' Retirement System
- 2) Code Citation: 80 Ill. Adm. Code 1650
- 3) Section Number: 1650.561                      Adopted Action: New
- 4) Statutory Authority: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/16]
- 5) Effective Date of Amendment: May 6, 2008
- 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 Teachers' Retirement System's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 32 Ill.Reg. 854; January 18, 2008
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Only minor editing changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

<u>Section Numbers:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
1650.110	Amend	32 Ill.Reg. 5972; April 11, 2008
1650.180	Amend	32 Ill.Reg. 5972; April 11, 2008
1650.181	Repeal	32 Ill.Reg. 5972; April 11, 2008
1650.182	Amend	32 Ill.Reg. 5972; April 11, 2008

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENT

1650.201	Amend	32 Ill.Reg. 5972; April 11, 2008
1650.202	Amend	32 Ill.Reg. 5972; April 11, 2008
1650.209	Repeal	32 Ill.Reg. 5972; April 11, 2008
1650.211	Amend	32 Ill.Reg. 5972; April 11, 2008
1650.240	Amend	32 Ill.Reg. 5972; April 11, 2008
1650.250	Amend	32 Ill.Reg. 5972; April 11, 2008
1650.260	Amend	32 Ill.Reg. 5972; April 11, 2008
1650.280	Amend	32 Ill.Reg. 5972; April 11, 2008
1650.315	New	32 Ill.Reg. 5972; April 11, 2008
1650.340	Amend	32 Ill.Reg. 5972; April 11, 2008
1650.345	Amend	32 Ill.Reg. 5972; April 11, 2008
1650.346	Amend	32 Ill.Reg. 5972; April 11, 2008
1650.380	Repeal	32 Ill.Reg. 5972; April 11, 2008
1650.391	Amend	32 Ill.Reg. 5972; April 11, 2008
1650.392	Amend	32 Ill.Reg. 5972; April 11, 2008
1650.440	Repeal	32 Ill.Reg. 5972; April 11, 2008
1650.450	Amend	32 Ill.Reg. 5972; April 11, 2008
1650.470	Amend	32 Ill.Reg. 5972; April 11, 2008
1650.480	Amend	32 Ill.Reg. 5972; April 11, 2008
1650.510	Repeal	32 Ill.Reg. 5972; April 11, 2008
1650.550	Amend	32 Ill.Reg. 5972; April 11, 2008
1650.570	Amend	32 Ill.Reg. 5972; April 11, 2008
1650.590	Amend	32 Ill.Reg. 5972; April 11, 2008
1650.635	Amend	32 Ill.Reg. 5972; April 11, 2008
1650.640	Amend	32 Ill.Reg. 5972; April 11, 2008
1650.650	Amend	32 Ill.Reg. 5972; April 11, 2008
1650.1118	Amend	32 Ill.Reg. 5972; April 11, 2008
1650.1201	Amend	32 Ill.Reg. 5972; April 11, 2008
1650.1202	Amend	32 Ill.Reg. 5972; April 11, 2008

- 15) Summary and Purpose of Rulemaking: This new TRS rule 1650.561 clarifies that survivor and death benefit beneficiary designations must be received and date stamped by the System on or prior to the date of death of a member or annuitant to be valid.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Tom Gray, General Counsel  
 Teachers' Retirement System  
 2815 West Washington, P.O. Box 19253

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TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT

Springfield, Illinois 62794-9253

217/753-0375

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

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENT

## TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

## SUBTITLE D: RETIREMENT SYSTEMS

## CHAPTER III: TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## PART 1650

THE ADMINISTRATION AND OPERATION OF THE  
TEACHERS' RETIREMENT SYSTEM

## SUBPART A: REPORTS BY BOARD OF TRUSTEES

## Section

1650.10 Annual Financial Report (Repealed)

## SUBPART B: BASIC RECORDS AND ACCOUNTS

## Section

1650.110 Membership Records  
1650.120 Claims Records (Repealed)  
1650.130 Individual Accounts (Repealed)  
1650.140 Ledger and Accounts Books (Repealed)  
1650.150 Statistics (Repealed)  
1650.160 Confidentiality of Records  
1650.180 Filing and Payment Requirements  
1650.181 Early Retirement Incentive Payment Requirements  
1650.182 Waiver of Additional Amounts Due  
1650.183 Definition of Employer's Normal Cost

## SUBPART C: FILING OF CLAIMS

## Section

1650.201 Disability Benefits – Application Procedure  
1650.202 Disability and Occupational Disability Benefits – Definitions  
1650.203 Disability Retirement Annuity – Definitions  
1650.204 Gainful Employment – Consequences  
1650.205 Medical Examinations and Investigation of Disability Claims  
1650.206 Physician Certificates  
1650.207 Disability Due to Pregnancy  
1650.208 Disability Payments  
1650.209 Computation of Annual Salary When Member Has Different Semester Salary

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF ADOPTED AMENDMENT

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- Section
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- Section
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- Section
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- 1650.940 Form and Content of FOIA Requests
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## Section

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- 1650.1112 Requirements for a Valid QILDRO Calculation Order
- 1650.1113 Required Forms
- 1650.1114 Filing a QILDRO or a Calculation Order with the System
- 1650.1115 Benefits Affected by a QILDRO
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- 1650.1123 Suspension and Expiration of a QILDRO
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## Section

- 1650.1200 Payroll Deduction Program Guidelines
- 1650.1201 Employer Responsibility Under the Payroll Deduction Program Upon Execution of a Payroll Deduction Agreement
- 1650.1202 Payroll Deduction Agreements – Suspensions and Terminations
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- 1650.1205 Employer Payment of Member's Optional Service, Refund and/or Upgrade Contribution Balance

## SUBPART O: RETIREMENT BENEFITS

## Section

- 1650.2900 Excess Benefit Arrangement

AUTHORITY: Implementing and authorized by Articles 1 and 16 of the Illinois Pension Code [40 ILCS 5/Arts. 1 and 16]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code (26 USC 1 et seq.); Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Filed June 20, 1958; emergency rules adopted at 2 Ill. Reg. 49, p. 249, effective November 29, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 9, p. 1, effective March 3, 1979; codified at 8 Ill. Reg. 16350; amended at 9 Ill. Reg. 20885, effective December 17, 1985; amended at 12 Ill. Reg. 16896, effective October 3, 1988; amended at 14 Ill. Reg. 18305, effective October 29, 1990; amended at 15 Ill. Reg. 16731, effective November 5, 1991; amended at 17 Ill. Reg. 1631, effective January 22, 1993; amended at 18 Ill. Reg. 6349, effective April 15, 1994; emergency amendment at 18 Ill. Reg. 8949, effective May 24, 1994, for a maximum of 150 days; emergency modified at 18 Ill. Reg. 12880; amended at 18 Ill. Reg. 15154, effective September 27, 1994; amended at 20 Ill. Reg. 3118, effective February 5, 1996; emergency amendment at 21 Ill. Reg. 483, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 2422, effective January 31, 1997; amended at 21 Ill. Reg. 4844, effective March 27, 1997; emergency amendment at 21 Ill. Reg. 17159, effective December 9, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 7243, effective April 9, 1998; emergency amendment at 22 Ill. Reg. 7314, effective April 9, 1998, for a maximum of 150 days;

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emergency amendment at 22 Ill. Reg. 9374, effective May 14, 1998, for a maximum of 150 days; emergency rule modified in response to JCAR Objection at 22 Ill. Reg. 11640; emergency amendment at 22 Ill. Reg. 13151, effective June 29, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 15620, effective August 17, 1998; amended at 22 Ill. Reg. 19079, effective October 1, 1998; amended at 22 Ill. Reg. 22090, effective December 1, 1998; amended at 23 Ill. Reg. 3079, effective February 23, 1999; amended at 24 Ill. Reg. 2440, effective January 27, 2000; amended at 24 Ill. Reg. 10300, effective June 26, 2000; amended at 25 Ill. Reg. 203, effective December 22, 2000; amended at 26 Ill. Reg. 2758, effective February 11, 2002; amended at 26 Ill. Reg. 11476, effective July 11, 2002; amended at 27 Ill. Reg. 1668, effective January 17, 2003; amended at 27 Ill. Reg. 9209, effective May 28, 2003; amended at 28 Ill. Reg. 10055, effective June 29, 2004; amended at 29 Ill. Reg. 1546, effective January 14, 2005; amended at 29 Ill. Reg. 13244, effective August 9, 2005; amended at 30 Ill. Reg. 194, effective December 23, 2005; amended at 30 Ill. Reg. 472, effective December 21, 2005; amended at 30 Ill. Reg. 11728, effective June 23, 2006; amended at 30 Ill. Reg. 17525, effective October 18, 2006; amended at 31 Ill. Reg. 10688, effective July 13, 2007; amended at 32 Ill. Reg. 4073, effective February 28, 2008; amended at 32 Ill. Reg. 7979, effective May 6, 2008.

## SUBPART F: RULES GOVERNING ANNUITANTS AND BENEFICIARIES

**Section 1650.561 Valid Beneficiary Designations**

To be considered valid and timely filed, a beneficiary designation under 40 ILCS 5/16-138, 16-141 and 16-142 must be received and date stamped by the System prior to or on the date of the death of the member or annuitant.

(Source: Added at 32 Ill. Reg. 7979, effective May 6, 2008)

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- 1) Heading of the Part: Prequalification of Contractors, Authorization to Bid, and Subcontractor Registration
- 2) Code Citation: 44 Ill. Adm. Code 650
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
650.50	Amend
650.120	Amend
650.170	Amend
650.190	Amend
650.320	Amend
650.APPENDIX A	Amend
650.APPENDIX B	Repeal
650.APPENDIX D	Repeal
- 4) Statutory Authority: Implementing Section 20-45 of the Illinois Procurement Code [30 ILCS 500/20-45] and Section 4-103 of the Illinois Highway Code [605 ILCS 5/4-103] and authorized by Section 4-201.1 of the Illinois Highway Code [605 ILCS 5/4-201.1] and Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25]
- 5) Effective Date of Amendments: May 8, 2008
- 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 agency's Office of Chief Counsel and the Division of Highways and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 32 Ill. Reg. 1267; February 1, 2008
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Various grammatical and nonsubstantive changes were made throughout the Part.

Additionally, at Section 650.170(c)(1)(B), the Department clarified "accountant's notes" by changing it to "accountant's notes to financial statement".

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- 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 amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This Part is the primary means by which the Illinois Department of Transportation (the Department) determines the responsibility of bidders on competitively bid contracts to undertake and complete the work to be accomplished. By this rulemaking, the Department has amended Part 650 to update provisions to reflect current practice. For example, at Section 650.50, the Department added a provision addressing the time frame for submission to the Department of a request for a revision or revisions to the applicant's prequalification ratings. At Section 650.170(c)(1)(B), the Department clarified that an applicant must include a complete reviewed or compiled financial report in order to be considered for a financial rating in an unaudited status of \$1,500,000 or less. Additionally, throughout this rulemaking, the Department has eliminated provisions and references to "Bituminous Plant Mix", "Bituminous Paving", and "Bituminous Aggregate Mixtures" (and other related terms). Those terms are out-of-date and have been replaced by the correct reference – "Hot-Mix Asphalt (HMA)" – in the applicable provisions. Finally, the Department has repealed Appendices B and D because they are no longer necessary.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Michael Copp, Prequalification Engineer  
Illinois Department of Transportation  
Division of Highways  
2300 South Dirksen Parkway, Room 322  
Springfield, Illinois 62764

217/782-3413

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

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TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT  
AND PROPERTY MANAGEMENT  
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES  
CHAPTER IX: DEPARTMENT OF TRANSPORTATIONPART 650  
PREQUALIFICATION OF CONTRACTORS, AUTHORIZATION TO BID,  
AND SUBCONTRACTOR REGISTRATION

## SUBPART A: PREQUALIFICATION

Section	Purpose
650.10	Purpose
650.20	Definitions
650.30	Introduction to Prequalification
650.40	Application Requirements
650.50	Time for Submission
650.60	Public Disclosure of Contractor Information
650.70	Waiver of Prequalification and Additional Responsibility Considerations
650.80	Issuance and Effect of Ratings
650.90	Effective Date of Ratings
650.100	Expiration Date of Ratings
650.110	Denial or Revocation of Ratings
650.120	Extension of Ratings
650.130	Revisions to Prequalification Ratings
650.140	Transfer of Prequalification Ratings
650.150	Reconsideration and Appeal
650.160	Financial Rating – General
650.170	Financial Statement
650.180	Balance Sheet Schedules
650.190	Other Factors Considered in Determining Financial Ratings
650.200	Methods of Improving a Financial Rating
650.210	Computation of Financial Rating
650.220	Work Rating – General
650.230	Determination of Work Ratings
650.240	Performance Factor (PF)
650.250	Experience Factor (EF)
650.260	Equipment Factor (EqF)
650.270	Capacity to Perform (CP)

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650.280 Calculation of Work Ratings

## SUBPART B: AUTHORIZATION TO BID

## Section

650.290	Advertising for Bids
650.300	Request for Authorization to Bid or Not for Bid Status
650.310	Affidavit of Availability
650.315	Disclosure of Other Procurement Relationships
650.320	Analyzing Requests for Authorization to Bid
650.330	Issuance of Authorization to Bid
650.340	Joint Ventures
650.350	Denial of Authorization to Bid

## SUBPART C: SUBCONTRACTOR REGISTRATION

## Section

650.360	Purpose
650.370	Registration of Subcontractors
650.380	Eligibility to Quote or Perform Subcontract Work

650.APPENDIX A	<a href="#">Available Work Categories</a> <del>AVAILABLE WORK CATEGORIES</del>
650.APPENDIX B	<a href="#">Request for Extension of Prequalification Ratings</a> <del>(Repealed)REQUEST FOR EXTENSION OF PREQUALIFICATION RATINGS</del>
650.APPENDIX C	FINANCIAL PLEDGE LETTERS (Repealed)
650.APPENDIX D	<a href="#">Financial Verification Letter (Repealed)</a> <del>FINANCIAL VERIFICATION LETTER</del>
650.APPENDIX E	CORPORATE RESOLUTION (Repealed)

AUTHORITY: Implementing Section 20-45 of the Illinois Procurement Code [30 ILCS 500/20-45] and Section 4-103 of the Illinois Highway Code [605 ILCS 5/4-103] and authorized by Section 4-201.1 of the Illinois Highway Code [605 ILCS 5/4-201.1] and Section 5-25 of the Illinois Procurement Code [30 ILCS 500/5-25].

