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ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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INTRODUCTION

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

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

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

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

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
21	May 12, 2008	May 23, 2008
22	May 19, 2008	May 30, 2008
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
28	June 30, 2008	July 11, 2008
29	July 7, 2008	July 18, 2008
30	July 14, 2008	July 25, 2008
31	July 21, 2008	August 1, 2008
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34	August 11, 2008	August 22, 2008
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37	September 2, 2008	September 12, 2008
38	September 8, 2008	September 19, 2008
39	September 15, 2008	September 26, 2008
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 Regulatory Agenda submission period will end July.1, 2008. The Division is no longer accepting Regulatory Agendas. The second filing period for submitting will start October 14, 2008 with the last day to file on January 2, 2009.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Credit for Reinsurance Ceded
- 2) Code Citation: 50 Ill. Adm. Code 1104
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1104.15	New Section
1104.20	Amendment
1104.30	Amendment
1104.40	Amendment
1104.50	Amendment
1104.60	Amendment
1104.70	Amendment
1104.80	Amendment
1104.100	Amendment
1104.APPENDIX A	Amendment
- 4) Statutory Authority: Implementing Sections 173 and 173.1 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/173, 173.1 and 401]
- 5) A Complete Description of the Subjects and Issues Involved: The specific purpose for this rulemaking is to update an International Chamber of Commerce (ICC) publication incorporated by reference in Section 1104.80. Additionally, the Division has also made a number of housekeeping changes to remaining Sections identified above to accurately reflect the consolidation of our agency under IDFPR. To that end, a definition Section which identifies terms that were not previously described has been added.
- 6) Any published studies or reports, along with the sources of underlying data, that were used when comprising this rulemaking? None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes. Please see Section 1104.80 of this Part.
- 10) Are there any other proposed rulemakings pending on this Part? No

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:
- | | | |
|---|----|--|
| Eve Blackwell-Lewis
Senior Staff Attorney
Department of Financial and
Professional Regulation
Division of Insurance
320 West Washington, 4 th Floor
Springfield, Illinois 62767-0001 | or | Craig Cellini
Rules Coordinator
Department of Financial and
Professional Regulation
320 West Washington
3 rd Floor
Springfield, Illinois 62767-0001 |
| 217/782-2867 | | 217/785-0813 |
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will not affect small businesses, small municipalities or not for profit corporations.
- B) Reporting, bookkeeping or other procedures required for compliance: No new requirements are being added. The Division is simply updating materials incorporated by reference.
- C) Types of professional skills necessary for compliance: Accounting/ Insurance/ Investment
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2008

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF [FINANCIAL AND PROFESSIONAL
REGULATION](#)~~INSURANCE~~SUBCHAPTER ~~o~~: REINSURANCE

PART 1104

CREDIT FOR REINSURANCE CEDED

Section

1104.10	Purpose
1104.15	Definitions
1104.20	Credit for Reinsurance – Reinsurer Licensed in this State
1104.30	Credit for Reinsurance – Accredited Reinsurers
1104.40	Credit for Reinsurance – Reinsurers Maintaining Trust Funds
1104.50	Credit for Reinsurance Required by Law
1104.60	Reduction from Liability for Reinsurance Ceded to an Unauthorized Assuming Insurer
1104.70	Trust Agreements Qualified Under Section 1104.60 of this Part
1104.80	Letters of Credit Qualified Under Section 1104.60 of this Part
1104.90	Other Security
1104.100	Reinsurance Contract
1104.110	Contracts Affected
1104.120	Severability
1104.APPENDIX A	Form AR-1 Certificate of Assuming Insurer

AUTHORITY: Implementing Sections 173 and 173.1 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/173, 173.1 and 401].

SOURCE: Adopted at 20 Ill. Reg. 368, effective January 1, 1996; amended at 32 Ill. Reg. _____, effective _____.

[Section 1104.15 Definitions](#)

[Code means the Illinois Insurance Code \[215 ILCS 5\].](#)

[Department means the Department of Financial and Professional Regulation.](#)

[Director means the Director of the Department of Financial and Professional Regulation-Division of Insurance.](#)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

[Division means the Illinois Department of Financial and Professional Regulation-Division of Insurance.](#)

[Secretary means the Secretary of the Department of Financial and Professional Regulation.](#)

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

Section 1104.20 Credit for Reinsurance – Reinsurer Licensed in this State

Pursuant to Section 173.1(1)(A) of the ~~Illinois Insurance~~ Code ~~[215 ILCS 5/173.1(1)(A)]~~, the Director shall allow credit for reinsurance ceded by a domestic insurer to assuming insurers which were licensed in this State as of the date of the ceding insurer's most recent statutory financial statement.

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

Section 1104.30 Credit for Reinsurance – Accredited Reinsurers

a) Pursuant to Section 173.1(1)(B) of the ~~Illinois Insurance~~ Code ~~[215 ILCS 5/173.1(1)(B)]~~, the Director shall allow credit for reinsurance ceded by a domestic insurer to an assuming insurer which is accredited as a reinsurer in this State as of the date of the ceding insurer's most recent statutory financial statement. An accredited reinsurer is one which:

- 1) Files a properly executed Form AR-1 Certificate of Assuming Insurer found in Appendix A of this Part as evidence of its submission to this State's jurisdiction and to this State's authority to examine its books and records; and
- 2) Files with the Director a certified copy of a letter or a certificate of authority or of compliance as evidence that it is licensed to transact insurance or reinsurance in at least one state, or, in the case of a United States branch of an alien assuming insurer, is entered through and licensed to transact insurance or reinsurance in at least one state; and
- 3) Files annually with the Director a copy of its annual financial statement filed with the insurance department of its state of domicile or, in the case

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of an alien assuming insurer, with the state through which it is entered and in which it is licensed to transact insurance or reinsurance, and a copy of its most recent audited financial statement; and

- 4) Maintains a surplus as regards policyholders in an amount not less than \$20,000,000 and whose accreditation has been approved by the Director.
- b) If the Director determines that the assuming insurer has failed to meet or maintain any of these qualifications, the Director may upon written notice and hearing revoke the accreditation.

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

Section 1104.40 Credit for Reinsurance – Reinsurers Maintaining Trust Funds

- a) Pursuant to Section 173.1(1)(C) of the ~~Illinois Insurance Code [215 ILCS 5/173.1(1)(C)]~~, the Director shall allow credit for reinsurance ceded by a domestic insurer to an assuming insurer ~~that~~^{which}, as of the date of the ceding insurer's most recent statutory financial statement, maintains a trust fund in an amount prescribed in subsection (b) below in a qualified United States financial institution as defined in Section 173.1(3)(B) of the ~~Illinois Insurance Code [215 ILCS 5/173.1(3)(B)]~~, for the payment of the valid claims of its United States policyholders and ceding insurers, their assigns and successors in interest. The assuming insurer shall report annually to the Director substantially the same information as that required to be reported on the NAIC annual statement form by licensed insurers, to enable the Director to determine the sufficiency of the trust fund.
- b) The following requirements apply to the following categories of assuming insurer:
 - 1) The trust fund for a single assuming insurer shall consist of funds in trust in an amount not less than the assuming insurer's gross liabilities attributable to business written in the United States, and in addition, a trusteed surplus of not less than \$20,000,000. The assuming insurer shall file a properly executed Form AR-1 Certificate of Assuming Insurer found in Appendix A of this Part as evidence of the submission to this State's authority to examine its books and records and shall certify that it will bear the expense of any such examination.

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- 2) The trust fund for a group including incorporated and unincorporated individual underwriters shall consist of funds in trust in an amount not less than the group's aggregate gross liabilities attributable to business written in the United States and, in addition, the group shall maintain a trustee surplus of which \$100,000,000 shall be held jointly for the benefit of the United States ceding insurers of any member of the group. The group shall file a properly executed Form AR-1 Certificate of Assuming Insurer found in Appendix A of this Part as evidence of the submission to this State's authority to examine the books and records of any of its members and shall certify that any member examined will bear the expense of any such examination. The group shall make available to the Director annual certifications by the group's domiciliary regulator and its independent public accountants of the solvency of each underwriter member of the group.
 - 3) The trust fund for a group of incorporated insurers under common administration, whose members possess aggregate policyholders surplus of \$10,000,000,000 (calculated and reported in substantially the same manner as prescribed by the annual statement instructions and Accounting Practices and Procedures Manual of the National Association of Insurance Commissioners) and which has continuously transacted an insurance business outside the United States for at least ~~three~~ (3) years immediately prior to making application for accreditation, shall consist of funds in trust in an amount not less than the assuming insurers' gross liabilities attributable to business ceded by United States ceding insurers to any members of the group pursuant to reinsurance contracts issued in the name of such group and, in addition, the group shall maintain a joint trustee surplus of which \$100,000,000 shall be held jointly for the benefit of United States ceding insurers of any member of the group. The group shall file a properly executed Form AR-1 Certificate of Assuming Insurer found in Appendix A of this Part as evidence of the submission to this State's authority to examine the books and records of any of its members and shall certify that any member examined will bear the expense of any such examination. The group shall make available to the Director annual certifications by the members' domiciliary regulators and their independent public accountants of the solvency of each member of the group.
- c) The trust shall be established in a form approved by the Director and complying

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

with Section 173.1(1) of the ~~Illinois Insurance~~ Code ~~[215 ILCS 5/173.1(1)]~~ and this Part. The trust instrument shall provide that:

- 1) Contested claims shall be valid and enforceable out of funds in trust to the extent remaining unsatisfied ~~thirty (30)~~ days after entry of the final order of any court of competent jurisdiction in the United States.
- 2) Legal title to the assets of the trust shall be vested in the trustee for the benefit of the grantor's United States policyholders and ceding insurers, their assigns and successors in interest.
- 3) The trust shall be subject to examination as determined by the Director.
- 4) The trust shall remain in effect for as long as the assuming insurer, or any member or former member of a group of insurers, shall have outstanding obligations under reinsurance agreements subject to the trust.
- 5) No later than February 28 of each year the trustees of the trust shall report to the Director in writing setting forth the balance in the trust and listing the trust's investments at the preceding year end, and shall certify the date of termination of the trust, if so planned, or certify that the trust shall not expire prior to the next following December 31.
- 6) No amendment to the trust shall be effective unless reviewed and approved in advance by the Director.

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

Section 1104.50 Credit for Reinsurance Required by Law

Pursuant to Section 173.1(1)(D) of the ~~Illinois Insurance~~ Code ~~[215 ILCS 5/173.1(1)(D)]~~, the Director shall allow credit for reinsurance ceded by a domestic insurer to an assuming insurer not meeting the requirements of Section 173.1(1)(A), (B) or (C) of the ~~Illinois Insurance~~ Code ~~[215 ILCS 5/173.1(1)(A), (B) or (C)]~~ but only with respect to the insurance of risks located in jurisdictions where that reinsurance is required by applicable law or regulation of that jurisdiction. As used in this Section, "jurisdiction" means any state, district or territory of the United States and any lawful national government.

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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Section 1104.60 Reduction from Liability for Reinsurance Ceded to an Unauthorized Assuming Insurer

Pursuant to Section 173.1(2) of the ~~Illinois Insurance Code [215 ILCS 5/173.1(2)]~~, the Director shall allow a reduction from liability for reinsurance ceded by a domestic insurer to an assuming insurer not meeting the requirements of Section 173.1(1) of the ~~Illinois Insurance Code [215 ILCS 5/173.1(1)]~~ in an amount not exceeding the liabilities carried by the ceding insurer. Such reduction shall be in the amount of funds held by or on behalf of the ceding insurer, including funds held in trust for the exclusive benefit of the ceding insurer, under a reinsurance contract with such assuming insurer as security for the payment of obligations thereunder. Such security must be held in the United States subject to withdrawal solely by, and under the exclusive control of, the ceding insurer or, in the case of a trust, held in a qualified United States financial institution as defined in Section 173.1(3)(B) of the ~~Illinois Insurance Code [215 ILCS 5/173.1(3)(B)]~~.

- a) This security may be in the form of any of the following:
 - 1) Cash.
 - 2) Securities listed by the Securities Valuation Office of the National Association of Insurance Commissioners and qualifying as admitted assets under Article VIII of the ~~Illinois Insurance Code~~.
 - 3) Clean, irrevocable, unconditional and "evergreen" letters of credit issued or confirmed by a qualified United States institution, as defined in Section 173.1(3)(A) of the ~~Illinois Insurance Code [215 ILCS 5/173.1(3)(A)]~~, effective no later than December 31 of the year for which filing is being made, and in the possession of the ceding company on or before the filing date of its annual financial statement. Letters of credit meeting applicable standards of issuer acceptability as of the dates of their issuance (or confirmation) shall, notwithstanding the issuing (or confirming) institution's subsequent failure to meet applicable standards of issuer acceptability, continue to be acceptable as security until their expiration, extension, renewal, modification or amendment, whichever first occurs.
 - 4) Any other form of security acceptable to the Director.
- b) An admitted asset or a reduction from liability for reinsurance ceded to an

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

unauthorized assuming insurer pursuant to subsections (a)(1), (2) and (3)-above shall be allowed only when the requirements of Section 1104.70, 1104.80 or 1104.90 of this Part are met.

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

Section 1104.70 Trust Agreements Qualified Under Section 1104.60 of this Part

a) As used in this Section:

- 1) Beneficiary means the entity for whose sole benefit the trust has been established and any successor of the beneficiary by operation of law. If a court of law appoints a successor in interest to the named beneficiary, then the named beneficiary includes and is limited to the court appointed domiciliary receiver (including conservator, rehabilitator or liquidator).
- 2) Grantor means the entity that has established a trust for the sole benefit of the beneficiary. When established in conjunction with a reinsurance agreement, the grantor is the unlicensed, unaccredited assuming insurer.
- 3) Obligations, as used in subsection (b)(11)-below, means:
 - A) Reinsured losses and allocated loss adjustment expenses paid by the ceding company, but not recovered from the assuming insurer;
 - B) Reserves for reinsured losses reported and outstanding;
 - C) Reserves for reinsured losses incurred but not reported; and
 - D) Reserves for allocated reinsured loss adjustment expenses and unearned premiums.

b) Required Conditions.

- 1) The trust agreement shall be entered into between the beneficiary, the grantor and a trustee ~~that~~which shall be a qualified United States financial institution as defined in Section 173.1(3)(B) of the ~~Illinois Insurance~~ Code ~~[215 ILCS 5/173.1(3)(B)]~~.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 2) The trust agreement shall create a trust account into which assets shall be deposited.
- 3) All assets in the trust account shall be held by the trustee at the trustee's office in the United States, except that a bank may apply for the Director's permission to use a foreign branch office of ~~thesueh~~ bank as trustee for trust agreements established pursuant to this Section. If the Director approves the use of ~~thesueh~~ foreign branch office as trustee, then its use must be approved by the beneficiary in writing and the trust agreement must provide that the written notice described in subsection (b)(4)(A) ~~below~~ must also be presentable, as a matter of legal right, at the trustee's principal office in the United States.
- 4) The trust agreement shall provide that:
 - A) The beneficiary shall have the right to withdraw assets from the trust account at any time, without notice to the grantor, subject only to written notice from the beneficiary to the trustee;
 - B) No other statement or document is required to be presented in order to withdraw assets, except that the beneficiary may be required to acknowledge receipt of withdrawn assets;
 - C) It is not subject to any conditions or qualifications outside of the trust agreement; and
 - D) It shall not contain references to any other agreements or documents except as provided for under subsection (b)(11) ~~below~~.
- 5) The trust agreement shall be established for the sole benefit of the beneficiary.
- 6) The trust agreement shall require the trustee to:
 - A) Receive assets and hold all assets in a safe place;
 - B) Determine that all assets are in such form that the beneficiary, or the trustee upon direction by the beneficiary, may whenever necessary negotiate any such assets, without consent or signature

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

from the grantor or any other person or entity;

- C) Furnish to the grantor and the beneficiary a statement of all assets in the trust account upon its inception and at intervals no less frequent than the end of each calendar quarter;
 - D) Notify the grantor and the beneficiary, within ~~ten~~(10) days, of any deposits to or withdrawals from the trust account;
 - E) Upon written demand of the beneficiary, immediately take any and all steps necessary to transfer absolutely and unequivocally all right, title and interest in the assets held in the trust account to the beneficiary and deliver physical custody of the assets to the beneficiary; and
 - F) Allow no substitutions or withdrawals of assets from the trust account, except on written instructions from the beneficiary, except that the trustee may, without the consent of but with notice to the beneficiary, upon call or maturity of any trust asset, withdraw ~~the~~such asset upon condition that the proceeds are paid into the trust account.
- 7) The trust agreement shall provide that at least ~~thirty~~(30) days, but not more than ~~forty five~~(45) days, prior to termination of the trust account, written notification of termination shall be delivered by the trustee to the beneficiary.
 - 8) The trust agreement shall be made subject to and governed by the laws of the state in which the trust is established.
 - 9) The trust agreement shall prohibit invasion of the trust corpus for the purpose of paying compensation to, or reimbursing the expenses of, the trustee.
 - 10) The trust agreement shall provide that the trustee shall be liable for its own negligence, willful misconduct or lack of good faith.
 - 11) Notwithstanding other provisions of this Part, when a trust agreement is established in conjunction with a reinsurance agreement covering risks

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

other than life, annuities and accident and health, where it is customary practice to provide a trust agreement for a specific purpose, such a trust agreement may, notwithstanding any other conditions in this Part, provide that the ceding insurer shall undertake to use and apply amounts drawn upon the trust account, without diminution because of the insolvency of the ceding insurer or the assuming insurer, for the following purposes:

- A) To pay or reimburse the ceding insurer for the assuming insurer's share under the specific reinsurance agreement regarding any losses and allocated loss expenses paid by the ceding insurer, but not recovered from the assuming insurer, or for unearned premiums due to the ceding insurer if not otherwise paid by the assuming insurer;
 - B) To make payment to the assuming insurer of any amounts held in the trust account that exceed ~~one hundred and two percent (102%)~~ of the actual amount required to fund the assuming insurer's obligations under the specific reinsurance agreement; or
 - C) Where the ceding insurer has received notification of termination of the trust account and where the assuming insurer's entire obligations under the specific reinsurance agreement remain unliquidated and undischarged ~~ten (10)~~ days prior to the termination date, to withdraw amounts equal to the obligations and deposit those amounts in a separate account, in the name of the ceding insurer in any qualified United States financial institution as defined in Section 173.1(3)(B) of the ~~Illinois Insurance Code [215 ILCS 5/173.1(3)(B)]~~ apart from its general assets, in trust for such uses and purposes specified in subsections (b)(11)(A) and (B) ~~above~~ as may remain executory after such withdrawal and for any period after the termination date.
- 12) The reinsurance agreement entered into in conjunction with the trust agreement may, but need not, contain the provisions required by subsection (d)(1)(B) ~~below~~, so long as these required conditions are included in the trust agreement.

c) Permitted Conditions.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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- 1) The trust agreement may provide that the trustee may resign upon delivery of a written notice of resignation, effective not less than ~~ninety (90)~~ days after receipt by the beneficiary and grantor of the notice, and that the trustee may be removed by the grantor by delivery to the trustee and the beneficiary of a written notice of removal, effective not less than ~~ninety (90)~~ days after receipt by the trustee and the beneficiary of the notice, provided that no such resignation or removal shall be effective until a successor trustee has been duly appointed and approved by the beneficiary and the grantor and all assets in the trust have been duly transferred to the new trustee.
 - 2) The grantor may have the full and unqualified right to vote any shares of stock in the trust account and to receive from time to time payments of any dividends or interest upon any shares of stock or obligations included in the trust account. Any such interest or dividends shall be either forwarded promptly upon receipt to the grantor or deposited in a separate account established in the grantor's name.
 - 3) The trustee may be given authority to invest, and accept substitutions of, any funds in the account, provided that no investment or substitution shall be made without prior approval of the beneficiary, unless the trust agreement specifies categories of investments acceptable to the beneficiary and authorizes the trustee to invest funds and to accept substitutions which the trustee determines are at least equal in market value to the assets withdrawn and that are consistent with the restrictions in subsection (d)(1)(B) ~~below~~.
 - 4) The trust agreement may provide that the beneficiary may at any time designate a party to which all or part of the trust assets are to be transferred. ~~The Such~~ transfer may be conditioned upon the trustee receiving, prior to or simultaneously, other specified assets.
 - 5) The trust agreement may provide that, upon termination of the trust account, all assets not previously withdrawn by the beneficiary shall, with written approval by the beneficiary, be delivered over to the grantor.
- d) Additional Conditions Applicable to Reinsurance Agreements.
- 1) A reinsurance agreement ~~that, which~~ is entered into in conjunction with a

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trust agreement and the establishment of a trust account; must contain provisions that:

- A) Require the assuming insurer to enter into a trust agreement and to establish a trust account for the benefit of the ceding insurer, and specifying what the agreement is to cover;
- B) Stipulate that assets deposited in the trust account shall be valued according to their current fair market value and shall consist only of cash (United States legal tender), certificates of deposit (issued by a United States bank and payable in United States legal tender), and investments of the types permitted by the Illinois Insurance Code or any combination of the ~~three~~above, provided that ~~thesuch~~ investments are issued by an institution that is not the parent, subsidiary or affiliate of either the grantor or the beneficiary. The reinsurance agreement may further specify the types of investments to be deposited. ~~When~~Where a trust agreement is entered into in conjunction with a reinsurance agreement covering risks other than life, annuities and accident and health, then the trust agreement may contain the provisions required by this ~~subsection (d)(1)(B)subparagraph~~ in lieu of including ~~thosesuch~~ provisions in the reinsurance agreement;
- C) Require the assuming insurer, prior to depositing assets with the trustee, to execute assignments or endorsements in blank, or to transfer legal title to the trustee of all shares, obligations or any other assets requiring assignments, in order that the ceding insurer, or the trustee upon the direction of the ceding insurer, may whenever necessary negotiate these assets without consent or signature from the assuming insurer or any other entity;
- D) Require that all settlements of account between the ceding insurer and the assuming insurer be made in cash or its equivalent; and
- E) Stipulate that the assuming insurer and the ceding insurer agree that the assets in the trust account, established pursuant to the provisions of the reinsurance agreement, may be withdrawn by the ceding insurer at any time, notwithstanding any other provisions in the reinsurance agreement, and be utilized and applied by the

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ceding insurer or its successors in interest by operation of law, including without limitation any liquidator, rehabilitator, receiver or conservator of ~~thesueh~~ company, without diminution because of insolvency on the part of the ceding insurer or the assuming insurer, only for the following purposes:

- i) To reimburse the ceding insurer for the assuming insurer's share of premiums returned to the owners of policies reinsured under the reinsurance agreement because of cancellations of ~~thosesueh~~ policies;
 - ii) To reimburse the ceding insurer for the assuming insurer's share of surrenders and benefits or losses paid by the ceding insurer pursuant to the provisions of the policies reinsured under the reinsurance agreement;
 - iii) To fund an account with the ceding insurer in an amount at least equal to the deduction, for reinsurance ceded, from the ceding insurer liabilities for policies ceded under the agreement. The account shall include, but not be limited to, amounts for policy reserves, claims and losses incurred (including losses incurred but not reported), loss adjustment expenses and unearned premium reserves; and
 - iv) To pay any other amounts the ceding insurer claims are due under the reinsurance agreement.
- 2) The reinsurance agreement may also contain provisions that:
- A) Give the assuming insurer the right to seek approval from the ceding insurer (the ceding insurer shall not unreasonably or arbitrarily withhold its approval) to withdraw from the trust account all or any part of the trust assets and transfer those assets to the assuming insurer, provided:
 - i) The assuming insurer shall, at the time of withdrawal, replace the withdrawn assets with other qualified assets having a market value equal to the market value of the assets withdrawn so as to maintain at all times the deposit

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in the required amount; or

- ii) After withdrawal and transfer, the market value of the trust account is no less than ~~one hundred and two percent~~ (102%) of the required amount.

B) Provide for:

- i) The return of any amount withdrawn in excess of the actual amounts required for subsections (d)(1)(E)(i), (ii) and (iii) of this Section, or in the case of subsection (d)(1)(E)(iv), any amounts that are subsequently determined not to be due; and
- ii) Interest payments, at a rate not in excess of the prime rate of interest, on the amounts held pursuant to subsection (d)(1)(E)(iii).

C) Permit the award by any arbitration panel or court of competent jurisdiction of:

- i) Interest at a rate different from that provided in subsection (d)(2)(B)(ii) of this Section;
- ii) Court of arbitration costs;
- iii) Attorney's fees; and
- iv) Any other reasonable expenses.

- 3) Financial reporting. A trust agreement may be used to reduce any liability for reinsurance ceded to an unauthorized assuming insurer in financial statements required to be filed with this ~~Division~~Department in compliance with the provisions of this Part when established on or before the date of filing of the financial statement of the ceding insurer. Further, the reduction for the existence of an acceptable trust account may be up to the current fair market value of acceptable assets available to be withdrawn from the trust account at that time, but ~~the such~~ reduction shall be no greater than the specific obligations under the reinsurance agreement

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that the trust account was established to secure.

- 4) ~~Existing agreements. Notwithstanding the effective date of this Part, any trust agreement or underlying reinsurance agreement in existence prior to January 1, 1996 which complies with Section 173.1 of the Insurance Code [215 ILCS 5/173.1] will continue to be acceptable until January 1, 1997 at which time the agreements will have to be in full compliance with this Part for the trust agreement to be acceptable.~~
- 45) The failure of any trust agreement to specifically identify the beneficiary as defined in subsection (a) ~~above~~ shall not be construed to affect any actions or rights which the Director may take or possess pursuant to the provisions of the laws of this State.

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

Section 1104.80 Letters of Credit Qualified Under Section 1104.60 of this Part

- a) The letter of credit must be clean, irrevocable and unconditional and issued or confirmed by a qualified United States financial institution as defined in Section 173.1(3)(A) of the ~~Illinois Insurance~~ Code ~~[215 ILCS 5/173.1(3)(A)]~~. The letter of credit shall contain an issue date and date of expiration and shall stipulate that the beneficiary need only draw a sight draft under the letter of credit and present it to obtain funds and that no other document need be presented. The letter of credit shall also indicate that it is not subject to any condition or qualifications outside of the letter of credit. In addition, the letter of credit itself shall not contain reference to any other agreements, documents or entities, except as provided in subsection (i)(1) ~~below~~. As used in this Section, "beneficiary" means the domestic insurer for whose benefit the letter of credit has been established and any successor of the beneficiary by operation of law. If a court of law appoints a successor in interest to the named beneficiary, then the named beneficiary includes and is limited to the court appointed domiciliary receiver (including conservator, rehabilitator or liquidator).
- b) The heading of the letter of credit may include a boxed section ~~that~~~~which~~ contains the name of the applicant and other appropriate notations to provide a reference for the letter of credit. The boxed section shall be clearly marked to indicate that ~~thesuch~~ information is for internal identification purposes only.

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- c) The letter of credit shall contain a statement to the effect that the obligation of the qualified United States financial institution under the letter of credit is in no way contingent upon reimbursement with respect thereto.
- d) The term of the letter of credit shall be for at least one year and shall contain an "evergreen clause" ~~that~~which prevents the expiration of the letter of credit without due notice from the issuer. The "evergreen clause" shall provide for a period of no less than ~~thirty (30)~~ days notice prior to the expiration date or nonrenewal.
- e) The letter of credit shall state whether it is subject to and governed by the laws of this State or the ICC Uniform Customs and Practice for Documentary Credits (ICC Publication No. ~~600, July 2007~~500, May 1993), and all drafts drawn under the letter of credit~~thereunder~~ shall be presentable at an office in the United States of a qualified United States financial institution.
- f) If the letter of credit is made subject to the ICC Uniform Customs and Practice for Documentary Credits (ICC Publication No. ~~600, July 2007~~500, May 1993), then the letter of credit shall specifically address and make provision for an extension of time to draw against the letter of credit in the event that one or more of the occurrences specified in Article ~~3647~~ of Publication ~~600~~500 occur.
- g) The letter of credit shall be issued or confirmed by a qualified United States financial institution authorized to issue letters of credit, pursuant to Section 173.1(3)(A) of the ~~Illinois Insurance Code~~ [215 ILCS 5/173.1(3)(A)].
- h) If the letter of credit is issued by a nonqualified financial institution and is confirmed by a qualified United States financial institution as described in subsection (g) ~~above~~, then the following additional requirements shall be met:
- 1) The issuing financial institution shall formally designate the confirming qualified United States financial institution as its agent for the receipt and payment of the drafts; and
 - 2) The "evergreen clause" shall provide for not less than 60 days notice of nonrenewal prior to the expiration date.
- i) Reinsurance Agreement Provisions.
- 1) The reinsurance agreement in conjunction with which the letter of credit is

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obtained must contain provisions ~~that~~which:

- A) Require the assuming insurer to provide letters of credit to the ceding insurer and specify what they are to cover.
- B) Stipulate that the assuming insurer and ceding insurer agree that the letter of credit provided by the assuming insurer pursuant to the provisions of the reinsurance agreement may be drawn upon at any time, notwithstanding any other provisions in the agreement, and be utilized by the ceding insurer or its successors in interest only for one or more of the following reasons:
 - i) To reimburse the ceding insurer for the assuming insurer's share of premiums returned to the owners of policies reinsured under the reinsurance agreement on account of cancellations of ~~those~~sueh policies;
 - ii) To reimburse the ceding insurer for the assuming insurer's share of surrenders and benefits or losses paid by the ceding insurer under the terms and provisions of the policies reinsured under the reinsurance agreement;
 - iii) To fund an account with the ceding insurer in an amount at least equal to the deduction, for reinsurance ceded, from the ceding insurer's liabilities for policies ceded under the agreement. The amount shall include, but not be limited to, amounts for policy reserves, claims and losses incurred (including losses incurred but not reported) and unearned premium reserves;
 - iv) To pay any other amounts the ceding insurer claims are due under the reinsurance agreement; and
 - v) To pay existing liabilities between the insurer and the reinsurer upon commutation of one or more reinsurance contracts.
- C) All of the foregoing provisions of subsection (i)(1)~~-above~~ should be applied without diminution because of insolvency on the part of

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the ceding insurer or assuming insurer.

- 2) Nothing contained in subsection (i)(1)-~~above~~ shall preclude the ceding insurer and assuming insurer from providing for:
 - A) An interest payment, at a rate not in excess of the prime rate of interest, on the amounts held pursuant to subsection (i)(1)(B)(iii) ~~above~~; and/or
 - B) The return of any amounts drawn down on the letters of credit in excess of the actual amounts required for the above or, in the case of subsection (i)(1)(B)(iv)-~~above~~, any amounts that are subsequently determined not to be due.
- 3) When a letter of credit is obtained in conjunction with a reinsurance agreement covering risks other than life, annuities and accident and health, ~~when~~where it is customary practice to provide a letter of credit for a specific purpose, then the reinsurance agreement may, in lieu of subsection (i)(1)(B)-~~above~~, require that the parties enter into a "Trust Agreement" ~~that~~which may be incorporated into the reinsurance agreement or be a separate document.
- j) A letter of credit may not be used to reduce any liability for reinsurance ceded to an unauthorized assuming insurer in financial statements required to be filed with this ~~Division~~Department unless an acceptable letter of credit with the filing ceding insurer as beneficiary has been issued on or before the date of filing of the financial statement. Further, the reduction for the letter of credit may be up to the amount available under the letter of credit but no greater than the specific obligation under the reinsurance agreement ~~that~~which the letter of credit was intended to secure.

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

Section 1104.100 Reinsurance Contract

Credit will not be granted to a ceding insurer for reinsurance effected with assuming insurers meeting the requirements of ~~Section~~Sections 1104.20, 1104.30, 1104.40 or 1104.60 of this Part or otherwise in compliance with Section 173.1(1) of the ~~Illinois Insurance Code~~ [215 ILCS 5/173.1(1)] after January 1, 1996 unless the reinsurance agreement:

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- a) Includes a proper insolvency clause pursuant to Section 173.2 of the ~~Illinois Insurance~~ Code ~~[215 ILCS 5/173.2]~~; and
- b) Includes a provision pursuant to Section 173.1(1)(E) of the ~~Illinois Insurance~~ Code ~~under which~~~~[215 ILCS 5/173.1(1)(E)]~~ ~~whereby~~ the assuming insurer, if an unauthorized assuming insurer, has submitted to the jurisdiction of an alternative dispute resolution panel or court of competent jurisdiction within the United States, has agreed to comply with all requirements necessary to give ~~thesueh~~ court or panel jurisdiction, has designated an agent upon whom service of process may be effected, and has agreed to abide by the final decision of ~~thesueh~~ court or panel.

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

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Section 1104.APPENDIX A Form AR-1 Certificate of Assuming Insurer

FORM AR-1
CERTIFICATE OF ASSUMING INSURER

I, _____, _____
(name of officer) (title of officer)
of _____, the assuming insurer under a
(name of assuming insurer)
reinsurance agreement(s) with one or more insurers domiciled in Illinois, hereby certify
that _____ ("Assuming Insurer"):
(name of assuming insurer)

1. Submits to the jurisdiction of any court of competent jurisdiction in Illinois for the adjudication of any issues arising out of the reinsurance agreement(s), agrees to comply with all requirements necessary to give such court jurisdiction, and will abide by final decision of such court or any appellate court in the event of an appeal. Nothing in this paragraph constitutes or should be understood to constitute a waiver of Assuming Insurer's rights to commence an action in any court of competent jurisdiction in the United States, to remove an action to a United States District Court, or to seek a transfer of a case to another court as permitted by the laws of the United States or of any state in the United States. This paragraph is not intended to conflict with or override the obligation of the parties to the reinsurance agreement(s) to arbitrate their disputes if such an obligation is created in the agreement(s).
2. Designates the Director of the [Division Illinois Department](#) of Insurance as its lawful attorney upon whom may be served any lawful process in any action, suit or proceeding arising out of the reinsurance agreement(s) instituted by or on behalf of the ceding insurer.
3. Submits to the authority of the Director of the [Division Illinois Department](#) of Insurance to examine its books and records and agrees to bear the expense of any such examination.
4. Submits with this form a current list of insurers domiciled in Illinois reinsured by Assuming Insurer and undertakes to submit additions to or deletions from the list to the Director at least once per calendar quarter.

Date: _____

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(name of assuming insurer)

BY:

(name of officer)

(title of officer)

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

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- 1) Heading of the Part: Skilled Nursing and Intermediate Care Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 300
- 3) Section Number: 300.690 Proposed Action: Amendment
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) A Complete Description of the Subjects and Issues Involved: Part 300 regulates skilled nursing and intermediate care facilities, including establishing requirements for reporting serious incidents and accidents. Section 300.690 (Serious Incidents and Accidents) is being amended to clarify the specific situations that would require a facility to report an incident or accident to the Department.