SOURCE: Adopted at 18 Ill. Reg. 9478, effective July 2, 1994; amended at 21 Ill. Reg. 11238, effective July 29, 1997; amended at 22 Ill. Reg. 20393, effective November 4, 1998; amended at 24 Ill. Reg. 18775, effective December 7, 2000; amended at 30 Ill. Reg. 16373, effective October 10, 2006; amended at 32 Ill. Reg. 7989, effective May 8, 2008.

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## SUBPART A: PREQUALIFICATION

**Section 650.50 Time for Submission**

- a) An applicant seeking to be prequalified with the Department for the first time must submit a complete application for prequalification no later than 4:30 p.m. prevailing time no later than twenty-one days prior to the scheduled date of the letting for which the applicant desires to bid. If the day of receipt falls on a weekend or a holiday, the following work day will determine the cut-off. The Department gives public notice of the letting dates and cut-off dates in the Transportation Bulletin. The Prequalification Section will make its determination at least three days prior to the relevant letting date.
- b) An applicant seeking to renew its prequalification ratings with the Department must submit a complete renewal application prior to the expiration of the applicant's existing prequalification ratings (see Section 650.100 for additional information).
- c) [An applicant seeking to revise its current prequalification ratings with the Department must submit revisions no later than 4:30 p.m. prevailing time no later than 21 days prior to the scheduled date of the letting for which the applicant desires to bid.](#)
- d) If additional projects are advertised for a letting through the issuance of a supplemental bulletin, the day of receipt for application forms or additional information is seven days after the date of issuance of the supplemental bulletin to submit bids on those projects advertised in the supplemental bulletin.

(Source: Amended at 32 Ill. Reg. 7989, effective May 8, 2008)

**Section 650.120 Extension of Ratings**

- a) A temporary extension of prequalification ratings due for expiration may be granted by the Department for good cause which may include, but is not limited to, the following examples:
  - 1) The contractor has changed the fiscal year end of the company.

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- 2) The contractor has changed the certified public accountant who will perform the audit after the audit has started.
  - 3) The contractor has been granted an extension for filing taxes by the Internal Revenue Service.
  - 4) The contractor's records have been destroyed by fire, wind, water, or such other similar event beyond the contractor's control.
  - 5) The contractor's certified public accountant requests an extension of time because of a heavy workload of tax returns.
  - 6) The contractor's certified public accountant is unable to complete the audit due to his/her illness.
  - 7) The certified public accountant is unable to complete the audit due to illness of the sole owner, stockholder, officer or director of the company being audited.
  - 8) The contractor has a minor organizational change involving ownership, officers or directors without financial impact. An extension will not be granted due to organizational changes involving an acquisition by the contractor.
  - 9) The contractor changes from individual to corporate status.
  - 10) The contractor changes from partnership to corporate status.
- b) A request for an extension must be received by the Department in writing no later than 4:30 p.m. prevailing time on the day of expiration of the prequalification ratings. If this day falls on a holiday or weekend, then the following work day will determine the cut-off. The exception for accepting receipt of an extension request is the ~~21~~twenty-one day prequalification period in advance of a letting established in Section 650.50 of this Part. Extensions will not be granted if the request for extension is received during the ~~21~~twenty-one day prequalification cut-off period in advance of a letting and the prequalification ratings expire prior to that letting.
- c) Extensions will be given in ~~30~~thirty day increments with the maximum extension

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being ~~90~~ninety days.

- d) Requests for a ~~30~~thirty, ~~60~~sixty or ~~90~~ninety day extension shall include:
- 1) A letter from the certified public accountant detailing the reason for the request (~~see Section 650. Appendix B of this Part~~).
  - 2) Submittal of an adjusted trial balance sheet as of the audit date. This shall be provided by the certified public accountant for ~~60~~sixty and ~~90~~ninety day extension requests only.
- e) Extensions of ~~60~~sixty or ~~90~~ninety days will not be granted if the adjusted trial balance sheet shows more than a 20 percent reduction in the contractor's financial rating.
- f) Extensions of ~~30~~thirty, ~~60~~sixty or ~~90~~ninety days will not be granted if such extensions have been granted for two consecutive prior ratings before the current request.
- g) Extensions will not be granted to contractors who are prequalified in an unaudited status or contractors who are changing from an audited status to an unaudited status.

(Source: Amended at 32 Ill. Reg. 7989, effective May 8, 2008)

**Section 650.170 Financial Statement**

An applicant may obtain a financial rating in either an audited or unaudited status. Audited financial information provides the Prequalification Section with reliable information, whereas unaudited financial information is subject to certain restrictions as provided for in subsection (c) of this Section.

- a) **Audited Status**  
The Department will require all applicants seeking an audited status to adhere to the following:
- 1) An applicant shall submit the Department's "Certificate of Accountant" with the completed financial statement. An Independent Auditor's Opinion Letter is acceptable in lieu of the Certificate of Accountant, if the

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applicant desires to submit only the balance sheet, auditor's notes, and an income statement.

- 2) All data shall be secured from an audit conducted no more than ~~12~~twelve months prior to the time the financial statement is received by the Department.
- 3) Financial statements which are only compiled or reviewed by a CPA are not accepted for prequalification in an audited status.
- 4) The audit of the applicant's records shall be conducted in accordance with generally accepted accounting standards.
- 5) The financial statement shall be prepared by a Certified Public Accountant (CPA) who has been licensed by the Illinois Department of [Financial and Professional Regulation](#) or an out-of-state CPA who has been issued a license by that state. A financial statement will be considered unaudited if prepared by a non-licensed CPA.
- 6) No certified financial statement will be accepted ~~that~~which has been prepared by an accountant who has a direct or indirect interest, financial or otherwise, in the business of the applicant submitting the statement.
- 7) The applicant shall submit a report prepared by the CPA who conducted the audit if the Department's Certificate of Accountant is not submitted. The report shall contain the following information:
  - A) name, address, and telephone number of the accounting firm involved with the audit;
  - B) the license number, state of license, expiration date of license and signature of the CPA conducting the audit;
  - C) the date of audit;
  - D) the degree of responsibility assumed by the CPA; and
  - E) the accountant's opinion (see subsection (b) of this Section).

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- b) **Opinion of Certified Public Accountant**  
An auditor's or CPA's opinion is a report that either contains an expression of opinion regarding the financial statements, taken as a whole, or an assertion to the effect that an overall opinion cannot be expressed. When the latter occurs, the CPA should state the reasons. There are several types of opinions a CPA can issue:
- 1) **Unqualified opinion** – an opinion which contains no exceptions and conveys the CPA's belief that the financial statement presents a fair and accurate statement of the applicant's financial position. An unqualified opinion is the most desirable because it allows the applicant to obtain audited status. Additionally, the unqualified opinion enables the Department to accept the applicant's financial statement with the confidence that the audit was conducted in accordance with generally accepted auditing standards; that the CPA acquired all the information necessary to render an informed opinion; and, that the same accounting principles were used as those used in the preceding year.
  - 2) **Qualified opinion** – an opinion which contains an exception. An exception indicates that the CPA is not in agreement with a certain accounting principle. When a qualified opinion is in order, the CPA shall express the reasons for the qualification, the approximate amount involved, and the overall effect on the financial statement. Depending on the impact of these three factors, the Department may or may not accept the opinion for prequalification purposes. If the Department chooses not to accept the opinion, the applicant's financial statement will preclude prequalification in an audited status.
  - 3) **Adverse opinion** – an opinion expressing the CPA's belief that the applicant's financial statement does not present a fair and accurate statement of the applicant's financial position. Pursuant to the rendering of an adverse opinion, the CPA shall disclose all substantive reasons for issuing such an opinion in his report. The Department shall view the applicant's financial statement as unaudited, thereby precluding prequalification in an audited status.
  - 4) **Disclaimer of opinion** – a report used when a CPA believes an opinion cannot be expressed. Pursuant to the rendering of a disclaimer, the CPA shall present the reasons for refusing to express an opinion, such as client

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imposed restrictions. The Department shall view the applicant's financial statement as precluding prequalification in an audited status.

## c) Unaudited Status

The Department will require all applicants seeking an unaudited status to adhere to the following:

- 1) The financial rating in the unaudited status is determined subject to the following limitations:
  - A) the applicant's financial rating shall be limited to no more than \$500,000 when a balance sheet is prepared and submitted by the applicant; or
  - B) the applicant's financial rating shall be limited to no more than \$1,500,000 when a reviewed or compiled [financial statement including an opinion letter, balance sheet, accountant's notes to financial statement, and income statement](#) ~~balance sheet~~ is prepared by an accountant and submitted by the applicant.
- 2) The financial statement shall be prepared by either the applicant or an accountant. It is not necessary that the statement be prepared and certified by a licensed accountant. The financial statement:
  - A) must be prepared from data secured from the applicant's records;
  - B) must not be more than ~~12~~[twelve](#) months old at the time of receipt by the Department;
  - C) must be completed and in balance; and
  - D) the financial information release must be completed and submitted by the applicant's financial institution to verify account balances.

## d) Interest in Other Firms

- 1) Any parent and all affiliates or subsidiaries of the applicant shall be identified.

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- 2) If an individual, a member of a partnership, or an officer or director of a corporation is interested financially in more than one company, the accountant shall submit a letter explaining such interest, the extent of the investment, and the individual's relationship with such companies. The Department may require these individuals to furnish financial statements from these companies as of the same date as the financial statement submitted by the applicant requesting prequalification.
- 3) Each applicant shall disclose, in the application for prequalification, the name of each owner, shareholder, partner, member, beneficiary or any other person expected to have a direct pecuniary interest in a contract awarded by the Department who holds an elective office in the State of Illinois; who is appointed to or employed in any office or agency of State government; or who is the spouse or minor child of any such person. If the company is a corporation, the name of all the officers and directors and their respective positions shall be disclosed.

(Source: Amended at 32 Ill. Reg. 7989, effective May 8, 2008)

**Section 650.190 Other Factors Considered in Determining Financial Ratings**

- a) Notes and Accounts
  - 1) Long term notes and accounts payable to stockholders, officers, directors, employees, parent, subsidiaries and affiliates will not be considered a liability if subordinated. A subordination is not permitted if it takes place more than one year from the date of the financial statement. Long term notes that are not subordinated will be considered as current liabilities. Subordinations that are not honored will not be considered on subsequent financial statements.
  - 2) Long term notes (that are in the company's name) payable to banks or other financial institutions when secured by the personal assets of the owners, officers or directors will be considered as additional working capital if properly subordinated. If not subordinated, they will be considered as liabilities against current assets.
  - 3) Notes payable due within one year from the financial statement date are considered current liabilities. Installments on notes due beyond one year

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are considered deferred liabilities.

- 4) When notes payable are secured by all assets of a firm, the amount of the loan is deducted from the value of fixed assets (against equipment first, then real estate) in determining the financial rating. No excess of encumbrance will be charged against working capital. When notes payable are unsecured, there will be no deductions from the value of fixed assets with the exception of Section 650.180(a)(1)(D).
  - 5) The reduction of long term notes before their due date will cause a reduction in the computed financial rating. In the event of long term debt reduction, the contractor shall furnish in writing the details of the transaction. This information shall be verified by a certified public accountant for those contractor's who have an audited status.
  - 6) Any long term unsecured notes payable shall be accompanied by a signed statement from the lending agency and the contractor indicating that a decrease in the unsecured borrowing shall be reported to the Department immediately. In addition, the contractor shall provide a copy of the loan agreement that shall disclose the date of the loan, the termination date, the terms of payment, a statement that the loan is free of conditions and whether it is interest or noninterest bearing. Any unsecured note payable not accompanied by such a statement and loan agreement shall be considered a current liability for prequalification rating purposes.
- b) **Income Taxes**  
The Department shall utilize the maximum corporate tax rate as stipulated by the Internal Revenue Code to reclassify deferred taxes as a current liability. This situation occurs when an applicant reports its income to the Internal Revenue Service on the cash or completed contract method, but submits such to the Department on the accrual method, thus deferring 100 percent of any income taxes due on its receivables. When deferred taxes are represented as a long term asset, the asset will be given no credit.
- c) **Dividends**  
Where dividends of the applicant, declared or proposed, have neither been paid nor included as a current liability in the submitted application for prequalification, the Department shall establish reserve distributions equal to the unpaid portion.

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- d) Treasury Stock  
If debentures have been issued, or, if long term obligations have been assumed by an applicant for repurchase of treasury stock, the Department will not consider the long term portion of these obligations as long as the applicant has provided for repayment of any current portion.
- e) Related Companies
- 1) Applicants may be related to other concerns or companies by virtue of a parent, subsidiary or affiliate connection. Also, two or more concerns or companies may operate in a coordinated manner to maintain a single set of ratings. Applicants seeking a prequalification financial rating based upon the financial strength of the applicant and a related company or seeking a financial rating in conjunction with the financial strength of a group of related companies will be evaluated and issued ratings based upon an assessment of the financial statements submitted in accordance with this subsection (e) provided that the operational roles of the related companies in the business activity of the applicant are consistent with the work ratings applied for pursuant to this Part.
  - 2) A consolidated financial statement from a parent corporation may be used to prequalify a subsidiary corporation or group of subsidiary corporations. A ~~Guaranty Certified Assumption and Guarantor~~ Agreement must be submitted with the financial statement. If more than one subsidiary is identified by a holding company for bidding purposes, the Department will establish the bidding identity for each subsidiary.
  - 3) The Department may request a consolidated financial statement from the parent corporation of a subsidiary requesting prequalification. The Department will deny credit for assets of a subsidiary that are unduly burdened or otherwise heavily encumbered, or are not available because of the financial condition of the parent corporation.
  - 4) A combining financial statement may be used to prequalify an affiliated company or group of affiliated companies. Separate financial statements may be used to prequalify two or more related companies that provide the material production and construction capability necessary to support a work rating classification. An applicant seeking a financial rating for a group of affiliated companies based upon the combined affiliate data

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presented in a combining financial statement or separate financial statements shall present a full description of the businesses' operations and interdependencies. A Guaranty Agreement will be required. The Department will not credit assets between affiliates for purposes of individual affiliate financial ratings without a Guaranty Agreement and any necessary lease agreements in accordance with Section 650.260(b)(2) of this Part. In all instances, if more than one affiliate is identified for bidding purposes, the Department will establish the bidding identity for each affiliate.

- f) Letters of Credit  
Bank letters or letters of credit will not be considered in the computation of the financial rating.

(Source: Amended at 32 Ill. Reg. 7989, effective May 8, 2008)

## SUBPART B: AUTHORIZATION TO BID

**Section 650.320 Analyzing Requests for Authorization to Bid**

- a) In analyzing a contractor's request for Authorization to Bid, it is necessary to determine the contractor's available bidding capacity.
  - 1) The total value of all uncompleted work awarded to the contractor, as shown on the Affidavit of Availability, is deducted from the financial rating shown on the Certificate of Eligibility. The result is the Available Financial Rating.
  - 2) The value of each type of work uncompleted and included in pending low bids the contractor will perform with its own forces as a prime or subcontractor, as shown on the Affidavit of Availability, is deducted from the corresponding category of work rating shown on the Certificate of Eligibility. The result is the Available Work Rating in each category. If a contractor has a work rating designated for "Illinois Work Only," then only Illinois work is deducted from the corresponding category of work rating; however, all work must be shown on the affidavit to determine the Available Financial Rating.
  - 3) When the proposed work requires more than one construction season (18

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months or 168 working days) to complete, the work ratings shown on the Certificate of Eligibility are multiplied by the number of construction seasons required for completion. The Available Work Rating is then determined as stated in subsection (a)(2) of this Section. Similar consideration is given to work reported on the Affidavit of Availability. Each work category of a project is divided by the number of construction seasons to complete the project. The Available Work Rating is then determined as stated in subsection (a)(2) of this Section.

- 4) Contractors who have ratings in major work categories are given credit for work in applicable minor work categories. For example, a contractor with a rating in Portland Cement Concrete Paving or Structures is given credit for work in the minor work category of ~~Miscellaneous~~ Concrete Construction. The work category definitions in ~~Section 650~~ Appendix A of this Part will indicate if a minor work category is applicable. Credit given for a minor work category is deducted from the contractor's available rating in the corresponding major work category.
- 5) ~~Bituminous Plant Mix is rated at \$32/ton as compared to \$26/ton for Bituminous Aggregate Mixtures. See Section 650 Appendix A of this Part. However, the plant's hourly capacity remains the same. Therefore, the dollar value of outstanding Bituminous Aggregate Mixtures shown on the Affidavit of Availability will be increased by twenty percent in determining available work rating for Bituminous Plant Mix if a contractor's plant produces both Class I and BAM.~~
- b) In order to be issued an Authorization to Bid, a contractor's Available Work Ratings for all applicable categories must equal or exceed 50 percent of the estimated value of the contract, less designated specialty items. For Division of Aeronautics work, the Available Work Ratings must equal or exceed 51 percent of the estimated value. A contractor's Available Financial Rating must equal or exceed the total estimated value of each contract. However, the low bidder will not be awarded the contract unless the Available Financial Rating equals or exceeds the actual price bid.
- c) The Department will ~~occasionally~~ ~~occasionally~~ advertise for bids a contract which consists of an item or items which are of the type commonly constructed by the Capital Development Board (such as general building construction, roofing, plumbing, heating, ventilation and air conditioning) rather than by the Department

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of Transportation. In such instances, the advertisement will indicate waiver of prequalification under the rules of the Department according to Section 650.70 and will specify prequalification by the Capital Development Board pursuant to 44 Ill. Adm. Code 950. Any contractor requesting Authorization to Bid on such a project should include a current "Capital Development Board Certificate of Contractor Prequalification."

(Source: Amended at 32 Ill. Reg. 7989, effective May 8, 2008)

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**Section 650. APPENDIX A Available Work Categories ~~AVAILABLE WORK CATEGORIES~~**

- 1 Earthwork
- 2 Portland Cement Concrete (PCC) Paving
- 3 Hot-Mix Asphalt (HMA) ~~Bituminous~~ Plant Mix
- 4 Bituminous Aggregate Mixtures
- 5 HMA ~~Bituminous~~ Paving
- 6 Cleaning and Sealing Cracks & Joints
- 7 Soil Stabilization and Modification
- 8 Aggregate Bases & Surfaces (Type A and Type B)
- 9 Structures (Highway, Railroad, and Waterway)
- 10 Structures Repair
- 11 Anchors and Tiebacks
- 12 Drainage
- 13 Drainage Cleaning
- 14 Electrical
- 15 Cover and Seal Coats (Type A and Type B)
- 16 Slurry Applications
- 17 Concrete Construction
- 18 Landscaping

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- 19 Seeding and Sodding
- 20 Vegetation Spraying
- 21 Tree Trimming and Selective Tree Removal
- 22 Fencing
- 23 Guardrail
- 24 Grouting
- 25 Painting
- 26 Signing
- 27 Pavement Markings (Paint, Thermoplastic, Epoxy, and Polyurea)
- 28
- 29
- 30 Installation of Raised Pavement Markers
- 31 Pavement Texturing and Surface Removal
- 32 Cold Milling, Planing and Rotomilling
- 33 Erection
- 34 Demolition
- 35 Fabrication
- 36 Tunnel Excavation
- 37 Expressway Cleaning
- 38 Railroad (Track) Construction

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- 39 Marine Construction
- 40 Hydraulic Dredging
- 41 Hot (in-place) Recycling
- 42 Cold (in-place) Recycling

1 – EARTHWORK

Consists of clearing, grubbing, tree removal (except selective tree removal), hedge removal, roadway excavation, channel excavation, borrow excavation, special excavation, topsoil excavation and placement, ditch excavation, common excavation, solid rock excavation, mine refuse excavation, pavement removal, hauling, embankment (earth, stone, gravel or other materials), backfilling (all types of materials), grading, compacting and trenching. This category is also applicable to projects involving Demolition (see definition), riprap installation, construction of aggregate ditch, construction of gabions, slope mattress and revetment mats (riprap or interlocking concrete blocks) and removals. In addition, this category is applicable to Seeding for Land Reclamation projects.

EQUIPMENT: Scrapers, gradalls, graders, cranes, shovels, excavators, backhoe loaders, front-end loaders, skid-steer loaders, bulldozers, sheeps foot rollers, vibratory rollers or fine grading equipment are required to establish a rating.

CALCULATION OF WORK RATING: Primary or advanced formula.

<u>Equipment</u>	<u>Equipment factor (EqF)</u>
Self-propelled scrapers	\$21,000 per cubic meter of heaped capacity \$16,000 per cubic yard of heaped capacity
Pull type scrapers	\$12,000 per cubic meter of heaped capacity \$9,000 per cubic yard of heaped capacity
Gradalls	\$115,000 each
Graders	\$100,000 each
Cranes, shovels, excavators and backhoe loaders	\$360,000 for .5 cubic meter bucket size \$405,000 for .75 cubic meter bucket size \$480,000 for 1 cubic meter bucket size

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	\$580,000 for 1.25 cubic meter bucket size
	\$730,000 for 1.5 cubic meter bucket size
	\$800,000 for 1.75 cubic meter bucket size
	\$880,000 for 2 cubic meter bucket size
	\$1,060,000 for 2.5 cubic meter bucket size
	\$1,400,000 for 3 cubic meter bucket size
	\$1,730,000 for 3.5 cubic meter bucket size
	\$375,000 for .75 cubic yard bucket size
	\$405,000 for 1 cubic yard bucket size
	\$460,000 for 1.25 cubic yard bucket size
	\$550,000 for 1.5 cubic yard bucket size
	\$635,000 for 1.75 cubic yard bucket size
	\$750,000 for 2 cubic yard bucket size
	\$835,000 for 2.5 cubic yard bucket size
	\$1,010,000 for 3 cubic yard bucket size
	\$1,210,000 for 3.5 cubic yard bucket size
	\$1,440,000 for 4 cubic yard bucket size
	\$1,610,000 for 4.5 cubic yard bucket size
Front-end loaders	\$115,000 for less than 1.5 cubic meter bucket size
	\$210,000 for 1.5 to 2 cubic meter bucket size
	\$340,000 for 2.1 to 3 cubic meter bucket size
	\$475,000 for 3.1 to 4 cubic meter bucket size
	\$605,000 for greater than 4 cubic meter bucket size
	\$115,000 for less than or equal to 2 cubic yard bucket size
	\$230,000 for 2.1 to 3 cubic yard bucket size
	\$375,000 for 3.1 to 4 cubic yard bucket size
	\$460,000 for 4.1 to 5 cubic yard bucket size
	\$605,000 for greater than 5 cubic yard bucket size
Skid-steer loaders	\$50,000 each
Bulldozers	\$200,000 each
Fine grading equipment	\$200,000 each
Self-propelled rollers	\$50,000 each
Pull-type rollers	\$15,000 each
Disc	\$15,000 each
Water truck	\$1.35 per liter
	\$5 per gallon
Off-road and bottom-dump trucks	\$20,000 per cubic meter of heaped capacity
	\$15,000 per cubic yard of heaped capacity

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2 – PORTLAND CEMENT CONCRETE (PCC) PAVING

Consists of constructing pcc pavement, continuously reinforced pcc pavement, pcc base course and pcc base course widening, cement aggregate mixture sub-base, pozzolanic stabilized mixture sub-base and pozzolanic stabilized base course. This category is also applicable to ~~Miscellaneous~~ Concrete Construction.

EQUIPMENT: A central mix plant or a batch plant with truck mixers, formless paver and finishing machine. A concrete plant with either a formless paver or a finishing machine is the minimum equipment requirement.

CALCULATION OF WORK RATING: Primary or advanced formula.

<u>Equipment</u>	<u>Equipment Factor (EqF)</u>
Central Mix Plant and Batch Plant*	(C.M./Batch) x (20 Batches/Hr.) x (8 Hrs./Day) x (80 Days/Yr.) x (\$105/C.M.) x (1.0) for an approved plant (C.Y./Batch) x (20 Batches/Hr.) x (8 Hrs./Day) x (80 Days/Yr.) x (\$80/C.Y.) x (1.0)
Central Mix Dual Plant and Dual Batch Plant*	(C.M./Batch) x (20 Batches/Hr.) x (8 Hrs./Day) x (80 Days/Yr.) x (\$105/C.M.) x (1.7) for an approved plant (C.Y./Batch) x (20 Batches/Hr.) x (8 Hrs./Day) x (80 Days/Yr.) x (\$80/C.Y.) x (1.7)

\* To receive the maximum equipment factor (EqF) for a batch plant, the contractor shall possess a minimum of one truck mixer for every cubic yard of batch capacity of the plant.

3 – HOT-MIX ASPHALT (HMA) BITUMINOUS PLANT MIX

The placement of HMA pavement (Full Depth), ~~bituminous concrete~~ binder and surface course (Class I and Superpave), ~~bituminous concrete~~ base course widening, ~~bituminous~~ base course, ~~bituminous aggregate mixture~~ stabilized sub-base, ~~bituminous~~ shoulder, ~~shoulder~~ ~~bituminous~~ curb, ~~bituminous gutter~~, ~~bituminous curb and gutter~~, ~~bituminous~~ sidewalk, ~~bituminous~~ driveway, ~~bituminous~~ median, ~~bituminous~~ patching, open graded asphalt friction course and incidental ~~bituminous~~ surfacing. Also includes placement and hot recycling of reclaimed aggregates and asphaltic cements, and placement and production of cold mix stabilized base. This category is

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also applicable to ~~HMA~~Bituminous Paving.

EQUIPMENT REQUIRED: An approved ~~bituminous (HMA)~~ plant, an approved ~~HMA~~bituminous spreading and finishing machine and compaction equipment.

CALCULATION OF WORK RATING: Primary or advanced formula.

<u>Plant Production Rating</u>	<u>Equipment Factor (EqF)</u>
Metric Tons Per Hour (MTPH)	$MTPH \times (8 \text{ Hrs./Day}) \times (80 \text{ Days/Yr.}) \times (\$35/\text{Ton})$
Tons Per Hour (TPH)	$TPH \times (8 \text{ Hrs./Day}) \times (80 \text{ Days/Yr.}) \times (\$32/\text{Ton})$

Note: An approved HMA plant is a new or used plant that is used to calculate the EqF pursuant to Section 650.260 of this Part, and that is assigned a nominal production rating by the Bureau of Materials and Physical Research for the work category. Contracts may require the production of Class I or Superpave mixtures. The approved plant will be rated for production of Class I and Superpave mixtures prior to the production of such mixtures.

#### ~~4—BITUMINOUS AGGREGATE MIXTURES~~

~~Consists of the placement of bituminous aggregate mixture, stabilized sub-base and bituminous shoulder. Also includes placement and hot recycling of reclaimed aggregates and asphaltic cements, and placement and production of cold mix stabilized base. This category is also applicable to Bituminous Paving.~~

~~EQUIPMENT REQUIRED: An approved bituminous (HMA) plant, an approved bituminous spreading and finishing machine and compaction equipment.~~

~~CALCULATION OF WORK RATING: Primary or advanced formula.~~

<u>Plant Production Rating</u>	<u>Equipment Factor (EqF)</u>
Metric Tons Per Hour (MTPH)	$MTPH \times (8 \text{ Hrs./Day}) \times (80 \text{ Days/Yr.}) \times (\$29/\text{Ton})$
Tons Per Hour (TPH)	$TPH \times (8 \text{ Hrs./Day}) \times (80 \text{ Days/Yr.}) \times (\$26/\text{Ton})$

Note: ~~An approved HMA plant is a new or used plant that is used to calculate the EqF pursuant to Section 650.260 of this Part, and that is assigned a nominal production rating by the Bureau of Materials and Physical Research for the work category. Contracts may require the production of Class I or Superpave mixtures. The approved plant will be rated for~~

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~~production of Class I and Superpave mixtures prior to the production of such mixtures.~~

5 – HMABITUMINOUS PAVING

Consists of placing HMABituminous base, surface, widening or shoulders with a HMABituminous spreading and finishing machine. This category is restricted to either 1,200 tons in any one contract (Class I, BAM, or Superpave) or as specified by the local agency.