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

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

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

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

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Type of small businesses, small municipalities and not-for-profit corporations affected: Skilled nursing and intermediate care facilities
 - B) Reporting, bookkeeping or other procedures required for compliance: Records of incidents reports
 - 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 Amendment 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 300
SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
300.110	General Requirements
300.120	Application for License
300.130	Licensee
300.140	Issuance of an Initial License for a New Facility
300.150	Issuance of an Initial License Due to a Change of Ownership
300.160	Issuance of a Renewal License
300.163	Alzheimer's Special Care Disclosure
300.165	Criteria for Adverse Licensure Actions
300.170	Denial of Initial License
300.175	Denial of Renewal of License
300.180	Revocation of License
300.190	Experimental Program Conflicting With Requirements
300.200	Inspections, Surveys, Evaluations and Consultation
300.210	Filing an Annual Attested Financial Statement
300.220	Information to Be Made Available to the Public By the Department
300.230	Information to Be Made Available to the Public By the Licensee
300.240	Municipal Licensing
300.250	Ownership Disclosure
300.260	Issuance of Conditional Licenses
300.270	Monitor and Receivership
300.271	Presentation of Findings
300.272	Determination to Issue a Notice of Violation or Administrative Warning
300.274	Determination of the Level of a Violation
300.276	Notice of Violation
300.277	Administrative Warning
300.278	Plans of Correction
300.280	Reports of Correction
300.282	Conditions for Assessment of Penalties
300.284	Calculation of Penalties
300.286	Determination to Assess Penalties

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300.288	Reduction or Waiver of Penalties
300.290	Quarterly List of Violators (Repealed)
300.300	Alcoholism Treatment Programs In Long-Term Care Facilities
300.310	Department May Survey Facilities Formerly Licensed
300.315	Supported Congregate Living Arrangement Demonstration
300.320	Waivers
300.330	Definitions
300.340	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

Section	
300.510	Administrator

SUBPART C: POLICIES

Section	
300.610	Resident Care Policies
300.615	Determination of Need Screening and Request for Resident Criminal History Record Information
300.620	Admission, Retention and Discharge Policies
300.624	Criminal History Background Checks for Persons Who Were Residents on May 10, 2006
300.625	Identified Offenders
300.626	Discharge Planning for Identified Offenders
300.627	Transfer of an Identified Offender
300.630	Contract Between Resident and Facility
300.640	Residents' Advisory Council
300.650	Personnel Policies
300.655	Initial Health Evaluation for Employees
300.660	Nursing Assistants
300.661	Health Care Worker Background Check
300.662	Resident Attendants
300.663	Registry of Certified Nursing Assistants
300.665	Student Interns
300.670	Disaster Preparedness
300.680	Restraints
300.682	Nonemergency Use of Physical Restraints
300.684	Emergency Use of Physical Restraints

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- 300.686 Unnecessary, Psychotropic, and Antipsychotic Drugs
- 300.690 Serious Incidents and Accidents
- 300.695 Contacting Local Law Enforcement
- 300.696 Infection Control

SUBPART D: PERSONNEL

- Section
- 300.810 General
- 300.820 Categories of Personnel
- 300.830 Consultation Services
- 300.840 Personnel Policies

SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

- Section
- 300.1010 Medical Care Policies
- 300.1020 Communicable Disease Policies
- 300.1025 Tuberculin Skin Test Procedures
- 300.1030 Medical Emergencies
- 300.1035 Life-Sustaining Treatments
- 300.1040 Behavior Emergencies (Repealed)
- 300.1050 Dental Standards
- 300.1060 Vaccinations

SUBPART F: NURSING AND PERSONAL CARE

- Section
- 300.1210 General Requirements for Nursing and Personal Care
- 300.1220 Supervision of Nursing Services
- 300.1230 Staffing
- 300.1240 Additional Requirements

SUBPART G: RESIDENT CARE SERVICES

- Section
- 300.1410 Activity Program
- 300.1420 Specialized Rehabilitation Services
- 300.1430 Work Programs

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- 300.1440 Volunteer Program
- 300.1450 Language Assistance Services

SUBPART H: MEDICATIONS

- Section
- 300.1610 Medication Policies and Procedures
- 300.1620 Compliance with Licensed Prescriber's Orders
- 300.1630 Administration of Medication
- 300.1640 Labeling and Storage of Medications
- 300.1650 Control of Medications

SUBPART I: RESIDENT AND FACILITY RECORDS

- Section
- 300.1810 Resident Record Requirements
- 300.1820 Content of Medical Records
- 300.1830 Records Pertaining to Residents' Property
- 300.1840 Retention and Transfer of Resident Records
- 300.1850 Other Resident Record Requirements
- 300.1860 Staff Responsibility for Medical Records
- 300.1870 Retention of Facility Records
- 300.1880 Other Facility Record Requirements

SUBPART J: FOOD SERVICE

- Section
- 300.2010 Director of Food Services
- 300.2020 Dietary Staff in Addition to Director of Food Services
- 300.2030 Hygiene of Dietary Staff
- 300.2040 Diet Orders
- 300.2050 Meal Planning
- 300.2060 Therapeutic Diets (Repealed)
- 300.2070 Scheduling Meals
- 300.2080 Menus and Food Records
- 300.2090 Food Preparation and Service
- 300.2100 Food Handling Sanitation
- 300.2110 Kitchen Equipment, Utensils, and Supplies

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300.2210 Maintenance
300.2220 Housekeeping
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SUBPART L: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section

300.2410 Furnishings
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SUBPART M: WATER SUPPLY AND SEWAGE DISPOSAL

Section

300.2610 Codes
300.2620 Water Supply
300.2630 Sewage Disposal
300.2640 Plumbing

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS
FOR NEW INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section

300.2810 Applicability of these Standards
300.2820 Codes and Standards
300.2830 Preparation of Drawings and Specifications
300.2840 Site
300.2850 Administration and Public Areas
300.2860 Nursing Unit
300.2870 Dining, Living, Activities Rooms
300.2880 Therapy and Personal Care
300.2890 Service Departments
300.2900 General Building Requirements
300.2910 Structural
300.2920 Mechanical Systems
300.2930 Plumbing Systems

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300.2940 Electrical Systems

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS
FOR EXISTING INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section

300.3010 Applicability
300.3020 Codes and Standards
300.3030 Preparation of Drawings and Specifications
300.3040 Site
300.3050 Administration and Public Areas
300.3060 Nursing Unit
300.3070 Living, Dining, Activities Rooms
300.3080 Treatment and Personal Care
300.3090 Service Departments
300.3100 General Building Requirements
300.3110 Structural
300.3120 Mechanical Systems
300.3130 Plumbing Systems
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SUBPART P: RESIDENT'S RIGHTS

Section

300.3210 General
300.3220 Medical and Personal Care Program
300.3230 Restraints (Repealed)
300.3240 Abuse and Neglect
300.3250 Communication and Visitation
300.3260 Resident's Funds
300.3270 Residents' Advisory Council
300.3280 Contract With Facility
300.3290 Private Right of Action
300.3300 Transfer or Discharge
300.3310 Complaint Procedures
300.3320 Confidentiality
300.3330 Facility Implementation

SUBPART Q: SPECIALIZED LIVING FACILITIES FOR THE MENTALLY ILL

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Section

300.3410	Application of Other Sections of These Minimum Standards (Repealed)
300.3420	Administrator (Repealed)
300.3430	Policies (Repealed)
300.3440	Personnel (Repealed)
300.3450	Resident Living Services Medical and Dental Care (Repealed)
300.3460	Resident Services Program (Repealed)
300.3470	Psychological Services (Repealed)
300.3480	Social Services (Repealed)
300.3490	Recreational and Activities Services (Repealed)
300.3500	Individual Treatment Plan (Repealed)
300.3510	Health Services (Repealed)
300.3520	Medical Services (Repealed)
300.3530	Dental Services (Repealed)
300.3540	Optometric Services (Repealed)
300.3550	Audiometric Services (Repealed)
300.3560	Podiatric Services (Repealed)
300.3570	Occupational Therapy Services (Repealed)
300.3580	Nursing and Personal Care (Repealed)
300.3590	Resident Care Services (Repealed)
300.3600	Record Keeping (Repealed)
300.3610	Food Service (Repealed)
300.3620	Furnishings, Equipment and Supplies (New and Existing Facilities) (Repealed)
300.3630	Design and Construction Standards (New and Existing Facilities) (Repealed)

SUBPART R: DAYCARE PROGRAMS

Section

300.3710	Day Care in Long-Term Care Facilities
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SUBPART S: PROVIDING SERVICES TO PERSONS WITH SERIOUS MENTAL ILLNESS

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300.4010	Comprehensive Assessments for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
300.4020	Reassessments for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S

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- 300.4030 Individualized Treatment Plan for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4040 General Requirements for Facilities Subject to Subpart S
- 300.4050 Psychiatric Rehabilitation Services for Facilities Subject to Subpart S
- 300.4060 Discharge Plans for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4070 Work Programs for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4080 Community-Based Rehabilitation Programs for Residents with Serious Mental Illness Residing in Facilities Subject to Subpart S
- 300.4090 Personnel for Providing Services to Persons with Serious Mental Illness for Facilities Subject to Subpart S

SUBPART T: FACILITIES PARTICIPATING IN ILLINOIS DEPARTMENT OF
PUBLIC AID'S DEMONSTRATION PROGRAM FOR PROVIDING
SERVICES TO PERSONS WITH SERIOUS MENTAL ILLNESS

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- 300.6000 Applicability of Subpart T
- 300.6005 Quality Assessment and Improvement for Facilities Subject to Subpart T
- 300.6010 Comprehensive Assessments for Residents of Facilities Subject to Subpart T
- 300.6020 Reassessments for Residents of Facilities Subject to Subpart T
- 300.6030 Individualized Treatment Plan for Residents of Facilities Subject to Subpart T
- 300.6040 General Requirements for Facilities Subject to Subpart T
- 300.6045 Serious Incidents and Accidents in Facilities Subject to Subpart T
- 300.6047 Medical Care Policies for Facilities Subject to Subpart T
- 300.6049 Emergency Use of Restraints for Facilities Subject to Subpart T
- 300.6050 Psychiatric Rehabilitation Services for Facilities Subject to Subpart T
- 300.6060 Discharge Plans for Residents of Facilities Subject to Subpart T
- 300.6070 Work Programs for Residents of Facilities Subject to Subpart T
- 300.6080 Community-Based Rehabilitation Programs for Residents of Facilities Subject to Subpart T
- 300.6090 Personnel for Providing Services to Residents of Facilities Subject to Subpart T
- 300.6095 Training and Continuing Education for Facilities Subject to Subpart T

SUBPART U: ALZHEIMER'S SPECIAL CARE UNIT OR CENTER PROVIDING
CARE TO PERSONS WITH ALZHEIMER'S DISEASE OR OTHER DEMENTIA

Section

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NOTICE OF PROPOSED AMENDMENT

300.7000	Applicability
300.7010	Admission Criteria
300.7020	Assessment and Care Planning
300.7030	Ability-Centered Care
300.7040	Activities
300.7050	Staffing
300.7060	Environment
300.7070	Quality Assessment and Improvement
300.7080	Variances to Enhance Residents' Quality of Life
300.APPENDIX A	Interpretation, Components, and Illustrative Services for Intermediate Care Facilities and Skilled Nursing Facilities (Repealed)
300.APPENDIX B	Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)
300.APPENDIX C	Federal Requirements Regarding Patients'/Residents' Rights (Repealed)
300.APPENDIX D	Forms for Day Care in Long-Term Care Facilities
300.APPENDIX E	Criteria for Activity Directors Who Need Only Minimal Consultation (Repealed)
300.APPENDIX F	Guidelines for the Use of Various Drugs
300.APPENDIX G	Facility Report
300.TABLE A	Sound Transmission Limitations in New Skilled Nursing and Intermediate Care Facilities
300.TABLE B	Pressure Relationships and Ventilation Rates of Certain Areas for New Intermediate Care Facilities and Skilled Nursing Facilities
300.TABLE C	Construction Types and Sprinkler Requirements for Existing Skilled Nursing Facilities/Intermediate Care Facilities
300.TABLE D	Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 1066, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 311, effective July 28, 1980; emergency amendment at 6 Ill. Reg. 3229, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6454, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 11631, effective September 14, 1982; amended at 6 Ill. Reg. 14550 and 14554, effective November 8, 1982; amended at 6 Ill. Reg. 14684, effective November 15, 1982; amended at 7 Ill. Reg. 285, effective December 22, 1982; amended at 7 Ill. Reg. 1972, effective January 28, 1983; amended at 7 Ill. Reg. 8579, effective July 11, 1983; amended at 7 Ill. Reg. 15831, effective November 10, 1983;

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amended at 7 Ill. Reg. 15864, effective November 15, 1983; amended at 7 Ill. Reg. 16992, effective December 14, 1983; amended at 8 Ill. Reg. 15599, 15603, and 15606, effective August 15, 1984; amended at 8 Ill. Reg. 15947, effective August 17, 1984; amended at 8 Ill. Reg. 16999, effective September 5, 1984; codified at 8 Ill. Reg. 19766; amended at 8 Ill. Reg. 24186, effective November 29, 1984; amended at 8 Ill. Reg. 24668, effective December 7, 1984; amended at 8 Ill. Reg. 25102, effective December 14, 1984; amended at 9 Ill. Reg. 132, effective December 26, 1984; amended at 9 Ill. Reg. 4087, effective March 15, 1985; amended at 9 Ill. Reg. 11049, effective July 1, 1985; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 12 Ill. Reg. 1052, effective December 24, 1987; amended at 12 Ill. Reg. 16811, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18477, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 4684, effective March 24, 1989; amended at 13 Ill. Reg. 5134, effective April 1, 1989; amended at 13 Ill. Reg. 20089, effective December 1, 1989; amended at 14 Ill. Reg. 14950, effective October 1, 1990; amended at 15 Ill. Reg. 554, effective January 1, 1991; amended at 16 Ill. Reg. 681, effective January 1, 1992; amended at 16 Ill. Reg. 5977, effective March 27, 1992; amended at 16 Ill. Reg. 17089, effective November 3, 1992; emergency amendment at 17 Ill. Reg. 2420, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8026, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15106, effective September 3, 1993; amended at 17 Ill. Reg. 16194, effective January 1, 1994; amended at 17 Ill. Reg. 19279, effective October 26, 1993; amended at 17 Ill. Reg. 19604, effective November 4, 1993; amended at 17 Ill. Reg. 21058, effective November 20, 1993; amended at 18 Ill. Reg. 1491, effective January 14, 1994; amended at 18 Ill. Reg. 15868, effective October 15, 1994; amended at 19 Ill. Reg. 11600, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 567, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10142, effective July 15, 1996; amended at 20 Ill. Reg. 12208, effective September 10, 1996; amended at 21 Ill. Reg. 15000, effective November 15, 1997; amended at 22 Ill. Reg. 4094, effective February 13, 1998; amended at 22 Ill. Reg. 7218, effective April 15, 1998; amended at 22 Ill. Reg. 16609, effective September 18, 1998; amended at 23 Ill. Reg. 1103, effective January 15, 1999; amended at 23 Ill. Reg. 8106, effective July 15, 1999; amended at 24 Ill. Reg. 17330, effective November 1, 2000; amended at 25 Ill. Reg. 4911, effective April 1, 2001; amended at 26 Ill. Reg. 3113, effective February 15, 2002; amended at 26 Ill. Reg. 4846, effective April 1, 2002; amended at 26 Ill. Reg. 10523, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2181, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5452, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5862, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14204, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15855, effective September 25, 2003; amended at 27 Ill. Reg. 18105, effective

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November 15, 2003; expedited correction at 28 Ill. Reg. 3528, effective November 15, 2003; amended at 28 Ill. Reg. 11180, effective July 22, 2004; amended at 28 Ill. Reg. 14623, effective October 20, 2004; amended at 29 Ill. Reg. 876, effective December 22, 2004; emergency amendment at 29 Ill. Reg. 11824, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15101, effective September 23, 2005, for the remainder of the maximum 150 days; emergency amendment expired December 8, 2005; amended at 29 Ill. Reg. 12852, effective August 2, 2005; amended at 30 Ill. Reg. 1425, effective January 23, 2006; amended at 30 Ill. Reg. 5213, effective March 2, 2006; amended at 31 Ill. Reg. 6044, effective April 3, 2007; amended at 31 Ill. Reg. 8813, effective June 6, 2007; amended at 32 Ill. Reg. _____, effective _____.

SUBPART C: POLICIES

Section 300.690 Serious Incidents and Accidents

- a) The facility shall notify the Department of any incident or accident ~~that had which has, or is likely to have,~~ a significant effect on the health, safety, or welfare of a resident or residents. ~~Incidents and accidents requiring the services of a physician, hospital, police or fire department, coroner, or other service provider on an emergency basis shall be reported to the Department.~~
- b) Incidents or accidents that affect the health, safety or welfare of a group of residents or all residents in the facility and that require a response by the fire department, police department or local emergency services agency shall be reported to the Department. These include, but are not limited to, fire, power outage, loss of water supply or building damage resulting from severe weather.
- c) Notification shall be made by a phone call to the Regional Office within 24 hours after each serious incident or accident. If the facility is unable to contact the Regional Office, notification shall be made by a phone call to the Department's toll-free complaint registry number. A narrative summary of each accident or incident occurrence that has a significant effect on the health, safety or welfare of a resident or group of residents or all residents shall be sent to the Department within seven days after the occurrence.
- 1) ~~Notification shall be made by a phone call to the Regional Office within 24 hours of each serious incident or accident. If the facility is unable to contact the Regional Office, notification shall be made by a phone call to the Department's toll free complaint registry number.~~

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2) ~~A narrative summary of each accident or incident occurrence shall be sent to the Department within seven days of the occurrence.~~

d)b) A descriptive summary of each reportable incident or accident shall be recorded in the progress notes or nurse's notes for each resident affected~~involved~~.

e)e) The facility shall maintain a file of all written reports of serious incidents or accidents affecting~~involving~~ residents. A facility is not required to report an incident or accident that causes no harm to a resident.

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

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- 1) Heading of the Part: Sheltered Care Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 330
- 3) Section Number: 330.780 Proposed Action:
Amendment
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) A Complete Description of the Subjects and Issues Involved: Part 330 regulates sheltered care facilities, including establishing requirements for reporting serious incidents and accidents. Section 330.780 (Serious Incidents and Accidents) is being amended to clarify the specific situations that would require a facility to report an incident or accident to the Department.

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

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

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

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Type of small businesses, small municipalities and not-for-profit corporations affected: Long-term care facilities
 - 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: This rulemaking was not included on either of the two most recent regulatory agendas because: the need for the rulemaking was not foreseen at the time the last regulatory agenda was drafted.

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 330
SHELTERED CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
330.110	General Requirements
330.120	Application for License
330.130	Licensee
330.140	Issuance of an Initial License For a New Facility
330.150	Issuance of an Initial License Due to a Change of Ownership
330.160	Issuance of a Renewal License
330.163	Alzheimer's Special Care Disclosure
330.165	Criteria for Adverse Licensure Actions
330.170	Denial of Initial License
330.175	Denial of Renewal of License
330.180	Revocation of License
330.190	Experimental Program Conflicting With Requirements
330.200	Inspections, Surveys, Evaluations and Consultation
330.210	Filing an Annual Attested Financial Statement
330.220	Information to be Made Available to the Public By the Department
330.230	Information to be Made Available to the Public By the Licensee
330.240	Municipal Licensing
330.250	Ownership Disclosure
330.260	Issuance of Conditional Licenses
330.270	Monitoring and Receivership
330.271	Presentation of Findings
330.272	Determination to Issue a Notice of Violation or Administrative Warning
330.274	Determination of the Level of a Violation
330.276	Notice of Violation
330.277	Administrative Warning
330.278	Plans of Correction
330.280	Reports of Correction
330.282	Conditions for Assessment of Penalties
330.284	Calculation of Penalties

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330.286	Determination to Assess Penalties
330.288	Reduction or Waiver of Penalties
330.290	Quarterly List of Violators (Repealed)
330.300	Alcoholism Treatment Programs In Long-Term Care Facilities
330.310	Department May Survey Facilities Formerly Licensed
330.315	Supported Congregate Living Arrangement Demonstration
330.320	Waivers
330.330	Definitions
330.340	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

Section	
330.510	Administrator

SUBPART C: POLICIES

Section	
330.710	Resident Care Policies
330.715	Request for Resident Criminal History Record Information
330.720	Admission and Discharge Policies
330.724	Criminal History Background Checks for Persons Who Were Residents on May 10, 2006
330.725	Identified Offenders
330.726	Discharge Planning for Identified Offenders
330.727	Transfer of an Identified Offender
330.730	Contract Between Resident and Facility
330.740	Residents' Advisory Council
330.750	General Policies
330.760	Personnel Policies
330.765	Initial Health Evaluation for Employees
330.770	Disaster Preparedness
330.780	Serious Incidents and Accidents
330.785	Contacting Local Law Enforcement
330.790	Infection Control
330.795	Language Assistance Services

SUBPART D: PERSONNEL

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Section

- 330.910 Personnel
- 330.911 Health Care Worker Background Check
- 330.913 Nursing and Personal Care Assistants (Repealed)
- 330.916 Student Interns (Repealed)
- 330.920 Consultation Services
- 330.930 Personnel Policies

SUBPART E: HEALTH SERVICES AND MEDICAL CARE OF RESIDENTS

Section

- 330.1110 Medical Care Policies
- 330.1120 Personal Care
- 330.1125 Life Sustaining Treatments
- 330.1130 Communicable Disease Policies
- 330.1135 Tuberculin Skin Test Procedures
- 330.1140 Behavior Emergencies (Repealed)
- 330.1145 Restraints
- 330.1150 Emergency Use of Physical Restraints
- 330.1155 Unnecessary, Psychotropic, and Antipsychotic Drugs
- 330.1160 Vaccinations

SUBPART F: RESTORATIVE SERVICES

Section

- 330.1310 Activity Program
- 330.1320 Work Programs
- 330.1330 Written Policies for Restorative Services
- 330.1340 Volunteer Program

SUBPART G: MEDICATIONS

Section

- 330.1510 Medication Policies
- 330.1520 Administration of Medication
- 330.1530 Labeling and Storage of Medications

SUBPART H: RESIDENT AND FACILITY RECORDS

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Section

- 330.1710 Resident Record Requirements
- 330.1720 Content of Medical Records
- 330.1730 Records Pertaining to Residents' Property
- 330.1740 Retention and Transfer of Resident Records
- 330.1750 Other Resident Record Requirements
- 330.1760 Retention of Facility Records
- 330.1770 Other Facility Record Requirements

SUBPART I: FOOD SERVICE

Section

- 330.1910 Director of Food Services
- 330.1920 Dietary Staff in Addition to Director of Food Services
- 330.1930 Hygiene of Dietary Staff
- 330.1940 Diet Orders
- 330.1950 Meal Planning
- 330.1960 Therapeutic Diets (Repealed)
- 330.1970 Scheduling of Meals
- 330.1980 Menus and Food Records
- 330.1990 Food Preparation and Service
- 330.2000 Food Handling Sanitation
- 330.2010 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

Section

- 330.2210 Maintenance
- 330.2220 Housekeeping
- 330.2230 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section

- 330.2410 Furnishings
- 330.2420 Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

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Section

330.2610	Codes
330.2620	Water Supply
330.2630	Sewage Disposal
330.2640	Plumbing

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR
NEW SHELTERED CARE FACILITIES

Section

330.2810	Applicable Requirements (Repealed)
330.2820	Applicability of These Standards
330.2830	Submission of a Program Narrative
330.2840	New Constructions, Additions, Conversions, and Alterations
330.2850	Preparation and Submission of Drawings and Specifications
330.2860	First Stage Drawings
330.2870	Second Stage Drawings
330.2880	Architectural Drawings
330.2890	Structural Drawings
330.3000	Mechanical Drawings
330.3010	Electrical Drawings
330.3020	Additions to Existing Structures
330.3030	Specifications
330.3040	Building Codes
330.3050	Site
330.3060	General Building Requirements
330.3070	Administration
330.3080	Corridors
330.3090	Bath and Toilet Rooms
330.3100	Living, Dining, Activity Rooms
330.3110	Bedrooms
330.3120	Special Care Room
330.3130	Kitchen
330.3140	Laundry
330.3150	Housekeeping, Service, and Storage
330.3160	Plumbing
330.3170	Heating
330.3180	Electrical

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SUBPART N: FIRE PROTECTION STANDARDS FOR
NEW SHELTERED CARE FACILITIES

Section

330.3310	Applicable Requirements (Repealed)
330.3320	Applicability of These Standards
330.3330	Fire Protection
330.3340	Fire Department Service and Water Supply
330.3350	General Building Requirements
330.3360	Exit Facilities and Subdivision of Floor Areas
330.3370	Stairways, Vertical Openings, and Doorways
330.3380	Corridors
330.3390	Exit Lights and Directional Signs
330.3400	Hazardous Areas and Combustible Storage
330.3410	Fire Alarm and Detection System
330.3420	Fire Extinguishers, Electric Wiring, and Miscellaneous
330.3430	Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS FOR
EXISTING SHELTERED CARE FACILITIES

Section

330.3610	Site
330.3620	General Building Requirements
330.3630	Administration
330.3640	Corridors
330.3650	Bath and Toilet Rooms
330.3660	Living, Dining, and Activity Rooms
330.3670	Bedrooms
330.3680	Special Care Room
330.3690	Kitchen
330.3700	Laundry Room
330.3710	Housekeeping and Service Rooms and Storage Space
330.3720	Plumbing and Heating
330.3730	Electrical

SUBPART P: FIRE PROTECTION STANDARDS FOR
EXISTING SHELTERED CARE FACILITIES

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Section

330.3910	Fire Protection
330.3920	Fire Department Service and Water Supply
330.3930	Occupancy and Fire Areas
330.3940	Exit Facilities and Subdivision of Floor Areas
330.3950	Stairways, Vertical Openings, and Doorways
330.3960	Exit and Fire Escape Lights and Directional Signs
330.3970	Hazardous Areas and Combustible Storage
330.3980	Fire Alarm and Detection System
330.3990	Fire Extinguishers, Electric Wiring, and Miscellaneous
330.4000	Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

SUBPART Q: RESIDENT'S RIGHTS

Section

330.4210	General
330.4220	Medical and Personal Care Program
330.4230	Restraints (Repealed)
330.4240	Abuse and Neglect
330.4250	Communication and Visitation
330.4260	Resident's Funds
330.4270	Residents' Advisory Council
330.4280	Contract With Facility
330.4290	Private Right of Action
330.4300	Transfer or Discharge
330.4310	Complaint Procedures
330.4320	Confidentiality
330.4330	Facility Implementation

SUBPART R: DAY CARE PROGRAMS

Section

330.4510	Day Care in Long-Term Care Facilities
330.APPENDIX A	Interpretation, Components, and Illustrative Services for Sheltered Care Facilities (Repealed)
330.APPENDIX B	Classification of Distinct Part of a Facility For Different Levels of Service (Repealed)
330.APPENDIX C	Forms for Day Care in Long-Term Care Facilities

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- 330.APPENDIX D Criteria for Activity Directors Who Need Only Minimal Consultation
(Repealed)
- 330.APPENDIX E Guidelines for the Use of Various Drugs
- 330.TABLE A Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 807, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 933, effective July 28, 1980; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14547, effective November 8, 1982; amended at 6 Ill. Reg. 14681, effective November 15, 1982; amended at 7 Ill. Reg. 1963, effective January 28, 1983; amended at 7 Ill. Reg. 6973, effective May 17, 1983; amended at 7 Ill. Reg. 15825, effective November 15, 1983; amended at 8 Ill. Reg. 15596, effective August 15, 1984; amended at 8 Ill. Reg. 15941, effective August 17, 1984; codified at 8 Ill. Reg. 19790; amended at 8 Ill. Reg. 24241, effective November 28, 1984; amended at 8 Ill. Reg. 24696, effective December 7, 1984; amended at 9 Ill. Reg. 2952, effective February 25, 1985; amended at 9 Ill. Reg. 10974, effective July 1, 1985; amended at 11 Ill. Reg. 16879, effective October 1, 1987; amended at 12 Ill. Reg. 1017, effective December 24, 1987; amended at 12 Ill. Reg. 16870, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18939, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6562, effective April 17, 1989; amended at 13 Ill. Reg. 19580, effective December 1, 1989; amended at 14 Ill. Reg. 14928, effective October 1, 1990; amended at 15 Ill. Reg. 516, effective January 1, 1991; amended at 16 Ill. Reg. 651, effective January 1, 1992; amended at 16 Ill. Reg. 14370, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2405, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8000, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15089, effective September 3, 1993; amended at 17 Ill. Reg. 16180, effective January 1, 1994; amended at 17 Ill. Reg. 19258, effective October 26, 1993; amended at 17 Ill. Reg. 19576, effective November 4, 1993; amended at 17 Ill. Reg. 21044, effective November 20, 1993; amended at 18 Ill. Reg. 1475, effective January 14, 1994; amended at 18 Ill. Reg. 15851, effective October 15, 1994; amended at 19 Ill. Reg. 11567, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 552, effective January 1, 1996, for a maximum of 150 days; emergency expired on May 29, 1996; amended at 20 Ill. Reg. 10125, effective July 15, 1996; amended at 20 Ill. Reg. 12160, effective September 10, 1996; amended at 22 Ill. Reg. 4078, effective February 13, 1998; amended at 22 Ill. Reg. 7203, effective April 15, 1998; amended at 22 Ill. Reg. 16594, effective September 18, 1998; amended at 23 Ill. Reg. 1085, effective January 15, 1999; amended at 23 Ill. Reg. 8064, effective July 15, 1999; amended at 24 Ill. Reg. 17304, effective November 1, 2000; amended at 25 Ill. Reg. 4901, effective April 1,

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2001; amended at 26 Ill. Reg. 4859, effective April 1, 2002; amended at 26 Ill. Reg. 10559, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2202, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5473, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5886, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14218, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15880, effective September 25, 2003; amended at 27 Ill. Reg. 18130, effective November 15, 2003; expedited correction at 28 Ill. Reg. 3541, effective November 15, 2003; amended at 28 Ill. Reg. 11195, effective July 22, 2004; emergency amendment at 29 Ill. Reg. 11879, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15156, effective September 23, 2005, for the remainder of the maximum 150 days; emergency amendment expired December 8, 2005; amended at 29 Ill. Reg. 12891, effective August 2, 2005; amended at 30 Ill. Reg. 1439, effective January 23, 2006; amended at 30 Ill. Reg. 5260, effective March 2, 2006; amended at 31 Ill. Reg. 6072, effective April 3, 2007; amended at 31 Ill. Reg. 8828, effective June 6, 2007; amended at 32 Ill. Reg. _____, effective _____.

SUBPART C: POLICIES

Section 330.780 Serious Incidents and Accidents

- a) The facility shall notify the Department of any incident or accident ~~that had which has, or is likely to have,~~ a significant effect on the health, safety, or welfare of a resident or residents. ~~Incidents and accidents requiring the services of a physician, hospital, police or fire department, coroner, or other service provider on an emergency basis shall be reported to the Department.~~
- b) Incidents and accidents that affect the health, safety or welfare of a group of residents or all residents in the facility and that require a response by the fire department, police department or local emergency services agency shall be reported to the Department. These include, but are not limited to, fire, power outage, loss of water supply or building damage resulting from severe weather.
- c) Notification shall be made by a phone call to the Regional Office within 24 hours after each serious incident or accident. If the facility is unable to contact the Regional Office, notification shall be made by a phone call to the Department's toll-free complaint registry number. A narrative summary of each accident or incident occurrence that has a significant effect on the health, safety or welfare of

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a resident or group of residents or all residents shall be sent to the Department within seven days after the occurrence.

- 1) ~~Notification shall be made by a phone call to the Regional Office within 24 hours of each serious incident or accident. If the facility is unable to contact the Regional Office, notification shall be made by a phone call to the Department's toll free complaint registry number.~~
- 2) ~~A narrative summary of each serious accident or incident occurrence shall be sent to the Department within seven days of the occurrence.~~

db) A descriptive summary of each reportable incident or accident shall be recorded in the progress notes or nurses' notes for each resident ~~affected~~involved.

ee) The facility shall maintain a file of all written reports of serious incidents or accidents ~~affecting~~involving residents. A facility is not required to report an incident or accident that causes no harm to a resident.

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

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Illinois Veterans' Homes Code
- 2) Code Citation: 77 Ill. Adm. Code 340
- 3) Section Numbers: 340.1330 Proposed Action: Amendment
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) A Complete Description of the Subjects and Issues Involved: Part 340 regulates veterans' homes, including establishing requirements for reporting serious incidents and accidents. Section 340.1330 (Serious Incidents and Accidents) is being amended to clarify the specific situations that would require a facility to report an incident or accident to the Department.

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

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

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

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

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Type of small businesses, small municipalities and not-for-profit corporations affected: Veterans' homes
 - 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: This rulemaking was not included on either of the two most recent Regulatory Agendas because the need for the rulemaking was not foreseen at the time the last Regulatory Agenda was drafted.

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 340
ILLINOIS VETERANS' HOMES CODE

SUBPART A: GENERAL PROVISIONS

Section	
340.1000	Definitions
340.1010	Incorporated and Referenced Materials
340.1110	General Requirements
340.1115	Federal Veterans' Regulations
340.1120	Application for License
340.1125	Alzheimer's Special Care Disclosure
340.1130	Criteria for Adverse Licensure Actions
340.1140	Denial of Initial License
340.1150	Revocation or Denial of Renewal of License
340.1160	Inspections, Surveys, Evaluations, and Consultations
340.1170	Presentation of Findings by the Department
340.1190	Ownership Disclosure
340.1200	Monitor and Receivership
340.1210	Determination of a Violation
340.1220	Determination of the Level of a Violation
340.1230	Plans of Correction and Reports of Correction
340.1240	Calculation of Penalties
340.1245	Conditions for Assessment of Penalties
340.1250	Reduction or Waiver of Penalties
340.1255	Supported Congregate Living Arrangement Demonstration
340.1260	Waivers

SUBPART B: POLICIES AND FACILITY RECORDS

Section	
340.1300	Facility Policies
340.1305	Request for Resident Criminal History Record Information
340.1310	Admission, Retention and Discharge Policies
340.1314	Criminal History Background Checks for Persons Who Were Residents on May

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340.1315	Identified Offenders
340.1316	Discharge Planning for Identified Offenders
340.1317	Transfer of an Identified Offender
340.1320	Disaster Preparedness
340.1330	Serious Incidents and Accidents
340.1335	Infection Control
340.1340	Facility Record Requirements
340.1350	Personnel Policies
340.1360	Initial Health Evaluation for Employees
340.1370	Administrator
340.1375	Personnel Requirements
340.1376	Registry of Certified Nursing Assistants
340.1377	Health Care Worker Background Check
340.1378	Resident Attendants
340.1380	Contacting Local Law Enforcement

SUBPART C: RESIDENT RIGHTS

Section	
340.1400	Implementation of Resident Rights and Facility Responsibilities
340.1410	General
340.1420	Contract Between Resident and Facility
340.1430	Residents' Advisory Council
340.1440	Abuse and Neglect
340.1450	Communication and Visitation
340.1460	Resident's Funds
340.1470	Transfer or Discharge
340.1480	Complaint Procedures
340.1490	Private Right of Action

SUBPART D: HEALTH SERVICES

Section	
340.1500	Medical Care Policies
340.1505	Medical, Nursing and Restorative Services
340.1510	Communicable Disease Policies
340.1520	Tuberculin Skin Test Procedures
340.1530	Physician Services

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340.1535	Dental Programs
340.1540	Life-Sustaining Treatments
340.1550	Obstetrical and Gynecological Care
340.1560	Nursing Personnel
340.1570	Personal Care
340.1580	Restraints
340.1590	Nonemergency Use of Physical Restraints
340.1600	Emergency Use of Physical Restraints
340.1610	Unnecessary, Psychotropic, and Antipsychotic Drugs
340.1620	Medication Administration (Repealed)
340.1630	Self-Administration of Medication (Renumbered)
340.1640	Vaccinations
340.1645	Language Assistance Services

SUBPART E: MEDICATIONS

Section

340.1650	Medication Policies and Procedures
340.1655	Compliance with Licensed Prescriber's Orders
340.1660	Administration of Medication
340.1665	Control of Medication
340.1670	Labeling and Storage of Medication
340.1675	Self-Administration of Medication

SUBPART F: RESIDENT LIVING SERVICES

Section

340.1700	Recreational and Activity Programs
340.1710	Social Services
340.1720	Work Programs
340.1730	Volunteer Program

SUBPART G: RESIDENT RECORDS

Section

340.1800	Resident Record Requirements
340.1810	Content of Medical Records
340.1820	Records Pertaining to Resident's Property
340.1830	Retention, Transfer, and Inspection of Records

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

340.1840 Confidentiality of Resident's Records

SUBPART H: FOOD SERVICE

Section

340.1900 Food Service Staff
340.1910 Diet Orders
340.1920 Meal Planning
340.1930 Therapeutic Diets (Repealed)
340.1940 Menus and Food Records
340.1950 Food Preparation and Service
340.1960 Kitchen Equipment, Utensils and Supplies

SUBPART I: PHYSICAL PLANT SERVICES,
FURNISHINGS, EQUIPMENT AND SUPPLIES

Section

340.2000 Maintenance
340.2010 Water Supply, Sewage Disposal and Plumbing
340.2020 Housekeeping
340.2030 Laundry Services
340.2040 Furnishings
340.2050 Equipment and Supplies

340.TABLE A Heat Index Table/Apparent Temperature
340.TABLE B Guidelines for the Use of Various Drugs

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rule adopted at 18 Ill. Reg. 10391, effective June 21, 1994, for a maximum of 150 days; emergency rule expired November 18, 1994; adopted at 19 Ill. Reg. 5679, effective April 3, 1995; emergency amendment at 20 Ill. Reg. 496, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10045, effective July 15, 1996; amended at 20 Ill. Reg. 12013, effective September 10, 1996; amended at 22 Ill. Reg. 3959, effective February 13, 1998; amended at 22 Ill. Reg. 7162, effective April 15, 1998; amended at 23 Ill. Reg. 1038, effective January 15, 1999; amended at 23 Ill. Reg. 7931, effective July 15, 1999; amended at 24 Ill. Reg. 17225, effective November 1, 2000; amended at 25 Ill. Reg. 4869, effective April 1, 2001; amended at 26 Ill. Reg. 4870, effective April 1, 2002; amended at 26 Ill. Reg. 10589, effective July 1, 2002; emergency

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NOTICE OF PROPOSED AMENDMENT

amendment at 27 Ill. Reg. 2222, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; amended at 27 Ill. Reg. 5903, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14230, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15904, effective September 25, 2003; amended at 27 Ill. Reg. 18148, effective November 15, 2003; amended at 28 Ill. Reg. 11209, effective July 22, 2004; emergency amendment at 29 Ill. Reg. 11931, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15208, effective September 23, 2005, for the remainder of the maximum 150 days; emergency amendment expired December 8, 2005; amended at 29 Ill. Reg. 12924, effective August 2, 2005; amended at 30 Ill. Reg. 1452, effective January 23, 2006; amended at 30 Ill. Reg. 5303, effective March 2, 2006; amended at 31 Ill. Reg. 6098, effective April 3, 2007; amended at 31 Ill. Reg. 8841, effective June 6, 2007; amended at 32 Ill. Reg. _____, effective _____.