~~HMABituminous curb and gutter~~, sidewalk, driveway, median and patching are not to be included in the tonnage determination. This work can also be completed under HMABituminous Plant Mix and Bituminous Aggregate Mixtures categories.

EQUIPMENT REQUIRED: An approved HMABituminous spreading and finishing machine and compaction equipment.

CALCULATION OF WORK RATING: Secondary formula.

6 – CLEANING AND SEALING CRACKS & JOINTS

Consists of routing and sealing cracks for asphaltic and concrete pavements.

EQUIPMENT REQUIRED: Router and melter.

CALCULATION OF WORK RATING: Secondary formula.

7 – SOIL STABILIZATION AND MODIFICATION

Consists of constructing soil-cement base course and lime modified soils.

EQUIPMENT REQUIRED: Grader, rotary speedmixer, mechanical spreader, water tanker and compaction equipment.

CALCULATION OF WORK RATING: Secondary formula.

8 – AGGREGATE BASES & SURFACES (TYPE A)

Consists of constructing granular sub-base, aggregate base course, aggregate surface course, aggregate shoulders and aggregate-turf pavement. Also includes construction of cement aggregate mixture sub-base, pozzolanic stabilized mixture sub-base, pozzolanic stabilized base course, lime modified soils (disc harrow method), calcium chloride applications, and sub-ballast.

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8 – AGGREGATE BASES & SURFACES (TYPE B)

Consists of hauling and spreading aggregate.

EQUIPMENT REQUIRED: Grader or mechanical spreader, and compaction equipment if applicable.

CALCULATION OF WORK RATING: Primary or advanced formula.

<u>Equipment</u>	<u>Equipment Factor (EqF)</u>
Grader and compaction equipment (Type A)	\$375,000 each
Mechanical spreader and compaction equipment (Type A)	\$375,000 each
Grader (Type B)	\$375,000 each
Mechanical spreader (Type B)	\$375,000 each
Widener	\$200,000 each

9 – STRUCTURES (HIGHWAY)

Consists of excavation for structures (includes cofferdams, temporary cribs, etc.), constructing concrete structures (bridges, box culverts, etc.), membrane waterproofing, constructing steel structures (bridges, corrugated structural plate drainage structures, etc.), constructing metal railings, constructing timber structures (bridges, etc.), erection, installation of reinforcement bars, piling (all types), and construction of temporary bridges. This category is also applicable to Structures Repair, Demolition, ~~Miscellaneous~~ Concrete Construction, Fencing and Signing.

EQUIPMENT REQUIRED: see Structures (Waterway) Equipment.

CALCULATION OF WORK RATING: see Structures (Waterway) Calculation.

9 – STRUCTURES (RAILROAD)

Consists of items listed above. This category is specific to structures carrying railroad transportation.

9 – STRUCTURES (WATERWAY)

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Consists of the construction of major structures and appurtenances for water storage and distribution, flood control and recreation. This includes dams, spillways, spillway crest gates, sluiceway, sluiceway gates, canals, channel appurtenances (culverts, flumes, inverted siphons, etc.), pump stations (including mechanical equipment), aqueducts, irrigation structures (checks, dams, gates, etc.), locks and dams, dikes, groins and jetties. This category also includes excavation for structures (includes cofferdams, temporary cribs, etc.), piling (all types), de-watering and Demolition

EQUIPMENT: Bulldozers, front-end loaders, shovels, cranes, backhoe loaders, excavators, pile hammers and bridge deck finishing machines. A crane is the minimum equipment requirement. However, a crane is not required for those contractors requesting a structures rating for \$150,000 or less.

CALCULATION OF WORK RATING: Secondary formula.

10 – STRUCTURES REPAIR

Consists of bridge deck repair or bridge deck removal and replacement. This includes the use of latex modified concrete, polymer concrete, epoxy and other materials for patching, deck overlays, sealing, etc. Also includes membrane waterproofing, constructing metal railings, installation of reinforcement bars, superstructure repairs such as replacement of joints, replacement of bearings, beam straightening (heat or mechanical), repair and retrofit of fracture and fatigue distressed steel girders, member strengthening, etc. Substructure repairs are also included and consist of the use of epoxy, shotcrete and other materials for minor repairs of spalled or deteriorated concrete. This category is also applicable to ~~Miscellaneous~~ Concrete Construction, Fencing and Signing. This work can be completed under the Structures (Highway) category.

EQUIPMENT: Front-end loaders, cranes, backhoe loaders, excavators and bridge deck finishing machines. A crane is the minimum equipment requirement. However, a crane is not required for those contractors requesting a structures repair rating for \$150,000 or less.

CALCULATION OF WORK RATING: Secondary formula.

11 – ANCHORS AND TIEBACKS

Construction of all types of anchors and tiebacks that provide resistance to lateral and uplift forces in bridge abutments, retaining walls, bulkheads, dams, deep excavations and various support systems (underpinning, etc.).

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EQUIPMENT REQUIRED: Auger, drilling, or jacking equipment. Grouting equipment to include air compressor, mixing equipment, agitator-type reservoir tank and grout pump.

CALCULATION OF WORK RATING: Secondary formula.

12 – DRAINAGE

Consists of the installation and removal of precast concrete box culverts, installation and removal of pipe culverts and storm sewers, relining of pipe culverts and storm sewers, installation of pipe drains and pipe underdrains, exploration trenches for locating farm underdrains, minor boring and jacking of pipe-in-place, installation of cast iron soil pipe, installation of water mains and water service lines, adjusting sanitary sewers and water service lines, construction of catch basins, manholes, inlets, inspection holes and valve vaults, minor cleaning of catch basins, adjustment and reconstruction of catch basins, manholes, inlets, inspection holes and valve vaults, installation and adjustment of frames and grates, filling existing manholes, catch basins, inlets, wells and drainage structures, moving fire hydrants, moving domestic meter vaults and water service boxes, riprap installation, construction of aggregate ditch, installation of excelsior blanket, fiber mat and fiberglass roving, construction of gabions, slope mattress and revetment mats (riprap or interlocking concrete blocks), construction of trench and backfill for communication cables, ducts and conduits, construction of inverted siphons, construction of flumes, construction of pump stations (including mechanical equipment) and installation of corrugated structural plate drainage structures. This category is also applicable to de-watering projects, well drilling, slurry trench cut-off walls (soil-bentonite or cement-bentonite), and Drainage Cleaning.

EQUIPMENT REQUIRED: Trenching machine or backhoe loader or excavator.

CALCULATION OF WORK RATING: Secondary formula.

13 – DRAINAGE CLEANING

Consists of cleaning of pipe culverts, storm sewers and catch basins. This work can also be completed under the Drainage Category.

EQUIPMENT REQUIRED: Vacuum or jetting equipment.

CALCULATION OF WORK RATING: Secondary formula.

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14 – ELECTRICAL

Consists of the installation of electric cable, duct and conduits, construction of trench and backfill for cables, ducts and conduits, traffic surveillance and control installations, traffic signal installations, installation of light pole, installation of light tower, installation of vapor luminaire, installation of sign lighting, installation of temporary lighting systems, installation of navigational lighting systems, installation of photocell relay service, installation of airport lighting systems, installation of airport beacon towers and airport rotating beacons, and other appropriate illumination systems. This category is also applicable to electronic weigh scale installations, installation and maintenance of motorist call box systems and installation of electrical controls/mechanical equipment for pump stations.

EQUIPMENT REQUIRED: Trenching machine or backhoe loader or excavator or aerial equipment.

CALCULATION OF WORK RATING: Secondary formula.

15 – COVER AND SEAL COATS (TYPE A)

Consists of the application of bituminous materials for priming, road oiling, cover coating and seal coating.

15 – COVER AND SEAL COATS (TYPE B)

Consists of sealing parking lots and driveways.

EQUIPMENT REQUIRED: Distributor (Type A).

CALCULATION OF WORK RATING: Primary or advanced formula.

<u>Equipment</u>	<u>Equipment Factor (EqF)</u>
Distributor (Type A)	\$400,000 each
Tanker Truck* (Type A)	\$50,000 each

\* A maximum of two tanker trucks per distributor will be allowed.

16 – SLURRY APPLICATIONS

Consists of slurry sealing and micro-surfacing.

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EQUIPMENT REQUIRED: Slurry or micro-surfacing equipment.

CALCULATION OF WORK RATING: Secondary formula.

17 – CONCRETE CONSTRUCTION

Consists of masonry work or the construction of concrete barrier, curb, gutter, combination curb and gutter, sidewalk, driveway pavement, median, paved ditch, flumes, slope wall, retaining wall, railroad crossing, pavement, base course, base course widening and all types of pavement patching. This category also includes construction of revetment mats (cast-in-place concrete slabs), construction of foundations (light pole, light tower, etc.) and various undersealing projects that allow the voids to be filled by gravity flow. Removal of concrete that consists of any of the aforementioned items or similar items is applicable to this work rating. This category is also applicable to construction of box culverts and other similar miscellaneous drainage structures. The total of pavement, base course and base course widening cannot exceed 15,000 square yards in any one contract. This work can also be completed under the PCC Paving and Structures (Highways, Waterways) categories.

EQUIPMENT: Concrete saws, generators, vibrators, forms, tampers, screeds and concrete placement equipment.

CALCULATION OF WORK RATING: Secondary formula.

18 – LANDSCAPING

Consists of planting trees, shrubs, vines and other materials. This category also includes applying fertilizing nutrients, mulching, watering, pruning and selective removal of unwanted plants and Seeding and Sodding.

EQUIPMENT: Auger equipment or hoe, tillers, disks, slope harrows, hydraulic seeders, tractor drawn or mounted seeders, rangeland type grass drill, mulch blowers, tree spade and water trucks. Seed bed preparation and seeding equipment, a tractor loader and a water truck is the minimum equipment requirement.

CALCULATION OF WORK RATING: Secondary formula.

19 – SEEDING AND SODDING

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Consists of seeding, sodding, applying fertilizer nutrients, mulching, watering, installation of excelsior blanket, fiber mat and other erosion work. This work can also be completed under the Landscaping category.

EQUIPMENT: Tillers, disks, slope harrows, hydraulic seeders, tractor drawn or mounted seeders, rangeland type grass drill, mulch blowers and water tankers. Seed bed preparation, seeding equipment and a tractor is the minimum equipment requirement.

CALCULATION OF WORK RATING: Secondary formula.

2021 – VEGETATION SPRAYING

Consists of the application of chemicals to remove or control vegetation.

EQUIPMENT REQUIRED: Tanker truck with on- and off-road spraying equipment.

CALCULATION OF WORK RATING: Secondary formula. The contractor must have an Illinois Commercial Pesticide Applicator's license. Workers must have an Illinois Commercial Pesticide Operator's license issued by the Illinois Department of Agriculture.

21 – TREE TRIMMING AND SELECTIVE TREE REMOVAL

Consists of commercial arborist work such as trimming and thinning of trees, root pruning and removal of individual trees and tree stumps.

EQUIPMENT REQUIRED: Aerial equipment, brush chipper, pruning tools and stump grinder.

CALCULATION OF WORK RATING: Secondary formula.

22 – FENCING

Consists of constructing chain link fence, wire fence and wood fence. This category is also applicable to the installation of object markers, delineators and mile post markers. This work can also be completed under the Structural (Highway, Railroad) and Structures Repair categories.

EQUIPMENT: Post hole auger equipment needed for Fencing rating of \$200,000 or more.

CALCULATION OF WORK RATING: Secondary formula.

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23 – GUARDRAIL

Consists of constructing steel plate beam guardrail, wood guardrail, cable road guard, posts (including guard posts), pipe handrail and metal railings. Removal of any of the aforementioned items or similar items is applicable to this work category.

EQUIPMENT REQUIRED: Post hammer or post hole auger.

CALCULATION OF WORK RATING: Secondary formula.

24 – GROUTING

Consists of shotcrete construction, lime injection systems, clay grouting, chemical grouting, compaction grouting, cement grouting, jet grouting, asphalt grouting and bituminous or cement fly ash undersealing of concrete pavements. Applicable to soil stabilization and rehabilitation of dams, bridges, sewers, tanks, reservoirs, tunnels, culverts, walls, masonry structures, etc. This category is also applicable to mud jacking, slab jacking and various under-sealing projects.

EQUIPMENT REQUIRED: Air compressor, mixing equipment, agitator-type reservoir tank and grout pump.

CALCULATION OF WORK RATING: Secondary formula.

25 – PAINTING

Consists of the cleaning, containment and painting of metal surfaces. This includes structural steel, sign structures, sign supports, traffic signal hardware, lighting hardware, etc.

EQUIPMENT REQUIRED: Air compressor, sandblast equipment and paint spraying equipment.

CALCULATION OF WORK RATING: Secondary formula.

26 – SIGNING

Consists of installing, relocating, renovating, refurbishing and cleaning sign panels. This category also includes the installation and relocation of sign supports and sign structures, installation of object markers, installation of delineators and installation of mile post markers.

## DEPARTMENT OF TRANSPORTATION

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Removal of any of the aforementioned items is also applicable to this work category. This work can also be completed under the Structures (Highway) and Structure Repair categories.

EQUIPMENT REQUIRED: Auger and aerial equipment. A crane will also meet minimum equipment requirements. Auger only will be limited to roadside signing.

CALCULATION OF WORK RATING: Secondary formula.

27 – PAVEMENT MARKINGS (PAINT)

Consists of the installation of paint pavement marking lines, letters and symbols.

EQUIPMENT REQUIRED: Truck mounted or hand operated painting equipment.

CALCULATION OF WORK RATING: Secondary formula.

27 – PAVEMENT MARKINGS (THERMOPLASTIC)

Consists of the installation of thermoplastic pavement marking lines, letters and symbols.