SUBPART B: POLICIES AND FACILITY RECORDS

Section 340.1330 Serious Incidents and Accidents

- a) The facility shall notify the Department of any incident or accident that ~~had, has, or is likely to have~~, a significant effect on the health, safety, or welfare of a resident or residents. ~~Incidents and accidents requiring the services of a physician, hospital, police or fire department, coroner, or other service provider on an emergency basis shall be reported to the Department.~~
- b) Incidents and accidents that affect the health, safety or welfare of a group of residents or all residents in the facility and that require a response by the fire department, police department or local emergency services agency shall be reported to the Department. These include, but are not limited to, fire, power outage, loss of water supply or building damage resulting from severe weather.
- c) Notification shall be made by a phone call to the Regional Office within 24 hours after each serious incident or accident. If the facility is unable to contact the Regional Office, notification shall be made by a phone call to the Department's toll-free complaint registry number. A narrative summary of each accident or incident occurrence that has a significant effect on the health, safety or welfare of a resident or group of residents or all residents shall be sent to the Department within seven days after the occurrence.
- 1) ~~Notification shall be made by a phone call to the Regional Office within~~

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~~24 hours of each serious incident or accident. If the facility is unable to contact the Regional Office, notification shall be made by a phone call to the Department's toll-free complaint registry number.~~

2) ~~A narrative summary of each serious accident or incident occurrence shall be sent to the Department within seven days of the occurrence.~~

~~d)b)~~ A descriptive summary of each reportable incident or accident shall be recorded in the progress notes or nurse's notes for each resident ~~affected~~involved.

~~e)e)~~ The facility shall maintain a file of all written reports of serious incidents or accidents ~~affecting~~involving residents. A facility is not required to report an incident or accident that causes no harm to a resident.

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Intermediate Care for the Developmentally Disabled Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 350
- 3) Section Number: 350.700 Proposed Action: Amendment
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) A Complete Description of the Subjects and Issues Involved: Part 350 regulates facilities that provide intermediate care for the developmentally disabled, including establishing requirements for reporting serious incidents and accidents. Section 350.700 (Serious Incidents and Accidents) is being amended to clarify the specific situations that would require a facility to report an incident or accident to the Department.

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

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

Susan Meister
Division of Legal Services
Illinois Department of Public Health
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Springfield, Illinois 62761

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- 13) Initial Regulatory Flexibility Analysis:
- A) Type of small businesses, small municipalities and not-for-profit corporations affected: Facilities that serve the developmentally disabled
 - 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: This rulemaking was not included on either of the two most recent regulatory agendas because: the need for the rulemaking was not foreseen at the time the last regulatory agenda was drafted.

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 350

INTERMEDIATE CARE FOR THE DEVELOPMENTALLY DISABLED FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section

350.110	General Requirements
350.120	Application for License
350.130	Licensee
350.140	Issuance of an Initial License for a New Facility
350.150	Issuance of an Initial License Due to a Change of Ownership
350.160	Issuance of a Renewal License
350.165	Criteria for Adverse Licensure Actions
350.170	Denial of Initial License
350.175	Denial of Renewal of License
350.180	Revocation of License
350.190	Experimental Program Conflicting With Requirements
350.200	Inspections, Surveys, Evaluations and Consultation
350.210	Filing an Annual Attested Financial Statement
350.220	Information to Be Made Available to the Public By the Department
350.230	Information to Be Made Available to the Public By the Licensee
350.240	Municipal Licensing
350.250	Ownership Disclosure
350.260	Issuance of Conditional Licenses
350.270	Monitor and Receivership
350.271	Presentation of Findings
350.272	Determination to Issue a Notice of Violation or Administrative Warning
350.274	Determination of the Level of a Violation
350.276	Notice of Violation
350.277	Administrative Warning
350.278	Plans of Correction
350.280	Reports of Correction
350.282	Conditions for Assessment of Penalties
350.284	Calculation of Penalties
350.286	Determination to Assess Penalties

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NOTICE OF PROPOSED AMENDMENT

350.288	Reduction or Waiver of Penalties
350.290	Quarterly List of Violators (Repealed)
350.300	Alcoholism Treatment Programs In Long-Term Care Facilities
350.310	Department May Survey Facilities Formerly Licensed
350.315	Supported Congregate Living Arrangement Demonstration
350.320	Waivers
350.330	Definitions
350.340	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

Section	
350.510	Administrator

SUBPART C: POLICIES

Section	
350.610	Management Policies
350.620	Resident Care Policies
350.625	Determination of Need Screening and Request for ResidentResidents Criminal History Record Information
350.630	Admission, Retention and Discharge Policies
350.634	Criminal History Background Checks for Persons Who Were Residents on May 1019 , 2006
350.635	Identified Offenders
350.636	Discharge Planning for Identified Offenders
350.637	Transfer of an Identified Offender
350.640	Contract Between Resident and Facility
350.650	Residents' Advisory Council
350.660	General Policies
350.670	Personnel Policies
350.675	Initial Health Evaluation for Employees
350.680	Developmental Disabilities Aides
350.681	Health Care Worker Background Check
350.682	Resident Attendants
350.683	Registry of Developmental Disabilities Aides
350.685	Student Interns
350.690	Disaster Preparedness
350.700	Serious Incidents and Accidents

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

350.750 Contacting Local Law Enforcement
350.760 Infection Control

SUBPART D: PERSONNEL

Section
350.810 Personnel
350.820 Consultation Services
350.830 Personnel Policies (Repealed)

SUBPART E: RESIDENT LIVING SERVICES

Section
350.1010 Service Programs
350.1020 Psychological Services
350.1030 Social Services
350.1040 Speech Pathology and Audiology Services
350.1050 Recreational and Activities Services
350.1055 Volunteer Program
350.1060 Training and Habilitation Services
350.1070 Training and Habilitation Staff
350.1080 Restraints
350.1082 Nonemergency Use of Physical Restraints
350.1084 Emergency Use of Physical Restraints
350.1086 Unnecessary, Psychotropic, and Antipsychotic Drugs
350.1088 Language Assistance Services

SUBPART F: HEALTH SERVICES

Section
350.1210 Health Services
350.1220 Physician Services
350.1223 Communicable Disease Policies
350.1225 Tuberculin Skin Test Procedures
350.1230 Nursing Services
350.1235 Life-Sustaining Treatments
350.1240 Dental Services
350.1250 Physical and Occupational Therapy Services
350.1260 Vaccinations

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

SUBPART G: MEDICATIONS

Section

- 350.1410 Medication Policies and Procedures
- 350.1420 Compliance with Licensed Prescriber's Orders
- 350.1430 Administration of Medication
- 350.1440 Labeling and Storage of Medications
- 350.1450 Control of Medications

SUBPART H: RESIDENT AND FACILITY RECORDS

Section

- 350.1610 Resident Record Requirements
- 350.1620 Content of Medical Records
- 350.1630 Confidentiality of Resident's Records
- 350.1640 Records Pertaining to Residents' Property
- 350.1650 Retention and Transfer of Resident Records
- 350.1660 Other Resident Record Requirements
- 350.1670 Staff Responsibility for Medical Records
- 350.1680 Retention of Facility Records
- 350.1690 Other Facility Record Requirements

SUBPART I: FOOD SERVICE

Section

- 350.1810 Director of Food Services
- 350.1820 Dietary Staff in Addition to Director of Food Services
- 350.1830 Hygiene of Dietary Staff
- 350.1840 Diet Orders
- 350.1850 Meal Planning
- 350.1860 Therapeutic Diets (Repealed)
- 350.1870 Scheduling Meals
- 350.1880 Menus and Food Records
- 350.1890 Food Preparation and Service
- 350.1900 Food Handling Sanitation
- 350.1910 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

DEPARTMENT OF PUBLIC HEALTH

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Section

- 350.2010 Maintenance
- 350.2020 Housekeeping
- 350.2030 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section

- 350.2210 Furnishings
- 350.2220 Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

Section

- 350.2410 Codes
- 350.2420 Water Supply
- 350.2430 Sewage Disposal
- 350.2440 Plumbing

SUBPART M: CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section

- 350.2610 Applicability of These Standards
- 350.2620 Codes and Standards
- 350.2630 Preparation of Drawings and Specifications
- 350.2640 Site
- 350.2650 Administration and Public Areas
- 350.2660 Nursing Unit
- 350.2670 Dining, Living, Activities Rooms
- 350.2680 Therapy and Personal Care
- 350.2690 Service Departments
- 350.2700 General Building Requirements
- 350.2710 Structural
- 350.2720 Mechanical Systems
- 350.2730 Plumbing Systems
- 350.2740 Electrical Systems

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

SUBPART N: CONSTRUCTION STANDARDS FOR EXISTING INTERMEDIATE CARE
FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section

350.2910	Applicability
350.2920	Codes and Standards
350.2930	Preparation of Drawings and Specifications
350.2940	Site
350.2950	Administration and Public Areas
350.2960	Nursing Unit
350.2970	Living, Dining, Activities Rooms
350.2980	Treatment and Personal Care
350.2990	Service Department
350.3000	General Building Requirements
350.3010	Structural
350.3020	Mechanical Systems
350.3030	Plumbing Systems
350.3040	Electrical Requirements

SUBPART O: RESIDENT'S RIGHTS

Section

350.3210	General
350.3220	Medical and Personal Care Program
350.3230	Restraints (Repealed)
350.3240	Abuse and Neglect
350.3250	Communication and Visitation
350.3260	Resident's Funds
350.3270	Residents' Advisory Council
350.3280	Contract With Facility
350.3290	Private Right of Action
350.3300	Transfer or Discharge
350.3310	Complaint Procedures
350.3320	Confidentiality
350.3330	Facility Implementation

SUBPART P: SPECIAL STANDARDS FOR INTERMEDIATE CARE FACILITIES FOR
THE DEVELOPMENTALLY DISABLED OF 16 BEDS OR LESS

DEPARTMENT OF PUBLIC HEALTH

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Section

350.3710	Applicability of Other Provisions of this Part
350.3720	Administration
350.3730	Admission and Discharge Policies
350.3740	Personnel
350.3750	Consultation Services and Nursing Services
350.3760	Medication Policies
350.3770	Food Services
350.3780	Codes and Standards
350.3790	Administration and Public Areas
350.3800	Bedrooms
350.3810	Nurses Station
350.3820	Bath and Toilet Rooms
350.3830	Utility Rooms
350.3840	Living, Dining, Activity Rooms
350.3850	Therapy and Personal Care
350.3860	Kitchen
350.3870	Laundry Room
350.3880	General Building Requirements
350.3890	Corridors
350.3900	Special Care Room
350.3910	Exit Facilities and Subdivision of Floor Areas
350.3920	Stairways, Vertical Openings and Doorways
350.3930	Hazardous Areas and Combustible Storage
350.3940	Mechanical Systems
350.3950	Heating, Cooling, and Ventilating Systems
350.3960	Plumbing Systems
350.3970	Electrical Systems
350.3980	Fire Alarm and Detection System
350.3990	Emergency Electrical System
350.4000	Fire Protection
350.4010	Construction Types
350.4020	Equivalencies
350.4030	New Construction Requirements

SUBPART Q: DAY CARE PROGRAMS

Section

350.4210	Day Care in Long-Term Care Facilities
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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENT

350.APPENDIX A	Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)
350.APPENDIX B	Federal Requirements Regarding Residents' Rights (Repealed)
350.APPENDIX C	Seismic Zone Map
350.APPENDIX D	Forms For Day Care in Long-Term Care Facilities
350.APPENDIX E	Guidelines for the Use of Various Drugs
350.TABLE A	Sound Transmission Limitations in New Intermediate Care Facilities for the Developmentally Disabled
350.TABLE B	Pressure Relationships and Ventilation Rate of Certain Areas for the New Intermediate Care Facilities for the Developmentally Disabled
350.TABLE C	Construction Types and Sprinkler Requirements for Existing Intermediate Care Facilities for the Developmentally Disabled
350.TABLE D	Food Service Sanitation Rules, 77 Illinois Admin. Code 750, 1983 Applicable for New Intermediate Care Facilities for the Developmentally Disabled of 16 Beds or Less
350.TABLE E	Construction Types and Sprinkler Requirements for New Intermediate Care Facilities for the Developmentally Disabled of Sixteen (16) Beds or Less
350.TABLE F	Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 495, effective March 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1, effective July 28, 1980; amended at 5 Ill. Reg. 1657, effective February 4, 1981; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6453, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14544, effective November 8, 1982; amended at 6 Ill. Reg. 14675, effective November 15, 1982; amended at 6 Ill. Reg. 15556, effective December 15, 1982; amended at 7 Ill. Reg. 278, effective December 22, 1982; amended at 7 Ill. Reg. 1919 and 1945, effective January 28, 1983; amended at 7 Ill. Reg. 7963, effective July 1, 1983; amended at 7 Ill. Reg. 15817, effective November 15, 1983; amended at 7 Ill. Reg. 16984, effective December 14, 1983; amended at 8 Ill. Reg. 15574 and 15578 and 15581, effective August 15, 1984; amended at 8 Ill. Reg. 15935, effective August 17, 1984; amended at 8 Ill. Reg. 16980, effective September 5, 1984; codified at 8 Ill. Reg. 19806; amended at 8 Ill. Reg. 24214, effective November 29, 1984; amended at 8 Ill. Reg. 24680, effective December 7, 1984; amended at 9 Ill. Reg. 142, effective December 26, 1984; amended at 9 Ill. Reg. 331, effective December 28, 1984; amended at 9 Ill. Reg. 2964, effective February 25, 1985; amended at 9 Ill. Reg. 10876, effective July 1, 1985; amended at 11 Ill. Reg. 14795, effective October 1, 1987;

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amended at 11 Ill. Reg. 16830, effective October 1, 1987; amended at 12 Ill. Reg. 979, effective December 24, 1987; amended at 12 Ill. Reg. 16838, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18705, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6040, effective April 17, 1989; amended at 13 Ill. Reg. 19451, effective December 1, 1989; amended at 14 Ill. Reg. 14876, effective October 1, 1990; amended at 15 Ill. Reg. 466, effective January 1, 1991; amended at 16 Ill. Reg. 594, effective January 1, 1992; amended at 16 Ill. Reg. 13910, effective September 1, 1992; amended at 17 Ill. Reg. 2351, effective February 10, 1993; emergency amendment at 17 Ill. Reg. 2373, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 7948, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; emergency amendment at 17 Ill. Reg. 9105, effective June 7, 1993, for a maximum of 150 days; emergency expired on November 4, 1993; amended at 17 Ill. Reg. 15056, effective September 3, 1993; amended at 17 Ill. Reg. 16153, effective January 1, 1994; amended at 17 Ill. Reg. 19210, effective October 26, 1993; amended at 17 Ill. Reg. 19517, effective November 4, 1993; amended at 17 Ill. Reg. 21017, effective November 20, 1993; amended at 18 Ill. Reg. 1432, effective January 14, 1994; amended at 18 Ill. Reg. 15789, effective October 15, 1994; amended at 19 Ill. Reg. 11481, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 512, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10065, effective July 15, 1996; amended at 20 Ill. Reg. 12049, effective September 10, 1996; amended at 21 Ill. Reg. 14990, effective November 15, 1997; amended at 22 Ill. Reg. 4040, effective February 13, 1998; amended at 22 Ill. Reg. 7172, effective April 15, 1998; amended at 22 Ill. Reg. 16557, effective September 18, 1998; amended at 23 Ill. Reg. 1052, effective January 15, 1999; amended at 23 Ill. Reg. 7970, effective July 15, 1999; amended at 24 Ill. Reg. 17254, effective November 1, 2000; amended at 25 Ill. Reg. 4879, effective April 1, 2001; amended at 25 Ill. Reg. 6499, effective May 15, 2001; amended at 26 Ill. Reg. 4878, effective April 1, 2002; amended at 26 Ill. Reg. 10611, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2238, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5489, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5924, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14237, effective August 15, 2003, for a maximum of 150 days; emergency expired January 11, 2004; amended at 27 Ill. Reg. 15924, effective September 25, 2003; amended at 27 Ill. Reg. 18160, effective November 15, 2003; expedited correction at 28 Ill. Reg. 3552, effective November 15, 2003; amended at 28 Ill. Reg. 7653, effective May 24, 2004; amended at 28 Ill. Reg. 11217, effective July 22, 2004; emergency amendment at 29 Ill. Reg. 11971, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15247, effective September 23, 2005, for the remainder of the maximum 150 days; emergency expired December 8, 2005; amended at 29 Ill. Reg. 12954, effective August 2, 2005; amended at 30 Ill. Reg. 1460, effective January 23, 2006; amended at

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30 Ill. Reg. 5338, effective March 2, 2006; amended at 30 Ill. Reg. 13876, effective August 7, 2006; amended at 31 Ill. Reg. 6119, effective April 3, 2007; amended at 31 Ill. Reg. 8850, effective June 6, 2007; amended at 32 Ill. Reg. _____, effective _____.

SUBPART C: POLICIES

Section 350.700 Serious Incidents and Accidents

- a) The facility shall notify the Department of any incident or accident ~~that had~~which has, or is likely to have, a significant effect on the health, safety, or welfare of a resident or residents. ~~Incidents and accidents requiring the services of a physician, hospital, police or fire department, coroner, or other service provider on an emergency basis shall be reported to the Department.~~
- b) Incidents and accidents that affect the health, safety or welfare of a group of residents or all residents in the facility and that require a response by the fire department, police department or local emergency services agency shall be reported to the Department. These include, but are not limited to, fire, power outage, loss of water supply or building damage resulting from severe weather.
- c) Notification shall be made by a phone call to the Regional Office within 24 hours after each serious incident or accident. If the facility is unable to contact the Regional Office, notification shall be made by a phone call to the Department's toll-free complaint registry number. A narrative summary of each accident or incident occurrence that has a significant effect on the health, safety or welfare of a resident or group of residents or all residents shall be sent to the Department within seven days after the occurrence.
- 1) ~~Notification shall be made by a phone call to the Regional Office within 24 hours of each serious incident or accident. If the facility is unable to contact the Regional Office, notification shall be made by a phone call to the Department's toll-free complaint registry number.~~
- 2) ~~A narrative summary of each serious accident or incident occurrence shall be sent to the Department within seven days of the occurrence.~~
- d)b) A descriptive summary of each reportable incident or accident shall be recorded in the progress notes or nurses' notes for each resident affected~~involved~~.

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NOTICE OF PROPOSED AMENDMENT

e)e) The facility shall maintain a file of all written reports of serious incidents or accidents ~~affecting involving~~ residents. A facility is not required to report an incident or accident that causes no harm to a resident.

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

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Long-Term Care for Under Age 22 Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 390
- 3) Section Number: 390.700 Proposed Action:
Amendment
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) A Complete Description of the Subjects and Issues Involved: Part 390 regulates facilities that provide long-term care to residents under 22 years old, including establishing minimum requirements for reporting serious incidents and accidents. Section 390.700 (Serious Incidents and Accidents) is being amended to clarify the specific situations that would require a facility to report an incident or accident to the Department.

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

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

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register* to:

DEPARTMENT OF PUBLIC HEALTH

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

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Type of small businesses, small municipalities and not-for-profit corporations affected: Long-term care for under age 22 facilities
 - 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: This rulemaking was not included on either of the two most recent regulatory agendas because: the need for the rulemaking was not foreseen at the time the last Regulatory Agenda was drafted.

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIESPART 390
LONG-TERM CARE FOR UNDER AGE 22 FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
390.110	General Requirements
390.120	Application for License
390.130	Licensee
390.140	Issuance of an Initial License for a New Facility
390.150	Issuance of an Initial License Due to a Change of Ownership
390.160	Issuance of a Renewal License
390.165	Criteria for Adverse Licensure Actions
390.170	Denial of Initial License
390.175	Denial of Renewal of License
390.180	Revocation of License
390.190	Experimental Program Conflicting With Requirements
390.200	Inspections, Surveys, Evaluations and Consultation
390.210	Filing an Annual Attested Financial Statement
390.220	Information to be Made Available to the Public by the Department
390.230	Information to Be Made Available to the Public By the Licensee
390.240	Municipal Licensing
390.250	Ownership Disclosure
390.260	Issuance of Conditional Licenses
390.270	Monitor and Receivership
390.271	Presentation of Findings
390.272	Determination to Issue a Notice of Violation or Administrative Warning
390.274	Determination of the Level of a Violation
390.276	Notice of Violation
390.277	Administrative Warning
390.278	Plans of Correction
390.280	Reports of Correction
390.282	Conditions for Assessment of Penalties
390.284	Calculation of Penalties
390.286	Determination to Assess Penalties

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390.288	Reduction or Waiver of Penalties
390.290	Quarterly List of Violators (Repealed)
390.300	Alcoholism Treatment Programs in Long-Term Care Facilities
390.310	Department May Survey Facilities Formerly Licensed
390.315	Supported Congregate Living Arrangement Demonstration
390.320	Waivers
390.330	Definitions
390.340	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION

Section	
390.500	Administrator

SUBPART C: POLICIES

Section	
390.610	Management Policies
390.620	Resident Care Policies
390.625	Pre-admission Assessment and Request for Criminal History Record Information (Repealed)
390.630	Admission, Retention and Discharge Policies
390.635	Identified Offenders (Repealed)
390.636	Discharge Planning for Identified Offenders (Repealed)
390.637	Transfer of an Identified Offender (Repealed)
390.640	Contract Between Resident and Facility
390.650	Residents' Advisory Council
390.660	General Policies
390.670	Personnel Policies
390.675	Initial Health Evaluation for Employees
390.680	Child Care/Habilitation Aides
390.681	Health Care Worker Background Check
390.682	Resident Attendants
390.683	Registry of Child Care/Habilitation Aides
390.685	Student Interns
390.690	Disaster Preparedness
390.700	Serious Incidents and Accidents
390.750	Contacting Local Law Enforcement
390.760	Infection Control

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SUBPART D: PERSONNEL

Section	
390.810	General
390.820	Categories of Personnel
390.830	Consultation Services

SUBPART E: HEALTH AND DEVELOPMENTAL SERVICES

Section	
390.1010	Service Programs
390.1020	Medical Services
390.1025	Life-Sustaining Treatments
390.1030	Physician Services
390.1035	Tuberculin Skin Test Procedures
390.1040	Nursing Services
390.1050	Dental Care Services
390.1060	Physical and Occupational Therapy Services
390.1070	Psychological Services
390.1080	Social Services
390.1090	Speech Pathology and Audiology Services
390.1100	Recreational and Activity Services
390.1110	Educational Services
390.1120	Work Activity and Prevocational Training Services
390.1130	Communicable Disease Policies
390.1140	Vaccinations
390.1150	Language Assistance Services

SUBPART F: RESTRAINTS AND BEHAVIOR MANAGEMENT

Section	
390.1310	Restraints
390.1312	Nonemergency Use of Physical Restraints
390.1314	Emergency Use of Physical Restraints
390.1316	Unnecessary, Psychotropic, and Antipsychotic Drugs
390.1320	Behavior Management
390.1330	Behavior Emergencies (Repealed)

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SUBPART G: MEDICATIONS

Section

- 390.1410 Medication Policies and Procedures
- 390.1420 Compliance with Licensed Prescriber's Orders
- 390.1430 Administration of Medication
- 390.1440 Labeling and Storage of Medications
- 390.1450 Control of Medications

SUBPART H: RESIDENT AND FACILITY RECORDS

Section

- 390.1610 Resident Record Requirements
- 390.1620 Content of Medical Records
- 390.1630 Confidentiality of Resident's Records
- 390.1640 Records Pertaining to Residents' Property
- 390.1650 Retention and Transfer of Resident Records
- 390.1660 Other Resident Record Requirements
- 390.1670 Staff Responsibility for Medical Records
- 390.1680 Retention of Facility Records
- 390.1690 Other Facility Record Requirements

SUBPART I: FOOD SERVICE

Section

- 390.1810 Director of Food Services
- 390.1820 Dietary Staff in Addition to Director of Food Services
- 390.1830 Hygiene of Dietary Staff
- 390.1840 Diet Orders
- 390.1850 Meal Planning
- 390.1860 Infant and Therapeutic Diets
- 390.1870 Scheduling Meals
- 390.1880 Menus and Food Records
- 390.1890 Food Preparation and Service
- 390.1900 Preparation of Infant Formula
- 390.1910 Food Handling Sanitation
- 390.1920 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

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Section

390.2010 Maintenance
390.2020 Housekeeping
390.2030 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section

390.2210 Furnishings
390.2220 Equipment and Supplies
390.2230 Sterilization of Supplies and Equipment

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

Section

390.2410 Codes
390.2420 Water Supply
390.2430 Sewage Disposal
390.2440 Plumbing

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW FACILITIES

Section

390.2610 Applicability of these Standards
390.2620 Codes and Standards
390.2630 Preparation of Drawings and Specifications
390.2640 Site
390.2650 Administration and Public Areas
390.2660 Nursing Unit
390.2670 Dining, Play, Activity/Program Rooms
390.2680 Therapy and Personal Care
390.2690 Service Departments
390.2700 General Building Requirements
390.2710 Structural
390.2720 Mechanical Systems
390.2730 Plumbing Systems
390.2740 Electrical Systems

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SUBPART N: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING FACILITIES

Section

- 390.2910 Applicability
- 390.2920 Codes and Standards
- 390.2930 Preparation of Drawings and Specifications
- 390.2940 Site
- 390.2950 Administration and Public Areas
- 390.2960 Nursing Unit
- 390.2970 Play, Dining, Activity/Program Rooms
- 390.2980 Treatment and Personal Care
- 390.2990 Service Department
- 390.3000 General Building Requirements
- 390.3010 Structural
- 390.3020 Mechanical Systems
- 390.3030 Plumbing Systems
- 390.3040 Electrical Requirements

SUBPART O: RESIDENT'S RIGHTS

Section

- 390.3210 General
- 390.3220 Medical and Personal Care Program
- 390.3230 Restraints (Repealed)
- 390.3240 Abuse and Neglect
- 390.3250 Communication and Visitation
- 390.3260 Resident's Funds
- 390.3270 Residents' Advisory Council
- 390.3280 Contract With Facility
- 390.3290 Private Right of Action
- 390.3300 Transfer or Discharge
- 390.3310 Complaint Procedures
- 390.3320 Confidentiality
- 390.3330 Facility Implementation

SUBPART P: DAY CARE PROGRAMS

Section

- 390.3510 Day Care in Long-Term Care Facilities

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390.APPENDIX A	Interpretation and Illustrative Services for Long-Term Care Facility for Residents Under 22 Years of Age (Repealed)
390.APPENDIX B	Forms for Day Care in Long-Term Care Facilities
390.APPENDIX C	Guidelines for the Use of Various Drugs
390.TABLE A	Infant Feeding
390.TABLE B	Daily Nutritional Requirements By Age Group
390.TABLE C	Sound Transmissions Limitations
390.TABLE D	Pressure Relationships and Ventilation Rates of Certain Areas for New Long-Term Care Facilities for Persons Under Twenty-Two (22) Years of Age
390.TABLE E	Sprinkler Requirements
390.TABLE F	Heat Index Table/Apparent Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Adopted at 6 Ill. Reg. 1658, effective February 1, 1982; emergency amendment at 6 Ill. Reg. 3223, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11622, effective September 14, 1982; amended at 6 Ill. Reg. 14557 and 14560, effective November 8, 1982; amended at 6 Ill. Reg. 14678, effective November 15, 1982; amended at 7 Ill. Reg. 282, effective December 22, 1982; amended at 7 Ill. Reg. 1927, effective January 28, 1983; amended at 7 Ill. Reg. 8574, effective July 11, 1983; amended at 7 Ill. Reg. 15821, effective November 15, 1983; amended at 7 Ill. Reg. 16988, effective December 14, 1983; amended at 8 Ill. Reg. 15585, 15589, and 15592, effective August 15, 1984; amended at 8 Ill. Reg. 16989, effective September 5, 1984; codified at 8 Ill. Reg. 19823; amended at 8 Ill. Reg. 24159, effective November 29, 1984; amended at 8 Ill. Reg. 24656, effective December 7, 1984; amended at 8 Ill. Reg. 25083, effective December 14, 1984; amended at 9 Ill. Reg. 122, effective December 26, 1984; amended at 9 Ill. Reg. 10785, effective July 1, 1985; amended at 11 Ill. Reg. 16782, effective October 1, 1987; amended at 12 Ill. Reg. 931, effective December 24, 1987; amended at 12 Ill. Reg. 16780, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18243, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6301, effective April 17, 1989; amended at 13 Ill. Reg. 19521, effective December 1, 1989; amended at 14 Ill. Reg. 14904, effective October 1, 1990; amended at 15 Ill. Reg. 1878, effective January 25, 1991; amended at 16 Ill. Reg. 623, effective January 1, 1992; amended at 16 Ill. Reg. 14329, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2390, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 7974, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15073, effective September 3, 1993; amended at 17 Ill. Reg. 16167, effective January 1, 1994; amended at 17 Ill.

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Reg. 19235, effective October 26, 1993; amended at 17 Ill. Reg. 19547, effective November 4, 1993; amended at 17 Ill. Reg. 21031, effective November 20, 1993; amended at 18 Ill. Reg. 1453, effective January 14, 1994; amended at 18 Ill. Reg. 15807, effective October 15, 1994; amended at 19 Ill. Reg. 11525, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 535, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10106, effective July 15, 1996; amended at 20 Ill. Reg. 12101, effective September 10, 1996; amended at 22 Ill. Reg. 4062, effective February 13, 1998; amended at 22 Ill. Reg. 7188, effective April 15, 1998; amended at 22 Ill. Reg. 16576, effective September 18, 1998; amended at 23 Ill. Reg. 1069, effective January 15, 1999; amended at 23 Ill. Reg. 8021, effective July 15, 1999; amended at 24 Ill. Reg. 17283, effective November 1, 2000; amended at 25 Ill. Reg. 4890, effective April 1, 2001; amended at 26 Ill. Reg. 4890, effective April 1, 2002; amended at 26 Ill. Reg. 10645, effective July 1, 2002; emergency amendment at 27 Ill. Reg. 2258, effective February 1, 2003, for a maximum of 150 days; emergency expired June 30, 2003; emergency amendment at 27 Ill. Reg. 5509, effective March 25, 2003, for a maximum of 150 days; emergency expired August 21, 2003; amended at 27 Ill. Reg. 5947, effective April 1, 2003; emergency amendment at 27 Ill. Reg. 14250, effective August 15, 2003, for a maximum of 150 days; emergency expired January 12, 2004; amended at 27 Ill. Reg. 15949, effective September 25, 2003; amended at 27 Ill. Reg. 18204, effective November 15, 2003; expedited correction at 28 Ill. Reg. 3565, effective November 15, 2003; amended at 28 Ill. Reg. 11231, effective July 22, 2004; emergency amendment at 29 Ill. Reg. 12025, effective July 12, 2005, for a maximum of 150 days; emergency rule modified in response to JCAR Recommendation at 29 Ill. Reg. 15301, effective September 23, 2005, for the remainder of the maximum 150 days; emergency amendment expired December 8, 2005; amended at 29 Ill. Reg. 12988, effective August 2, 2005; amended at 30 Ill. Reg. 1473, effective January 23, 2006; amended at 30 Ill. Reg. 5383, effective March 2, 2006; amended at 31 Ill. Reg. 6145, effective April 3, 2007; amended at 31 Ill. Reg. 8864, effective June 6, 2007; amended at 32 Ill. Reg. _____, effective _____.

SUBPART C: POLICIES

Section 390.700 Serious Incidents and Accidents

- a) The facility shall notify the Department of any incident or accident ~~that had~~which has, or is likely to have, a significant effect on the health, safety, or welfare of a resident or residents. ~~Incidents and accidents requiring the services of a physician, hospital, police or fire department, coroner, or other service provider on an emergency basis shall be reported to the Department.~~
- b) Incidents and accidents that affect the health, safety or welfare of a group of residents or all residents in the facility and that require a response by the fire

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department, police department or local emergency services agency shall be reported to the Department. These include, but are not limited to, fire, power outage, loss of water supply or building damage resulting from severe weather.

c) Notification shall be made by a phone call to the Regional Office within 24 hours after each serious incident or accident. If the facility is unable to contact the Regional Office, notification shall be made by a phone call to the Department's toll-free complaint registry number. A narrative summary of each accident or incident occurrence that has a significant effect on the health, safety or welfare of a resident or group of residents or all residents shall be sent to the Department within seven days after the occurrence.

~~1) Notification shall be made by a phone call to the Regional Office within 24 hours of each serious incident or accident. If the facility is unable to contact the Regional Office, notification shall be made by a phone call to the Department's toll free complaint registry number.~~

~~2) A narrative summary of each serious accident or incident occurrence shall be sent to the Department within seven days of the occurrence.~~

d)b) A descriptive summary of each reportable incident or accident shall be recorded in the progress notes or nurse's notes for each resident affectedinvolved.

e)e) The facility shall maintain a file of all written reports of serious incidents or accidents affectinginvolving residents. A facility is not required to report an incident or accident that causes no harm to a resident.

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Language Assistance Services Code
- 2) Code Citation: 77 Ill. Adm. Code 940
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
940.110	Amendment
940.120	Amendment
- 4) Statutory Authority: Language Assistance Services Act [210 ILCS 87]
- 5) A Complete Description of the Subjects and Issues Involved: The Language Assistance Services Code provides minimum standards for services for non-English speaking patients in hospitals and for residents of long-term care facilities. Public Act 95-667, enacted in 2007, strengthened the requirements for these services. PA 95-617 replaced the Interpreter for the Deaf Act with the Interpreter for the Deaf Licensure Act of 2007. Section 940.120 (Language Assistance Services) is being amended to incorporate the changes from PA 95-667 and PA 95-617.

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

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

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not create a State mandate.

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

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

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Type of small businesses, small municipalities and not-for-profit corporations affected: Hospitals and long-term care facilities
 - B) Reporting, bookkeeping or other procedures required for compliance: Records will need to be maintained of patients' or residents' language assistance needs.
 - C) Types of professional skills necessary for compliance: Language interpretation and sign language interpretation
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent Regulatory Agendas because: the need for the rulemaking was not known at the time the regulatory agenda was drafted.

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

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER u: MISCELLANEOUS PROGRAMS AND SERVICESPART 940
LANGUAGE ASSISTANCE SERVICES CODE

Section	
940.100	Definitions
940.110	Referenced Materials
940.120	Language Assistance Services
940.130	Qualifications of Interpreters
940.140	Complaints
940.150	Notice of Violation
940.160	Plan of Correction
940.170	Penalties

AUTHORITY: Implementing and authorized by the Language Assistance Services Act [210 ILCS 87].

SOURCE: Adopted at 29 Ill. Reg. 1371, effective January 6, 2005; amended at 32 Ill. Reg. _____, effective _____.

Section 940.110 Referenced Materials

The following Illinois laws are referenced in this Part:

- a) Hospital Licensing Act [210 ILCS 85]
- b) Nursing Home Care Act [210 ILCS 45]
- c) Illinois Administrative Procedure Act [5 ILCS 100]
- d) [Interpreter for the Deaf Licensure Act of 2007 \[225 ILCS 443\]](#)

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

Section 940.120 Language Assistance Services

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A health facility shall *ensure access to health care information and services for limited-English-speaking or non-English-speaking residents or patients or deaf residents or patients*. To meet this requirement, a health facility shall, ~~as a minimum, do one or more of the following:~~

- a) ~~Review existing policies regarding interpreters for patients or residents with limited English proficiency and for patients or residents who are deaf, including the availability of staff to act as interpreters.~~
- a)b) *Adopt and review annually a policy for providing language assistance services to patients or residents with language or communication barriers. The policy shall include procedures for providing, to the extent possible as determined by the facility, the use of an interpreter whenever a language or communication barrier exists, except where the patient or resident, after being informed of the availability of the interpreter service, chooses to use a family member or friend who volunteers to interpret. The procedures shall be designed to maximize efficient use of interpreters and minimize delays in providing interpreters to patients or residents. The procedures shall ensure, to the extent possible as determined by the facility, that interpreters are available, either on the premises or accessible by telephone, 24 hours a day. The facility shall annually transmit to the Department of Public Health a copy of the updated policy and shall include a description of the facility's efforts to ensure adequate and speedy communication between patients or residents with language or communication barriers and staff.*
- b)e) *Develop, and post in conspicuous locations, notices that advise patients or residents and their families of the availability of interpreters, the procedure for obtaining an interpreter, and the telephone numbers to call for filing complaints concerning interpreter service problems, including, but not limited to, a TDD number for persons who are deaf or hard of hearing~~the hearing impaired~~. In a hospital, the notices shall be posted, at a minimum, in the emergency room, the admitting area, the facility entrance, and the outpatient area. In a long-term care facility, the notices shall be posted in the facility entrance. Notices shall inform patients or residents that interpreter services are available on request, shall list the languages most commonly encountered at the facility for which interpreter services are available, and shall instruct patients to direct complaints regarding interpreter services to the Department of Public Health, including the telephone numbers to call for that purpose.*

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- ~~d)~~ *Identify and record a patient's or resident's primary language and dialect on one or more of the following: a patient or resident medical chart, hospital bracelet, bedside notice, or nursing card.*
- ~~e)~~ *Prepare and maintain, as needed, a list of interpreters who have been identified as proficient in sign language and in the languages of the population of the geographical area served by the facility who have the ability to translate the names of body parts, injuries, and symptoms.*
- ~~c)f)~~ *Notify the facility's employees of the language services available at the facility and train them on how to make these language services available to patients or residents. In addition, a health facility may do one or more of the following: facility's commitment to provide interpreters to all patients or residents who request them.*
- 1) *Identify and record a patient's or resident's primary language and dialect on one or more of the following: a patient medical chart, hospital bracelet, bedside notice, or nurse card.*
- 2) *Prepare and maintain, as needed, a list of interpreters who have been identified as proficient in sign language according to the Interpreter for the Deaf Licensure Act of 2007 and a list of the languages of the population of the geographical area served by the facility.*
- ~~d)g)~~ *Review all standardized written forms, waivers, documents, and informational materials available to patients or residents on admission to determine which to translate into languages other than English.*
- ~~e)h)~~ *Consider providing its nonbilingual staff with standardized picture and phrase sheets for use in routine communications with patients or residents who have language or communication barriers.*
- ~~f)i)~~ *Develop community liaison groups to enable the facility and the limited-English-speaking, non-English-speaking, and deaf communities to ensure the adequacy of the interpreter services. (Section 15 of the Act)*

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

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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Illinois State Library Grant Programs
- 2) Code Citation: 23 Ill. Adm. Code 3035
- 3) Section Number: 3035.210 Proposed Action:
Amend
- 4) Statutory Authority: Implementing and authorized by the Illinois Library System Act [75 ILCS 10], the State Library Act [15 ILCS 320], the Illinois Literacy Act [15 ILCS 322], the federal Library Services and Technology Act (20 USC 9121), and Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3]
- 5) A Complete Description of the Subjects and Issues Involved: Recipients of literacy grants from the Secretary of State are subject to site visit by the Illinois State Library Literacy Office to monitor compliance with the grant program. The Illinois State Library Grant Programs rules are being amended to add a definition of the term "Site Visit" and describe the methods of how a site visit may be conducted, either in person or through a means of telecommunication.
- 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 any automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: The new definition affects community-based organizations, educational agencies and libraries that receive literacy grants.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Joseph Natale
Rules Coordinator
Illinois State Library

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Gwendolyn Brooks Building
Springfield, IL 62701-1796

217/558-4185; jnatale@ilsos.net

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profits corporations affected: Recipients of literacy grants are subject to a minimum of one site visit during each biennium, and additional site visits may be made at the discretion of the Illinois State Library Literacy Office.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which these rules were summarized: This proposed rulemaking was not included on either of the two most recent Regulatory Agendas because: the change was necessitated by reductions in funds available for grant monitoring travel in the FY 2010 State budget.

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE B: CULTURAL RESOURCES
CHAPTER I: SECRETARY OF STATE

PART 3035
ILLINOIS STATE LIBRARY GRANT PROGRAMS

SUBPART A: STATE GRANTS

- Section
- 3035.10 Definitions
- 3035.100 System Area and Per Capita Grants
- 3035.105 Library System Technology Grants
- 3035.110 Special Library Services to the Blind and Physically Handicapped
- 3035.115 Public Library Per Capita and Equalization Grants
- 3035.120 School District Library Grant Program
- 3035.125 Library Grants for Veterans' Homes
- 3035.130 Educate & Automate Automation/Technology Grants
- 3035.135 Requirements, Denial and Revocation of Approval
- 3035.140 [GrantsGrant](#), Expenditures and Audits
- 3035.150 Appeal Procedure

SUBPART B: LITERACY GRANT PROGRAM

- Section
- 3035.200 Purpose
- 3035.210 Definitions
- 3035.220 Application for Grant
- 3035.230 Review of Grant Applications
- 3035.240 Award of Grants, Accountability and Recordkeeping
- 3035.250 Cancellation of Grant
- 3035.260 Fiscal Procedures
- 3035.270 Other Requirements
- 3035.280 Penny Severns' Grant Program
- 3935.290 Invalidity

SUBPART C: TRAINING PROGRAM GRANTS

Section

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3035.300	Purpose
3035.310	Definitions
3035.320	Number and Amount of Training Program Grants
3035.330	Illinois Library Schools and Attendance Requirements
3035.340	Eligibility Requirements
3035.350	Application Process
3035.360	Selection of Training Program Grantees
3035.370	Conditions of Training Program Grants

SUBPART D: PUBLIC LIBRARY CONSTRUCTION GRANTS

Section	
3035.400	Program Purpose
3035.410	Definitions
3035.420	Duty to Administer
3035.430	Priorities in Library Grant Construction Proposals
3035.435	Grant Funding Limitations
3035.440	Additional Grant Funds
3035.450	Grant Application Procedure
3035.460	Requirements and Conditions of Grant Funds
3035.470	Remodeling for Accessibility
3035.480	Shared Use Facilities
3035.490	Disbursement of Grant Funds

3035.EXHIBIT A Differences Among the Three Types of Literacy Grant Programs

AUTHORITY: Implementing and authorized by the Illinois Library System Act [75 ILCS 10], the State Library Act [15 ILCS 320], the Illinois Literacy Act [15 ILCS 322], the federal Library Services and Technology Act (20 USC 9121-9163), and Section 3 of the Capital Development Bond Act of 1972 [30 ILCS 420/3].

SOURCE: Adopted at 31 Ill. Reg. 16309, effective November 20, 2007; amended at 32 Ill. Reg. 9666, effective June 23, 2008; amended at 32 Ill. Reg. _____, effective _____)

SUBPART B: LITERACY GRANT PROGRAM

Section 3035.210 Definitions

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"Adult" means an individual in Illinois who has exceeded the maximum age for compulsory schooling (16) and is not currently enrolled in school (see 105 ILCS 5/Art. 26).

"Applicant" means the eligible education agency or public or private employer.

"Application" means the written request for a literacy grant submitted to the LAB pursuant to this Subpart. Applications shall be submitted by the legal entity responsible for the disbursement of public funds.

"Coalition" means a structured cooperative effort among a library system, libraries, education agencies, and community-based organizations, or any combination of these entities, at the local or regional level.

"Community" means any county or municipality in Illinois.

"Community-based Organization" means a private or public not-for-profit organization, including volunteer organizations, located in an Illinois community, which provides services to citizens within that community and the surrounding area.

"Educational Agencies" means those entities eligible to apply are public libraries that are members of an Illinois regional library system; community colleges, school districts and regional offices of education that are certified by the Illinois Board of Higher Education, the Illinois State Board of Education or the Illinois Community College Board and have provided instructional literacy services for at least 3 years; community based organizations, volunteer agencies or a coalition of those entities that have been granted 501(c)(3) status by the Internal Revenue Service and have provided literacy instructional services for at least 3 years; and public and private employers that have provided instructional literacy services for at least three years or are in cooperation with an educational agency that has provided instructional literacy services.

"Educational Skills Assessment" means testing methods that measure the educational skills possessed by adults, including reading, writing, comprehension and computation skills in English.

"Family Literacy" means reading, writing and computing instruction for parents and children together, including academic and parenting instruction for adults,

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developmentally appropriate activities for children, and structured reciprocal time for both to learn together.

"Fiscal Year" means the fiscal year of the State of Illinois.

"Instructional Materials" means written materials and computer software programs that are used in teaching adults basic reading, writing, comprehension, computation or English language skills.

"LAB" means the Literacy Advisory Board established by Section 7.2 of the State Library Act [15 ILCS 320/7.2].

"Library" means the main facility for a tax-supported public library within an Illinois library system.

"Literacy" means the ability of an individual to read, write, compute and comprehend above the 8.9 grade level as measured by an educational skills assessment.

"Literacy Program" means a structured project or program that provides direct instructional services in literacy to adult students.

"Math Student" means an adult whose math skills are below the 9.0 grade level and who is enrolled in the literacy program for math instruction.

"Participating Agency" means those agencies who will receive part of the grant funds or who will actively participate in the literacy project as an essential component of that project, without whose participation the project would fail or be radically changed.

"Secretary of State" means the Illinois Secretary of State, who is the State Librarian.

["Site Visit" means an announced or unannounced visit by a literacy grant monitor to a literacy grant recipient to determine whether the project meets or maintains the criteria of the grant program. The site visit may be made in person, by phone or by electronic means, at the discretion of the Illinois State Library Literacy Office.](#)

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"State Library" means the Illinois State Library, a department of the Illinois Secretary of State established pursuant to the State Library Act [15 ILCS 320].

"Workplace Literacy Program" means a structured program that provides direct instructional services in reading, writing, comprehension, computation or English language skills to adult employees or prospective employees at their place of employment.

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

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- 1) Heading of the Part: Safety Relocation Towing
- 2) Code Citation: 92 Ill. Adm. Code 1715
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1715.5	New Section
1715.10	New Section
1715.20	New Section
1715.30	New Section
1715.40	New Section
1715.50	New Section
1715.60	New Section
1715.70	New Section
1715.80	New Section
1715.100	New Section
1715.110	New Section
1715.120	New Section
1715.130	New Section
1715.200	New Section
1715.300	New Section
1715.400	New Section
1715.410	New Section
1715.420	New Section
1715.430	New Section
1715.500	New Section
1715.600	New Section
1715.610	New Section
1715.620	New Section
1715.630	New Section
1715.640	New Section
1715.650	New Section
1715.660	New Section
1715.670	New Section
1715.700	New Section
- 4) Statutory Authority: Implementing and authorized by the Illinois Commercial Safety Towing Law [625 ILCS 5/Ch. 18d]
- 5) Effective Date of Rules: September 15, 2008

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- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's Springfield office and is available for public inspection at 527 E. Capitol Avenue, Springfield IL 62701.
- 9) Notice of Proposal Published in Illinois Register: 32 Ill. Reg. 1189; February 1, 2008
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between proposal and final version:

Sec. 1715.10 – Changed the Section to:

- "a) Registration Requirement
Except as provided by subsection (b), all commercial vehicle safety relocators shall register annually with the Commission. All registrations shall expire on July 31 of each year.
- b) Exemption
- 1) Vehicle Dealers
This Part shall not apply to vehicle dealers licensed under Section 5-101 of the Illinois Vehicle Code [625 ILCS 5/5-101] if the towing that the vehicle dealer conducts is exclusively conducted pursuant to a service agreement between the vehicle dealer and the owner or operator of the damaged vehicle and/or a vehicle manufacturer's warranty.
- 2) Application for Exemption
To qualify for an exemption under this Section, a vehicle dealer shall submit an exemption request form to the Commission at the address listed in Section 1715.20. When the Commission determines that the applicant is eligible for the exemption, it will issue exemption documentation to the applicant. A copy of that

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documentation shall be available for inspection in the cab of every vehicle of the dealer performing safety relocation services.

- 3) **Tenure of Exemption**
Any vehicle dealer who is exempt under this Section, but who conducts any towing service that does not fall within the exemption, is no longer qualified for the exemption and shall meet all the requirements of this Part."

Sec. 1715.100(a) – Changed "may" to "shall".

Sec. 1715.110 – Deleted "the Law and".

Sec. 1715.120(a)(2)(B) – Changed the subsection to "Transmit the name of the commercial vehicle safety relocater, its business address and telephone number, the address of the location to which the vehicle will be relocated, and the cost of all relocation, storage and any other fees, without limitation, that the commercial vehicle safety relocater will charge for its services, to:".

Sec. 1715.120(b) – Changed "automobile" to "vehicle".

Sec. 1715.130 – Changed the Section to:

- "a) **Contractual Towing Agreements**
Subparts C and D of this Part shall not apply to towing pursuant to a written contract between the safety relocater and another entity (for example, unit of local government, fleet operator, motor club, body shop, repair shop, vehicle dealer, etc.) establishing a predetermined cost of all relocation, storage and any other fees that the safety relocater will charge for its services, provided that a copy of the contract is made available for inspection by law enforcement at the offices of the safety relocater and is carried in the cab of every vehicle performing safety relocation services subject to this exemption.
- b) **Contract**
 - 1) In order to be eligible for this exemption, the contract must be a standing contract. It cannot be a contract designed to cover a single towing operation.

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- 2) All items required by the Law to be disclosed shall be included in the contract, to the extent that those disclosures can be generalized."

Sec. 1715.200 – Changed the Section to "Signs shall be posted in a conspicuous manner and be free of any obstruction or interference at each storage location from which a vehicle can be claimed. Each sign shall be in letters not less than 1.5 inches in height on its first line and the remaining lines shall be in letters not less than one-half inch in height in the following form:

YOUR CUSTOMER RIGHTS. YOU ARE ENTITLED BY LAW TO:

1. BEFORE TOWING, A WRITTEN DISCLOSURE STATING THE NAME OF THE TOWING AND STORAGE SERVICE, ITS BUSINESS ADDRESS AND TELEPHONE NUMBER, AND THE ADDRESS WHERE THE VEHICLE WAS TO BE TOWED.
2. BEFORE TOWING, THE PRICE OF ALL CHARGES FOR THE TOWING AND STORAGE OF YOUR VEHICLE.
3. UPON YOUR DEMAND FOR THE RETURN OF YOUR VEHICLE, A FINAL INVOICE ITEMIZING ALL CHARGES FOR TOWING, STORAGE, OR ANY OTHER SERVICES PROVIDED, AS WELL AS ANY DAMAGE IDENTIFIED TO THE VEHICLE AT THE TIME IT WAS TAKEN BY THE TOWING AND STORAGE FACILITY, AS WELL AS ANY DAMAGE TO THE VEHICLE IDENTIFIED UPON ITS RELEASE TO YOU.
4. THE RETURN OF YOUR VEHICLE, UPON YOUR DEMAND FOR ITS RETURN DURING BUSINESS HOURS AND YOUR PROMPT PAYMENT OF ALL REASONABLE FEES.
5. PAY ALL CHARGES IN CASH OR BY MAJOR CREDIT CARD.
6. UPON YOUR DEMAND, PROOF OF THE EXISTENCE OF INSURANCE, WHICH THE COMMERCIAL VEHICLE SAFETY RELOCATOR MUST MAINTAIN TO INSURE AGAINST RISK OF DAMAGE TO YOUR VEHICLE IN TRANSIT AND WHILE IN STORAGE. IF THE COMMERCIAL VEHICLE SAFETY RELOCATOR HAS COMPLIED WITH THE ABOVE RIGHTS, YOU ARE REQUIRED, BEFORE

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TAKING THE VEHICLE FROM THE PREMISES, TO PAY FOR THE SERVICES PROVIDED BY THE COMMERCIAL VEHICLE RELOCATOR."

Sec. 1715.610 – Deleted "operating practices" twice.

Sec. 1715.620 – After the last sentence, added "Service shall be made by depositing in United States mail a postage prepaid envelope addressed to the respondent."

Sec. 1715.630(a) – After "Law", added "or this Part".

Sec. 1715.630(b) – After "Commission", added "Service shall be made by depositing in United States mail a postage prepaid envelope addressed to the respondent."

Sec. 1715.670(b) – Changed the 1st "Commission" to "Commission/TRF".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any rules pending on this Part? No
- 15) Summary and Purpose of Rulemaking: These rules assist with the implementation of the Commercial Safety Towing Law [625 ILCS 5/18d] that expands the Commission's oversight of the towing of damaged or disabled vehicles on public roadways and private property. The Commercial Safety Towing Law became effective July 1, 2008.

The Law requires, in part, pre-tow and post-tow disclosures to vehicle owners or operators, registration, mandatory insurance, vehicle identification, signage and credit card payment options.

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

Steven L. Matrisch
Office of Transportation Counsel
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62701

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217/782-6447

smatrisc@icc.illinois.gov

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

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TITLE 92: TRANSPORTATION
CHAPTER III: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER d: RELOCATION TOWING

PART 1715
SAFETY RELOCATION TOWING

SUBPART A: DEFINITIONS

Section
1715.5 Definitions

SUBPART B: REGISTRATION

Section
1715.10 Annual Registration
1715.20 Registration and Filing of Forms
1715.30 Processing and Issuance of Registration
1715.40 Registrations Conditioned Upon Compliance
1715.50 Registration to be Carried by Holder
1715.60 Alteration of Registration
1715.70 Registration Fee
1715.80 Transfer of Registration

SUBPART C: DISCLOSURES

Section
1715.100 Approval of Disclosure Forms
1715.110 Tow Authorized by Law Enforcement Agency
1715.120 Owner or Operator Authorization
1715.130 Commercial Towing Contracts

SUBPART D: POSTING OF SIGNS

Section
1715.200 Posting Requirements

SUBPART E: VEHICLE IDENTIFICATION

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Section
1715.300 Safety Towing Vehicle Identification Requirement

SUBPART F: INSURANCE REQUIREMENTS

Section
1715.400 Registration Conditioned Upon Compliance With Insurance Requirements
1715.410 Proof of Insurance or Bond Coverage
1715.420 Safety Relocator's Liability
1715.430 Amounts of Insurance Coverage

SUBPART G: BOOKS AND RECORDS

Section
1715.500 Audit and Inspection of Safety Relocator's Books and Records

SUBPART H: ENFORCEMENT

Section
1715.600 Enforcement of the Law
1715.610 Enforcement Proceedings and Imposition of Sanctions
1715.620 Informal Settlement in Lieu of Formal Proceeding
1715.630 Initiation of Operating Practices Proceeding
1715.640 Failure to Appear at Hearing
1715.650 Service of Order
1715.660 Standards for the Assessment of Civil Penalties
1715.670 Payment of Civil Penalties

SUBPART I: DISPOSITION OF UNCLAIMED VEHICLES

Section
1715.700 Disposition of Unclaimed Vehicles

AUTHORITY: Implementing and authorized by the Illinois Commercial Safety Towing Law [625 ILCS 5/Ch. 18d].

SOURCE: Adopted at 32 Ill. Reg. 14714, effective September 15, 2008.

SUBPART A: DEFINITIONS

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Section 1715.5 Definitions

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

"Charge": The per unit price, cost or rate for a towing, storage or incidental service multiplied by the number of units of the service provided by the Towing Service.

"Commission": The Illinois Commerce Commission.

"Cost": A per unit rate for towing, storage or incidental services provided by a towing service.

"Entity": A corporation, limited liability company, partnership, sole proprietorship or other business entity.

"Law": The Illinois Commercial Safety Towing Law [625 ILCS 5/Ch. 18d].

"Operator": A person who was operating the vehicle at the time it became disabled or was damaged in an accident.

"Owner": A person to whom title to a vehicle has been issued, or who, without title, has the right to exclusive use of the vehicle for a period longer than 30 days, or who has lawful possession of the vehicle, or in whose name the vehicle is registered.

"Post-tow": After a vehicle has been towed to the safety relocater's storage facility.

"Pre-tow": Prior to rendition of towing, storage or incidental services with respect to a vehicle.

"Price": A per unit rate for towing, storage or incidental services provided by a towing service.

"Registration Certificate": A commercial vehicle safety relocater registration certificate.

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"Safety Relocated", "Safety Relocating", "Safety Relocation" and "Safety Towing": Refers to the towing of damaged or disabled vehicles from public or private property.

"Safety Relocator": Any person or entity that removes damaged or disabled vehicles from public or private property by the use of towing equipment or otherwise and charges the vehicle owner, vehicle operator or third party authorizer for that service.

"Third Party Authorization": An authorization to tow a damaged or disabled vehicle that is made by someone other than a vehicle owner or operator and that is done on behalf of the vehicle owner or operator.

SUBPART B: REGISTRATION

Section 1715.10 Annual Registration

- a) **Registration Requirement**
Except as provided by subsection (b), all commercial vehicle safety relocators shall register annually with the Commission. All registrations shall expire on July 31 of each year.
- b) **Exemption**
 - 1) **Vehicle Dealers**
This Part shall not apply to vehicle dealers licensed under Section 5-101 of the Illinois Vehicle Code [625 ILCS 5/5-101] if the towing that the vehicle dealer conducts is exclusively conducted pursuant to a service agreement between the vehicle dealer and the owner or operator of the damaged vehicle and/or a vehicle manufacturer's warranty.
 - 2) **Application for Exemption**
To qualify for an exemption under this Section, a vehicle dealer shall submit an exemption request form to the Commission at the address listed in Section 1715.20. When the Commission determines that the applicant is eligible for the exemption, it will issue exemption documentation to the applicant. A copy of that documentation shall be available for inspection in the cab of every vehicle of the dealer performing safety relocation

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services.

3) Tenure of Exemption

Any vehicle dealer who is exempt under this Section, but who conducts any towing service that does not fall within the exemption, is no longer qualified for the exemption and shall meet all the requirements of this Part.

Section 1715.20 Registration and Filing of Forms

Applications for safety relocater registration shall be made by completing and filing copies of the Commission's Safety Relocator Registration Form. Completed registration forms shall be filed with the Commission at the following address:

Illinois Commerce Commission
Transportation Division
Processing Section
527 East Capitol Avenue
Springfield IL 62701

Section 1715.30 Processing and Issuance of Registration

Upon receipt of a registration form, the Commission shall review it for completeness. If the form is properly completed, proof of insurance provided as required under Subpart F of this Part and payment received of the annual registration fee as required under Section 1715.70, a Safety Relocator Annual Registration shall be issued by the Commission.

Section 1715.40 Registrations Conditioned Upon Compliance

Each registration issued to a safety relocater is conditioned upon compliance with the provisions of the Law and this Part. Operations in violation of the Law or this Part are unauthorized and render the safety relocater subject to penalties, including suspension, revocation, fines or a combination of sanctions.

Section 1715.50 Registration to be Carried by Holder

Each vehicle used for safety towing must carry a copy of the Commission issued registration in its cab. The copy shall be presented to any employee of the Commission on request.

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Section 1715.60 Alteration of Registration

No safety relocater or its employees shall alter, mark or in any manner change the appearance of a registration issued by the Commission. Any alteration, marking or change in the appearance of a registration shall render the registration invalid.

Section 1715.70 Registration Fee

- a) All safety relocater registrations must be accompanied by a \$450 fee plus \$150 per tow truck.
- b) The fee shall be paid by certified check, cashier's check or money order made payable to "Illinois Commerce Commission/TRF".
- c) The fee is non-refundable.

Section 1715.80 Transfer of Registration

A safety relocater registration is not transferable.

SUBPART C: DISCLOSURES

Section 1715.100 Approval of Disclosure Forms

- a) The Commission shall prescribe a uniform form for disclosures required by the Law.
- b) A safety relocater may comply with disclosure requirements of the Law by:
 - 1) Using a form prescribed by the Staff of the Commission;
 - 2) Using a form that contains all of the information contained in a form prescribed by the Staff of the Commission; or
 - 3) Using a form specifically approved by the Staff of the Commission.

Section 1715.110 Tow Authorized by Law Enforcement Agency

The disclosures and authorization required under this Part are not required if a tow was

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authorized by a law enforcement agency or officer, as evidenced by a tow sheet issued by the law enforcement agency or officer, or if no tow sheet was issued by the authorizing law enforcement agency or officer, then evidenced by records of the safety relocater showing the date and time of authorization, the department and star or badge number of the officer from whom authorization was received, and the incident report number assigned by the law enforcement agency or officer.

Section 1715.120 Owner or Operator Authorization

- a) **Personal Authorization from Vehicle Owner or Operator**
When the vehicle owner or operator has personally authorized a safety relocater to provide towing, storage or incidental services with respect to a vehicle to which this Part applies:
 - 1) If the vehicle owner or operator of the vehicle is present at the scene and not incapacitated, incompetent or otherwise unable to sign, the safety relocater shall obtain the signature of the vehicle owner or operator;
 - 2) If the vehicle owner or operator of the vehicle is not present at the scene, or is otherwise incapacitated, incompetent or unable to sign, the safety relocater shall:
 - A) Make a record of:
 - i) The name, mailing address and telephone number of the person giving the authorization;
 - ii) The date and time authorization was given; and
 - iii) The driver's license, social security, or other unique identifying number of the person by whom the authorization was given; and
 - B) Transmit the name of the commercial vehicle safety relocater, its business address and telephone number, the address of the location to which the vehicle will be relocated, and the cost of all relocation, storage and any other fees, without limitation, that the commercial vehicle safety relocater will charge for its services to:
 - i) The law enforcement agency having jurisdiction; or

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- ii) The insurance agent for the vehicle owner or operator.
- b) **Third Party Authorization**
A third party, acting as agent for the owner or operator of a vehicle, may give authorization as required by Section 18d-120(a) of the Law, provided the agent is responsible for payment of, or approves, all charges for towing, storage and incidental services so authorized. Examples of third parties include motor clubs, repair shops, body shops and vehicle dealers.

Section 1715.130 Commercial Towing Contracts

- a) **Contractual Towing Agreements**
Subparts C and D of this Part shall not apply to towing pursuant to a written contract between the safety relocater and another entity (for example, unit of local government, fleet operator, motor club, body shop, repair shop, vehicle dealer, etc.) establishing a predetermined cost of all relocation, storage and any other fees that the safety relocater will charge for its services, provided that a copy of the contract is made available for inspection by law enforcement at the offices of the safety relocater and is carried in the cab of every vehicle performing safety relocation services subject to this exemption.
- b) **Contract**
 - 1) In order to be eligible for this exemption, the contract must be a standing contract. It cannot be a contract designed to cover a single towing operation.
 - 2) All items required by the Law to be disclosed shall be included in the contract, to the extent that those disclosures can be generalized.

SUBPART D: POSTING OF SIGNS

Section 1715.200 Posting Requirements

Signs shall be posted in a conspicuous manner and be free of any obstruction or interference at each storage location from which a vehicle can be claimed. Each sign shall be in letters not less than 1.5 inches in height on its first line and the remaining lines shall be in letters not less than one-half inch in height in the following form:

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YOUR CUSTOMER RIGHTS. YOU ARE ENTITLED BY LAW TO:

1. BEFORE TOWING, A WRITTEN DISCLOSURE STATING THE NAME OF THE TOWING AND STORAGE SERVICE, ITS BUSINESS ADDRESS AND TELEPHONE NUMBER, AND THE ADDRESS WHERE THE VEHICLE WAS TO BE TOWED.
2. BEFORE TOWING, THE PRICE OF ALL CHARGES FOR THE TOWING AND STORAGE OF YOUR VEHICLE.
3. UPON YOUR DEMAND FOR THE RETURN OF YOUR VEHICLE, A FINAL INVOICE ITEMIZING ALL CHARGES FOR TOWING, STORAGE, OR ANY OTHER SERVICES PROVIDED, AS WELL AS ANY DAMAGE IDENTIFIED TO THE VEHICLE AT THE TIME IT WAS TAKEN BY THE TOWING AND STORAGE FACILITY, AS WELL AS ANY DAMAGE TO THE VEHICLE IDENTIFIED UPON ITS RELEASE TO YOU.
4. THE RETURN OF YOUR VEHICLE, UPON YOUR DEMAND FOR ITS RETURN DURING BUSINESS HOURS AND YOUR PROMPT PAYMENT OF ALL REASONABLE FEES.
5. PAY ALL CHARGES IN CASH OR BY MAJOR CREDIT CARD.
6. UPON YOUR DEMAND, PROOF OF THE EXISTENCE OF INSURANCE, WHICH THE COMMERCIAL VEHICLE SAFETY RELOCATOR MUST MAINTAIN TO INSURE AGAINST RISK OF DAMAGE TO YOUR VEHICLE IN TRANSIT AND WHILE IN STORAGE. IF THE COMMERCIAL VEHICLE SAFETY RELOCATOR HAS COMPLIED WITH THE ABOVE RIGHTS, YOU ARE REQUIRED, BEFORE TAKING THE VEHICLE FROM THE PREMISES, TO PAY FOR THE SERVICES PROVIDED BY THE COMMERCIAL VEHICLE RELOCATOR.

SUBPART E: VEHICLE IDENTIFICATION

Section 1715.300 Safety Towing Vehicle Identification Requirement

- a) Any vehicle used for safety towing must be identified with the Commission issued registration number and bear the full legal name of the safety relocater, as it appears on the registration, together with the address and telephone number of the relocater. This information shall be on both sides of the vehicle's power unit,

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in characters not less than 2 inches in height, and in colors contrasting with the color of the background against which the information is painted or printed.

- b) For purposes of this Section, the required address shall be the actual physical location of the safety relocater's place of business, not a post office box.

SUBPART F: INSURANCE REQUIREMENTS

Section 1715.400 Registration Conditioned Upon Compliance With Insurance Requirements

A registration issued by the Commission to a safety relocater has force and effect only while the carrier is in compliance with requirements for the filing of proof of insurance or bond coverage.

Section 1715.410 Proof of Insurance or Bond Coverage

Proof of insurance or bond coverage or cancellation shall be on forms E, H and K prescribed by the Commission. The filing of such proof shall constitute acceptance of the minimum terms required by Section 18d-170 of the Law and prescribed in this Part, or higher levels of coverage stated in the policy or set forth on the certificate of insurance, and shall bind the insurance company to those terms. The coverage shall remain in effect until a cancellation form is filed with the Commission or the coverage is superseded by filing a subsequent certificate of insurance.

Section 1715.420 Safety Relocator's Liability

- a) The safety relocater's liability shall extend to all operations by or under authority of the safety relocater's registration.
- b) The safety relocater's insurance shall cover all operations conducted by or under the authority of the safety relocater's registration.

Section 1715.430 Amounts of Insurance Coverage

- a) All safety relocaters shall file with the Commission and have in effect an indemnity bond or insurance policy or certificates of bonds or insurance in lieu of a bond or policy that shall indemnify or insure the safety relocater for its liability in the following amounts:

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- 1) for injury to person, in an amount not less than \$100,000 to any one person and \$300,000 for any one accident;
 - 2) in case of damage to property other than a vehicle being removed, in an amount not less than \$50,000 for any one accident; and
 - 3) in case of damage to any vehicle relocated or stored by the safety relocater, in an amount not less than \$15,000 per vehicle.
- b) Any such bond or policy shall be issued by a bonding or insurance firm authorized to do business as such in the State of Illinois. All certificates or indemnity bonds or insurance filed with the Commission must show the coverage effective continuously until cancelled, and the Commission may require evidence of continued validity as it deems necessary.

SUBPART G: BOOKS AND RECORDS

Section 1715.500 Audit and Inspection of Safety Relocator's Books and Records

Each safety relocater shall permit any Commission employee to inspect or audit its books and records, on request, at any time when the relocater is open to the public.

SUBPART H: ENFORCEMENT

Section 1715.600 Enforcement of the Law

The enforcement provisions in Article VII of the Illinois Commercial Transportation Law [625 ILCS 5/Ch.18c, Art. VII] shall likewise govern the enforcement of the Illinois Commercial Safety Towing Law.

Section 1715.610 Enforcement Proceedings and Imposition of Sanctions

The Commission may conduct a proceeding known as an enforcement proceeding when it has reason to believe that a person has committed an act that is a violation of the Law or this Part. The result of the proceeding may be the imposition of sanctions including, but not limited to, the suspension or revocation of the person's license or registration, issuance of a cease and desist order, assessment of civil penalties, or a combination of sanctions. The proceeding shall be governed by the Commission's Rules of Practice (83 Ill. Adm. Code 200).

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Section 1715.620 Informal Settlement in Lieu of Formal Proceeding

Prior to the institution of formal enforcement proceedings before the Commission, a respondent shall be given the opportunity to settle, at an informal staff level, any controversy regarding the respondent's alleged illegal activity under the Law.