EQUIPMENT REQUIRED: Truck mounted or hand operated equipment that is approved by the Bureau of Operations within the Division of Highways.

CALCULATION OF WORK RATING: Secondary formula.

27 – PAVEMENT MARKINGS (EPOXY)

Consists of the installation of epoxy pavement marking lines, letters and symbols.

EQUIPMENT REQUIRED: Equipment that is approved by the Bureau of Operations within the Division of Highways.

CALCULATION OF WORK RATING: Secondary formula.

27 – PAVEMENT MARKINGS (POLYUREA)

Consists of the installation of polyurea pavement marking lines, letters and symbols.

EQUIPMENT REQUIRED: Equipment that is approved by the Bureau of Operations within the

## DEPARTMENT OF TRANSPORTATION

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Division of Highways.

CALCULATION OF WORK RATING: Secondary formula.

30 – INSTALLATION OF RAISED PAVEMENT MARKERS

Consists of the installation of raised reflective pavement markers and their removal.

EQUIPMENT REQUIRED: Plunge router or saw.

CALCULATION OF WORK RATING: Secondary formula.

31 – PAVEMENT TEXTURING AND SURFACE REMOVAL

Consists of grooving or grinding PCC pavement or continuously reinforced PCC pavement.

EQUIPMENT REQUIRED: Grooving or grinding equipment.

CALCULATION OF WORK RATING: Secondary formula.

32 – COLD MILLING, PLANING AND ROTOMILLING

Consists of bituminous surface removal or texturing bituminous pavements. Also applicable to pulverizing and mixing existing bituminous material.

EQUIPMENT REQUIRED: Milling, planing or grinding machine.

CALCULATION OF WORK RATING: Secondary formula.

33 – ERECTION

Consists of erecting structural steel or sign trusses. This work can be completed under the Structures (Highway, Railroad) category.

EQUIPMENT REQUIRED: Crane.

CALCULATION OF WORK RATING: Secondary formula.

34 – DEMOLITION

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Consists of the removal of timber, steel and concrete structures and buildings. This work can be completed under the Structures (Highway, Railroad, Waterway) and Earthwork categories.

EQUIPMENT REQUIRED: Crane or excavator or front-end loader, backhoe loader or bulldozer.

CALCULATION OF WORK RATING: Secondary formula.

35 – FABRICATION

Consists of fabricating, delivering and storing structural steel.

EQUIPMENT REQUIRED: Fabrication plant.

CALCULATION OF WORK RATING: Secondary formula.

36 – TUNNEL EXCAVATION

Consists of earth and rock excavation for tunnels, and construction of liner plate shafts, steel sheeted shafts and wood sheeted shafts. This category also includes rock bolting and major boring and jacking of pipe-in-place.

EQUIPMENT REQUIRED: Tunnel boring machine.

CALCULATION OF WORK RATING: Secondary formula.

37 – EXPRESSWAY CLEANING

Consists of sweeping expressways and arterial routes.

EQUIPMENT REQUIRED: Motorized street sweeping equipment.

CALCULATION OF WORK RATING: Secondary formula.

38 – RAILROAD (TRACK) CONSTRUCTION

Consists of sub-ballast construction, ballast construction, installation of crossites and installation of steel rails.

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EQUIPMENT REQUIRED: Ballast regulator, tamper and lifting equipment.

CALCULATION OF WORK RATING: Secondary formula.

39 – MARINE CONSTRUCTION

Consists of the construction of harbors and docking facilities on lakes or rivers. This includes breakwater structures, groins, jetties, seawalls, major revetments (riprap, interlocking concrete blocks and cast-in-place concrete slabs), bulkheads, piers, wharves, fenders and dolphins. This work category is also applicable to excavation for structures (includes cofferdams, temporary cribs, etc.), piling (all types), de-watering, mechanical dredging, underwater inspection and underwater repair.

EQUIPMENT REQUIRED: Barge and barge-mounted crane.

CALCULATION OF WORK RATING: Secondary formula.

40 – HYDRAULIC DREDGING

Dredging of various waterways by the use of pumping equipment.

EQUIPMENT REQUIRED: Barge and pumping equipment.

CALCULATION OF WORK RATING: Secondary formula.

41 – HOT (IN-PLACE) RECYCLING

A road construction technique that involves a single-pass or a two-pass operation that scarifies and rejuvenates the existing pavement material or combines existing pavement material with virgin material.

EQUIPMENT REQUIRED: Either a single recycle machine or a recycling train capable of heating, scarifying, remixing and relaying pavement material. Compaction equipment is also required.

CALCULATION OF WORK RATING: Secondary formula.

42 – COLD (IN-PLACE) RECYCLING

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A road construction technique that reuses existing pavement material.

EQUIPMENT REQUIRED: Emulsion tanker truck, recycle machine, paver and compaction equipment.

CALCULATION OF WORK RATING: Secondary formula.

(Source: Amended at 32 Ill. Reg. 7989, effective May 8, 2008)

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NOTICE OF ADOPTED AMENDMENTS

**Section 650.APPENDIX B Request for Extension of Prequalification Ratings  
(Repealed) ~~REQUEST FOR EXTENSION OF PREQUALIFICATION RATINGS~~**

Engineer of Construction  
Illinois Department of Transportation  
2300 South Dirksen Parkway, Room 322  
Springfield, IL 62764

Extension Letter  
from the CPA (30 Day)

Dear \_\_\_\_\_:

~~Our client, (firm), requires a thirty (30) day extension of their prequalification ratings (include the reason for the extension).~~

\_\_\_\_\_  
Signature(s)

Engineer of Construction  
Illinois Department of Transportation  
2300 South Dirksen Parkway, Room 322  
Springfield, IL 62764

Extension Letter  
from the CPA (60 or 90 Day)

Dear \_\_\_\_\_:

~~Our client, (firm), requires a (sixty (60) or ninety (90)) day extension of their prequalification ratings (include the reason for the extension). Included is an adjusted trial balance sheet as of the audit date for your use.~~

\_\_\_\_\_  
Signature(s)

DEPARTMENT OF TRANSPORTATION

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(Source: Repealed at 32 Ill. Reg. 7989, effective May 8, 2008)

DEPARTMENT OF TRANSPORTATION

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**Section 650.APPENDIX D Financial Verification Letter (Repealed)FINANCIAL-VERIFICATION LETTER**

Engineer of Construction  
Illinois Department of Transportation  
2300 South Dirksen Parkway, Room 322  
Springfield, IL 62764

Verification Letter from the CPA-  
Required Only for an Individual Pledge to a  
Contractor with an Audited Financial  
Statement.

Dear \_\_\_\_\_ :

Our client, (firm), has requested us to write this letter to verify the information below concerning asset(s) pledged by the officer(s) or director(s) or shareholder(s) or employee(s) of the firm in order to improve the financial prequalification rating of (firm) for their (date of balance sheet) Contractor's Statement of Experience and Financial Condition.

If a bank account:

- A) Name of bank
- B) Location of bank
- C) Name of account holder(s)
- D) Amount
- E) Disclosure of any pledge  
(Example: A pledge against a Certificate of deposit)
- F) Method of verification

If equipment:

- A) Description (i.e., make, model, year, serial number and size or capacity)
- B) Owner(s)
- C) Book or appraised value
- D) Disclosure of any encumbrance
- E) Method of verification

If real estate:

- A) Description
- B) Owner(s)
- C) Book or appraised value
- D) Disclosure of any encumbrance
- E) Method of verification

If other investments:

- A) Description
- B) Owner(s)
- C) Book or appraised value
- D) Disclosure of any pledge  
(Example: A pledge against a stock or bond)
- E) Method of verification

\_\_\_\_\_  
Signature(s)

(Source: Repealed at 32 Ill. Reg. 7989, effective May 8, 2008)

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- 1) Heading of the Part: Business Logo Signing Program
- 2) Code Citation: 92 Ill. Adm. Code 542
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
542.100	Amend
542.200	Amend
542.400	Amend
542.450	New Section
542.500	Amend
542.600	Amend
542.APPENDIX B	Amend
- 4) Statutory Authority: Implementing Section 4.08 of the Highway Advertising Control Act of 1971 [225 ILCS 440/4.08] and Section 2705-505 of the Civil Administrative Code of Illinois [20 ILCS 2705/2705-505], and authorized by Section 4-201.1 of the Illinois Highway Code [605 ILCS 5/4-201.1], Section 14.01 of the Highway Advertising Control Act of 1971 [225 ILCS 440/14.01], and Section 2705-505 of the Civil Administrative Code of Illinois [20 ILCS 2705/2705-505]
- 5) Effective Date of Amendments: May 8, 2008
- 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 Department's Office of Chief Counsel and Division of Highways and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: February 8, 2008; 32 Ill. Reg. 2131
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between Proposal and Final Version: Various grammatical and nonsubstantive changes were made throughout the Part.
- 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.

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- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The Department amended this Part to revise the listing of areas, at Section 542.100, eligible for signing under this Part. The Department will allow signs along portions of Interstate 74 through Peoria and along Interstate 80 within Cook County.

At Sections 542.400(d)(4), (5) and (6) and 542.600(b)(1), the Department revised language as a result of an audit conducted by the Illinois Office of Internal Audit. Based on the audit, a recommendation was made that the Department provide for a processing fee rather than an application fee because submission of a processing fee at the time the sign design is submitted, rather than at the time of application, will ensure the timely deposit of the fee into state funds.

Additionally, the Department added a new Section and revised several other Sections to allow signing for RV movement and parking at business establishments. The RV provisions have been included pursuant to the national Manual on Uniform Traffic Control Devices.

Finally, Appendix B has been revised for consistency with current Department organization of Districts.

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

Mr. Joseph S. Hill, Chief, Bureau of Operations  
Illinois Department of Transportation  
Division of Highways  
2300 South Dirksen Parkway, Room 009  
Springfield, Illinois 62764

217/782-7231

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

## DEPARTMENT OF TRANSPORTATION

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TITLE 92: TRANSPORTATION  
CHAPTER I: DEPARTMENT OF TRANSPORTATION  
SUBCHAPTER f: HIGHWAYSPART 542  
BUSINESS LOGO SIGNING PROGRAM

## Section

542.100	Introduction
542.200	Definitions
542.300	Criteria for Specific Service Panels
542.400	Criteria for Business Signs
<a href="#">542.450</a>	<a href="#">Criteria for RV-friendly Symbol Signs</a>
542.500	Panel and Sign Design
542.600	Application, Fees, and Other Regulations
542.APPENDIX A	District Boundary Map (Repealed)
542.APPENDIX B	District Offices and Counties
542.ILLUSTRATION A	Typical Signing for Single-Exit Interchanges (Repealed)
542.ILLUSTRATION B	Typical Signing for Double-Exit Interchanges (Repealed)
542.ILLUSTRATION C	Example Where an Existing Directional Sign Interferes with Normal Panel Spacing (Repealed)
542.ILLUSTRATION D	Example Where all Panels Cannot be Erected Ahead of the First Advance Guide Sign (Repealed)
542.ILLUSTRATION E	Example of Trailblazer Assembly (Repealed)
542.ILLUSTRATION F	Examples of Interstate Panels for Single-Exit Interchanges (Repealed)
542.ILLUSTRATION G	Examples of Interstate Panels for Double-Exit Interchanges (Repealed)
542.ILLUSTRATION H	Example of Two Services on One Interstate Panel (Repealed)
542.ILLUSTRATION I	Examples of Specific Service Panels Along a Single-Exit Interchange Exit Ramp (Repealed)
542.ILLUSTRATION J	Examples of Specific Service Panels Along a Double-Exit Interchange Exit Ramp (Repealed)

AUTHORITY: Implementing Section 4.08 of the Highway Advertising Control Act of 1971 [225 ILCS 440/4.08] and Section 2705-505 of the Civil Administrative Code of Illinois [20 ILCS 2705/2705-505], and authorized by Section 4-201.1 of the Illinois Highway Code [605 ILCS 5/4-201.1], Section 14.01 of the Highway Advertising Control Act of 1971 [225 ILCS 440/14.01], and Section 2705-505 of the Civil Administrative Code of Illinois [20 ILCS 2705/2705-505].

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SOURCE: Adopted at 5 Ill. Reg. 12823, effective November 3, 1981; codified at 6 Ill. Reg. 15255; Part repealed, new Part adopted at 10 Ill. Reg. 6996, effective April 16, 1986; amended at 24 Ill. Reg. 12736, effective September 1, 2000; amended at 27 Ill. Reg. 7880, effective April 21, 2003; amended at 30 Ill. Reg. 5650, effective March 10, 2006; amended at 32 Ill. Reg. 8027, effective May 8, 2008.

**Section 542.100 Introduction**

- a) This Part has been developed to regulate the use of business logos displayed along various freeways. It establishes standards, specifications, and financial responsibility for a program of placing business logos on specific service panels. The displayed business logos will provide motorists with travel related directional information to facilities offering gas, food, lodging, camping, and 24-hour pharmacies.
- b) This program applies to freeways within the State of Illinois that are under the jurisdiction of the Department. However, because of the close spacing of interchanges, presence of existing critical directional signs, and congestion in the densely populated Chicago, Peoria and St. Louis metropolitan areas, this program will not apply to the following sections of highways.
  - 1) Interstate 57 from the southerly Chicago city limits northerly to its terminal with Interstate 94;
  - 2) Interstate 55 from Interstate 294 northerly to Lake Michigan;
  - 3) Interstate 90;
  - 4) Interstate 94 from the southerly Chicago city limits northerly to the Wisconsin state line;
  - 5) Interstate 290;
  - 6) Interstate 55/70 from Interstate 255 southerly to the Missouri state line;
  - 7) Interstate 64 from, but not including, Exit 6 westerly to the Missouri state line;

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- 8) [Interstate 74 through Peoria between and including the Sterling Avenue interchange \(Exit 88\) and the Washington Avenue interchange \(Exit 95\), except for the eastbound off-ramp to Sterling Avenue and the westbound off-ramp to Washington Street](#)~~Interstate 74 from, and including, the interchange with Interstate 474 west of Peoria easterly to, and including, the interchange with Interstate 474 east of Peoria;~~
  - 9) Interstate 74 from, and including, Exit 4 northerly to the Iowa state line;
  - 10) Illinois 394 except for the Glenwood Dyer Road and US 30 interchanges; and
  - 11) Any other freeway in Cook and DuPage Counties [except for Interstate 80.](#)
- c) In an urbanized area where three consecutive freeway interchanges are each spaced less than one and one-quarter miles apart, logo signing will not be provided.