- a) The Notice of Alleged Violation and Opportunity to Settle (NAVOS) setting forth the alleged violations of the Law or this Part shall be served on the respondent and shall specify the procedure for the respondent to exercise the option to settle. Included will be instructions to telephone or write to the specific Commission staff member assigned to the case to request and schedule a settlement conference if the respondent chooses to exercise the settlement option. The respondent shall have 20 days from the date of service to exercise the option to settle. Service shall be made by depositing in the United States mail a postage prepaid envelope addressed to the respondent.
- b) Monetary settlements specified in the NAVOS shall be based upon the available fine amounts contained in the Law.
- c) An amount less than the minimum established in the NAVOS may be agreed upon between the Staff of the Commission and the respondent during informal settlement discussions. This lesser amount shall be incorporated in a stipulated settlement agreement that shall be presented to the Commission for approval or rejection.
- d) Settlement amounts shall be determined upon consideration of the respondent's past compliance history, cooperation with authorities in the resolution of the dispute, and willingness to comply with the Law and this Part, and the type of violation, the amount of revenue realized from the unlawful activities, and the number of violations.
- e) If a settlement agreement is not reached, the matter will be set for hearing before an Administrative Law Judge pursuant to the Commission's Rules of Practice (83 Ill. Adm. Code 200).
- f) The respondent's right to a hearing and respondent's position at hearing will not be prejudiced in any way if settlement is not reached.

Section 1715.630 Initiation of Operating Practices Proceeding

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- a) An enforcement proceeding shall be initiated by the issuance of a Complaint that shall set forth the alleged violations of the Law or this Part. The Complaint shall be served on the respondent by certified mail, return receipt requested, at the last address known to the Commission, or by personal service if the respondent is not licensed by the Commission and service by mail cannot be accomplished.
- b) The respondent shall have 20 days from the date of service of the Complaint to file a responsive pleading with the Commission. Service shall be made by depositing in the United States mail a postage prepaid envelope addressed to the respondent. Failure to respond within the specified time shall result in the matter being set for hearing. Notice of the time, date and place for the hearing shall be mailed to the respondent.
- c) All matters set for hearing as a result of this Section shall be conducted in accordance with 83 Ill. Adm. Code 200.
- d) Respondent's failure to appear at a hearing or otherwise respond to a Complaint shall constitute a waiver of the respondent's right to contest the alleged violation or violations. Commission Staff shall present evidence in support of its allegations and the Commission is authorized, without further notice or hearing, to make findings and may order the imposition of any applicable sanction.

Section 1715.640 Failure to Appear at Hearing

Respondent's failure to appear at the hearing set for the violation in issue may constitute a waiver of respondent's right to appear to contest the alleged violation. Commission Staff shall testify in support of its allegations and the Commission is authorized, without further notice, to find the facts to be as alleged in the order and may order the imposition of any applicable sanction.

Section 1715.650 Service of Order

Service of orders shall be made by certified mail, return receipt requested.

Section 1715.660 Standards for the Assessment of Civil Penalties

- a) In determining whether to assess civil penalties, the Commission shall consider the following factors:

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- 1) the lack of mitigating circumstances, including:
 - A) whether the violation's occurrence was attributable to causes beyond the respondent's control, rather than to respondent's fault or intent; and
 - B) whether the violation's occurrence was attributable to action by the Commission that precluded compliance;
 - 2) the lack of good faith or intent, including:
 - A) the past compliance history of the respondent; and
 - B) whether a violation is the result of willful conduct or comes about through mistake, inadvertence or negligence;
 - 3) the financial ability of the respondent to pay the penalties assessed;
 - 4) the degree to which the violative conduct was harmful to the public; and
 - 5) the financial benefit accruing to the respondent as a result of its illegal activities.
- b) If it is determined that a civil penalty shall be assessed, the amount of the civil penalty shall be determined in accordance with the following procedure:
- 1) A numerical value of from 0 to 5 shall be assigned to each of the factors specified in subsections (a)(1), (2), (3), (4) and (5);
 - 2) The values assigned will be summed. The sum will be divided by the maximum possible weighted value per violation (25) and then multiplied by the maximum possible penalty per violation allowed under the Law. The result will be the civil penalty the Commission will seek to assess against the respondent.
- c) The Commission's consideration shall be limited to only those violations for which evidence exists. It shall be the burden of the respondent to establish a compelling reason why the civil penalty should be mitigated.

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Section 1715.670 Payment of Civil Penalties

Whenever the Commission assesses a civil penalty under this Part:

- a) Payment of the civil penalty shall be made by certified or cashier's check, by money order, or in installments by the foregoing means after execution of a promissory note containing an agreement for judgment.
- b) All remittances shall be made payable to the Illinois Commerce Commission/TRF and sent to:

Illinois Commerce Commission
Transportation Division
Processing Section
527 East Capitol Avenue
Springfield IL 62701

SUBPART I: DISPOSITION OF UNCLAIMED VEHICLES

Section 1715.700 Disposition of Unclaimed Vehicles

Unclaimed vehicles shall be disposed of in accordance with 625 ILCS 5/4-208 and 4-209.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Office of Inspector General Adults with Disabilities Abuse Project
- 2) Code Citation: 59 Ill. Adm. Code 51
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
51.20	Amended
51.59	New
51.90	Amended
- 4) Statutory Authority: Implementing and authorized by the Abuse of Adults with Disabilities Intervention Act [20 ILCS 2435]
- 5) Effective Date of Amendments: August 26, 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 agency's principal office and is available for public inspection.
- 9) Notices of proposal published in the Illinois Register: February 15, 2008; 32 Ill. Reg. 2421
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:

In Section 51.20, the definition of Unsubstantiated Case was changed from "some evidence that supports" to "insufficient evidence to corroborate" and "but there is insufficient reason to believe it occurred" to "as reported".
- 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 rulemakings currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: As a result of Public Act 94-852 and PA 94-851, this rulemaking will add a new section authorizing subpoena authority for the program and authorize the release of information to a professional who made a report of abuse, neglect or exploitation whether the report was accepted or rejected. "Unsubstantiated" and "Unfounded" definitions are added to the rule for clarification purposes.
- 16) Information and questions regarding these adopted amendments shall be directed to:
- Tracie Drew, Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
Harris Building, 3rd Floor
Springfield, Illinois 62762
- 217/785-9772
- 17) Do these amendments 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 Amendments begin on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 59: MENTAL HEALTH
CHAPTER I: DEPARTMENT OF HUMAN SERVICESPART 51
OFFICE OF INSPECTOR GENERAL
ADULTS WITH DISABILITIES ABUSE PROJECT

Section

51.10	Purpose of Project
51.20	Definitions
51.30	Reporting Abuse, Neglect or Exploitation of an Adult with Disabilities
51.40	Receipt of Reports
51.50	Assessment of Reports
51.59	Subpoena Authority
51.60	Service Plan
51.65	Service Priority
51.70	Consent
51.80	Access of an Adult with Disabilities
51.90	Confidentiality

AUTHORITY: Implementing and authorized by the Abuse of Adults with Disabilities Intervention Act [20 ILCS 2435].

SOURCE: Adopted by emergency rule at 24 Ill. Reg. 10362, effective July 1, 2000, for a maximum of 150 days; adopted at 24 Ill. Reg. 17136, effective November 6, 2000; amended at 30 Ill. Reg. 11543, effective June 20, 2006; amended at 32 Ill. Reg. 14735, effective August 26, 2008.

Section 51.20 Definitions

"Abuse" means causing any physical, sexual or mental injury to an adult with disabilities, including exploitation of the adult's financial resources. Nothing in this Part shall be construed to mean an adult with disabilities is a victim of abuse or neglect for the sole reason that he or she is being furnished with or relies upon treatment by spiritual means through prayer alone, in accordance with the tenets and practices of a recognized church or religious denomination. Nothing in this Part shall be construed to mean an adult with disabilities is a victim of abuse because of health care services provided or not provided by a licensed health care professional.

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["Act" means the Abuse of Adults with Disabilities Intervention Act \[20 ILCS 2435\].](#)

"Adult with disabilities" means a person age 18 through 59 who resides in a domestic living situation and whose physical or mental disability impairs his or her ability to seek or obtain protection from abuse, neglect or exploitation.

"Adults with Disabilities Abuse Project" or "Project" means the program within the Office of Inspector General designated by the Department of Human Services to receive and assess reports of alleged or suspected abuse, neglect or exploitation of adults with disabilities.

"Domestic living situation" means a residence where the adult with disabilities lives alone or with his or her family or household members, a care giver, or others or at a board and care home or other community-based unlicensed facility, but it is not:

A licensed facility as defined in Section 1-113 of the Nursing Home Care Act [210 ILCS 45/1 113].

A life care facility as defined in the Life Care Facilities Act [210 ILCS 40].

A home, institution or other place operated by the federal government, a federal agency, or the State.

A hospital, sanitarium, or other institution, the principal activity or business of which is the diagnosis, care, and treatment of human illness through the maintenance and operation of organized facilities and that is required to be licensed under the Hospital Licensing Act [210 ILCS 85].

A community living facility as defined in the Community Living Facilities Licensing Act [210 ILCS 35].

A community-integrated living arrangement as defined in the Community-Integrated Living Arrangement Act [210 ILCS 135] or community residential alternative as licensed under that Act.

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"Emergency" means a situation in which an adult with disabilities is in danger of death or great bodily harm.

"Exploitation" means the illegal, including tortious, use of the assets or resources of an adult with disabilities. Exploitation includes, but is not limited to, the misappropriation of assets or resources of an adult with disabilities by undue influence, by breach of a fiduciary relationship, by fraud, deception or extortion, or by the use of assets or resources in a manner contrary to law.

"Family or household members" means a person who as a family member, volunteer or paid care provider has assumed responsibility for all or a portion of the care of an adult with disabilities who needs assistance with the activities of daily living.

"Neglect" means the failure of another individual to provide an adult with disabilities with, or the willful withholding from an adult with disabilities of, the necessities of life, including, but not limited to, food, clothing, shelter, or medical care. Nothing in the definition of "neglect" shall be construed to impose a requirement that assistance be provided to an adult with disabilities over his or her objection in the absence of a court order, nor to create any new affirmative duty to provide support, assistance or intervention to an adult with disabilities. Nothing in this Part shall be construed to mean that an adult with disabilities is a victim of neglect because of health care services provided or not provided by licensed health care professionals.

"Physical abuse" includes sexual abuse and means any of the following:

knowing and reckless use of physical force, confinement or restraint;

knowing, repeated and unnecessary sleep deprivation; or

knowing and reckless conduct which creates an immediate risk of physical harm.

"Secretary" means the Secretary of the Department of Human Services.

"Sexual abuse" means touching, fondling, sexual threats, sexually inappropriate remarks or other sexual activity with an adult with disabilities when the adult with disabilities is unable to understand, unwilling to consent, threatened or

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physically forced to engage in sexual behavior.

"Substantiated case" means a reported case of alleged or suspected abuse, neglect or exploitation in which the Adults with Disabilities Abuse Project staff, after assessment, determines that there is reason to believe abuse, neglect or exploitation has occurred. [20 ILCS 2435/15]

"Unfounded case" means a reported case of alleged or suspected abuse, neglect or exploitation in which the Adults with Disabilities Abuse Project staff, after assessment, determines that there is no evidence that abuse, neglect or exploitation occurred.

"Unsubstantiated case" means a reported case of alleged or suspected abuse, neglect or exploitation in which the Adults with Disabilities Abuse Project staff, after assessment, determines that there is insufficient evidence to corroborate the allegation of abuse, neglect or exploitation as reported.

(Source: Amended at 32 Ill. Reg. 14735, effective August 26, 2008)

Section 51.59 Subpoena Authority

The Office of the Inspector General has the power to subpoena witnesses and compel the production of books, papers, and documents, including financial records and medical records, pertinent to an assessment authorized by the Act. Mental health records of victims shall be confidential as provided under the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110]. Financial records obtained during the course of an assessment are confidential and may be released only with the consent of the victim or victim's guardian or in response to a court order, a grand jury subpoena, or a subpoena from a law enforcement authority. [20 ILCS 2435/59]

(Source: Added at 32 Ill. Reg. 14735, effective August 26, 2008)

Section 51.90 Confidentiality

All records concerning reports of abuse, neglect or exploitation of an adult with disabilities and all records generated as a result of the reports shall be confidential and shall not be disclosed except as specifically authorized by the Act or other applicable law. A person making a report of alleged abuse, neglect, or exploitation functioning in his or her capacity as a licensed professional may be entitled to the finding of the investigative assessment and subsequent

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referrals as authorized by the Inspector General. Office of Inspector General (OIG) investigators shall inform the alleged victim or guardian that information regarding the finding and referrals may be released to the person who made the report if that person is a professional, and the alleged victim or guardian shall be afforded the opportunity to refuse to consent to the release of that information. Access to records, but not access to the identity of the person or persons making a report of alleged abuse, neglect or exploitation that may be contained in the record, shall be allowed to the following persons and for the following reasons:

- a) *Project staff in the furtherance of their responsibilities;*
- b) *A law enforcement agency investigating alleged or suspected abuse, neglect or exploitation of an adult with disabilities;*
- c) *An adult with disabilities reported to be abused, neglected or exploited, or his or her guardian unless the guardian is the alleged perpetrator of the abuse, neglect or exploitation;*
- d) *A court, upon its finding that access to records may be necessary for the determination of an issue before the court. However, the access shall be limited to an in camera inspection of the records, unless the court determines that disclosure of the information contained therein is necessary for the resolution of the issue then pending before it;*
- e) *A grand jury, upon its determination that access to the records is necessary to the conduct of its official business;*
- f) *Any person authorized by the Secretary, in writing, for audit or bona fide research purposes;*
- g) *A coroner or medical examiner who has reason to believe that abuse or neglect contributed to or resulted in the death of an adult with disabilities; or*
- h) *The agency designated pursuant to the Protection and Advocacy for Developmentally Disabled Persons Act [405 ILCS 40] and the Protection and Advocacy for Mentally Ill Persons Act [405 ILCS 45]. [20 ILCS 2435/55]*

(Source: Amended at 32 Ill. Reg. 14735, effective August 26, 2008)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Child Care
- 2) Code Citation: 89 Ill. Adm. Code 50
- 3) Section Number: 50.230 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13]
- 5) Effective Date of Amendment: August 28, 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: 32 Ill. Reg. 6436; April 18, 2008
- 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? Yes. A companion emergency rulemaking became effective on April 1, 2008 and expired on the effective date of this rulemaking.
- 14) Are there any amendments pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action:</u>	<u>Illinois Register Citation:</u>
50.320	Amendment	32 Ill. Reg. 9565; July 7, 2008
- 15) Summary and Purpose of Rulemaking: This rulemaking increases the income eligibility

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threshold for child care benefits based on the most current federal poverty level for each family size effective April 1, 2008. As a result, low-income families will remain eligible to receive child care assistance longer and more families will be eligible to receive child care benefits. In addition, it will help to stabilize job retention and allow a parent to accept some raises and promotions without fear of losing child care assistance.

- 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, 3rd 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:

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NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 50
CHILD CARE

SUBPART A: GENERAL PROVISIONS

Section	
50.101	Incorporation by Reference
50.110	Participant Rights and Responsibilities
50.120	Notification of Available Services
50.130	Child Care Overpayments and Recoveries

SUBPART B: APPLICABILITY

Section	
50.210	Child Care
50.220	Method of Providing Child Care
50.230	Child Care Eligibility
50.235	Income Eligibility Criteria
50.240	Qualified Provider
50.250	Additional Service to Secure or Maintain Child Care

SUBPART C: PAYMENT FEES

Section	
50.310	Fees for Child Care Services
50.320	Maximum Monthly Income and Parent Fee by Family Size, Income Level and Number of Children Receiving Full-time Care

SUBPART D: CHILD CARE ABUSE AND NEGLECT

Section	
50.410	Provider Eligibility
50.420	Payment for Child Care Services

SUBPART E: GREAT START PROGRAM

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Section

50.510	Great START Program
50.520	Method of Providing the Wage Supplement
50.530	Eligibility
50.540	Employer Responsibility
50.550	Notification of Eligibility
50.560	Phase-in of Wage Supplement Scale
50.570	Wage Supplement Scale
50.580	Evaluation

AUTHORITY: Implementing Articles I through IXA and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IXA and 12-13].

SOURCE: Emergency rules adopted at 21 Ill. Reg. 9502, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 14961, effective November 10, 1997; emergency amendment at 22 Ill. Reg. 12816, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 21037, effective November 27, 1998; emergency amendment at 23 Ill. Reg. 10875, effective August 20, 1999, for maximum of 150 days; amended at 24 Ill. Reg. 1058, effective January 10, 2000; emergency amendment at 24 Ill. Reg. 6604, effective April 5, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 13987, effective September 1, 2000; amended at 24 Ill. Reg. 15423, effective October 10, 2000; emergency amendment at 25 Ill. Reg. 2735, effective February 5, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 8176, effective June 23, 2001; emergency amendment at 25 Ill. Reg. 8443, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14854, effective October 31, 2001; emergency amendment at 25 Ill. Reg. 16116, effective December 1, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 7113, effective April 25, 2002; amended at 27 Ill. Reg. 12090, effective July 14, 2003; amended at 27 Ill. Reg. 18411, effective November 24, 2003; amended at 28 Ill. Reg. 6895, effective April 23, 2004; emergency amendment at 28 Ill. Reg. 10121, effective July 1, 2004, for a maximum of 150 days; emergency expired November 27, 2004; amended at 29 Ill. Reg. 2687, effective February 4, 2005; emergency amendment at 29 Ill. Reg. 13253, effective August 11, 2005, for a maximum of 150 days; emergency expired January 7, 2006; amended at 30 Ill. Reg. 11190, effective June 6, 2006; amended at 31 Ill. Reg. 12584, effective August 20, 2007; emergency amendment at 31 Ill. Reg. 13350, effective September 10, 2007, for a maximum of 150 days; emergency expired February 6, 2008; amended at 32 Ill. Reg. 6048, effective March 31, 2008; emergency amendment at 32 Ill. Reg. 6652, effective April 1, 2008, for a maximum of 150 days; amended at 32 Ill. Reg. 9604, effective June 20, 2008; amended at 32 Ill. Reg. 14742, effective August 28, 2008.

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SUBPART B: APPLICABILITY

Section 50.230 Child Care Eligibility

- a) Child care services are restricted to children under age 13 and to children under age 19 who are under court supervision or have physical or mental incapacities as documented by a statement from a local health provider or other health professional.
- b) Parents and other relatives eligible to receive child care services include:
- 1) Recipients of Temporary Assistance for Needy Families (TANF) under Article IV of the Public Aid Code participating in work and training activities as specified in their personal plans for employment and self-sufficiency who have been approved for child care benefits by the Department and who meet the monthly income ceilings in subsection (b)(2) of this Section.
 - 2) Working families, including teen parents while they attend school to obtain a high school degree or its equivalent, whose monthly incomes do not exceed the following amounts by family size:

Family Size	Gross Monthly Income
2	\$2,3342,111
3	\$2,9342,648
4	\$3,5343,184
5	\$4,1343,721
6	\$4,7344,257
7	\$5,3344,794
8	\$5,9345,330

The above income eligibility guidelines are set at 200% of the most current federal poverty level for each family size. The above income guidelines will be indexed annually so that the thresholds are no less than 185% of the most current federal poverty level for each family size.

- 3) Families who do not receive TANF and need child care services in order

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to attend school or training (up to and including the acquisition of the first Associate Degree and/or the first Bachelor's Degree) whose monthly income does not exceed the monthly income ceilings in subsection (b)(2) of this Section. Qualifying families are eligible to receive child care services needed to attend literacy and other adult basic education, English as a Second Language, GED preparation, and vocational training for up to 24 non-consecutive months with no work requirement, after which they must work a monthly average of at least 20 hours per week in paid employment. Child care provided to a teen parent to obtain a high school degree, or its equivalent, does not count against this 24-month limit. Qualifying families are eligible to receive child care services to attend a 2 or 4 year college degree program if they work a monthly average of at least 10 hours per week in paid employment or a monthly average of at least 20 hours per week in a combination of paid employment and unpaid, educationally-required work activities such as student teaching, an internship, a clinical, a practicum or an apprenticeship. Child care services shall be available during time periods that are reasonably related to the following activities performed outside the home: paid work, self-employment and education or training activity, including class hours and research, laboratory, library and transportation time. Families with a work requirement shall receive the same grace periods between jobs as persons who receive services pursuant to subsection (b)(2) of this Section. If a parent is claimed as a dependent by another person for federal income tax purposes, that parent is only eligible if his or her income when added to the income of the other person does not exceed the monthly income ceiling in subsection (b)(2) of this Section for that family size.

- 4) Relatives (other than parents) who receive child-only TANF or General Assistance (GA) benefits as Representative Payee for children in need of care while they work outside the home.
- c) All families must be residents of Illinois.
- d) Payment for child care services to eligible parents may begin:
 - 1) if care was provided at the time and all eligibility factors are met, on either:
 - A) the date of the parent's signature; or

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- B) one week (seven calendar days) prior to the stamped date of receipt by the Department or its agents, whichever is later; or
- 2) on the date the child care provider actually begins providing child care services, if the application is received in advance of services being provided and all eligibility factors are met.
- e) Eligibility ceases 10 calendar days from the date of the termination notice sent to the parent by the Department or its agents following a determination of ineligibility.

(Source: Amended at 32 Ill. Reg. 14742, effective August 28, 2008)

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Illinois Police Training Act
- 2) Code Citation: 20 Ill Adm. Code 1720
- 3) Sections Number: 1720.80 Adopted Action:
New Section
- 4) Statutory Authority: The Illinois Police Training Act [50 ILCS 705/10 and 10.5]
- 5) Effective Date of the Amendment: August 28, 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 amendment, including any materials incorporated by reference, is on file at this agency's principle office and is available for public inspection.
- 9) Notices published in the Illinois Register: May 9, 2008; 32 Ill. Reg. 7250
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Change Authority Note to "AUTHORITY: Implementing the Illinois Police Training Act [50 ILCS 705] and authorized by Section 10 of that Act."

Changed in Section 1720.80(d), from "alderman" to "aldermen".
- 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 Amendment: To establish State standards for the training of conservators of the peace.
- 16) Information and questions regarding this adopted amendment shall be directed to:

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF ADOPTED AMENDMENT

Daniel Nelson
Illinois Law Enforcement Training and Standards Board
600 S. Second Street, Suite 300
Springfield, Illinois 62704

217/782-4540

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

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER V: ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARDPART 1720
ILLINOIS POLICE TRAINING ACT

SUBPART A: CERTIFICATION OF POLICE OFFICERS

Section	
1720.10	Course Requirements
1720.15	Equivalency Examination
1720.20	Minimum Requirements of the Trainee
1720.25	Procedures for Administration of Law Enforcement and Correctional Officers Certification Examination
1720.30	School Standards and Requirements
1720.35	Academy Entrance Qualifications
1720.40	Qualification of Police Instructors
1720.50	Reimbursements
1720.60	Requirements of Participating Local Agencies
1720.70	Minimum Training Requirements for Illinois Sheriffs
1720.80	Conservator of the Peace Training Course

SUBPART B: DECERTIFICATION OF POLICE OFFICERS

Section	
1720.100	Purpose
1720.110	Definitions
1720.120	Submission and Review of a Complaint
1720.130	Certification Revocation
1720.140	Reporting
1720.150	Law Enforcement Training and Standards Board Costs and Attorney Fees Fund

SUBPART C: WEAPON CERTIFICATION FOR
RETIRED LAW ENFORCEMENT OFFICERS

Section	
1720.200	Purpose
1720.210	Statutory Authority
1720.220	Definitions

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

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1720.230	Compliance with Laws and Rules
1720.240	Eligibility Requirements
1720.245	Background Investigation
1720.250	Application Procedure
1720.260	Permits
1720.270	Denial, Suspension and Revocation
1720.280	Firearm Certification Program – Approval
1720.290	Range Officer – Approval

1720.APPENDIX A Physical Fitness Standards

1720.APPENDIX B Complaint Form

1720.APPENDIX C Firearm Course-of-Fire

AUTHORITY: Implementing the Illinois Police Training Act [50 ILCS 705] and authorized by Section 10 of that Act.

SOURCE: Filed and effective July 26, 1966; codified at 7 Ill. Reg. 11232; amended at 8 Ill. Reg. 12259, effective July 1, 1984; amended at 11 Ill. Reg. 16692, effective October 6, 1987; amended at 12 Ill. Reg. 3728, effective February 2, 1988; amended at 13 Ill. Reg. 19957, effective December 11, 1989; amended at 14 Ill. Reg. 14800, effective September 4, 1990; amended at 15 Ill. Reg. 999, effective January 14, 1991; amended at 16 Ill. Reg. 4002, effective February 28, 1992; emergency amendment at 16 Ill. Reg. 727, effective January 1, 1992; amended at 16 Ill. Reg. 18811, effective November 19, 1992; emergency amendment at 28 Ill. Reg. 6479, effective April 12, 2004, for a maximum of 150 days; emergency expired September 8, 2004; amended at 28 Ill. Reg. 13537, effective September 23, 2004; emergency amendment at 29 Ill. Reg. 19708, effective November 15, 2005, for a maximum of 150 days; amended at 30 Ill. Reg. 7925, effective April 11, 2006; amended at 32 Ill. Reg. 14749, effective August 28, 2008.

SUBPART A: CERTIFICATION OF POLICE OFFICERS

Section 1720.80 Conservator of the Peace Training Course

- a) Any person designated as a conservator of the peace under Section 3.1-15-25 of the Illinois Municipal Code [65 ILCS 5/3.1-15-25] or Section 4-7 of the Park District Code [70 ILCS 1205/4-7] must comply with the standards for basic law enforcement officers training as set out in the Police Training Act [50 ILCS 705] and Subpart A of this Part before exercising any police authority.

ILLINOIS LAW ENFORCEMENT TRAINING AND STANDARDS BOARD

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- b) The standards for academy entrance, certification and decertification applicable to law enforcement officers shall be the same for conservators of the peace.
- c) Any annual training required of law enforcement officers by State or federal law will be required of conservators of the peace.
- d) The time limitations described in Section 1720.20(f) shall not apply to mayors, aldermen, presidents, trustees or park district board members.

(Source: Added at 32 Ill. Reg. 14749, effective August 28, 2008)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: North Point Marina
- 2) Code Citation: 17 Ill. Adm. Code 220
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
220.50	Amendment
220.70	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1 and 4 of the State Parks Act [20 ILCS 835/1 and 4] and by Sections 805-120, 805-300 and 805-525 of the Civil Administrative Code of Illinois [20 ILCS 805/805-120, 805-300 and 805-525] and by Section 6z-10 of the State Finance Act [30 ILCS 105/6z-10]
- 5) Effective Date of Amendments: August 27, 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 all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: June 6, 2008; 32 Ill. Reg. 8315
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:

Section 220.70(g)(5) – changed "approved" to "Department designated"

Section 220.70(g)(6) – removed "containers"

Section 220.70(h) – added "Department" prior to "designated landside areas"

Section 220.70(h) – replaced "approved" with "Department" and reinstated "designated"
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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- 13) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to: add regulations regarding vessel towing in the marina, delineate permitted fishing areas, add regulations for ice fishing, clarify regulations for cooking on docks and add a regulation prohibiting the feeding of wildlife.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER a: LANDSPART 220
NORTH POINT MARINA

Section

220.10	Application and Scope
220.20	Compliance
220.30	Marina Slip Acquisition
220.40	Slip Use
220.50	Vessel Condition and Movement
220.60	Fees and Charges
220.70	Other Regulations
220.80	Emergency Boarding of Vessels
220.90	Waiver of Claims

AUTHORITY: Implementing and authorized by Sections 1 and 4 of the State Parks Act [20 ILCS 835/1 and 4] and by Sections 805-120, 805-300 and 805-525 of the Civil Administrative Code of Illinois [20 ILCS 805/805-120, 805-300 and 805-525] and by Section 6z-10 of the State Finance Act [30 ILCS 105/6z-10].

SOURCE: Adopted at 13 Ill. Reg. 9269, effective June 6, 1989; amended at 15 Ill. Reg. 1495, effective January 22, 1991; amended at 15 Ill. Reg. 14418, effective October 1, 1991; amended at 16 Ill. Reg. 7335, effective April 24, 1992; amended at 17 Ill. Reg. 6760, effective April 27, 1993; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 29 Ill. Reg. 1342, effective January 10, 2005; amended at 32 Ill. Reg. 14754, effective August 27, 2008.

Section 220.50 Vessel Condition and Movement

- a) Inspections
Any individual applying for a permit or having a permit issued thereby impliedly agrees that the Department may examine his or her vessel at any time without prior notice at reasonable hours for the purpose of verifying compliance with all applicable rules.
- b) Vessel Condition

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- 1) **Seaworthiness:** Any vessel moored in the Marina shall be seaworthy at all times and be able to get underway by its own power. In the event a vessel becomes unsafe or unseaworthy, the slip permit may be revoked by the Department. The M.A.O. shall give written notice to the slip holder of those items that render the vessel unsafe or unseaworthy. The slip holder shall undertake repairs or refurbishing within 10 days after receipt of notice or such permit will be revoked. Failure to comply with these provisions shall authorize the Department to have the vessel removed and to charge the removal and storage to the Permittee.
- 2) **Vessel Maintenance:** Limited maintenance, such as tune-ups, cleaning and line replacement of docked vessels in the recreational harbor is permitted during daylight hours only. Such maintenance activities shall not generate paint aerosols, dusts, other particles or material which will deposit upon docks, nearby vessels or other facilities; not produce odors, vapors/gases which will prove offensive or pose health, fire, or other safety hazards. Extensive repairs, such as hull repairs, engine overhauls and spray painting, shall be completed outside the slip area. The use of open flame devices (welding torches, blow torches, etc.) or electrical welders shall not be permitted without express permission (based upon safety) of the Department. Only boat repair, service or other type vendors that have been authorized by the Department shall be permitted to perform work on any vessel at the Marina. Emergency repairs may be made at a slip upon written approval of the M.A.O. (see Section 220.80). Any waste products (oil, paint, solvents, etc.) shall be disposed of only in designated areas.
- 3) **Wrecked or Sunken Vessels:** In the event of a wrecked or sunken vessel, the Permittee is responsible for marking the accident site, raising the craft and the disposition of the vessel.
- 4) **Unauthorized Discharges:** Permittee will be responsible for any costs associated with the cleanup and disposal of unauthorized discharges. Marina management, or its representatives, may board and inspect any vessel suspected of unauthorized discharge.
- 5) **Sail Boat Rigging:** All sail rigging shall be tied down while at the slip to insure against noise being produced by the rigging.

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- c) Vessel Movement
- 1) Movement of vessels within the Marina shall be for the purposes of entering or leaving a slip, pump out station or fuel dock. All vessels underway in the Marina shall be under power. Sailing, rowing, sculling or paddling within the Marina is prohibited.
 - 2) Fueling: Fueling of vessels can only be done at the designated fuel dock in the Marina.
 - 3) [Vessel Towing: No vessel may be towed into the Recreational Basin without permission of the M.A.O.](#)

(Source: Amended at 32 Ill. Reg. 14754, effective August 27, 2008)

Section 220.70 Other Regulations

- a) Quiet Hours: Quiet hours from 11:00 p.m. to 7:00 a.m. shall be observed in the Marina. During this period, no loud noise or instrument producing or reproducing sound shall be used in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants. The sounding of horns as required by Marine Rules of the Road is not a violation of quiet hours.
- b) Sanitation and Refuse: All trash must be placed in the provided dumpsters located in each turnaround. No sanitary or any marine discharge is allowed in the basin. Pump out stations are provided in the main basin and at the fuel dock. All trash shall be placed in plastic garbage bags prior to disposing in the dumpsters. Fish cleaning shall be done at designated areas only. Fish cleaning is allowed aboard docked vessels provided that all refuse is placed in plastic bags and deposited in the designated containers, at the fish cleaning station. The use of red plastic bags is prohibited. Any disposal of fish waste into the harbor is strictly prohibited.
- c) Motor Vehicle Traffic and Parking:
 - 1) Visitors will park in the visitors lot only.

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- 2) Permittee Parking: Access to restricted parking, docks, and bathhouses will be provided to the Permittee by the M.A.O. Any misuse of these privileges may be cause for termination of the slip permit.
 - 3) Illegally Parked Vehicles: Any vehicle in violation of parking regulations may be ticketed and/or towed at the expense of the vehicle owner in accordance with the Illinois Vehicle Code [625 ILCS 5].
 - 4) Occupancy of any parked vehicle in the public areas between the hours of one a.m. and five a.m. shall be unlawful without written permission from the M.A.O. displayed in the left front windshield area.
- d) Bicycles and Motorcycles: No person shall roller skate, skateboard, or ride bicycles, manual or motorized scooters or motorcycles on the docks and gangways within the Marina or upon the boardwalk.
 - e) Security Gates: The security gates to the main piers are not to be blocked open at any time. Any tampering of the Marina security systems may be cause for termination of the slip permit. Termination shall be based upon such considerations as the nature of damages or threat to security. All persons within the secured area of the Marina shall identify themselves upon request by Marina personnel.
 - f) Swimming/diving: Swimming and diving are not permitted within the protected harbor areas of the Marina.
 - g) Fishing:
 - 1) Fishing is prohibited within the Harbor and from any of its structures or breakwaters, except at a designated fishing pier or from a vessel berthed in a slip using ~~that~~ pole and line ~~fishing only is permitted on vessels berthed at slips~~. No line shall extend into any fairway or maneuvering area.
 - 2) Ice fishing is allowed when conditions permit between sunrise and sunset from November 15 until March 15.
 - A) Ice fishing is permitted off H and I docks only.
 - B) Fishing shelters must bear the name and address of the owner and

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must be removed by sunset.

C) Ice holes may not exceed 12" diameter.

D) Pole and line fishing only (three poles or tip-ups, with no more than two hooks each) is permitted.

3) No wood or charcoal fires are allowed. No open flame on dock structures is allowed.

4) Pets must be controlled and on a leash. Owners are responsible for cleaning up after their pets.

5) All trash must be discarded in Department designated containers.

6) No sitting on or using of dock box when ice fishing.

h) Cooking: No cooking or barbecuing shall be permitted on any dock in the Marina. Cooking or barbecuing (gas/propane only) shall be permitted except in designated areas or on the slip holder's vessel. Use of charcoal grills or charcoal lighter shall be in Department designated landside areas only. Used charcoal and ash shall be deposited in Department designated containers only. ~~No charcoal grills or charcoal lighter shall be used on docks or vessels in the Marina.~~

i) Lost and Found: All found items should be taken to the M.A.O.'s office.

j) Commercial Activity: No commercial advertising or solicitation is permitted in the recreational basin. A slip holder may place a single 8½ x 11" For Sale sign within the vessel. The use of any boat as a demonstrator by a boat dealer shall be regulated by the vendor regulations which shall be published by the Department.

k) Tampering with or boarding other vessels without permission is prohibited.

l) Anchoring: Except in cases of emergency (see Section 220.80), no boat shall anchor in North Point Marina waters.

m) Feeding of wildlife is prohibited.

(Source: Amended at 32 Ill. Reg. 14754, effective August 27, 2008)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED 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>Adopted 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) Effective Date of Amendments: August 27, 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 of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 23, 2008; 32 Ill. Reg. 7858
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: This Part was 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.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND 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

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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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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. 14761, effective August 27, 2008.

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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~~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

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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. 14761, effective August 27, 2008)

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

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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

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- 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~~

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~~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

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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. 14761, effective August 27, 2008)

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

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- 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. 14761, effective August 27, 2008)

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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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. 14761, effective August 27, 2008)

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~~ 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 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 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

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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.

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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. 14761, effective August 27, 2008)

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- 1) Heading of the Part: Squirrel Hunting
- 2) Code Citation: 17 Ill. Adm. Code 690
- 3) Section Number: 690.30 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5]
- 5) Effective Date of Amendment: August 27, 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 all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: June 6, 2008; 32 Ill. Reg. 8322
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In Section 690.30(g), the name of the following site was corrected to read as follows:

Copperhead Hollow State Fish and Wildlife Area (1)
- 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: This Part was amended to update the list of open sites and site-specific regulations.