(Source: Amended at 32 Ill. Reg. 8027, effective May 8, 2008)

**Section 542.200 Definitions**

The following words or phrases when used in this Part shall have the meanings ascribed to them below.

"Ahead or Advance" – a sign is ahead or in advance of another when it is at a greater distance than the other from the crossroad being signed.

"Business" – an open establishment that provides gas, food, lodging, camping, or a 24-hour pharmacy as a motorist service to the general public.

"Business Sign" – a rectangular sign consisting of a business trademark, name, brand, symbol, or combinations thereof. This sign, also referred to as a logo sign, is displayed on a specific service panel or together with an arrow panel as a trailblazer sign.

"Crossroad" – a public road intersecting the freeway for which an interchange is provided.

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"Department" – the Illinois Department of Transportation, with central offices at 2300 South Dirksen Parkway, Springfield, Illinois 62764.

"District" – the organizational structure of the Department. The Department is divided into 5 Regions. Each Region, except Region 1, is then subdivided into 2 Districts. The program is administered in the District offices.

"Entrance or Exit Ramps" – lanes entering or leaving the main traveled way of a freeway. These lanes provide access between the freeway and the crossroad at an interchange.

"Fiscal Year" – a year beginning July 1 and ending the following June 30.

"Freeway" – a divided highway for through traffic with full control of access and grade separations at crossroads.

"Interchange" – a system of interconnecting ramps providing for the movement of traffic between two roadways on different levels.

"Interstate" – a freeway that is part of the National System of Interstate and Defense Highways and marked with an Interstate Route Number.

["RV-friendly Symbol Sign" – a symbol sign advising that a business establishment can accommodate the movement and parking of recreational vehicles \(RVs\).](#)

"Service" – a type of facility used by motorists; namely gas, food, lodging, camping, or a 24-hour pharmacy.

"Specific Service Panel" – a rectangular panel, displaying the words GAS, FOOD, LODGING, CAMPING, or 24-HOUR PHARMACY and directional information, on which a business sign is mounted. A panel along the freeway is referred to as a "freeway panel" and a panel along the exit ramp or crossroad is referred to as an "exit ramp panel."

"Trailblazer Assembly" – a small sign guiding motorists from the ramp to the business. The sign is not required if the business can readily be seen from the crossroad. However, if motorists seeking the business must be directed to turn off the crossroad onto another road in order to reach the business, the sign becomes

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necessary.

"Trailblazer Sign" – a business sign displayed, together with an arrow panel, off the freeway highway system to advise motorists where to turn on the crossroad (when necessary).

"Urbanized Area" – a municipality with a population of 50,000 or more, and its contiguous urban fringe with a population density of 1,000 or more inhabitants per square mile; or a municipality with at least a population of 25,000 together with other contiguous places (incorporated or unincorporated) each with a population density of 1,000 or more inhabitants per square mile, which altogether constitutes for general socioeconomic purposes a single community with a combined population of at least 50,000 inhabitants. The limits of urbanized areas are those approved by the Federal Highway Administration in accordance with Volume 4, Chapter 6, Section 3 of their Federal-aid Program Manual (23 USC 470.107(a)(2)).

(Source: Amended at 32 Ill. Reg. 8027, effective May 8, 2008)

**Section 542.400 Criteria for Business Signs**

- a) For those sections of freeway routes where business information signs are to be erected, any business establishment meeting the following criteria will be considered for placement of a business sign on a specific service panel.
- b) General Criteria
  - 1) GAS: Must be open 7 days a week for a minimum of 12 hours a day. It shall have normal service station goods and services, which are telephone, gas, oil, water, and restroom. An attendant must be present at the business at all times the business is open.
  - 2) FOOD: Must be open any 6 days a week and serve at least two meals per day, or remain open for a minimum of 6 hours each day. It shall be certified by the Illinois Department of Public Health or local health department and have a restroom and telephone.
  - 3) LODGING: Must be open 7 days a week. It shall have a telephone, restroom and sleeping accommodations. At least half of the

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accommodations shall be available to the general public and shall not be restricted to members only.

- 4) **CAMPING:** Must be open 7 days a week for at least 6 months of the year. It shall have camping and parking accommodations, restroom, telephone, and drinking water. At least half of the accommodations shall be available to the general public and shall not be restricted to members only.
- 5) **24-HOUR PHARMACY:** Must be open continuously 24 hours per day, 365 days per year, with an Illinois-licensed pharmacist present and on duty in the pharmacy at all times.

c) Distance to Business

- 1) In a nonurbanized area, a business providing gas, food, lodging, or a 24-hour pharmacy must be within three road miles from a freeway interchange, while a business providing camping must be within 20 road miles.
- 2) In an urbanized area, a business providing gas, food, lodging or a 24-hour pharmacy must be within one road mile from a freeway interchange, while a business providing camping must be within five road miles.
- 3) The distance to each business establishment will be measured as the travel distance between the end of the appropriate exit ramp and the business establishment. The distance to a business on a crossroad will be measured along the centerline of the crossroad from the end of the appropriate exit ramp to the center of the primary entrance to the business. Where the business is located along an intersecting road, the distance will be measured along the centerline of the crossroad to the centerline of the intersecting road and then measured along the centerline of the intersecting road to the center of the primary entrance to the business. Where an entrance serves more than one business, the driving distance using the proper marked driving aisles from the entrance to the parking space available for patrons nearest the business will be added to the distance measured along the crossroad or intersecting road. In the event the Department cannot determine which business establishment is closest to the appropriate exit ramp, priority for the available space will be determined by lottery, coin toss, or any other fair and impartial method

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determined by the Department. The affected businesses will be allowed to witness such action.

- 4) Signing will be allowed for a business establishment on each freeway from which it qualifies. If a business establishment meets the criteria at more than one interchange on any one freeway, signing will be allowed only from the interchange providing the most direct and best route in each direction from that freeway to the business establishment. In determining the most direct and best route, the Department will consider all relevant conditions including the directness of the route, congestion of the route, speed of travel, length of travel, and ease of locating the facility.

d) Business Signing Priorities

- 1) A specific service panel shall have a maximum of six business signs. Where there may be more businesses eligible for and desiring signing than the number of signs permitted on a specific service panel, those businesses nearest the exit ramp intersection with the crossroad will be given first priority for signing. Because each exit at an interchange is treated separately, a business establishment may be eligible to sign for only one direction of travel along a freeway.
- 2) Those businesses that display their business signs on a freeway panel will be assured that the signs will not be removed because of a nearer business as long as they continue to meet the established criteria and continue to pay their annual fees.
- 3) Once businesses are selected for a particular panel, the eligible business closest to the interchange from which an application was received will have its sign placed on the available space closest to the top left of the panel, and the second closest business will be on the next available space horizontally. On panels for single-exit interchanges, after spaces on the top row are filled, signs will be placed along the next row or rows in the same manner. Signs will be arranged similarly for double-exit interchanges, except the business at the first exit will have signs on the top portion of the panels and businesses at the second exit will have signs at the bottom portion of the panels. If a business leaves the program and subsequently reapplies and is accepted back into the program, its new sign will be placed on the panel in the same place as its previous sign if the

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space is available or, in the event the previous space has been assigned to another business, in the closest available space to its previous space. Once placed on a panel, requests from a business to relocate its business sign to other available locations on the panel will not be honored.

- 4) The Department will remove individual business signs within 15 calendar days after a business leaving the program for any reason and such empty space on the specific service panel will constitute public notice that such space is available for another qualifying business. When such removal of individual business signs causes space to become available on any specific service panel and where the panel had, up to that time, the maximum number of individual business signs allowed, the qualifying business closest to the interchange that submits a valid application, including the required application fee, within 45 calendar days after such removal, not counting the removal date, and that is open to the public on or before the end of the 45 day time period, will be allowed to display its business sign in the available space. If no qualifying business submits its application within the 45 day period, the first qualifying business that submits a valid application, ~~including the required application fee,~~ and that is open to the public at the time the application is submitted, will be allowed to display its business sign in the available space.
- 5) When a business closes due to remodeling, or due to an act of God, including, but not limited to, fire or flood, the business shall notify the Department in writing of the closure within 30 calendar days. Following closure, the business sign will be removed and stored by the Department up to a maximum of six months. If the business remains closed after six months, the space will be declared available. In any event, if the allowable closure period extends to the subsequent fiscal year, the annual rental fee for the business must be paid for that year or the space will be declared available. If the business does not notify the Department in writing within 30 calendar days after the closure, and the Department becomes aware of such closure, the closure will be considered permanent, the business will lose its signing priority and the space will be declared available. When a space is declared available, a new application, ~~including the \$100 application fee,~~ must be submitted for inclusion in the program and its priority will be evaluated among all the other eligible businesses desiring signing at the interchange in question.

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- 6) When the business service changes, such as a gas station changing to a food establishment, or when the business closes permanently, the business will lose its signing priority and the space will be declared available. If the business reopens, wishes to take part in this program and is still eligible for signing under this program, and if a space has been declared available, the business shall submit a new application, ~~including the \$100 application fee,~~ and its priority will be evaluated among all the other eligible businesses desiring signing at the interchange in question.
- e) Location of Business
    - 1) Business on the Crossroad

Where a business establishment providing gas, food, lodging, camping, or a 24-hour pharmacy is on the crossroad, it will be signed on a freeway panel if it is visible to the motorists from the crossroad, or if a sign is on the business site advising motorists of the appropriate entrance to the establishment.
    - 2) Business Not on the Crossroad
      - A) Where a business establishment providing gas, food, lodging, or a 24-hour pharmacy is not on the crossroad, it will be signed on a freeway panel if it is visible to the motorists from the crossroad, or if it is visible from a road intersecting the crossroad and has a trailblazer assembly placed on the crossroad advising motorists where to turn. The Department will place such trailblazer signs on state highway crossroads for the fee established in Section 542.600(b)(2). Where the crossroad is under local agency jurisdiction, trailblazer signs will not be required if legible signs with directional information are present advising motorists where to turn. If such signs are not present, a business needing such signing will be allowed to participate in the program only if the Department can arrange an agreement covering the erection and maintenance of such trailblazer signs with the local agency.
      - B) A campground not on the crossroad can be signed on a freeway panel regardless of the number of turns required if legible signs with directional information are present advising motorists where to turn. The Department will erect trailblazer signs along State-

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maintained highways for the fee established in Section 542.600(b)(2).

- f) No business will be allowed more than one space on an individual specific service panel; however, a business could qualify for a business sign on more than one type of panel; e.g., both food and lodging.

(Source: Amended at 32 Ill. Reg. 8027, effective May 8, 2008)

**Section 542.450 Criteria for RV-friendly Symbol Signs**

The Department will furnish and install an RV-friendly symbol sign on a freeway specific service panel for any business establishment requesting an RV-friendly sign; however, the following requirements must be met.

- a) The entrance to and egress from the business establishment shall be hard surfaced, kept free of potholes and at least 12 feet wide with a minimum swing radius of 50 feet to enter and exit the facility.
- b) The entrance to and egress from the business establishment and the parking area shall be free of any electrical wires, tree branches, canopies or other obstructions up to 14 feet above the surface.
- c) Fueling facilities with canopies are required to have a 14-foot clearance, and those selling diesel fuel are required to have pumps with non-commercial nozzles.
- d) Fueling facilities must allow for pull-through with a swing radius of 50 feet.
- e) Restaurants and 24-hour pharmacies shall have a minimum of 2 RV spaces that are a minimum of 12 feet wide and 65 feet long with a minimum swing radius of 50 feet to enter and exit the spaces.
- f) Campgrounds shall have a minimum of 2 spaces that are a minimum of 18 feet wide and 45 feet long.
- g) Business establishments shall post signs on their sites directing motorists to RV-friendly parking spaces and other on-site RV-friendly services.