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

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

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 690
SQUIRREL HUNTING

Section

690.10	Hunting Seasons
690.20	Statewide Regulations
690.30	Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5].

SOURCE: Adopted at 5 Ill. Reg. 8017, effective July 24, 1981; codified at 5 Ill. Reg. 10642; emergency amendment at 5 Ill. Reg. 11382, effective October 14, 1981, for a maximum of 150 days; emergency expired March 12, 1982; amended at 6 Ill. Reg. 9642, effective July 21, 1982; amended at 7 Ill. Reg. 8809, effective July 15, 1983; emergency amendment at 7 Ill. Reg. 9690, effective August 1, 1983, for a maximum of 150 days; emergency expired December 29, 1983; amended at 8 Ill. Reg. 16789, effective August 30, 1984; amended at 9 Ill. Reg. 11614, effective July 16, 1985; amended at 10 Ill. Reg. 15601, effective September 16, 1986; amended at 11 Ill. Reg. 9549, effective May 5, 1987; amended at 12 Ill. Reg. 12246, effective July 15, 1988; amended at 13 Ill. Reg. 10606, effective June 15, 1989; amended at 14 Ill. Reg. 10816, effective June 20, 1990; amended at 15 Ill. Reg. 10012, effective June 24, 1991; amended at 16 Ill. Reg. 11087, effective June 30, 1992; amended at 17 Ill. Reg. 10842, effective July 1, 1993; amended at 18 Ill. Reg. 8624, effective May 31, 1994; amended at 19 Ill. Reg. 10664, effective July 1, 1995; amended at 20 Ill. Reg. 10882, effective August 5, 1996; amended at 21 Ill. Reg. 9095, effective June 26, 1997; amended at 22 Ill. Reg. 14844, effective August 3, 1998; amended at 23 Ill. Reg. 9074, effective July 28, 1999; amended at 24 Ill. Reg. 8947, effective June 19, 2000; amended at 25 Ill. Reg. 9903, effective July 17, 2001; amended at 26 Ill. Reg. 13845, effective September 5, 2002; amended at 27 Ill. Reg. 12640, effective July 21, 2003; amended at 28 Ill. Reg. 11893, effective July 27, 2004; amended at 29 Ill. Reg. 9786, effective June 27, 2005; amended at 30 Ill. Reg. 12229, effective June 28, 2006; amended at 31 Ill. Reg. 11700, effective July 27, 2007; amended at 32 Ill. Reg. 14819, effective August 27, 2008.

Section 690.30 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510, General Hunting and Trapping on

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Department-Owned or Managed Sites, apply in this Part, unless this Part is more restrictive. Violation of a site specific regulation is a petty offense (see 520 ILCS 5/2.28).

- b) Hunting with .22 caliber or smaller rimfire firearms or muzzleloading black powder rifles is allowed at those sites listed in the following subsections that are followed by a (1). Hunting with air rifles is allowed at those sites listed in the following subsections that are followed by a (3).
- c) Check-in, check-out and reporting of harvest is required at those sites listed in the following subsections that are followed by a (2).
- d) Statewide regulations apply at the following sites:

Anderson Lake Conservation Area (2)

Apple River Canyon State Park – Salem and Thompson Units (2)

Argyle Lake State Park (2)

Big Bend State Fish and Wildlife Area (2)

Big River State Forest (2)

Cache River State Natural Area (1) (2)

Campbell Pond Wildlife Management Area

Cape Bend State Fish and Wildlife Area (1) (2)

Carlyle Lake Lands and Waters – Corps of Engineers managed lands (1)

Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season) (1)

Chain O'Lakes State Park (opens Wednesday after permit pheasant season for 5 consecutive days, except closed on Christmas Day; 8:00 a.m. to 4:00 p.m.; daily quota filled on first come-first served basis; DNR issued back patch must be worn while hunting; only shot size of No. 3 steel, No. 4

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bismuth, No. 5 tungsten-iron, tungsten-matrix, tungsten-polymer or smaller may be used) (2)

Crawford County Conservation Area (1) (2)

Cypress Pond State Natural Area (1) (2)

Deer Pond State Natural Area (1) (2)

Devil's Island State Fish and Wildlife Area

Dog Island Wildlife Management Area (1) (2)

Eldon Hazlet State Park (north of Allen Branch (2); and west of Peppenhorst Branch only)

Falling Down Prairie (2)

Ferne Clyffe State Park – Cedar Draper Bluffs Hunting Area (1) (2)

Fort de Chartres Historic Site (muzzleloading firearms or bow and arrow only) (1) (2)

Fort Massac State Park (2)

Hanover Bluff State Natural Area (2)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during duck season; the defined Baldwin Lake Waterfowl Rest Area is closed) (1) (2) (3)

Kinkaid Lake Fish and Wildlife Area (1)

Lowden-Miller State Forest (hunting allowed from September 1 through September 30 only; hunting allowed only on the southern one-half of the site) (1) (2)

Marseilles State Fish and Wildlife Area (Monday through Thursday only through October 31; during August, hunting allowed west of E. 2450 Road

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only; open daily November 1 through the end of the site archery deer season; closed during the site firearm and muzzleloading deer seasons; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may only enter the site from designated parking lots) (2)

Marshall State Fish and Wildlife Area (1) (2)

Mermet Lake Conservation Area (non-toxic shot only in waterfowl areas; squirrel hunting closes after September 30, except in upland game area) (1) (2)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26) (1)

Mississippi River Pools 16, 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Morrison Rockwood State Park (opens November 1 and closes the Thursday before the first statewide firearm deer season) (1) (2)

Nauvoo State Park (Max Rowe Unit only)

Oakford Conservation Area (1)

Peabody River King State Fish and Wildlife Area (east [subunit closes](#) and [north subunits close](#) November 1) (2)

Randolph County Conservation Area (2)

Ray Norbut State Fish and Wildlife Area (1) (2)

Red Hills State Park (2)

Rend Lake Project Lands and Waters (1)

Sahara Woods State Fish and Wildlife Area (1) (2)

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Saline County Fish and Wildlife Area (1) (2)

Sam Dale Lake Conservation Area (2)

Sam Parr State Park (2)

Sangamon County Conservation Area

Shawnee National Forest – Oakwood Bottoms (non-toxic shot only) (1)

Sielbeck Forest Natural Area (1) (2)

Skinner Farm State Habitat Area (2)

Spoon River State Forest (1) (2) [\(3\)](#)

Stephen A. Forbes State Park (2)

Tapley Woods State Natural Area (2)

Trail of Tears State Forest (1) (2)

Turkey Bluffs State Fish and Wildlife Area (1) (2) (3)

Walnut Point Fish and Wildlife Area (1) (2)

Washington County Conservation Area (2)

Weinberg-King State Park (1) (2)

Weinberg-King State Park – Cecil White Unit

Weinberg-King State Park – Scripps Unit (1) (2)

Weinberg-King State Park – Spunky Bottoms Unit (1) (2)

Wildcat Hollow State Forest (1)

Witkowsky State Wildlife Area (opens after second firearm deer season)

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(2)

- e) Season dates shall be the day following Labor Day through the end of the statewide season at the following sites:

Ferne Clyffe State Park – Ferne Clyffe Hunting Area (2)

Giant City State Park (rimfire cartridges allowed in Union County portion; no rimfire cartridges allowed in Jackson County portion only) (1) (2)

Hamilton County Conservation Area (2)

~~Pere Marquette State Park (2)~~

Pyramid State Park (2)

Siloam Springs State Park (2)

- f) Season dates shall be the day after Labor Day through September 30 at the following sites:

Johnson-Sauk Trail State Park (season reopens the day after the archery deer season closes and remains open until the end of the statewide season) (2)

Jubilee College State Park (2)

Kankakee River State Park (2)

Sangchris Lake State Park (2)

Silver Springs State Park (2)

Spring Lake Fish and Wildlife Area (2)

- g) Statewide regulations apply at the following sites, except that hunters must obtain a free permit from the Department and variations in season dates are in parentheses. Permits must be in possession while hunting. The permit must be returned and harvest reported by March 15 or the hunter will forfeit privileges at

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that site for the following year:

Beaver Dam State Park (statewide opening through September 30)

Chauncey Marsh (permit may be obtained at Red Hills State Park Headquarters) (1)

Clinton Lake State Recreation Area – North Fork Management Area, North of the County Road at the North Fork Boat Ramp and handicapped upland game area (1)

Coffeen Lake State Fish and Wildlife Area (statewide opening through September 30)

[Copperhead Hollow State Fish and Wildlife Area \(1\)](#)

Fox Ridge State Park (1)

Harry "Babe" Woodyard State Natural Area

Hidden Springs State Forest (~~22-rimfire firearms and muzzleloading blackpowder rifles prohibited until October 1~~)(1)

Horseshoe Lake State Park – Gabaret, Mosenthein and Chouteau Island Units (Madison County)

Hurricane Creek Habitat Area (season closes October 31)

Jim Edgar Panther Creek State Fish and Wildlife Area (the Quality Unit and Controlled Unit close October 31) (1)

Kickapoo State Park (season opens day after Labor Day)

Lake Shelbyville – Eagle Creek State Park (closes opening day of site's pheasant season)

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Areas (1)

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Matthiessen State Park (season opens on statewide opening day and closes the day before the archery deer season opens; permits available at the Starved Rock State Park office; hunting in designated areas only)

Meeker State Habitat Area (obtain permit at Sam Parr State Park headquarters) [\(1\)](#)

Middle Fork Fish and Wildlife Area (season opens day after Labor Day)

Momence Wetlands (season opens day after Labor Day; closes September 30; shotgun only, non-toxic shot only)

Moraine View State Park (closed during the controlled pheasant season)

Newton Lake Fish and Wildlife Area ([closed during site deer seasons](#) ~~closes September 30~~)

[Pere Marquette State Park \(season opens day after Labor Day\)](#)

Pyramid State Park – Captain Unit (1)

Pyramid State Park – Denmark Unit (1)

Pyramid State Park – East Conant Unit (1)

Pyramid State Park – Galum Unit (1)

Ramsey Lake State Park

Sand Ridge State Forest (closes October 31) (1)

Sanganois State Fish and Wildlife Area (1)

Siloam Springs State Park – Buckhorn Unit (1) (2)

Ten Mile Creek Fish and Wildlife Area (1)

- h) Season dates shall be statewide opening through September 30 at the following sites:

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Castle Rock State Park (2)

[French Bluff State Natural Area \(1\) \(2\)](#)

Iroquois County Wildlife Management Area (1) (2)

Mackinaw State Fish and Wildlife Area (2)

Mt. Vernon Game Propagation Center (2)

Sandy Ford State Natural Area (2)

Weldon Springs – Piatt County Unit (2)

Woodford County Fish and Wildlife Area (2)

- i) Season dates shall be statewide opening through October 31 at the following sites:

Green River State Wildlife Area (2)

Horseshoe Lake Conservation Area (season on the controlled goose hunting area shall close October 31, remainder of the public hunting area statewide season; non-toxic shot only) (1)

Union County Conservation Area (season on the controlled goose hunting area closes October 31; firing line unit – statewide closing; non-toxic shot only) (1)

(Source: Amended at 32 Ill. Reg. 14819, effective August 27, 2008)

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- 1) Heading of the Part: The Taking of Wild Turkeys – Fall Gun Season
- 2) Code Citation: 17 Ill. Adm. Code 715
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
715.20	Amendment
715.25	Amendment
715.30	Amendment
715.40	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11]
- 5) Effective Date of Amendments: August 27, 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 of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: June 6, 2008; 32 Ill. Reg. 8333
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In Section 715.40(a), the name of the following site was corrected to read as follows:

Copperhead Hollow State Fish and Wildlife Area
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: This Part was amended to: clarify application procedures, add language pertaining to members of foreign limited liability companies, clarify language for affixing the turkey permit around the leg, update open sites and update site-specific regulations.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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

217/782-1809

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

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 715
THE TAKING OF WILD TURKEYS – FALL GUN SEASON

Section

715.10	Hunting Season, Open Counties and Permit Quotas
715.20	Statewide Turkey Permit Requirements
715.21	Turkey Permit Requirements – Special Hunts
715.25	Turkey Permit Requirements – Landowner/Tenant Permits
715.30	Turkey Hunting Regulations
715.40	Regulations at Various Department-Owned or -Managed Sites

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

SOURCE: Adopted at 13 Ill. Reg. 14950, effective September 6, 1989; amended at 14 Ill. Reg. 12421, effective July 20, 1990; amended at 15 Ill. Reg. 11618, effective August 2, 1991; amended at 16 Ill. Reg. 11101, effective June 30, 1992; amended at 17 Ill. Reg. 10858, effective July 1, 1993; amended at 18 Ill. Reg. 10013, effective June 21, 1994; amended at 19 Ill. Reg. 11806, effective August 3, 1995; amended at 20 Ill. Reg. 10898, effective August 5, 1996; amended at 21 Ill. Reg. 9110, effective June 26, 1997; amended at 22 Ill. Reg. 14866, effective August 3, 1998; amended at 23 Ill. Reg. 9091, effective July 28, 1999; amended at 24 Ill. Reg. 8965, effective June 19, 2000; amended at 25 Ill. Reg. 11460, effective August 14, 2001; amended at 26 Ill. Reg. 13855, effective September 5, 2002; amended at 27 Ill. Reg. 12650, effective July 21, 2003; amended at 28 Ill. Reg. 11904, effective July 27, 2004; amended at 29 Ill. Reg. 15542, effective September 27, 2005; amended at 29 Ill. Reg. 18938, effective November 4, 2005; amended at 30 Ill. Reg. 14518, effective August 24, 2006; amended at 31 Ill. Reg. 11711, effective July 27, 2007; amended at 32 Ill. Reg. 14830, effective August 27, 2008.

Section 715.20 Statewide Turkey Permit Requirements

- a) To take, or attempt to take, a wild turkey, Illinois residents must first obtain a "Wild Turkey Hunting Permit" from the Department of Natural Resources for a fee of \$15. Lifetime licenses issued after August 15, 2006 shall not qualify a non-resident of Illinois for a resident turkey permit. Non-resident turkey hunters shall be charged the maximum fee allowed by Section 2.11 of the Wildlife Code [520

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ILCS 5/2.11] for each turkey hunting permit. All hunters, except those exempted by Section 3.1 of the Wildlife Code [520 ILCS 5/3.1], are required to obtain a hunting license before hunting wild turkey. Permits are issued for a specific county or area and are valid only in the county or area designated on the permit. Hunting without a valid turkey permit is a Class B misdemeanor (see 520 ILCS 5/2.9). Applications for wild turkey permits shall be completed ~~and submitted by visiting one of the Illinois Department of Natural Resources' DNR Direct License vendors,~~ by applying on-line at www.dnr.state.il.us or by calling DNR-Direct License sales at 1-888-6PERMIT (1-888-673-7648).

- b) Applicants must supply all information necessary to complete the application. Incomplete applications shall be rejected and fees returned. Each applicant must submit payment for his/her individual application at the time of application. Not more than 6 applications may be submitted for group hunters. Applicants submitting applications within three weeks prior to the season shall not be guaranteed receipt of permit by start of season.
- c) Applications shall be accepted from residents only from the date on which they became available through the first Monday in July. Permits are not transferable and refunds shall not be granted. Permits shall be allocated in a computerized drawing to be held in Springfield. Applications received after the first Monday in July shall not be included in the drawing.
- d) Permits not issued during the first computerized drawing shall be available in a second computerized lottery drawing. Applications for this drawing will be accepted through the seventh Monday after the initial lottery deadline. Applications received after this date will not be included in the drawing. All hunters not receiving a permit in the first computerized drawing and non-residents may apply at this time for the available permits. Illinois residents will be given preference for permits allocated in the second lottery drawing.
- e) Permits remaining after the two lotteries will be available in a random daily drawing that begins on the fourth Monday after the second lottery deadline. All applications received on or before this date will be processed in the first daily drawing. This drawing period is open to hunters applying for their first or second permits. Hunters may obtain a maximum of two permits for the fall gun season.
- f) A \$3 service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, no charge will be made.

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- g) It shall be unlawful to:
- 1) Submit applications before the second computerized lottery drawing for more than one permit for the same person. Violation is a Class B misdemeanor (see 520 ILCS 5/2.9);
 - 2) Apply for or receive more than two permits for the fall gun turkey season. Violation is a Class B misdemeanor (see 520 ILCS 5/2.9); or
 - 3) Provide false and/or deceptive information on a permit application form. In addition to criminal charges, individuals found guilty of violating this Section shall have their application rejected, permit revoked, and fees forfeited. Violation is a Class A misdemeanor (see 520 ILCS 5/2.38).

(Source: Amended at 32 Ill. Reg. 14830, effective August 27, 2008)

Section 715.25 Turkey Permit Requirements – Landowner/Tenant Permits

- a) The "immediate family" is defined as the spouse, children, and parents permanently residing on the same property as the landowner or tenant.
- b) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. A hunting rights lease, or other non-agricultural lease, is not valid for a landowner or tenant permit.
- c) Resident landowners who own 40 acres or more of land, and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family may apply for one free turkey permit for their property only in counties open for turkey hunting. Non-resident Illinois landowners of 40 or more acres of land and members of their immediate family are eligible to receive a permit for their property only for a fee of \$37.50. All landowners/tenants who do not reside on the property must possess a valid hunting license.
- d) Applicants for Landowner/Tenant permits must apply using the official application form. Applications for Landowner/Tenant wild turkey permits must

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be submitted to:

Illinois Department of Natural Resources
POH Fall Shotgun Wild Turkey Permit
One Natural Resources Way
P.O. Box 19227
Springfield IL 62794-9227

- e) Landowners or tenants are not required to participate in the public drawing for permits and are not counted towards the total number of permits issued for a particular county.
- f) Recipients of Landowner/Tenant permits to hunt their owned or leased property may apply for one additional county-wide permit beginning the third Monday in September from any permits remaining. Fees for this additional permit are set in Section 715.20(a).
- g) Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:
 - 1) Submittal of a copy of property deed;
 - 2) Submittal of a copy of contract for deed;
 - 3) Submittal of a copy of most recent real estate tax statement upon which landowner's name appears;
 - 4) Submittal of a copy of a Farm Service Agency 156EZ form; or
 - 5) Submittal of a copy of a trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a current income beneficiary of the trust.
- h) If you are applying for a tenant permit, you are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:
 - 1) A lease (not a hunting rights lease) or rental agreement, file stamped as recorded by the county clerk, covering the current year; or

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- 2) The authorized form from the Farm Service Agency.
- i) If the property is owned or rented by more than one person: Only one landowner (and immediate family) or one tenant (and immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive turkey permits.
- j) Shareholder/Member/Partner Landowner Permits
 - 1) Bona fide equity shareholders of corporations, bona fide equity members of limited liability companies and bona fide equity partners of a general or limited partnership owning 40 or more acres of land in a county may apply for one permit to hunt the corporation, limited liability company or partnership lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county, shall be issued based on ownership of lands by corporations and limited liability companies. Only one permit per 40 acres, for a maximum of 3 permits per county, shall be issued based on ownership of lands by partnerships. Lands leased to corporations, limited liability companies or partnerships shall not be considered as a basis for a permit for the shareholders/members/partners of the lessee. Lands held in trust by corporations, limited liability companies or partnerships shall not be considered as a basis for a permit by the shareholders/members/partners of the trustee. If application is made for a permit based upon lands owned by the corporation, limited liability company or partnership, a duly authorized officer of the corporation, limited liability company or partnership must sign a notarized statement authorizing the applicant to hunt on the corporate, company or partnership lands for which a permit is being requested. This statement must identify the applicant as a bona fide equity shareholder, member or partner as defined in subsections (j)(2), (3) and (4), identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation, limited liability company or partnership lands. This document must be attached to the application upon submittal to the Permit Office. The shareholder/member/partner turkey permit shall be free to resident shareholders/members/partners and the cost to nonresident shareholders and members shall be \$37.50. Nonresident partners are not eligible to receive permits for partnership lands.

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- 2) Bona fide equity shareholder means an individual who:
- A) purchased, for market price, publicly sold stock shares in a corporation; purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation; or is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation accurately reflecting his or her percentage of ownership; and
 - B) intends to retain the ownership of the shares of stock for at least 5 years.
- 3) Bona fide equity member means an individual who:
- A) became a member upon the formation of the limited liability company, or has purchased a distributional interest in [an Illinois a](#) limited liability company for a value equal to the percentage of the appraised value of the limited liability company assets represented by the distributional interest in the limited liability company and subsequently became a member of the company pursuant to Article 30 of the Limited Liability Company Act; ~~and~~
 - B) intends to retain the membership for at least 5 years; ~~and-~~
 - C) [is a member of a foreign LLC who includes a file-stamped copy of his or her current annual filing with the Illinois Secretary of State as part of the application.](#)
- 4) Bona fide equity partner means an individual who:
- A) became a partner, either general or limited, upon the formation of a partnership or limited partnership, or has purchased, acquired, or been gifted a partnership interest accurately representing his or her percentage distributional interest in the profits, losses, and assets of a partnership or limited partnership;
 - B) intends to retain ownership of the partnership interest for at least 5

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years; and

C) is a resident of Illinois.

k) Providing false or deceptive information is a Class A misdemeanor (see 520 ILCS 5/2.38).

(Source: Amended at 32 Ill. Reg. 14830, effective August 27, 2008)

Section 715.30 Turkey Hunting Regulations

- a) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.9), except that hunting prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)). It is unlawful:
- 1) to use live or electronic turkey decoys, recorded calls, dogs or bait. An area is considered as baited during the presence of and for 10 consecutive days following the removal of bait;
 - 2) to take, or attempt to take, more than one wild turkey per valid permit (either sex may be harvested);
 - 3) to use any weapon except a shotgun. #4 shot is the largest and #7½ is the smallest size shot that may be legally used;
 - 4) to hunt except from ½ hour before sunrise to sunset during each day of the season;
 - 5) for any person to hunt wild turkeys without having a signed Wild Turkey Hunting Permit in possession, except that a person without a weapon may accompany a turkey hunter as a caller or observer;
 - 6) to transport or leave a wild turkey without first affixing the adhesive-backed turkey permit securely around the leg. Immediately upon kill and before the turkey is moved, transported or field dressed, the hunter must cut out the designated notch on the leg tag to invalidate it, and the tag must be affixed to the turkey~~Leg tag must be affixed to the turkey immediately upon kill. No person shall leave a turkey that has been killed without~~

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~~properly attaching the turkey permit around the leg;~~

- 7) for any person to shoot a wild turkey while it is in a tree before 7:00 a.m.; and
 - 8) to possess while in the field, during turkey season, any turkey permit issued to another person. (Permits are non-transferrable.)
- b) Successful hunters must register their harvest by 10:00 p.m. on the same calendar day the turkey was taken by calling the toll-free telephone check-in system at 1-866-ILCHECK or by accessing the on-line check-in system at <http://dnr.state.il.us/vcheck>. Hunters must provide all information requested by the check-in system, and will be provided with a confirmation number to verify that they checked in their harvest. The confirmation number must be written by the hunter onto the leg tag. The leg tag must remain attached to the leg of the turkey until it is at the legal residence of the person who legally took or possessed the turkey and the turkey has been checked in. The turkey must remain whole (or field dressed) until it has been checked in.
- c) Failure to comply with the regulations in this Part is a Class B misdemeanor (see 520 ILCS 5/2.9).

(Source: Amended at 32 Ill. Reg. 14830, effective August 27, 2008)

Section 715.40 Regulations at Various Department-Owned or -Managed Sites

- a) Statewide regulations shall apply for the following sites:

[Copperhead Hollow State Fish and Wildlife Area](#)

[Horseshoe Lake State Park \(Madison County\) – Gabaret, Mosenthein and Chouteau Island Unit](#)

Kaskaskia River State Fish and Wildlife Area (except that area north of Hwy. 154, east of the Kaskaskia River and south of Risdon School Road and Beck's Landing access road)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

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Mississippi River Pools 16, 17, 18

Mississippi River Pools 21, 22, 24

Nauvoo State Park (Max Rowe Unit only)

[Pere Marquette State Park \(south of Graham Hollow Road\)](#)

Rend Lake Project Lands (portion in Jefferson County only)

Weinberg-King State Park ~~—~~(Cecil White Unit)

- b) Statewide regulations shall apply except that all hunters must check in, check out, and report harvest at those sites listed below. Quotas, where listed, shall be on a first come-first served basis. Hunters shall not be allowed to sign in prior to 4 a.m. each day of the season.

Argyle Lake State Park

Big River State Forest

Cache River State Natural Area (Johnson County portion only)

Cape Bend State Fish and Wildlife Area

Cypress Pond State Natural Area

[Deer Pond State Natural Area](#)

Devil's Island State Fish and Wildlife Area

Dog Island Wildlife Management Area

Falling Down Prairie

Ferne Clyffe State Park

Fort de Chartres Historic Site (muzzleloading shotguns only)

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Giant City State Park

Hanover Bluff State Natural Area

Horseshoe Lake Conservation Area (public hunting area except for controlled goose hunting area)

Kinkaid Lake Fish and Wildlife Area

~~Pere Marquette State Park (only that portion of site south of Graham Hollow Road)~~

Ray Norbut State Fish and Wildlife Area

Sahara Woods State Fish and Wildlife Area

Saline County Conservation Area

Siloam Springs State Park

Siloam Springs State Park – Buckhorn Unit (resident hunters only)

Skinner Farm State Habitat Area

Spoon River State Forest

Tapley Woods State Natural Area

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area – Firing Line Management Unit Only

Weinberg-King State Park

Weinberg-King State Park – Scripps Unit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Weinberg-King State Park – Spunky Bottoms Unit

- c) Statewide regulations shall apply except that all hunting is allowed by site-specific permit only. The Department of Natural Resources allocates permits for these areas through the lottery process set forth in Section 715.20. This permit is only valid for the specific site indicated on the permit.

Apple River Canyon State Park – Salem and Thompson Units

Crawford County Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area

Meeker State Habitat Area

Newton Lake Fish and Wildlife Area

Sam Parr State Park

Sand Ridge State Forest

Witkowsky State Wildlife Area

- d) Special program for hunters with disabilities. Statewide regulations shall apply unless designated otherwise by site regulations. Only disabled persons participating in the site's firearm deer hunt are eligible to participate. This hunt will run concurrent with the site's firearm deer hunt (refer to 17 Ill. Adm. Code 650.67 for hunt dates). Permits will be \$15 each; site specific for Rock Cut; issued at the site during check in for firearm deer hunting. Any additional availability will be publicly announced.

Rock Cut State Park

- e) Violation of a site specific regulation is a Class B misdemeanor (see 520 ILCS 5/2.9).

(Source: Amended at 32 Ill. Reg. 14830, effective August 27, 2008)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Taking of Wild Turkeys – Fall Archery Season
- 2) Code Citation: 17 Ill. Adm. Code 720
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
720.25	Amendment
720.30	Amendment
720.40	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11]
- 5) Effective Date of Amendments: August 27, 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 of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: June 6, 2008; 32 Ill. Reg. 8346
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: Language in Section 720.30(a) was changed to read as follows:

Broadheads may have fixed or expandable cutting surfaces~~blades~~, but they must have a minimum $\frac{7}{8}$ inch diameter when fully opened. Broadheads with fixed blades must be metal or flint-, chert-, or obsidian-napped; broadheads with expandable cutting surfaces~~blades~~ must be metal. All other bows and arrows including electronic arrow tracking systems utilizing radio telemetry, are illegal.
- 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 rulemakings currently in effect? No

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to: add language pertaining to foreign limited liability company members, clarify regulations for affixing the permit to the turkey's leg, and to update open sites and site-specific regulations.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 720
THE TAKING OF WILD TURKEYS – FALL ARCHERY SEASON

Section

720.10	Hunting Seasons and Counties Open to Hunting
720.20	Statewide Turkey Permit Requirements
720.25	Turkey Permit Requirements – Landowner/Tenant Permits
720.30	Turkey Hunting Regulations
720.40	Regulations at Various Department-Owned or -Managed Sites
720.50	Releasing or Stocking of Turkeys (Repealed)

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

SOURCE: Adopted and codified at 8 Ill. Reg. 7825, effective May 22, 1984; emergency amendments at 8 Ill. Reg. 20086, effective October 12, 1985, for a maximum of 150 days; emergency expired March 2, 1985; amended at 9 Ill. Reg. 14311, effective September 5, 1985; amended at 11 Ill. Reg. 9556, effective May 5, 1987; amended at 12 Ill. Reg. 12254, effective July 15, 1988; amended at 13 Ill. Reg. 12831, effective July 21, 1989; amended at 14 Ill. Reg. 12413, effective July 20, 1990; amended at 15 Ill. Reg. 11611, effective August 2, 1991; amended at 16 Ill. Reg. 11093, effective June 30, 1992; amended at 16 Ill. Reg. 15442, effective September 28, 1992; amended at 17 Ill. Reg. 281, effective December 28, 1992; amended at 17 Ill. Reg. 10850, effective July 1, 1993; amended at 18 Ill. Reg. 10104, effective June 21, 1994; amended at 19 Ill. Reg. 11799, effective August 3, 1995; amended at 20 Ill. Reg. 10890, effective August 5, 1996; amended at 21 Ill. Reg. 9102, effective June 26, 1997; amended at 22 Ill. Reg. 14856, effective August 3, 1998; amended at 23 Ill. Reg. 9082, effective July 28, 1999; amended at 24 Ill. Reg. 8956, effective June 19, 2000; amended at 25 Ill. Reg. 11448, effective August 14, 2001; amended at 26 Ill. Reg. 13867, effective September 5, 2002; amended at 27 Ill. Reg. 12658, effective July 21, 2003; amended at 28 Ill. Reg. 13612, effective September 24, 2004; amended at 29 Ill. Reg. 18345, effective August 26, 2005; amended at 29 Ill. Reg. 18944, effective November 4, 2005; amended at 30 Ill. Reg. 12240, effective June 28, 2006; amended at 31 Ill. Reg. 11723, effective July 27, 2007; amended at 32 Ill. Reg. 14843, effective August 27, 2008.

Section 720.25 Turkey Permit Requirements – Landowner/Tenant Permits

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- a) The "immediate family" is defined as the spouse, children, and parents permanently residing on the same property as the landowner or tenant.
- b) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. A hunting rights lease, or other non-agricultural lease, is not valid for a landowner or tenant permit.
- c) Resident landowners who own 40 acres or more of land, and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family may apply for one free turkey permit for their property only in counties open for turkey hunting. Non-resident Illinois landowners of 40 or more acres of land and members of their immediate family are eligible to receive a permit for their property only for a fee of \$25. All landowners/tenants who do not reside on the property must possess a valid hunting license.
- d) Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:
 - 1) Submittal of a copy of property deed;
 - 2) Submittal of a copy of contract for deed;
 - 3) Submittal of a copy of most recent real estate tax statement upon which landowner's name appears;
 - 4) Submittal of a copy of a Farm Service Agency 156EZ form; or
 - 5) Submittal of a copy of trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a current income beneficiary of the trust.
- e) If applying for a tenant permit, applicants are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:
 - 1) A lease (not a hunting rights lease) or rental agreement, file stamped as recorded by the county clerk, covering the current year; or

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- 2) The authorized form from the Farm Service Agency.
- f) If the property is owned or rented by more than one person: Only one landowner (and immediate family) or one tenant (and immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive turkey permits.
 - g) Shareholder/Member/Partner Landowner Permits
 - 1) Bona fide equity shareholders of corporations, bona fide equity members of limited liability companies and bona fide equity partners of a general or limited partnership owning 40 or more acres of land in a county may apply for one permit to hunt the corporation, limited liability company or partnership lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county, shall be issued based on ownership of lands by corporations and limited liability companies. Only one permit per 40 acres, for a maximum of 3 permits per county, shall be issued based on ownership of lands by partnerships. Lands leased to corporations, limited liability companies or partnerships shall not be considered as a basis for a permit for the shareholders/members/partners of the lessee. Lands held in trust by corporations, limited liability companies or partnerships shall not be considered as a basis for a permit by the shareholders/members/partners of the trustee. If application is made for a permit based upon lands owned by the corporation, limited liability company or partnership, a duly authorized officer of the corporation, limited liability company or partnership must sign a notarized statement authorizing the applicant to hunt on the corporate, company or partnership lands for which a permit is being requested. This statement must identify the applicant as a bona fide equity shareholder, member or partner as defined in subsections (g)(2), (3) and (4), identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation, limited liability company or partnership lands. This document must be attached to the application upon submittal to the Permit Office. The shareholder/member/partner turkey permit shall be free to resident shareholders/members/partners and the cost to nonresident shareholders and members shall be \$25. Nonresident partners are not eligible to receive permits for partnership lands.

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- 2) Bona fide equity shareholder means an individual who:
- A) purchased, for market price, publicly sold stock shares in a corporation; purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation; or is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation accurately reflecting his or her percentage of ownership; and
 - B) intends to retain the ownership of the shares of stock for at least 5 years.
- 3) Bona fide equity member means an individual who:
- A) became a member upon the formation of the limited liability company, or has purchased a distributional interest in [an Illinois](#) limited liability company for a value equal to the percentage of the appraised value of the limited liability company assets represented by the distributional interest in the limited liability company and subsequently became a member of the company pursuant to Article 30 of the Limited Liability Company Act; ~~and~~
 - B) intends to retain the membership for at least 5 years; ~~and~~
 - C) [is a member of a foreign LLC who includes a file-stamped copy of his or her current annual filing with the Illinois Secretary of State as part of the application.](#)
- 4) Bona fide equity partner means an individual who:
- A) became a partner, either general or limited, upon the formation of a partnership or limited partnership, or has purchased, acquired, or been gifted a partnership interest accurately representing his or her percentage distributional interest in the profits, losses, and assets of a partnership or limited partnership;
 - B) intends to retain ownership of the partnership interest for at least 5

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years; and

C) is a resident of Illinois.

h) Providing false or deceptive information is a Class A misdemeanor (see 520 ILCS 5/2.38).

(Source: Amended at 32 Ill. Reg. 14843, effective August 27, 2008)

Section 720.30 Turkey Hunting Regulations

a) It is unlawful:

- 1) to use live or electronic turkey decoys, recorded calls, dogs or bait. An area is considered as baited during the presence of and for 10 consecutive days following the removal of bait;
- 2) to take, or attempt to take, more than 1 wild turkey per valid permit during the fall archery season (either sex may be harvested);
- 3) to use any weapon except a long, recurved or compound bow with a minimum pull of 40 pounds at some point within a 28 inch draw. Minimum arrow length is 20 inches, and broadheads must be used. Broadheads may have fixed or expandable [cutting surfacesblades](#), but they must have a minimum $\frac{7}{8}$ inch diameter when fully opened. Broadheads with fixed blades must be metal or flint-, chert-, or obsidian-napped; broadheads with expandable [cutting surfacesblades](#) must be metal. All other bows and arrows, including electronic arrow tracking systems [utilizing radio telemetry](#), are illegal. Any mechanical device capable of maintaining a drawn or partially drawn position on a bow without the hunter exerting full string tension is illegal, unless authorized for eligible disabled persons by 17 Ill. Adm. Code 760. Crossbows may be used as provided by 520 ILCS 5/2.33;
- 4) for any person having taken the limit of wild turkeys to further participate with a weapon in any hunting party for the purpose of taking additional turkeys;
- 5) for any person to hunt wild turkeys without having a signed Archery Wild

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Turkey Hunting Permit in possession, except that a person without a weapon may accompany a turkey hunter as a caller or observer;

- 6) to transport or ~~leave~~move a wild turkey without first affixing ~~the and properly sealing the adhesive-backed~~ turkey permit securely around the leg. ~~Immediately upon kill and before the turkey is moved, transported or field dressed, the hunter must invalidate the leg tag and the tag must be affixed to the turkey (for over-the-counter permits the leg tag is invalidated by detaching it from the permit; for property only hunting (POH) landowner permits, the leg tag is invalidated by cutting out the designated notch on the tag) Leg tag must be affixed to the turkey immediately upon kill. No person shall leave any turkey that has been killed without properly attaching the turkey permit around the leg;~~ and
- 7) to possess, while in the field during archery turkey season, any turkey permit issued to another person.
- b) Successful hunters must register their harvest by 10:00 p.m. on the same calendar day the turkey was taken by calling the toll-free telephone check-in system at 1-866-ILCHECK or by accessing the on-line check-in system at <http://dnr.state.il.us/vcheck>. Hunters must provide all information requested by the check-in system, and will be provided with a confirmation number to verify that they checked in their harvest. The confirmation number must be written by the hunter onto the leg tag. The leg tag must remain attached to the leg of the turkey until it is at the legal residence of the person who legally took or possessed the turkey and the turkey has been checked in. The turkey must remain whole (or field dressed) until it has been checked in.
- c) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.9).