(Source: Added at 32 Ill. Reg. 8027, effective May 8, 2008)

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**Section 542.500 Panel and Sign Design**

- a) Freeway Panel Design
  - 1) At single-exit interchanges, the type of service and the exit number shall be displayed in one line above the business signs in white legend ten inches in height on a blue background.
  - 2) At double-exit interchanges, the specific service panels shall consist of two sections, one for each exit. The top section shall display the business signs for the first exit and the lower section shall display the business signs for the second exit. The type of service and the exit number shall be displayed in a line above the business signs for each section. Where all businesses of a type of service are at only one exit, the specific service panel will be displayed similarly to that for a single-exit interchange.
  - 3) When two types of services are combined on the same freeway panel, one service will be displayed on the top half of the panel and the other on the bottom half. The higher priority service shall be displayed on the top half.
- b) Exit Ramp Panel Design
  - 1) Along exit ramps of single-exit interchanges, the business signs will be displayed in similar order to that on the freeway, except that those businesses to the motorists' left will have signs placed at the top of the panel and those to the right will be at the bottom. Directional arrows will be shown on the panel by the Department.
  - 2) Exit ramp panels of double-exit interchanges are designed similar to those of single-exit interchanges, except without directional arrows.
  - 3) Services will be combined on exit ramp panels, similar to that provided in subsection (a)(3).
- c) Business Sign Design
  - 1) The business signs will be designed and supplied by the business to the Department. These signs shall consist of the business' name, trademark,

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symbol, or combination thereof, providing it does not resemble any traffic sign, signal, or device. The business' trademark, name, etc., must be the primary message on the sign and directly related to the type of service being accommodated on the specific service panel. The business signs may also contain supplemental messages relating to the primary business, including credit cards honored by that business, ATM machines actually on the property that the business owns or leases, and messages such as "family restaurant", "buses welcome" and "diesel". Proprietary logos or symbols identifying a second business or a supplementary service, other than those identifying credit cards honored by the business, will not be allowed. A business sign may also contain one supplemental word message directly relating to a second motorist service, including, but not limited to, "food mart" on a gas sign, "gas" on a lodging sign, or "(name) restaurant" on a gas or lodging sign. Messages that are not related to motorist services, including, but not limited to, alcoholic beverages, area tourist attractions, dancing, lottery tickets, antiques, and vehicle sales will not be allowed as supplemental messages. Food signs for establishments that are closed one day a week shall include a supplemental message including the day of closure. Any supplemental messages must be an integral part of the business sign and not added as stickers or decals after the business sign has been installed. Any signs that are tampered with by adding or deleting supplemental messages or by altering the name, logo, or symbol or any other portion of the message or design subsequent to their installation will be removed by the Department and the business must furnish new signs in addition to the \$50 per sign reinstatement fee required by Section 542.600(b)(4). Should the service indicated by a supplemental message be discontinued, the business must furnish new business signs without the discontinued message along with the \$50 per sign reinstatement fee required by Section 542.600(b)(4) within 60 days after discontinuation of the service. Covering over the message will not be allowed. Supplemental messages may be omitted on ramp and trailblazer signs if the business desires. Signs shall be fabricated on an aluminum base material between .080 and .125 inches thick. High-performance reflectorized background sheeting material shall be utilized for the signs. The size of the signs to be placed on freeway panels, exit ramp panels, and trailblazer assemblies shall be as follows:

GAS

FOOD, LODGING,  
CAMPING, 24-HR

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			PHARMACY	
	Height	Width	Height	Width
FREEWAY	48"	36"	60"	36"
EXIT RAMP	24"	18"	24"	18"
TRAILBLAZER	24"	18"	24"	18"

- 2) In order to ensure that the signs meet all of the requirements of this Section, businesses shall furnish a sign design to the Department for approval within 30 calendar days after approval of their application. If the sign design is not received by the Department within the 30 day time period, the space will be declared available.
- 3) Any campground not open the entire year must have its opening and closing months shown on its business signs on either the freeway or the exit ramps.

d) RV-friendly Symbol Sign Design

- 1) The RV-friendly symbol sign will be furnished and installed by the Department. The sign will consist of a 12-inch diameter, yellow circle with a ½-inch black border and a black upper case "RV" in 8-inch high letters within the circle.
- 2) The RV-friendly symbol sign will be located in the lower right-hand corner of the business sign and centered on a point 2-inches from the right-hand edge of the sign and 2-inches from the lower edge of the sign.

(Source: Amended at 32 Ill. Reg. 8027, effective May 8, 2008)

### Section 542.600 Application, Fees, and Other Regulations

- a) Application
  - 1) As a freeway route is scheduled to have business logo signs displayed for the first time, the Department will publish in local newspapers a notice soliciting participation from businesses offering gas, food, lodging, camping, and a 24-hour pharmacy along that freeway.
  - 2) Application forms will be available from the Department (see Section

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542. Appendix A – District Offices and Counties for a listing of District addresses and phone numbers) for all businesses that could qualify to have business signs displayed on specific service panels. If a business wishes to participate in this program, it must complete an application form for each specific service for which it wishes to sign and submit it to the Department by the deadline date indicated in the newspaper notice. Applications received after the indicated date will be considered if space is still available on the freeway panels.

- 3) Where the Department determines from the initial application that the business meets the criteria listed in this Part and space is available, the application will be approved and returned to the business along with instructions concerning the number and location of the business signs, the annual fee, and other appropriate information.

b) Fees

- 1) A \$100 ~~processing application~~ fee for each type of service signing requested by a business establishment must be submitted to the Department ~~at the time the sign design is submitted for approval, as required by Section 542.500(c)(2) with the application. The \$100 application fee for each requested service signing not approved will be refunded.~~ A \$100 ~~processing application~~ fee will also be charged when a business reapplies for signing after ~~its~~ ~~their~~ signs have been removed due to late rental payments or withdrawal from the program, or when a business changes its name and its ownership at the same time.
- 2) An annual rental fee sufficient to offset the cost of this program will be charged for each business sign displayed on a freeway panel, exit ramp panel, and trailblazer assembly. The annual rental fees as of July 1, 2006 will be \$200 for each business sign displayed on a freeway panel, \$130 for each business sign displayed on an exit ramp panel, and \$30 for each business sign displayed on a trailblazer assembly. The Department will periodically adjust the fees to reflect the current cost of maintaining the signing system. Fee adjustments are subject to rulemaking. Fees will be collected on an annual basis. When a business establishment makes an annual payment, it will be guaranteed usage of the paid space on the specific service panel for the entire year, as long as it meets the established criteria. Any business closing or withdrawing from the program after

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making its annual payment will not be given a refund. A prorated fee will be charged for signs erected for a partial year.

- 3) Where payment is not received by the Department within 30 calendar days after the due date, the business signs will be removed by the Department. Where receipt of payment is delinquent and a specific service panel is full, the business establishment will lose its signing priority to the next qualifying business desiring the space. When the fee is received after the business sign is removed, and space is still available on the panel, a fee of \$100 will be charged for reapplication as provided for in subsection (b)(1), in addition to the annual fee for the remainder of the fiscal year, as well as that portion of the annual fee owed for the period of time between the end of the preceding fiscal year and the date the sign was removed.
- 4) A fee of \$50 for each business sign will be charged for a business requesting that its signs be replaced with new signs for any reason other than due to deterioration, damage, or vandalism as provided for in subsection (c)(1) of this Section. Where such replacement is requested, all business signs for the specific business, including those on freeway and exit ramp panels, as well as any trailblazer signs, must be replaced at the same time.
- 5) [An additional one-time fee of \\$100 will be charged for each RV-friendly symbol sign to cover the Department's costs for furnishing and installing the sign.](#)

c) Placing and Maintaining Business Signs

- 1) Businesses, at their expense, must supply their own business signs to the Department within 60 calendar days after approval of their design. If the signs are not received by the Department within the 60 calendar day time period, the space will be declared available. Only the Department will place, or cause to be placed, the business signs on the specific service panels and trailblazer assemblies. When a business sign is so deteriorated, damaged, or vandalized that it needs replacement, the Department will notify its owner to fabricate a new sign. There will be no charge for this replacement of the business sign.
- 2) Businesses will be required to certify on the application that they meet the

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established criteria. When the Department receives a complaint that a business may not comply, the suspected business will be contacted by the Department to determine if it meets the established criteria. If it is determined the business establishment fails to qualify, the business must change its operation within 30 calendar days after notification by the Department so as to comply or its business logos will be removed.

(Source: Amended at 32 Ill. Reg. 8027, effective May 8, 2008)

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**Section 542.APPENDIX B District Offices and Counties**

District 1	Bureau of Traffic 201 West Center Court Schaumburg IL 60196-1096 847/705-4411	Cook, DuPage, Kane, Lake, McHenry and Will
District 2	Bureau of Operations 819 Depot Avenue Dixon IL 61021-3500 815-284-5395	Boone, Carroll, Henry, JoDaviess, Lee, Ogle, Rock Island, Stephenson, Winnebago and Whiteside
District 3	Bureau of Operations 700 East Norris Drive Ottawa IL 61350 815-434-8417	Bureau, DeKalb, Ford Grundy, Iroquois, Kankakee, Kendall, LaSalle and Livingston
District 4	Bureau of Operations 401 Main Peoria IL 61602 309/671-4460	Fulton, Henderson, Knox, Marshall, McDonough, Mercer, Peoria, Putnam, Stark, Tazewell, Warren and Woodford
District 5	Bureau of Operations 13473 IL Hwy. 133 P.O. Box 610 Paris IL 61944 217/466-7234	Champaign, DeWitt, Douglas, Edgar, McLean, Piatt and Vermilion
District 6	Bureau of Operations 126 East Ash Springfield IL 62704-4792 217/782-7314	Adams, Brown, Cass, Christian, Hancock, Logan, Macoupin, Mason, Menard, Montgomery, Morgan, Pike, Sangamon, Schuyler and Scott
District 7	Bureau of Operations 400 West Wabash Effingham IL 62401	Clark, Clay, Coles, Crawford, Cumberland, <a href="#">Edwards</a> , Effingham, Fayette, Jasper,

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	217/342-8261	Lawrence, Macon, Moultrie, Richland, <del>and</del> Shelby, <u>Wabash and Wayne</u>
District 8	Bureau of Operations 1102 EastPort Plaza Collinsville IL 62234 618/346-3250	Bond, Calhoun, Clinton, Greene, Jersey, Madison, Marion, Monroe, Randolph, St.Clair and Washington
District 9	Bureau of Operations State Transportation Building 2801 W. Murphysboro P.O. Box 100 Carbondale IL 62903 618/351-5240	Alexander, <del>Edwards</del> , Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Massac, Perry, Pope, Pulaski, Saline, Union, <del>Wabash, Wayne</del> , White and Williamson

(Source: Amended at 32 Ill. Reg. 8027, effective May 8, 2008)

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- 1) Heading of the Part: Roadside Memorials
- 2) Code Citation: 92 Ill. Adm. Code 549
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
549.100	New Section
549.200	New Section
549.300	New Section
549.400	New Section
549.500	New Section
549.APPENDIX A	New Section
- 4) Statutory Authority: Implementing and authorized by Section 25 of the Roadside Memorial Act [605 ILCS 125]
- 5) Effective Date of Rules: May 8, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the Department's Office of Chief Counsel and Division of Highways and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 32 Ill. Reg. 2152; February 8, 2008
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between Proposal and Final Version: Several grammatical corrections were made in agreement with JCAR. Additionally, at Section 549.500(b)(1), the Department added the following at the end of the paragraph: "A commemorative plaque cannot be installed without a DUI memorial marker".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No

## DEPARTMENT OF TRANSPORTATION

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- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking provides for the placement of roadside markers to commemorate the deaths of persons killed in crashes involving impaired drivers. The purpose of the programs is to raise public awareness of impaired driving by emphasizing the dangers while affording families an opportunity to remember the victims. The authorizing legislation provides that the Department may place markers with the message, "Please Don't Drink and Drive", along with a plaque bearing the name of the victim and the date of the crash, at the location of the crash or at an alternate location. Both the legislation and the rule provide that the victims' families are responsible for the costs of the markers and plaques.
- 16) Information and questions regarding these adopted rules shall be directed to:

Mr. Joseph S. Hill, Chief, Bureau of Operations  
Illinois Department of Transportation  
Division of Highways  
2300 South Dirksen Parkway, Room 009  
Springfield, Illinois 62764

217/782-7231

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

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## NOTICE OF ADOPTED RULES

TITLE 92: TRANSPORTATION  
CHAPTER I: DEPARTMENT OF TRANSPORTATION  
SUBCHAPTER f: HIGHWAYSPART 549  
ROADSIDE MEMORIALS

## Section

549.100	Introduction
549.200	Definitions
549.300	Criteria for DUI Memorial Markers and Commemorative Plaques
549.400	Design of DUI Memorial Markers and Commemorative Plaques
549.500	Application, Fees and Other Regulations
549.APPENDIX A	District Offices and Counties

AUTHORITY: Implementing, and authorized by Section 25 of, the Roadside Memorial Act [605 ILCS 125].

SOURCE: Adopted at 32 Ill. Reg. 8047, effective May 8, 2008.

**Section 549.100 Introduction**

- a) This Part has been developed in accordance with the Roadside Memorial Act [605 ILCS 125] to regulate the use, by the Illinois Department of Transportation, of DUI memorial markers and commemorative plaques along streets and highways. This Part establishes standards and financial responsibility for a program of placing markers and plaques at locations within the respective jurisdictional areas. This program will become effective on January 1, 2008.
- b) This program does not apply to freeways within the State of Illinois that are under the jurisdiction of the Department.

**Section 549.200 Definitions**

The following words or phrases, when used in this Part, shall have the meanings ascribed to them in this Section.

"Act" – the Roadside Memorial Act [605 ILCS 125].

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"Commemorative Plaque" – a rectangular sign, placed beneath a DUI memorial marker, displaying the name of a victim who died as a proximate result of a crash caused by a driver under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination of these substances, along with the date of the crash.

"Department" – the Illinois Department of Transportation, with central offices at 2300 South Dirksen Parkway, Springfield, Illinois 62764.

"DUI Memorial Marker" – a sign on a highway in the state of Illinois commemorating one or more persons who died as a proximate result of a crash caused by a driver under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination of these substances and displaying the words "Please Don't Drink and Drive". (See Section 10 of the Act)

"Entrance Ramp" – a lane entering the main traveled way of a freeway providing access between the freeway and the crossroad at an interchange.

"Freeway" – a divided highway for through traffic, other than one under the jurisdiction of the Illinois State Toll Highway Authority, with full control of access and grade separations at all crossroads.

"Interchange" – a system of interconnecting ramps providing for the movement of traffic between two roadways on different levels

*"Qualified Relative" – an immediate relative of the deceased, by marriage, blood or adoption, such as his or her spouse, son, daughter, mother, father, sister or brother; a stepmother, stepfather, stepbrother or stepsister of the deceased; or a person with whom the deceased was in a domestic partnership or civil union as recognized by a State or local law or ordinance. (Section 10 of the Act)*

**Section 549.300 Criteria for DUI Memorial Markers and Commemorative Plaques**

- a) Only a qualified relative of a deceased victim may request a DUI memorial marker of the Department. (See Section 15(a) of the Act.)

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- b) The Department shall deny the request if any qualified relative of any decedent involved in the crash objects in writing to the placement of the DUI memorial marker. (See Section 15(c) of the Act.)
- c) The Department shall deny the request or, if a DUI memorial marker has already been installed, may remove the marker, if the qualified relative requesting a DUI memorial marker has provided false or misleading information in the application. (See Section 15(d) of the Act)
- d) *The qualified relative shall agree not to place or encourage the placement of flowers, pictures or other items at the crash site.* (Section 15(e) of the Act)
- e) The Department shall not erect a DUI memorial marker for a deceased driver involved in a fatal crash who is shown by toxicology reports to have been in violation of state DUI law, unless the qualified relative of any other victim or victims killed in the crash consents in writing to the erection of the memorial. (See Section 15(f) of the Act)
- f) When requested and approved, DUI memorial markers may be installed for any crash occurring within a 5-year period preceding the request beginning with crashes occurring on or after January 1, 2003. (See Section 15(b) of the Act.)
- g) DUI memorial markers shall not be installed on freeways except that they may be installed on ramps leading from other highways to freeways.
- h) DUI memorial markers shall not be installed within the median of any divided highway.

**Section 549.400 Design of DUI Memorial Markers and Commemorative Plaques**

- a) The DUI memorial marker shall be a standard size of 36 inches wide by 24 inches tall with the message "Please Don't Drink and Drive" in white lettering on a retroreflectorized blue background and shall bear the Illinois Department of Transportation Sign Standard Number I5-I106.
- b) The DUI memorial marker may be supplemented by a commemorative plaque having a standard size of 36 inches wide by 18 inches tall mounted underneath with the message "IN MEMORY OF (Victim's Name)" and the date of the applicable crash in white lettering on a retroreflectorized blue background and

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shall bear the Illinois Department of Transportation Sign Standard Number I5-1106(a).

**Section 549.500 Application, Fees and Other Regulations**

- a) Application
  - 1) Application forms for the placement of DUI memorial markers and commemorative plaques will be available from the Department (see Section 549.Appendix A for a listing of District addresses and phone numbers). If a qualifying relative wishes to participate in the program, he/she must complete an application form for each victim he/she wishes to commemorate and submit it to the Department at the address shown in Section 549.Appendix A for the county in which the marker is desired.
  - 2) When the Department determines from the initial application that the criteria listed in this Part are met, the application will be approved and a copy returned to the qualifying relative, along with instructions concerning payment of the fee and other appropriate information.
- b) Fees
  - 1) A one-time fee sufficient to offset the cost of the program will be charged for each DUI memorial marker and commemorative plaque installed by the Department. The fees, as of January 1, 2008, will be \$150 for each DUI memorial marker and \$50 for each commemorative plaque. A commemorative plaque cannot be installed without a DUI memorial marker.
  - 2) The Department will periodically adjust the fees to reflect the current cost of installing and maintaining the signing with adjustments subject to rulemaking.
  - 3) Once the fee is paid for a DUI memorial marker or a commemorative plaque and the marker or plaque is installed, the Department will maintain the marker or plaque for the entire 2-year period provided in Section 549.500(c)(3) without any additional cost to the qualified relative. (See Section 20(f) of the Act.)

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- c) Placing and Maintaining Memorial Markers and Commemorative Plaques
- 1) The DUI memorial markers and commemorative plaques shall only be placed by the Department.
  - 2) A DUI memorial marker and commemorative plaque shall be maintained for at least 2 years from the date the last person was memorialized on the plaque. (See Section 20(c) of the Act.)
  - 3) The Department has the right to install a marker at a location other than the location of the crash or to relocate a marker due to restricted room, property owner complaints, interference with essential traffic control devices, safety concerns, or other restrictions. In such cases, the Department may select an alternate location. (See Section 20(d) of the Act.)
  - 4) A DUI memorial marker and commemorative plaque may memorialize more than one victim who died as a result of the same crash. If one or more additional, unrelated DUI deaths subsequently occur in close proximity to an existing DUI memorial marker, the Department may use the same marker to memorialize the subsequent death or deaths by adding the names of the additional persons. (See Section 20(b) of the Act.)
  - 5) *The Department shall secure the consent of any municipality before placing a DUI memorial marker within the corporate limits of the municipality.* (Section 20(e) of the Act.)

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**Section 549.APPENDIX A District Offices and Counties**

District 1	Bureau of Traffic 201 West Center Court Schaumburg IL 60196-1096 847/705-4411	Cook, DuPage, Kane, Lake, McHenry and Will
District 2	Bureau of Operations 819 Depot Avenue Dixon IL 61021-3500 815/284-5395	Boone, Carroll, Henry, JoDaviess, Lee, Ogle, Rock Island, Stephenson, Whiteside and Winnebago
District 3	Bureau of Operations 700 East Norris Drive Ottawa IL 61350 815/434-8417	Bureau, DeKalb, Ford, Grundy, Iroquois, Kankakee, Kendall, LaSalle and Livingston
District 4	Bureau of Operations 401 Main Peoria IL 61602 309/671-4460	Fulton, Henderson, Knox, Marshall, McDonough, Mercer, Peoria, Putnam, Stark, Tazewell, Warren and Woodford
District 5	Bureau of Operations 13473 IL Hwy. 133 PO Box 610 Paris IL 61944 217/466-7234	Champaign, DeWitt, Douglas, Edgar, McLean, Piatt and Vermilion
District 6	Bureau of Operations 126 East Ash Springfield IL 62704-4792 217/782-7314	Adams, Brown, Cass, Christian, Hancock, Logan, Macoupin, Mason, Menard, Montgomery, Morgan, Pike, Sangamon, Schuyler and Scott
District 7	Bureau of Operations 400 West Wabash Effingham IL 62401 217/342-8261	Clark, Clay, Coles, Crawford, Cumberland, Edwards, Effingham, Fayette, Jasper, Lawrence, Macon, Moultrie, Richland, Shelby, Wabash and Wayne

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District 8	Bureau of Operations 1102 EastPort Plaza Collinsville IL 62234 618/346-3250	Bond, Calhoun, Clinton, Greene, Jersey, Madison, Marion, Monroe, Randolph, St. Clair and Washington
District 9	Bureau of Operations State Transportation Building 2801 W. Murphysboro PO Box 100 Carbondale IL 62903 618/351-5240	Alexander, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jefferson, Johnson, Massac, Perry, Pope, Pulaski, Saline, Union, White and Williamson

## DEPARTMENT ON AGING

## NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS

- 1) Heading of the Part: Community Care Program
- 2) Code Citation: 89 Ill. Adm. Code 240
- 3) Register Citation to Notice of Proposed Rules: 31 Ill. Reg. 16599; December 21, 2007
- 4) Date, Time and Location of Public Hearing:  
  
Wednesday, May 28, 2008, 2:00 - 4:00 p.m.  
Illinois State Library, Rooms 403 & 404  
300 S. Second St.  
Springfield, IL 62701
- 5) Other Pertinent Information: The Department has proposed amendments to Sections 240.865, 240.920, and 240.950 of the rules governing the Community Care Program to implement Public Act 95-0565. This legislation changes the eligibility requirement for new applicants seeking in-home and community-based services by requiring enrollment for any available medical assistance under Article V of the Illinois Public Aid Code. The proposed amendments establish a good-faith-effort standard for enrollment and an undue hardship exception to this eligibility requirement, plus revise the listings of the reasons for denying eligibility and terminating services under this program.

The Department is holding a public hearing on these proposed amendments as required under 5 ILCS 100/5-40(b) because it received a timely request from the Jane Addams Senior Caucus. A copy of the proposal is posted on the website of the Department at <http://www.state.il.us/aging/> and may be viewed in person prior to the public hearing during listed business hours (Monday through Friday, 9:00 a.m. until 4:30 p.m., except for State holidays) at the Department's main office at 421 East Capitol Avenue, #100, Springfield, Illinois. All comments offered at the hearing will be given due consideration by the Department prior to its submission for the Second Notice Period.

Based on comments received during the First Notice Period, the Department is contemplating filing the following changes in text at the next rulemaking stage:

- a. Changing terminology in table of contents, section header, and text of the rule to reflect appropriate name of application in Section 240.865 and in the text of the rules in Sections 240.920 and 240.950.

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- b. Changing subsection (a)(4) of Section 240.865 to address enrollment exceptions based on immigration status, proof of private health insurance or Veterans Administration benefits, and undue hardship placing the applicant/client at imminent risk of nursing facility placement within 3 work days.
- c. Changing subsection (o) of Section 240.920 to establish \$17,500 as the current floor for non-exempt assets under the Community Care Program.
- d. Adding a cross-reference to the undue hardship exception in subsection (q) of Section 240.920.
- d. Changing subsection (k) of Section 240.950 to establish \$17,500 as the current floor for non-exempt assets under the Community Care Program.

Any individual interested in offering comments on the proposed amendments is advised that the Department will adhere to the following procedures in conducting the public hearing:

- a. Each individual appearing at the public hearing shall complete an attendance form which specifies his or her name, business address, and daytime telephone number, plus discloses whether or not he or she will speak in public as part of the official record, offer written comments for the record without speaking, or merely observe the hearing proceedings.
- b. Each individual offering comments in person shall provide to the hearing officer two (2) written (preferably typed) copies of his or her remarks at the time of speaking at the public hearing. Individuals who are not able to appear in person may submit comments to the hearing officer via email (preferably in a PDF format) at the address listed in item 6 between 9:00 a.m. and 4:30 p.m. on Tuesday, May 27, 2008. No comments will be accepted at this hearing without the required written copy of the remarks being provided. No photocopier will be provided at the hearing location. Comments will become part of the official record of the hearing.
- c. Each individual's remarks will be limited to a ten-minute presentation.
- d. No one will be recognized to speak for a second time until each individual wishing to offer comments has had an opportunity to do so.

## DEPARTMENT ON AGING

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- e. All remarks shall conclude at the ten-minute limit except that an individual shall be allowed to complete his or her sentence.
  - f. The hearing officer has the right to limit comments to maintain order and decorum during the hearing process and to prevent the admission of cumulative, repetitive or irrelevant material in the public record.
  - g. The hearing officer may end the public hearing before the listed ending time in the event there is no one available and ready who desires to offer comments on the proposed amendments or if there is insufficient time for a person to offer comments for a full ten-minute time span, and to accommodate public safety in an emergency situation.
  - h. Unforeseen changes regarding the public hearing will be posted on the Department's web site.
- 6) Name and Address of Agency Contact Person: Questions regarding the public hearing, requests for a copy of the proposed amendments, or consideration of special accommodation needs may be directed to:

Karen Alice Kloppe  
Deputy General Counsel  
Illinois Department on Aging  
421 East Capitol Avenue, #100  
Springfield, IL 62701-1789

1-217-785-3346  
1-888-206-1327 (TTY)  
Karen.Kloppe@Illinois.gov

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of May 6, 2008 through May 12, 2008 and have been scheduled for review by the Committee at its June 17, 2008 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
6/21/08	<u>Department of Human Services</u> , Office of Inspector General Adults with Disabilities Abuse Project (59 Ill. Adm. Code 51)	2/15/08 32 Ill. Reg. 2421	6/17/08
6/21/08	<u>Department of Human Services</u> , Family Assistance and Home-Based Support Programs for Persons with Mental Disabilities (59 Ill. Adm. Code 117)	2/15/08 32 Ill. Reg. 2428	6/17/08
6/21/08	<u>Illinois Racing Board</u> , Account Wagering (11 Ill. Adm. Code 321)	3/21/08 32 Ill. Reg. 4132	6/17/08
6/21/08	<u>Court of Claims</u> , Court of Claims Regulations (74 Ill. Adm. Code 790)	3/7/08 32 Ill. Reg. 3130	6/17/08
6/22/08	<u>Department of Natural Resources</u> , Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting (17 Ill. Adm. Code 550)	3/14/08 32 Ill. Reg. 3588	6/17/08
6/22/08	<u>Department of Natural Resources</u> , Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger,	3/14/08 32 Ill. Reg. 3599	6/17/08

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JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

Beaver and Woodchuck (Groundhog) Trapping  
(17 Ill. Adm. Code 570)

## 2008-2

**EXECUTIVE ORDER ESTABLISHING INTERSTATE 57 BETWEEN  
MILE POST 0 AND MILE POST 106 AS THE KEN GRAY EXPRESSWAY**

WHEREAS, Congressman Ken Gray was a native son of Illinois, born in West Frankfort, Illinois on November 14, 1924 as the youngest of three sons to Thomas Wilson Gray and Anna (Reed) Gray; and

WHEREAS, the Gray family moved to the Shawnee Forest in Pope County and Ken Gray attended the Wooten School; and

WHEREAS, the Gray family returned to Franklin County and Ken Gray graduated from Frankfort Community High School in 1942; and

WHEREAS, Ken Gray joined the United States Army Air Corps at the age of 17, became a helicopter pilot known as the "Flying Sergeant," and served as a crew chief with the Twelfth Air Force in North Africa and participated in combat missions over southern France and central Europe before his discharge in 1945; and

WHEREAS, Ken Gray was awarded three Bronze Stars, the European-African-Middle Eastern Campaign Medal, the World War II Victory Medal and Marksman Badge with carbine bar; and

WHEREAS, Ken Gray returned to West Frankfort and served as Commander of the American Legion; and

WHEREAS, Ken Gray was first elected to the United States Congress in 1954 and served ten consecutive terms; and

WHEREAS, Ken Gray served two additional terms in the United States Congress beginning in 1985; and

WHEREAS, Ken Gray was instrumental in bringing the interstate highway system to Southern Illinois and was a relentless advocate for economic development for the communities in Southern Illinois; and

WHEREAS, Ken Gray has founded the "U.S. Congressman Ken Gray Presidential Museum," a museum in his hometown of West Frankfort displaying a collection of presidential memorabilia, a history of coal mining in Southern Illinois, and other artifacts from his many years of public service; and

**2008-2****EXECUTIVE ORDER ESTABLISHING INTERSTATE 57 BETWEEN  
MILE POST 0 AND MILE POST 106 AS THE KEN GRAY EXPRESSWAY**

WHEREAS, as Governor of Illinois, I wish to permanently commemorate the distinguished career of Congressman Ken Gray and his personal connection to Interstate 57 and the State of Illinois.

THEREFORE, I hereby order the following:

- I. The portion of Interstate 57 commencing at the Illinois State Line at Mile Post 0 and ending at the Marion-Jefferson County Line at Mile Post 106 shall be designated the Ken Gray Expressway.
- II. The Illinois Department of Transportation shall erect appropriate plaques or signs giving notice of the Ken Gray Expressway.
- III. This Executive Order shall be in full force and effect upon its filing with the Secretary of State.

Issued by Governor: May 8, 2008

Filed with Secretary of State: May 8, 2008

# ILLINOIS ADMINISTRATIVE CODE Issue Index - With Effective Dates

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Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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