(Source: Amended at 32 Ill. Reg. 14843, effective August 27, 2008)

Section 720.40 Regulations at Various Department-Owned or -Managed Sites

Statewide regulations shall apply for the following sites, except those sites designated below by asterisk (*) shall be open to archery turkey hunting without regard to firearm deer season. Those sites followed by (1) require hunters to check in and check out. Violation of a site specific regulation is a Class B misdemeanor (see 520 ILCS 5/2.9). Those sites followed by a (2) require hunters to obtain a permit from the site before hunting:

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NOTICE OF ADOPTED AMENDMENTS

- * Anderson Lake Conservation Area (1)
- Apple River Canyon State Park – Salem and Thompson Units (1)
- Argyle Lake State Park (1)
- Beaver Dam State Park (2)
- Big Bend State Fish and Wildlife Area (1)
- Big River State Forest (1)
- Cache River State Natural Area (1)
- Campbell Pond Wildlife Management Area
- Cape Bend State Fish and Wildlife Area (1)
- Carlyle Lake Lands and Waters – Corps of Engineers Managed Lands
- Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season)
- Castle Rock State Park (1)
- Chain O'Lakes State Park (closed Wednesday through Sunday of pheasant season; opens Monday prior to pheasant season and closes Tuesday following close of pheasant season; reopens December 26 through the close of regular season) (1)
- Chauncey Marsh (permit available at Red Hills State Park) (2)
- Clinton Lake State Recreation Area (2)
- Coffeen Lake State Fish and Wildlife Area (2)
- [Copperhead Hollow State Fish and Wildlife Area \(2\)](#)
- Crawford County Conservation Area (1)

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NOTICE OF ADOPTED AMENDMENTS

Cypress Pond State Natural Area (1)

Deer Pond State Natural Area (1)

Devil's Island State Fish and Wildlife Area

Dixon Springs State Park (1)

Dog Island Wildlife Management Area (1)

Eagle Creek State Park (2)

Falling Down Prairie (1)

Ferne Clyffe State Park (1)

Fort de Chartres Historic Site

* Fort Kaskaskia Historic Site (opens November 1) (1)

Fort Massac State Park (1)

Franklin Creek State Park (hunting in designated area only) (1)

Giant City State Park (1)

Green River State Wildlife Area (1)

Hamilton County Conservation Area (must possess valid site archery permit) (2)

Hanover Bluff State Natural Area (1)

Harry "Babe" Woodyard State Natural Area (2)

Horseshoe Lake Conservation Area (Alexander County) (controlled goose hunting area closed 7 days prior to Quota Zone goose season through the close of the Quota Zone goose season; remainder of the public hunting area open during the statewide season) (1)
(2)

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NOTICE OF ADOPTED AMENDMENTS

- * Horseshoe Lake State Park – Gabaret, Mosenthein and Chouteau Island Units (Madison County) (2)
 - Iroquois County State Wildlife Area
 - Jim Edgar Panther Creek State Fish and Wildlife Area (2)
 - Johnson-Sauk Trail State Park (closed Wednesday through Sunday during site's pheasant permit season) (1)
 - Jubilee College State Park (1)
 - Kaskaskia River State Fish and Wildlife Area (no hunting within 50 yards of the Baldwin Lake Waterfowl Rest Area's main north-south road; this defined waterfowl rest area is closed until the Columbus Day holiday) (1 – except south of Highway 154 and north of Highway 13)
 - Kickapoo State Park (2)
 - Kinkaid Lake Fish and Wildlife Area
 - Kishwaukee River State Fish and Wildlife Area (1)
 - Lowden-Miller State Forest (1)
 - Mackinaw River State Fish and Wildlife Area (1)
 - Marseilles State Fish and Wildlife Area (closed each Friday, Saturday, and Sunday in October; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may only enter the site from designated parking lots) (1)
 - Marshall State Fish and Wildlife Area (Duck Ranch Unit closed 7 days prior to the duck season through the close of duck season) (1)
 - Mautino State Fish and Wildlife Area (2)
 - Meeker State Habitat Area (obtain permit at Sam Parr State Park) (2)

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NOTICE OF ADOPTED AMENDMENTS

Mermet Lake State Fish and Wildlife Area (1)

Middle Fork State Fish and Wildlife Area (2)

Mississippi Palisades State Park (November 1 through December 31) (2)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 16, 17 and 18

Mississippi River Pools 21, 22 and 24

Moraine View State Park (closed Wednesday through Sunday during site's controlled pheasant season) (2)

Nauvoo State Park (Max Rowe Unit only)

Newton Lake Fish and Wildlife Area (must possess valid site archery permit) (2)

Oakford Conservation Area

Peabody River King State Fish and Wildlife Area (east ~~subunit~~ and ~~north subunits~~ closed November 1) (1)

Pere Marquette State Park ~~(2)~~(1)

Pyramid State Park

Pyramid State Park – East Conant Unit (2)

* Ramsey Lake State Park (2)

* Randolph County Conservation Area

Rauchfuss Hill State Recreation Area (1)

Ray Norbut State Fish and Wildlife Area (1)

* Red Hills State Park (1)

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- * Rend Lake Project Lands and Waters
 - Sahara Woods State Fish and Wildlife Area (1)
 - Saline County Conservation Area (1)
- * Sam Dale Lake Conservation Area (2)
- * Sam Parr State Park (1)
 - Sand Ridge State Forest (2)
 - Sandy Ford State Natural Area (1)
 - Sanganois State Fish and Wildlife Area (2)
- * Sangchris Lake State Park ([site will be closed to archery deer and turkey hunting during the second firearm deer season](#)) (1) (2)
- * Shabbona Lake State Park (1)
 - Shelbyville Lake – Corps of Engineers Managed Lands
 - Shelbyville Wildlife Management Area (2)
 - Sielbeck Forest Natural Area (1)
 - Siloam Springs State Park (1) (2)
- * Siloam Springs State Park – Buckhorn Unit (resident hunters only) (1) (2)
 - Skinner Farm State Habitat Area (1)
- * [South Shore State Park \(1\)](#)
 - Spoon River State Forest (1)
- * Spring Lake State Fish and Wildlife Area (2)

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Starved Rock State Park/Matthiessen State Park (no turkey hunting in the nature preserves; open only in areas where archery deer hunting is allowed other than nature preserves; must have valid archery deer permit in possession to hunt turkeys; open concurrent with site archery deer season) (1)

* Stephen A. Forbes State Park (2)

Tapley Woods State Natural Area (1)

Ten Mile Creek Fish and Wildlife Area (2)

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area (firing line unit – Statewide season, Public Hunting Area October 1 through October 31, reopens with the close of the Quota Zone goose season) (1)

* Washington County Conservation Area (1)

Wayne Fitzgerald State Park (no hunting during controlled hunts as posted at the site) (1)

Weinberg-King State Park (1)

Weinberg-King State Park – Cecil White Unit

Weinberg-King State Park – Scripps Unit (resident hunters only) (1)

Weinberg-King State Park – Spunky Bottoms Unit (resident hunters only) (1)

Wildcat Hollow State Forest

Witkowsky State Wildlife Area (1)

(Source: Amended at 32 Ill. Reg. 14843, effective August 27, 2008)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Dove Hunting
- 2) Code Citation: 17 Ill. Adm. Code 730
- 3) Section Number: 730.20 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11]
- 5) Effective Date of Amendment: August 27, 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 all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: June 6, 2008; 32 Ill. Reg. 8360
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to update site-specific regulations.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Jack Price, Legal Counsel

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

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

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 730
DOVE HUNTING

Section	
730.10	Statewide Regulations
730.20	Regulations at Various Department-Owned or -Managed Sites
730.30	Youth and Youth/Adult Dove Hunts at Various Department-Owned or -Managed Sites (Repealed)
730.40	Youth Dove Hunting

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

SOURCE: Adopted at 5 Ill. Reg. 8792, effective August 25, 1981; codified at 5 Ill. Reg. 10644; amended at 6 Ill. Reg. 9631, effective July 21, 1982; emergency amendment at 6 Ill. Reg. 10040, effective August 2, 1982, for a maximum of 150 days; emergency expired December 30, 1982; amended at 7 Ill. Reg. 10767, effective August 24, 1983; emergency amendment at 7 Ill. Reg. 10999, effective August 24, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 13680, effective July 25, 1984; amended at 9 Ill. Reg. 11601, effective July 16, 1985; emergency amendment at 9 Ill. Reg. 14025, effective September 4, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 15590, effective September 16, 1986; amended at 11 Ill. Reg. 9526, effective May 5, 1987; amended at 11 Ill. Reg. 11346, effective June 10, 1987; amended at 12 Ill. Reg. 12186, effective July 15, 1988; amended at 13 Ill. Reg. 10513, effective June 15, 1989; amended at 14 Ill. Reg. 11193, effective June 29, 1990; amended at 15 Ill. Reg. 9951, effective June 24, 1991; amended at 16 Ill. Reg. 11041, effective June 30, 1992; amended at 17 Ill. Reg. 10761, effective July 1, 1993; amended at 18 Ill. Reg. 10009, effective June 21, 1994; amended at 19 Ill. Reg. 10588, effective July 1, 1995; amended at 20 Ill. Reg. 10861, effective August 5, 1996; amended at 21 Ill. Reg. 11700, effective August 12, 1997; amended at 22 Ill. Reg. 14792, effective August 3, 1998; amended at 23 Ill. Reg. 9043, effective July 28, 1999; amended at 24 Ill. Reg. 8911, effective June 19, 2000; amended at 25 Ill. Reg. 11373, effective August 14, 2001; amended at 26 Ill. Reg. 13590, effective September 3, 2002; amended at 27 Ill. Reg. 12666, effective July 21, 2003; amended at 28 Ill. Reg. 12865, effective September 1, 2004; amended at 29 Ill. Reg. 9797, effective June 24, 2005; amended at 30 Ill. Reg. 12251, effective June 28, 2006; amended at 31 Ill. Reg. 11738, effective July 27, 2007; amended at 32 Ill. Reg. 14857, effective August 27, 2008.

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NOTICE OF ADOPTED AMENDMENT

Section 730.20 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) General Regulations
 - 1) Hunters shall possess only bismuth or lead shot size #7½, 8, 9 or size #6 steel or smaller for taking of doves, except as noted under subsection (b)(2), and except these restrictions do not apply during the November portion of dove season.
 - 2) Only non-toxic shot (as defined by the U.S. Fish and Wildlife Service in 50 CFR 20), #6 steel shot or #7½ bismuth shot or smaller may be possessed on the following areas:

Anderson Lake Conservation Area

Banner Marsh State Fish and Wildlife Area

Big Bend State Fish and Wildlife Area (#)

Cache River State Natural Area

Cape Bend State Fish and Wildlife Area

Carlyle Lake Wildlife Management Area (subimpoundments only)

Chain O'Lakes State Park

Clinton Lake State Recreation Area (dove management fields only)

Des Plaines Conservation Area

Double T State Fish and Wildlife Area

Eldon Hazlet State Park (#)

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Green River State Wildlife Area

Hennepin Canal Parkway State Park

Horseshoe Lake Conservation Area (Alexander County)

Horseshoe Lake State Park (Madison County) (#)

Horseshoe Lake State Park (Madison County) Gabaret,
Mosenthein, Chouteau Island Unit (#)

Johnson-Sauk Trail State Park

Jubilee College State Park

Kankakee River State Park (#)

Kaskaskia River State Fish and Wildlife Area (designated areas)

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management
Areas (waterfowl management units and designated non-toxic shot units
only)

Mackinaw River State Fish and Wildlife Area

Mautino State Fish and Wildlife Area

Mazonia State Fish and Wildlife Area (#)

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

Moraine View State Park

Mt. Vernon Game Propagation Center (#)

Peabody River King State Fish and Wildlife Area

Pyramid State Park – Captain Unit

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Pyramid State Park – Denmark Unit

Pyramid State Park – East Conant Unit

Pyramid State Park – Galum Unit

Rend Lake State Fish and Wildlife Area and Corps of Engineers managed areas of Rend Lake

Sam Parr State Fish and Wildlife Area (#)

Sand Prairie Pheasant Habitat Area

Sanganois State Fish and Wildlife Area

Sangchris Lake State Park

Shabbona Lake State Park

Silver Springs State Fish and Wildlife Area

Snakeden Hollow State Fish and Wildlife Area/Victoria Pheasant Habitat Area

Spoon River State Forest

Ten Mile Creek State Fish and Wildlife Area (areas posted as rest area on the Eads and Belle Rive Units)

Union County Conservation Area

- 3) On areas where hunters are required to hunt from marked or staked sites, hunters must hunt within 10 feet of the marked site.
- 4) No hunting is allowed within 100 yards of a designated dove management field except for hunters who are part of the hunter quota for that field.
- 5) At sites indicated by (#), hunters are required to check in and/or sign out as provided in 17 Ill. Adm. Code 510.

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- 6) At sites where additional regulations apply, they are noted in parentheses after the site name.
 - 7) Hunting hours and hunting dates at all sites that are open during the upland game season shall coincide with hunting hours and hunting dates listed for the respective sites listed in 17 Ill. Adm. Code 530.
- c) Statewide season regulations as provided for in this rule shall apply at the following sites:
- Argyle Lake State Park (season opens day after Labor Day) (#)
 - Cache River State Natural Area (#)
 - Campbell Pond Wildlife Management Area (#)
 - Cape Bend State Fish and Wildlife Area (#)
 - Carlyle Lake Lands and Waters – Corps of Engineers managed lands (#)
 - Chauncey Marsh (permit required; may be obtained at Red Hills State Park headquarters; permits must be returned by 15 February)
 - Corps of Engineers managed areas of Rend Lake
 - Cypress Pond State Natural Area (#)
 - Deer Pond State Natural Area
 - Devil's Island State Fish and Wildlife Area
 - Dog Island Wildlife Management Area (#)
 - Ferne Clyffe State Park (#)
 - Ft. de Chartres State Historic Site (muzzleloading shotgun only) (#)
 - Ft. Massac State Park (#)

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Freeman Mine (permit required)

Marshall State Fish and Wildlife Area (#)

Mazonia State Fish and Wildlife Area (season closes September 30) (#)

Meeker State Habitat Area (permit required; may be obtained at Sam Parr State Fish and Wildlife Area headquarters; must be returned by February 15)

Mermet Lake State Fish and Wildlife Area (#)

Mississippi River Pools 16, 17 and 18

Mississippi River Pools 21, 22, 24

Mississippi River State Fish and Waterfowl Management Area (Pools 25 and 26)

Oakford Conservation Area

Red Hills State Park (#)

Sahara Woods State Fish and Wildlife Area (#)

Sand Ridge State Forest (permit required; must be returned by February 15)

Sangamon County Conservation Area

Sielbeck Forest Natural Area (#)

Spoon River State Forest (#)

Tapley Woods State Natural Area (#)

Trail of Tears State Forest (#)

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Weinberg-King State Park – Spunky Bottoms Unit (#)

Wildcat Hollow State Forest

- d) Statewide regulations as provided in this Part shall apply at the following sites except that hunting hours are 12 noon to 5 p.m. daily September 1-5; season closes September 30. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.

Banner Marsh State Fish and Wildlife Area (sunrise to noon daily September 1-5, drawing one hour before sunrise; black powder firearms only on September 2) (#)

Double T State Fish and Wildlife Area (#)

Hennepin Canal State Park (#)

Iroquois County Wildlife Management Area (#)

Jubilee College State Park (hunting allowed only on opening day, Saturdays, Sundays, Wednesdays and holidays) (#)

Mautino State Fish and Wildlife Area (#)

Morrison Rockwood State Park (#)

Sam Dale Lake Conservation Area (#)

Sanganois State Fish and Wildlife Area

Snakeden Hollow State Fish and Wildlife Area/Victoria Pheasant Habitat Area

- e) Statewide regulations as provided for in this Part shall apply at the following sites, except that hunting hours are 12 noon to 5 p.m. daily September 1-5. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.

Anderson Lake Conservation Area (#)

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Big Bend State Fish and Wildlife Area

Big River State Forest (#)

Carlyle Lake Wildlife Management Area (#)

Chain O'Lakes State Park (closes September 5) (#)

Clinton Lake State Recreation Area (dove management fields only) (#)

Eldon Hazlet State Park (closes October 14) (#)

Fox Ridge State Park (dove management fields only)

Harry "Babe" Woodyard State Natural Area (permit required) (#)

Hidden Springs State Forest (dove management fields only)

Horseshoe Lake State Fish and Wildlife Area (Alexander County) (season closes at the end of the first statewide split season) (#)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closes October 14; the defined Baldwin Lake Waterfowl Rest Area is closed) (#)

Kinkaid State Fish and Wildlife Area (#)

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Areas (dove management fields only)

Marseilles State Fish and Wildlife Area (after Labor Day, site is closed on Fridays, Saturdays, and Sundays through October; hunters must leave their guns at the stake site when retrieving downed birds; unauthorized personnel may not be on the site outside of the posted check station operating hours; hunters may only enter the site from designated parking lots) (#)

Middle Fork State Fish and Wildlife Area (dove management fields only) (#)

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Moraine View State Park (dove management fields only; season closes October 14) (#)

Newton Lake Fish and Wildlife Area (dove management units) (#)

Peabody River King State Fish and Wildlife Area (east subunit closes October 14) (#)

Pyramid State Park (no dove hunting is allowed September 1-5 within 200 yards of a designated dove management field, except for hunters who are part of the hunter quota for that field; 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; the lottery card shall be in the possession of the hunter or group while hunting) (#)

Pyramid State Park – Captain Unit (permit required; permit must be returned by February 15; successful lottery participants must report their daily harvest during September 1-5 in harvest boxes on each management unit; unsuccessful lottery participants and other hunters not participating in the lottery drawing may only hunt in designated areas during September 1-5 (i.e., all land west of the Western Haul Road and all land east of the Eastern Haul Road to the shore of Super Lake to South Haul Road); 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; the lottery card shall be in the possession of the hunter or group while hunting)

Pyramid State Park – Denmark Unit (permit required; permit must be returned by February 15; successful lottery participants must report their daily harvest during September 1-5 in harvest boxes on each management unit; unsuccessful lottery participants and other hunters not participating in the lottery drawing may only hunt in designated areas during September 1-5 (i.e., all land south of Quonset Hut Road to Tangen Cemetery Road to Brushy Creek Road); 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; the lottery card shall be in the possession of the hunter or group while hunting)

Pyramid State Park – East Conant Unit (permit required; permit must be

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returned by February 15; successful lottery participants must report their daily harvest during September 1-5 in harvest boxes on each management unit; no dove hunting is allowed September 1-5 within 200 yards of a designated dove management field except for hunters who are part of the hunter quota for that field; 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; the lottery card shall be in the possession of the hunter or group while hunting)

Pyramid State Park – Galum Unit (permit required; permit must be returned by February 15; successful lottery participants must report their daily harvest during September 1-5 in harvest boxes on each management unit; no dove hunting is allowed September 1-5 within 200 yards of a designated dove management field except for hunters who are part of the hunter quota for that field; 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; the lottery card shall be in the possession of the hunter or group while hunting)

Randolph County State Conservation Area (#)

Ray Norbut State Fish and Wildlife Area (#)

Siloam Springs State Park (#)

Turkey Bluffs State Fish and Wildlife Area (#)

Union County State Fish and Wildlife Area (season closes at the end of the first statewide split season) (#)

Washington County Conservation Area (closes October 14) (#)

Weinberg-King State Park (#)

- f) Statewide regulations as provided for in this Part shall apply at the following sites, except that hunting hours are 12 noon to 5 p.m. daily September 1-30. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.

Crawford County State Fish and Wildlife Area (#)

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Hamilton County State Fish and Wildlife Area (#)

Lake Le Aqua Na State Park (#)

Saline County State Fish and Wildlife Area (#)

Sam Parr State Fish and Wildlife Area (#)

Shabbona Lake State Park (#)

Skinner Farm State Habitat Area (#)

Stephen A. Forbes State Park (season opens day after Labor Day) (#)

- g) Statewide regulations as provided for in this Part shall apply at the following sites, except that hunting hours are 12 noon to 5 p.m. daily. Hunting is allowed on opening day, Wednesday, and Saturday only. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.

Giant City State Park (#)

Saline County State Fish and Wildlife Area (#)

- h) Statewide regulations apply except that hunting hours are 12 noon to 5 p.m. from September 1-5; hunters must obtain a free permit from the Department; permits must be in possession while hunting on the site. Permit must be returned and harvest reported by February 15 or hunter will forfeit hunting privileges for that site for the following season.

Clinton Lake State Recreation Area (except dove management fields)

Fox Ridge State Park (except dove management units; shooting hours after September 5 are 12 noon to sunset)

Hidden Springs State Forest (except dove management fields)

Kickapoo State Park

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Lake Shelbyville – Eagle Creek State Park (season opens day after Labor Day; closes October 14; shooting hours are 12 noon to sunset)

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Areas (except dove management fields; shooting hours after September 5 are 12 noon to sunset)

Middle Fork State Fish and Wildlife Area (except dove management units)

Moraine View State Park (except dove management fields; season closes October 14)

Newton Lake Fish and Wildlife Area (except dove management units)

- i) Statewide regulations as provided for in this Part shall apply at the following sites, except that hunting hours are sunrise to 11:30 a.m. daily September 1-5; season closes September 30. A drawing will be held one hour before sunrise if more hunters show up than can be accommodated.

Johnson-Sauk Trail State Recreation Area (#)

Mt. Vernon Game Propagation Center (#)

Rend Lake State Fish and Wildlife Area (#)

Ten Mile Creek State Fish and Wildlife Area (season closes on statewide closing date; permit required; must be returned by February 15)

- j) Permit Areas

- 1) Permit Season Regulations

A) Permit season dates shall be September 1-5 and hunting hours are 12 noon to 5 p.m. at the sites listed at the end of this subsection.

- B) Permit Applications

Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. Applicants making reservations will

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be sent confirmation. Up to 6 reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted; further, persons attempting to make multiple reservations will forfeit the privilege to obtain a reservation for that season.

- C) Each person may apply for only one area and receive one permit per season. An applicant may reapply only if his previous application was unsuccessful.
 - D) Hunting at these areas is by special permit only for the first five days of the season; thereafter, no permits are required for hunting these sites, except at Jim Edgar Panther Creek State Fish and Wildlife Area as indicated in subsection (i)(3). All permits will be issued from Springfield and not from the site, except at Panther Creek State Fish and Wildlife Area as indicated in subsection (i)(3).
 - E) Check in time for registration shall be between 9 a.m. and 11 a.m. each day. Openings after 11 a.m. will be filled by drawing for standbys if more hunters register than there are vacancies.
 - F) All hunters must wear a DNR issued backpatch.
- 2) Non-Permit Season Regulations
- A) Non-permit season shall be September 6-30 except as indicated in parentheses.
 - B) Non-permit hunting hours shall be 12 noon to sunset except as indicated in parentheses.
 - C) No permits are required except as indicated in parentheses.
 - D) Check in and check out is required except as indicated in parentheses.
 - E) Hunter quotas will be filled on a first come-first served basis.

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3) Sites

Coffeen Lake State Fish and Wildlife Area (non-permit hunting hours are 12 noon to 5:00 p.m.)

Des Plaines Conservation Area (non-permit hunting hours are 12 noon to 5 p.m.)

Edward R. Madigan State Park

Green River State Wildlife Area/Sand Prairie Habitat Area (non-permit hunting hours are sunrise to sunset)

Horseshoe Lake State Park (Madison County) (non-permit hunting hours are 12 noon to 5 p.m.)

Horseshoe Lake State Park (Madison County) Gabaret, Mosenthein, Chouteau Island Unit (non-permit hunting hours are 12 noon to 5:00 p.m. [September 6 through October 14](#))

Jim Edgar Panther Creek State Fish and Wildlife Area (for days 6 through 10 of the season, hunting hours are noon to 6:00 p.m. and hunters must check in and out at the site office; permit required as indicated in subsection (i) for days 11 through the end of the statewide dove season; hunting hours for days 11 through the end of the statewide dove season are sunrise to sunset; on the Controlled Unit only those hunters engaged in the controlled pheasant hunting program may take doves during the November portion of the dove season; on the Quail Management Unit only those hunters with Quail Management Unit Permits may take doves during the November portion of the dove season)

Kankakee River State Park

Mackinaw River State Fish and Wildlife Area (non-permit hunting hours sunrise to sunset; each permit authorizes the holder to bring one hunting partner)

Matthiessen State Park (non-permit hunting hours are sunrise to sunset)

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Ramsey Lake State Park (non-permit hunting hours are 12 noon to 5 p.m.)

Sangchris Lake State Park (closed after Sunday of the third weekend in September)

Silver Springs State Park (closed during National Hunting and Fishing Day Weekend)

k) Violation of a site specific regulation is a petty offense (see 520 ILCS 5/2.20).

(Source: Amended at 32 Ill. Reg. 14857, effective August 27, 2008)

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- 1) Heading of the Part: Organic Material Emission Standards and Limitations for the Chicago Area
- 2) Code Citation: 35 Ill. Adm. Code 218
- 3) Section Number: 218.480 Adopted Action:
Amend
- 4) Statutory Authority: Implementing Section 10 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/10, 27 and 28]
- 5) Effective Date of Amendment: August 26, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) The adopted amendment, including any material incorporated by reference, is on file in the Board's Chicago office at the James R. Thompson Center, 100 W. Randolph, Suite 11-500 and are available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: October 26, 2007; 31 Ill. Reg. 14581
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: 218.480(b)(4) – changed "18,779 kg/year (20.7 tons/year)" to "18,688 kg/year (20.6 tons/year)" and made a nonsubstantive correction, also.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: For a more detailed discussion of these amendments, see the Board's August 21, 2008 opinion and order in docket R08-8: Abbott Laboratories' Proposed Site Specific Amendment to Applicability Section of

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Organic Material Emission Standards and Limitations for the Chicago Area; Subpart T: Pharmaceutical Manufacturing (35 Ill. Adm. Code 218.480(b)) (R08-8). Abbott Laboratories proposed site-specific amendments for its pharmaceutical manufacturing facility located in Libertyville Township, Lake County. 35 Ill. Adm. Code 218.480(b) contains certain exemptions that are only applicable to Abbott's air suspension coater/dryer, fluid bed dryers, tunnel dryers, and Accelacotas. The adopted amendment allows Abbott to "cap" and lower the overall emissions allowable from its tunnel dryers numbered #1, #2, #3 and #4, and fluid bed dryers numbered #1, #2 and #3, and to calculate the amount of exempted emissions from the dryers based on the actual combined emissions from the dryers. The Illinois Environmental Protection Agency and the United States Environmental Protection Agency supported the rule. The Board found that the proposed amendment will reduce the overall allowable emissions from these units while increasing Abbott's operational flexibility, by allowing Abbott to make preferential use of the more efficient fluid bed dryers.

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

Kathleen Crowley
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601

312/814-6929

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the Docket number R08-08 in your request. The Board order is also available from the Board's Web site (www.ipcb.state.il.us)

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

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER c: EMISSIONS STANDARDS AND
LIMITATIONS FOR STATIONARY SOURCESPART 218
ORGANIC MATERIAL EMISSION STANDARDS AND
LIMITATIONS FOR THE CHICAGO AREA

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218.101	Savings Clause
218.102	Abbreviations and Conversion Factors
218.103	Applicability
218.104	Definitions
218.105	Test Methods and Procedures
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218.108	Exemptions, Variations, and Alternative Means of Control or Compliance Determinations
218.109	Vapor Pressure of Volatile Organic Liquids
218.110	Vapor Pressure of Organic Material or Solvent
218.111	Vapor Pressure of Volatile Organic Material
218.112	Incorporations by Reference
218.113	Monitoring for Negligibly-Reactive Compounds
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AND LOADING OPERATIONS

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218.122	Loading Operations
218.123	Petroleum Liquid Storage Tanks

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218.124	External Floating Roofs
218.125	Compliance Dates
218.126	Compliance Plan (Repealed)
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218.143	Vapor Blowdown
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218.181	Solvent Cleaning in General
218.182	Cold Cleaning
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218.204	Emission Limitations
218.205	Daily-Weighted Average Limitations
218.206	Solids Basis Calculation
218.207	Alternative Emission Limitations
218.208	Exemptions from Emission Limitations
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218.210	Compliance Schedule
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218.212	Cross-Line Averaging to Establish Compliance for Coating Lines
218.213	Recordkeeping and Reporting for Cross-Line Averaging Participating Coating Lines

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218.215	Wood Furniture Coating Averaging Approach
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218.302	Alternative Standard
218.303	Fuel Combustion Emission Units
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218.488	Monitoring for Air Pollution Control Equipment
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SUBPART V: BATCH OPERATIONS AND AIR OXIDATION PROCESSES

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218.500	Applicability for Batch Operations
218.501	Control Requirements for Batch Operations
218.502	Determination of Uncontrolled Total Annual Mass Emissions and Average Flow Rate Values for Batch Operations
218.503	Performance and Testing Requirements for Batch Operations
218.504	Monitoring Requirements for Batch Operations
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218.506	Compliance Date
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218.521	Definitions (Repealed)
218.522	Savings Clause
218.523	Compliance
218.524	Determination of Applicability
218.525	Emission Limitations for Air Oxidation Processes
218.526	Testing and Monitoring
218.527	Compliance Date (Repealed)

SUBPART W: AGRICULTURE

Section

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SUBPART Y: GASOLINE DISTRIBUTION

Section

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218.582 Bulk Gasoline Terminals
218.583 Gasoline Dispensing Operations – Storage Tank Filling Operations
218.584 Gasoline Delivery Vessels
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SUBPART Z: DRY CLEANERS

Section

218.601 Perchloroethylene Dry Cleaners (Repealed)
218.602 Applicability (Repealed)
218.603 Leaks (Repealed)
218.604 Compliance Dates (Repealed)
218.605 Compliance Plan (Repealed)
218.606 Exception to Compliance Plan (Repealed)
218.607 Standards for Petroleum Solvent Dry Cleaners
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218.611 Applicability for Petroleum Solvent Dry Cleaners
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Section

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218.620	Applicability
218.621	Exemption for Waterbase Material and Heatset-Offset Ink
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218.624	Open-Top Mills, Tanks, Vats or Vessels
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218.722	Control Requirements (Repealed)
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218.727	Monitoring (Repealed)
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218.784	Equipment Specifications
218.786	Surface Preparation Materials
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218.788	Testing
218.789	Monitoring and Recordkeeping for Control Devices
218.790	General Recordkeeping and Reporting (Repealed)
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Section	
218.960	Applicability
218.963	Permit Conditions (Repealed)
218.966	Control Requirements
218.967	Compliance Schedule
218.968	Testing

SUBPART TT: OTHER EMISSION UNITS

Section	
218.980	Applicability
218.983	Permit Conditions (Repealed)
218.986	Control Requirements
218.987	Compliance Schedule
218.988	Testing

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENT

SUBPART UU: RECORDKEEPING AND REPORTING

Section

218.990 Exempt Emission Units

218.991 Subject Emission Units

218.APPENDIX A	List of Chemicals Defining Synthetic Organic Chemical and Polymer Manufacturing
218.APPENDIX B	VOM Measurement Techniques for Capture Efficiency (Repealed)
218.APPENDIX C	Reference Methods and Procedures
218.APPENDIX D	Coefficients for the Total Resource Effectiveness Index (TRE) Equation
218.APPENDIX E	List of Affected Marine Terminals
218.APPENDIX G	TRE Index Measurements for SOCFI Reactors and Distillation Units
218.APPENDIX H	Baseline VOM Content Limitations for Subpart F, Section 218.212 Cross-Line Averaging

AUTHORITY: Implementing Section 10 and authorized by Sections 27, 28, and 28.5 of the Environmental Protection Act [415 ILCS 5/10, 27, 28, and 28.5].

SOURCE: Adopted at R91-7 at 15 Ill. Reg. 12231, effective August 16, 1991; amended in R91-24 at 16 Ill. Reg. 13564, effective August 24, 1992; amended in R91-28 and R91-30 at 16 Ill. Reg. 13864, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16636, effective September 27, 1993; amended in R93-14 at 18 Ill. Reg. 1945, effective January 24, 1994; amended in R94-12 at 18 Ill. Reg. 14973, effective September 21, 1994; amended in R94-15 at 18 Ill. Reg. 16392, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16950, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6848, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7359, effective May 22, 1995; amended in R96-13 at 20 Ill. Reg. 14428, effective October 17, 1996; amended in R97-24 at 21 Ill. Reg. 7708, effective June 9, 1997; amended in R97-31 at 22 Ill. Reg. 3556, effective February 2, 1998; amended in R98-16 at 22 Ill. Reg. 14282, effective July 16, 1998; amended in R02-20 at 27 Ill. Reg. 7283, effective April 8, 2003; amended in R04-12/20 at 30 Ill. Reg. 9684, effective May 15, 2006; amended in R06-21 at 31 Ill. Reg. 7086, effective April 30, 2007; amended in R08-8 at 32 Ill. Reg. 14874, effective August 26, 2008.

SUBPART T: PHARMACEUTICAL MANUFACTURING

Section 218.480 Applicability

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- a) The rules of this Subpart, except for Sections 218.483 through 218.485 of this Part, apply to all emission units of VOM, including but not limited to reactors, distillation units, dryers, storage tanks for VOL, equipment for the transfer of VOL, filters, crystallizers, washers, laboratory hoods, pharmaceutical coating operations, mixing operations and centrifuges used in manufacturing, including packaging, of pharmaceuticals, and emitting more than 6.8 kg/day (15 lbs/day) and more than 2,268 kg/year (2.5 tons/year) of VOM. If such an emission unit emits less than 2,268 kg/year (2.5 tons/year) of VOM, the requirements of this Subpart still apply to the emission unit if VOM emissions from the emission unit exceed 45.4 kg/day (100 lbs/day).
- b) Notwithstanding subsection (a) of this Section, the air suspension coater/dryer, fluid bed dryers, tunnel dryers, and Accelacotas located in Libertyville Township, Lake County, Illinois shall be exempt from the rules of this Subpart, except for Sections 218.483 through 218.485, if emissions of VOM not vented to air pollution control equipment do not exceed the following levels:
- 1) For the air suspension coater/dryer: 2,268 kg/year (2.5 tons/year);
 - 2) [Except as set forth in subsection 218.480\(b\)\(4\) of this Section, for](#)~~For~~ each fluid bed dryer: 4,535 kg/year (5.0 tons/year);
 - 3) [Except as set forth in subsection 218.480\(b\)\(4\) of this Section, for](#)~~For~~ each tunnel dryer: 6,803 kg/year (7.5 tons/year); ~~and~~
 - 4) [For fluid bed dryers #1, #2, and #3 and for tunnel dryers #1, #2, #3, and #4, the combined total annual emissions from the dryers listed in this subsection 218.480\(b\)\(4\) shall not exceed 18, 688 kg/year \(20.6 tons/year\).](#)
- [\[BOARD NOTE: tunnel dryers are otherwise referred to as warm air dryers\]; and](#)
- [54](#)) For each Accelacota: 6,803 kg/year (7.5 tons/year).
- c) Sections 218.483 through 218.485 of this Part apply to a source having one or more emission units that:
- 1) Are used to manufacture pharmaceuticals, and

POLLUTION CONTROL BOARD

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- 2) Emit more than 6.8 kg/day (15 lbs/day) of VOM and more than 2,268 kg/year (2.5 tons/year) of VOM, or, if less than 2,268 kg/year (2.5 tons/year), these Sections still apply if emissions from one or more sources exceed 45.4 kg/day (100 lbs/day).
- d) No owner or operator shall violate any condition in a permit when the condition results in exclusion of an emission unit from this Subpart.
- e) Any pharmaceutical manufacturing source that becomes subject to the provisions of this Subpart at any time shall remain subject to the provisions of this Subpart at all times.
- f) Emissions subject to this Subpart shall be controlled at all times consistent with the requirements set forth in this Subpart.
- g) Any control device required pursuant to this Subpart shall be operated at all times when the source it is controlling is operated.
- h) Determinations of daily and annual emissions for purposes of this Section shall be made using both data on the hourly emission rate (or the emissions per unit of throughput) and appropriate daily and annual data from records of emission unit operation (or material throughput or material consumption data). In the absence of representative test data pursuant to Section 218.487 of this Part for the hourly emission rate (or the emissions per unit of throughput) such items shall be calculated using engineering calculations, including the methods described in Appendix B of "Control of Volatile Organic Emissions from Manufacturing of Synthesized Pharmaceutical Products" (EPA-450/2-78-029), incorporated by reference in Section 218.112 of this Part. (This subsection shall not affect the Agency's or the USEPA's authority to require emission tests to be performed pursuant to Section 218.487 of this Part.)
- i) Equipment and operations emitting VOM at a source subject to subsection (a) or (c) of this Section and used to produce pharmaceutical products or a pharmaceutical-like product such as a hormone, enzyme, or antibiotic, shall be deemed to be engaged in the manufacture of pharmaceuticals for the purposes of this Subpart.

(Source: Amended at 32 Ill. Reg. 14874, effective August 26, 2008)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Lottery (General)
- 2) Code Citation: 11 Ill. Adm. Code 1770
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1770.240	New
1770.APPENDIX B	New
- 4) Statutory Authority: 20 ILCS 1605/7.1 and 7.2
- 5) Effective Date of Amendments: August 28, 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 and is available for public inspection at the Department of Revenue, Illinois Lottery Division, 101 West Jefferson Street, MC5-950, Springfield, IL 62702.
- 9) Notice of Proposal Published in the Illinois Register: January 25, 2008; 32 Ill. Reg. 1071
- 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 amendments.
- 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 issued by JCAR with respect to this rulemaking.
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking establishes a mechanism by which individuals may voluntarily exclude themselves from lottery play and prize redemption through the Department of Revenue, Illinois Lottery Division, in order to aid those individuals in overcoming a gambling addiction.

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

Lisa Crites
Illinois Lottery
101 West Jefferson, MC5-950
Springfield, IL 62702

217/524-5253; lisa.crites@illinois.gov

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

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS
TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE C: LOTTERY
CHAPTER II: DEPARTMENT OF REVENUEPART 1770
LOTTERY (GENERAL)

Section	
1770.10	Definitions
1770.20	Selection of Lottery Sales Agents; License Application and Fee; On-Line Status
1770.30	Special Licenses
1770.40	License Revocation Without Prior Notice
1770.50	License Revocation, Suspension, Non-Renewal or Denial With Prior Notice
1770.60	Conditions of Licensing
1770.70	License to be Displayed
1770.80	Change of Name, Ownership, or Form of Business Organization
1770.90	Delinquent Financial Obligations
1770.100	Bonding of Agents
1770.110	License Expiration and Renewal
1770.120	Agent Financial Adjustments
1770.130	Lost, Stolen, and Damaged Winning Tickets and other Discrepancies
1770.140	Sales by Department Directly
1770.150	Sales, Inspection, Compensation, and Ticket Purchases
1770.160	Lottery Tickets
1770.170	Lottery Games
1770.180	Drawings
1770.190	Prize Payment, Claiming or Redeeming of Prizes and Transfers to Common School Fund
1770.200	Eligibility to Buy
1770.210	Promotional Items
1770.220	Priority of Rules
1770.230	Assignment of Lottery Prizes
1770.240	Voluntary Self-exclusion Program
1770.APPENDIX A	Affidavit
1770.APPENDIX B	Voluntary Self-exclusion Agreement

AUTHORITY: Implementing and authorized by Sections 7.1 and 7.2 of the Illinois Lottery Law [20 ILCS 1605/7.1 and 7.2].

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SOURCE: Filed by the Lottery Control Board July 11, 1974; amended at 2 Ill. Reg. 17, p. 130, effective April 1, 1978; amended at 4 Ill. Reg. 15, p. 201, effective March 30, 1980; codified as 11 Ill. Adm. Code 1670 at 5 Ill. Reg. 10713; transferred from 11 Ill. Adm. Code 1670 (Lottery Control Board) to 11 Ill. Adm. Code 1770 (Department of the Lottery) pursuant to Executive Order 86-2, effective July 1, 1986, at 11 Ill. Reg. 1582; Part repealed, new Part adopted at 13 Ill. Reg. 7908, effective May 16, 1989; amended at 17 Ill. Reg. 18816, effective October 19, 1993; amended at 18 Ill. Reg. 13439, effective August 23, 1994; amended at 19 Ill. Reg. 6810, effective May 8, 1995; amended at 20 Ill. Reg. 15039, effective November 6, 1996; emergency amendment at 22 Ill. Reg. 1964, effective January 15, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 9307, effective May 15, 1998; amended at 22 Ill. Reg. 22298, effective December 14, 1998; amended at 24 Ill. Reg. 16061, effective October 13, 2000; amended at 25 Ill. Reg. 12812, effective September 28, 2001; amended at 26 Ill. Reg. 8562, effective May 30, 2002; recodified from the Department of the Lottery to the Department of Revenue pursuant to Executive Order 2003-9 at 27 Ill. Reg. 16993; amended at 29 Ill. Reg. 13869, effective August 29, 2005; amended at 32 Ill. Reg. 14888, effective August 28, 2008.

Section 1770.240 Voluntary Self-exclusion Program

Any individual wishing to reduce his or her incentive to purchase Illinois Lottery tickets may do so by participating in a voluntary self-exclusion program.

- a) In order to participate in the voluntary self-exclusion program, an individual must complete a self-exclusion agreement as set forth in Appendix B to this Part, sign the agreement in the presence of a notary public, and mail or otherwise deliver the signed and notarized agreement to the Illinois Lottery's Claims Unit at 101 West Jefferson, MC5-915, Springfield, Illinois 62702. The form may be obtained in person or by mail from any Lottery office or may be downloaded and printed from the Lottery's website.
- b) Upon receipt of the signed and notarized document, the Illinois Lottery will add the individual's identifying information to its confidential database of persons prohibited from receiving payment of prizes through the Lottery's regional prize payment facilities or central office.
- c) Upon receipt of a voluntary self-exclusion agreement, the Lottery will take all reasonable steps, including but not limited to providing the enrollee's name and address to advertising and public relations firms retained by the Lottery and to staff in charge of in-house e-mail and fax lists, to remove the self-exclusion program enrollee from existing promotional mailing lists, electronic distribution

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lists or other promotional listings, and to prevent the inclusion of the individual's name in any promotional listings that may be created in the future.

- d) All Illinois Lottery prizes that are unclaimed as a result of the voluntary self-exclusion program shall be handled in the same manner as other unclaimed prizes and may be included in the prize pool of such special drawing or drawings as the Division may, from time to time, designate. All unclaimed prize money not included in the prize pool of a special drawing shall be transferred to the Common School Fund. [20 ILCS 1605/19]
- e) Removal from Self-Exclusion List
- 1) Upon the expiration of 5 years from the date of placement on the Lottery's voluntary self-exclusion list, an individual may request that he or she be removed from the list based upon the elimination of a mental health or medical condition underlying the person's acknowledgment that he or she was a problem gambler and unable to gamble responsibly. The request for removal from the self-exclusion list must be in writing, be addressed to the Lottery Superintendent at the Lottery's central office in Springfield, and include the following:
- A) Information as to treatment received for the person's gambling problem, length of treatment, and names and qualifications of treatment providers.
- B) A waiver of liability of the Department of Revenue, Illinois Lottery, their agents and the State of Illinois for any damages that might arise out of any act or omission committed by the person as a consequence of his or her removal from the Lottery's voluntary self-exclusion list, including any monetary or other damages sustained in connection with the person's renewal of lottery ticket purchases or redemptions.
- C) The requestor's name, address and taxpayer identification number and notarized signature (subscribed and sworn).
- 2) A decision whether to remove a person from the self-exclusion list shall be at the discretion of the Superintendent, and the Superintendent shall not rule on a request for removal from the voluntary self-exclusion list until all

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of the requirements of this subsection (e) are met. Written notification of the determination will be sent to the requestor by certified mail.

- f) Any information as to mental health or medical conditions received pursuant to this Section will be maintained pursuant to the Mental Health and Developmental Disabilities Confidentiality Act [740 ILCS 110] and other applicable federal and State laws.

(Source: Added at 32 Ill. Reg. 14888, effective August 28, 2008)

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Section 1770.APPENDIX B Voluntary Self-exclusion AgreementILLINOIS LOTTERY
SELF-EXCLUSION FROM PLAY
AND PRIZE PAYMENT AGREEMENTAttach Recent Photo Here

_____, of _____, in the State of Illinois,
(Name of Individual Signing Contract) (City of Residence)

hereinafter "Player", and the Illinois Lottery, a Division of the Illinois Department of Revenue, hereinafter "Lottery", (collectively, the "Parties") in consideration of the agreed mutual benefits to be derived by the Parties from Player's cessation of lottery game play, do hereby covenant and agree as follows:

1. Player acknowledges that she/he is a compulsive or problem gambler.
2. Player acknowledges that access to payment of prizes won as a result of playing Lottery games is an unwelcome incentive to play such games.
3. Player desires to reduce the incentive to play by entering into a voluntary self-exclusion agreement restricting Player's access to lottery prizes to which Player would otherwise be entitled by virtue of playing lottery games and/or otherwise possessing lottery tickets presented for payment.
4. Lottery intends to honor Player's commitment to abstain from playing Lottery's games by denying Player access to redeem prizes for tickets or chances at any one of the Lottery's regional offices and through Lottery Central whenever such denial is feasible. Player acknowledges that enforcement of this agreement at retailer locations is currently not feasible.
5. Lottery represents and Player acknowledges that compulsive or problem gambler participation in games offered by Lottery is contrary to the policy and objectives of Lottery management, is detrimental to the health and well-being of the problem player, and is not in the best interests of State government and the citizens of Illinois.
6. Lottery agrees to take reasonable steps to remove Player's name from any existing promotional mailing lists, electronic distribution lists or other promotional listings and to prevent the inclusion of Player's name in any promotional listings that may be created in the future. Player acknowledges that any lottery promotional materials sent in error to Player by mail or electronically are not an invitation to play Lottery games. Player agrees

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to immediately notify the Lottery's Public Information Officer by phone at 800-252-1775 if Player receives any promotional materials from Lottery and Lottery agrees to take corrective action upon receipt of that notification. Player understands and agrees that, although Lottery will endeavor to exclude Player's name from all promotional mailings, electronic communications, web-based players clubs and other promotional listings, Lottery cannot guarantee that Player's name will not be included in such a mailing or listing. Player understands and agrees that inclusion of Player's name in any such lottery listing, club or promotional listing shall neither create nor be construed to create in Player any right, claim or cause of action against Lottery.

NOW, THEREFORE, Player requests that, from this date forward, Player be deemed ineligible to play any Illinois Lottery game and barred from claiming and/or receiving any cash payment or non-cash prize whatsoever that might be won as a result of Player's purchase of a ticket or chance or of Player's playing any Illinois Lottery game, until such time as Player may request and be approved for removal from the self-exclusion list pursuant to 11 Ill. Adm. Code 1770.240(e). To that end, and to facilitate Lottery's implementation of this agreement to be banned from Lottery gaming, Player furnishes the following information:

My Full Name (and any nicknames): _____

My Address: _____

City: _____ State: _____ Zip: _____

Telephone #: (____) _____

Driver's License #: _____ State: _____

Date of Birth: mm/dd/yr: _____

Social Security #: _____

Email Address: _____

I (Player) acknowledge that, by signing this Self-Exclusion from Play and Prize Payment Agreement, I knowingly and intentionally, and for valuable consideration, including Lottery's efforts to implement my exclusion, enter into a contractual relationship in which I relinquish and release any right, title, claim or cause of action on behalf of myself, my heirs, executors, administrators and assigns to any and all prize winnings that might otherwise accrue as a result of my purchase and/or play of Illinois Lottery gaming products. Specifically, I acknowledge that, during the term of this contract, I agree to waive any right to claim a prize pursuant to the Illinois Lottery Law [20 ILCS 1605] and the administrative rules promulgated thereunder (11 Ill. Adm. Code 1770). I understand and agree that any lottery prize that would otherwise be due me shall be deemed void and uncollectible and that any such prize shall be deemed to be an

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unclaimed prize within the meaning of Section 19 of the Illinois Lottery Law [20 ILCS 1605/19] and handled in accordance with the requirements for disposition of all such funds held by Lottery.

I understand and agree that I will not seek to hold Lottery liable in any way should I continue to play Lottery games at any venue in the State of Illinois despite this Agreement. I further understand and acknowledge that I am not entitled to a refund of any purchase price even though any Illinois Lottery product purchased by me is deemed void and uncollectible. In other words, I understand and agree that I cannot collect any prize nor can I receive a refund for any lottery product purchased.

I agree to indemnify Lottery, its board members, business partners, officers, employees, agents, retailers, affiliates, contractors and licensees, and their heirs, successors and assigns from any liability Lottery, or any of those persons or entities named, may incur relating to this request. Specifically, I, for myself and my family members, heirs and legal representatives, hereby release and forever discharge Lottery, its board members, business partners, officers, employees, agents, retailers and affiliates, and their heirs, successors and assigns, and those with whom Lottery and those persons or entities named may lawfully share information regarding this Agreement, including any contractor or Internet Services Provider that offers services on behalf of these persons and entities (collectively, the "Released Parties"), from any and all claims in law or equity that I now have or may have in the future against any or all of the Released Parties arising out of, or by reason of, the performance or nonperformance of this Self-Exclusion Request, or any other matter relating to it, including the release of information contained in this Agreement. I further agree, in consideration for the Released Parties' efforts to implement my exclusion, to indemnify and hold harmless the Released Parties to the fullest extent permitted by law from any and all liabilities, judgments, damages, and expenses of any kind, including reasonable attorneys' fees, resulting from or in connection with the performance or nonperformance of this self-exclusion request.

I understand and intend that this release be general in nature and broadly construed, and that it shall extend to the Illinois Lottery, its officers, board members, business partners, employees, agents, retailers, affiliates, contractors and licensees, and their heirs, successors and assigns.

If a prize payment is made to me in error, I further request that, to the extent practical and feasible, the Illinois Lottery, its officers, board members, business partners, employees, agents, retailers, affiliates, contractors and licensees, and their heirs, successors and assigns, confiscate or stop any such payment and pursue any appropriate legal remedies for breach of this Agreement, thereby depriving me of the benefit of the prize payment.

Signed this _____ day of _____, 20_____

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PLAYER

State of _____)

County of _____)

I, _____, a Notary Public, in and for the County and State aforesaid, do hereby certify that _____, who acknowledged to me that she/he is the person described as "Player" in the above and foregoing "Illinois Lottery Self-Exclusion from Play and Prize Payment Agreement", appeared before me on the date shown immediately above his/her signature, signed this Agreement in my presence, and declared the act of signing to be of his/her own free will and accord.

Notary Public

(SEAL)

ILLINOIS LOTTERY

Signed this _____ day of _____, 20____

By: _____

Its: _____

State of Illinois)

County of _____)

I, _____, a Notary Public, in and for the County and State aforesaid, do hereby certify that _____, a person known to me to

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be a duly-authorized officer of the Illinois Lottery, appeared before me on the date shown immediately above his/her signature, signed this Agreement in my presence for and on behalf of the Illinois Lottery, and declared the act of signing to be of his/her own free will and accord and for the uses and purposes set forth in the Illinois Lottery Self-Exclusion from Play and Prize Payment Agreement.

Notary Public

(SEAL)

(Source: Added at 32 Ill. Reg. 14888, effective August 28, 2008)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
SEPTEMBER AGENDA

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:00 A.M.
SEPTEMBER 16, 2008

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

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

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

RULEMAKINGS CURRENTLY BEFORE JCAR

PROPOSED RULEMAKINGS

Aging

1. Community Care Program (89 Ill. Adm. Code 240)
 - First Notice Published: 31 Ill. Reg. 16599 – 12/21/07
 - Expiration of Second Notice: 10/9/08

Auditor General

2. Code of Regulations (74 Ill. Adm. Code 420)
 - First Notice Published: 32 Ill. Reg. 8194 – 6/6/08
 - Expiration of Second Notice: 10/8/08

JOINT COMMITTEE ON ADMINISTRATIVE RULES
SEPTEMBER AGENDA

Central Management Services

3. Standard Procurement (44 Ill. Adm. Code 1)
 - First Notice Published: 31 Ill. Reg. 14973 – 11/9/07
 - Expiration of Second Notice: 9/27/08
4. Business Enterprise Program: Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities (44 Ill. Adm. Code 10)
 - First Notice Published: 32 Ill. Reg. 8210 – 6/6/08
 - Expiration of Second Notice: 9/27/08
5. State (of Illinois) Employees' Deferred Compensation Plan (80 Ill. Adm. Code 2700)
 - First Notice Published: 32 Ill. Reg. 6840 – 4/25/08
 - Expiration of Second Notice: 10/2/08

Chief Procurement Officer for Public Institutions of Higher Education

6. Procurement Rules of the Chief Procurement Officer for Public Institutions of Higher Education (44 Ill. Adm. Code 526)
 - First Notice Published: 32 Ill. Reg. 9101 – 6/27/08
 - Expiration of Second Notice: 10/2/08

Commerce Commission

7. Certification of Alternative Retail Electric Suppliers (83 Ill. Adm. Code 451)
 - First Notice Published: 32 Ill. Reg. 4479 – 4/4/08
 - Expiration of Second Notice: 10/2/08

Education

8. Requirements for Accounting, Budgeting, Financial Reporting, and Auditing (23 Ill. Adm. Code 100)
 - First Notice Published: 32 Ill. Reg. 7051 – 5/2/08
 - Expiration of Second Notice: 10/16/08
9. Student Records (23 Ill. Adm. Code 375)
 - First Notice Published: 32 Ill. Reg. 7271 – 5/9/08
 - Expiration of Second Notice: 10/9/08

JOINT COMMITTEE ON ADMINISTRATIVE RULES
SEPTEMBER AGENDA

10. Special Education Facilities Under Section 14-7.02 of the School Code (23 Ill. Adm. Code 401)
-First Notice Published: 32 Ill. Reg. 4705 – 4/4/08
-Expiration of Second Notice: 10/4/08

Elections

11. Registration of Voters (26 Ill. Adm. Code 216)
-First Notice Published: 32 Ill. Reg. 9124 – 6/27/08
-Expiration of Second Notice: 10/5/08

Healthcare and Family Services

12. Practice in Administrative Hearings (89 Ill. Adm. Code 104)
-First Notice Published: 32 Ill. Reg. 8482 – 6/13/08
-Expiration of Second Notice: 9/20/08
13. Medical Payment (89 Ill. Adm. Code 140)
-First Notice Published: 32 Ill. Reg. 6344 – 4/18/08
-Expiration of Second Notice: 10/2/08
14. Child Support Enforcement (89 Ill. Adm. Code 160)
-First Notice Published: 32 Ill. Reg. 8490 – 6/13/08
-Expiration of Second Notice: 9/20/08
15. Medical Payment (89 Ill. Adm. Code 140)
-First Notice Published: 32 Ill. Reg. 6869 – 4/25/08
-Expiration of Second Notice: 9/20/08

Human Rights

16. Procedures Applicable to All Agencies (44 Ill. Adm. Code 750)
-First Notice Published: 32 Ill. Reg. 8536 – 6/13/08
-Expiration of Second Notice: 9/19/08

Property Tax Appeal Board

17. Practice and Procedure for Appeals Before the Property Tax Appeal Board (86 Ill. Adm. Code 1910)
-First Notice Published: 32 Ill. Reg. 24 – 1/4/08

JOINT COMMITTEE ON ADMINISTRATIVE RULES
SEPTEMBER AGENDA

-Expiration of Second Notice: 10/6/08

Racing Board

18. Illinois Racing Board (11 Ill. Adm. Code 200)
 - First Notice Published: 32 Ill. Reg. 8547 – 6/13/08
 - Expiration of Second Notice: 9/19/08
19. Security and Admissions (11 Ill. Adm. Code 1325)
 - First Notice Published: 32 Ill. Reg. 8552 – 6/13/08
 - Expiration of Second Notice: 9/19/08
20. Regulations for Meetings (11 Ill. Adm. Code 1424)
 - First Notice Published: 32 Ill. Reg. 8556 – 6/13/08
 - Expiration of Second Notice: 9/19/08

Revenue

21. Retailers' Occupation Tax (86 Ill. Adm. Code 130)
 - First Notice Published: 32 Ill. Reg. 9801 – 7/11/08
 - Expiration of Second Notice: 10/16/08
22. Retailers' Occupation Tax (86 Ill. Adm. Code 130)
 - First Notice Published: 32 Ill. Reg. 8850 – 6/20/08
 - Expiration of Second Notice: 10/16/08
23. Use Tax (86 Ill. Adm. Code 150)
 - First Notice Published: 32 Ill. Reg. 8869 – 6/20/08
 - Expiration of Second Notice: 10/16/08

Secretary of State

24. Certificates of Title, Registration of Vehicles (92 Ill. Adm. Code 1010)
 - First Notice Published: 31 Ill. Reg. 16718 – 12/21/07
 - Expiration of Second Notice: 10/9/08
25. Certificates of Title, Registration of Vehicles (92 Ill. Adm. Code 1010)
 - First Notice Published: 32 Ill. Reg. 833 – 1/18/08
 - Expiration of Second Notice: 10/9/08

JOINT COMMITTEE ON ADMINISTRATIVE RULES
SEPTEMBER AGENDA

26. Illinois Safety Responsibility Law (92 Ill. Adm. Code 1070)
-First Notice Published: 32 Ill. Reg. 8890 – 6/20/08
-Expiration of Second Notice: 9/24/08

State Fire Marshal

27. Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120)
-First Notice Published: 32 Ill. Reg. 7559– 5/16/08
-Expiration of Second Notice: 10/12/08
28. Storage, Transportation, Sale and Use of Liquefied Petroleum Gas (41 Ill. Adm. Code 200)
-First Notice Published: 32 Ill. Reg. 8840 – 6/20/08
-Expiration of Second Notice: 10/9/08
29. Fire Equipment Distributor and Employee Standards (41 Ill. Adm. Code 251)
-First Notice Published: 32 Ill. Reg. 9097 – 6/27/08
-Expiration of Second Notice: 10/9/08

State Universities Civil Service System

30. State Universities Civil Service System (80 Ill. Adm. Code 250)
-First Notice Published: 32 Ill. Reg. 9129 – 6/27/08
-Expiration of Second Notice: 10/11/08

State Universities Retirement System

31. Universities Retirement (80 Ill. Adm. Code 1600)
-First Notice Published: 32 Ill. Reg. 7280 – 5/9/08
-Expiration of Second Notice: 9/26/08

PEREMPTORY RULEMAKING

Central Management Services

32. Pay Plan (80 Ill. Adm. Code 310)
-Notice Published: 32 Ill. Reg. 13861 – 8/22/08

ADOPTED RULEMAKING

JOINT COMMITTEE ON ADMINISTRATIVE RULES
SEPTEMBER AGENDA

Office of the Lieutenant Governor

33. Freedom of Information (2 Ill. Adm. Code 526)
-Notice Published: 32 Ill. Reg. 13210 – 8/8/08

AGENCY RESPONSES

Healthcare and Family Services

34. Medical Assistance Programs (89 Ill. Adm. Code 120; 32 Ill. Reg. 7212) (Peremptory)
35. Medical Payment (89 Ill. Adm. Code 140; 32 Ill. Reg. 6743) (Peremptory)

Revenue

36. Lottery (General (11 Ill. Adm. Code 1770; 32 Ill. Reg. 1071)

Violence Prevention Authority

37. Public Information, Rulemaking and Organization (2 Ill. Adm. Code 1770; 32 Ill. Reg. 7417) (Adopted)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of August 25, 2008 through September 2, 2008 and have been scheduled for review by the Committee at its September 16, 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>
10/8/08	<u>Auditor General</u> , Code of Regulations (74 Ill. Adm. Code 420)	6/6/08 32 Ill. Reg. 8194	9/16/08
10/9/08	<u>State Board of Education</u> , Student Records (23 Ill. Adm. Code 375)	5/9/08 32 Ill. Reg. 7271	9/16/08
10/9/08	<u>Department on Aging</u> , Community Care Program (89 Ill. Adm. Code 240)	12/21/07 31 Ill. Reg. 16599	9/16/08
10/9/08	<u>State Fire Marshal</u> , Storage, Transportation, Sale and Use of Liquefied Petroleum Gas (41 Ill. Adm. Code 200)	6/20/08 32 Ill. Reg. 8840	9/16/08
10/9/08	<u>State Fire Marshal</u> , Fire Equipment Distributor and Employee Standards (41 Ill. Adm. Code 251)	6/27/08 32 Ill. Reg. 9097	9/16/08
10/9/08	<u>Secretary of State</u> , Certificates of Title, Registration of Vehicles (92 Ill. Adm. Code 1010)	12/21/07 31 Ill. Reg. 16718	9/16/08
10/9/08	<u>Secretary of State</u> , Certificates of Title, Registration of Vehicles (92 Ill. Adm. Code 1010)	1/18/08 32 Ill. Reg. 833	9/16/08

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

10/11/08	<u>State Universities Civil Service System</u> , State Universities Civil Service System (80 Ill. Adm. Code 250)	6/27/08 32 Ill. Reg. 9129	9/16/08
10/12/08	<u>State Fire Marshal</u> , Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120)	5/16/08 32 Ill. Reg. 7559	9/16/08
10/16/08	<u>Department of Revenue</u> , Retailers' Occupation Tax (86 Ill. Adm. Code 130)	7/11/08 32 Ill. Reg. 9801	9/16/08
10/16/08	<u>Department of Revenue</u> , Retailers' Occupation Tax (86 Ill. Adm. Code 130)	6/20/08 32 Ill. Reg. 8850	9/16/08
10/16/08	<u>Department of Revenue</u> , Use Tax (86 Ill. Adm. Code 150)	6/20/08 32 Ill. Reg. 8869	9/16/08
10/16/08	<u>State Board of Education</u> , Requirements for Accounting, Budgeting, Financial Reporting, and Auditing (23 Ill. Adm. Code 100)	5/2/08 32 Ill. Reg. 7051	9/16/08

DEPARTMENT OF REVENUE

NOTICE OF AGENCY RESPONSE TO JOINT COMMITTEE ON ADMINISTRATIVE
RULES STATEMENT OF RECOMMENDATION TO PROPOSED RULEMAKING

- 1) Heading of the Part: Lottery (General)
- 2) Code Citation: 11 Ill. Adm. Code 1770
- 3) Section Numbers: 1770.240 and 1770.APPENDIX B
- 4) Date Notice of Proposed Rules Published in the Register: January 25, 2008; 32 Ill. Reg. 1071
- 5) Date JCAR Statement of Recommendation to Proposed Rulemaking Published in the Register: June 6, 2008; 32 Ill. Reg. 8446
- 6) Summary of Action Taken by the Agency:

At its meeting on May 20, 2008, the Joint Committee on Administrative Rules recommended that, in the future, the Department of Revenue refrain from implementing policy not in rule. The Illinois Lottery had been operating a voluntary self-exclusion program since October 2007 without administrative rules.

The Department of Revenue agrees with the Joint Committee's recommendation and, going forward, will initiate required rulemaking prior to implementing policy.

EXECUTIVE ORDER

2008-3**EXECUTIVE ORDER FURTHER PROTECTING THE INTEGRITY OF STATE
PROCUREMENTS**

WHEREAS, the laws of this State expressly require that the State procure goods and services in a manner that maximizes the value of public expenditures for goods and services and maintains the integrity and public trust of State government (30 ILCS 500/50-1); and

WHEREAS, every State Officer has some influence upon the State procurement process, whether through the decision to award a State contract, the appropriation of monies to pay for State contracts, or the decision to release State funds in accord with the terms of a contract; and

WHEREAS, political contributions by State contractors to State Officers or to political organizations that make expenditures on behalf of such Officers contributes to public cynicism regarding the integrity of the government procurement process; and

WHEREAS, it is my intent that State Agencies avoid practices that threaten to undermine public confidence in the integrity of the State procurement processes or that create an appearance of impropriety; and

WHEREAS, the State has a compelling interest in protecting the integrity of its procurement processes by ensuring the public has confidence that the award of State contracts is based upon price, quality, service and other merit-based factors, and not on political contributions to State Officers; and

WHEREAS, as Governor, I have the authority under Article V, Section 8 and Article XIII, Section 2 of the Illinois Constitution to establish and enforce ethical standards for all State Agencies under my jurisdiction and control; and

WHEREAS, I am committed to enhancing public trust in government by promoting respect for high ethical standards in the procurement process and by implementing strong measures to enforce those standards; and

WHEREAS, this Executive Order directly advances the State's compelling interests in protecting the integrity of the procurement process, ensuring that procurement decisions are based solely on merit, and maximizing the value of public expenditures for goods and services.

THEREFORE, I, Rod R. Blagojevich, as Governor of the State of Illinois, hereby order the following:

EXECUTIVE ORDER

I. Definitions

The following definitions shall apply to this Executive Order:

- A. "Affiliated Entity" means (i) any subsidiary or parent of a Business Entity; (ii) any member of the same unitary business group (*e.g.*, an entity sharing a common parent with a Business Entity); (iii) any entity owned or controlled by an Affiliated Person of a Business Entity; (iv) any organization recognized by the United States Internal Revenue Service as a tax-exempt organization described in Section 501(c) of the Internal Revenue Code of 1986 (or any successor provision of federal tax law) established or controlled by a Business Entity or an Affiliated Person; or (v) any political committee established or controlled by a Business Entity or an Affiliated Person or for which a Business Entity or an Affiliated Person is the sponsor.
- B. "Affiliated Person" means (i) any person with an ownership interest or distributive share of a Business Entity or its Affiliated Entity in excess of 7.5%; (ii) any executive employee of a Business Entity or its Affiliated Entity; or (iii) the spouse or minor child of any person covered by subparts (i) or (ii) hereof. "State Procurement" means a contract to procure goods or services between a State Agency and a Business Entity.
- C. "Business Entity" means any contractor, vendor, or bidder which has or seeks to have a State Procurement with any State Agency, and includes any natural or legal person or entity doing business for profit, whether organized as a corporation, professional services corporation, partnership, sole proprietorship, limited liability company, limited partnership, or otherwise. The term "Business Entity" does not include a person or any of the foregoing entities that has or seeks to have a (i) "cost-reimbursement contract" as defined in Section 1-15.35 of the Procurement Code; (ii) "grant" as defined in Section 1-15.42 of the Procurement Code, including but not limited to grants for job training or transportation, and grants, loans, or tax credit agreements for economic development purposes; and (iii) "purchase of care" agreement as defined in Section 1-15.68 of the Procurement Code.
- D. "Contribution" means a contribution as defined in Section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).
- E. "Covered Business Entity" means a Business Entity (i) whose aggregate, annual bids and proposals on contracts with State Agencies total more than \$50,000; (ii) whose aggregate, annual bids and proposals on contracts with State Agencies, combined with aggregate, annual awarded contracts with such Agencies, total more than \$50,000; or (iii) whose aggregate, annual contracts with State Agencies total more than \$50,000.

EXECUTIVE ORDER

- F. "Covered Political Organization" means any political committee of a state central committee of a political party that is represented by a State Officer or a declared candidate for State Office.
- G. "Declared Candidate" means a person who has filed a statement of candidacy and petition for nomination or election in the principal office of the State Board of Elections for a State Office.
- H. "Expenditure" means an expenditure as defined in Section 9-1.5 of the Election Code (10 ILCS 5/9-1.5).
- I. "State Agency" means any agency under the Governor pursuant to Article V, Section 8 of the Illinois Constitution. For the purposes of this Executive Order, a State Agency also means the State retirement systems, including but not limited to, the State Employees' Retirement System of Illinois, the State Universities Retirement System, and the Teachers' Retirement System of the State of Illinois.
- J. "State Office" or "State Officer" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, Treasurer, or member of the General Assembly.
- K. "State Procurement" means a contract to procure goods or services between a State Agency and a Business Entity.

II. Scope

This Executive Order applies to all State Procurement processes initiated by any State Agency, regardless of (a) which statutes, administrative rules or policies govern their procurement; (b) what method of procurement is used to procure the goods or services; or (c) any other characteristic of the procurement.

III. Restrictions on State Procurements Awarded by State Agencies

- A. A Covered Business Entity (and its Affiliated Persons and Affiliated Entities) shall not solicit a Contribution on behalf of, or make a Contribution to, a State Officer, any Declared Candidate for a State Office, or any Covered Political Organization:
- 1) during the period beginning on the date the invitation for bids or request for proposal is issued and ending on the day after the date the contract is awarded;
 - 2) any time after a State Procurement is awarded but before the start of the contract;

EXECUTIVE ORDER

- 3) during the term of any State Procurement; and
 - 4) for a period of two years after the State Procurement.
- B. Any State Procurement entered into with a Covered Business Entity shall provide that it shall be a material breach of the State Procurement if the Covered Business Entity (or any of its Affiliated Persons or Affiliated Entities): (i) makes or solicits a Contribution in violation of this Executive Order; or (ii) knowingly conceals or misrepresents a Contribution given or received; or (iii) makes or solicits Contributions through intermediaries for the purpose of concealing or misrepresenting the source of the Contribution; or (iv) makes or solicits any Contribution on the condition or with the agreement that it will be contributed to a State Officer, any Declared Candidate for a State Office, or any Covered Political Organization; or (v) engages or employs a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any Contribution, which if made or solicited by the Covered Business Entity itself, would subject that entity to the restrictions of this Executive Order; or (vi) funds Contributions made by third parties, including consultants, attorneys, family members, and employees, which if made or solicited by the Covered Business Entity itself, would subject that entity to the restrictions of this Executive Order; or (vii) engages in any exchange of Contributions contrary to the intent of this Executive Order.
- C. The State Agency awarding the State Procurement shall require the Covered Business Entity to provide a written certification that no Contribution will be made that would violate this Executive Order. A Covered Business Entity shall have a continuing duty to report to the State agency any Contribution made by it (or its Affiliated Persons or Affiliated Entities) during the term of the State Procurement and for a period of two years after the conclusion of such State Procurement.
- D. If a Covered Business Entity (or any of its Affiliated Persons or Affiliated Entities) inadvertently makes a Contribution in violation of this Order, the Covered Business Entity may request a full reimbursement from the recipient and, if such reimbursement is received within 30 days after the date on which the Contribution was made, the Covered Business Entity will no longer be in violation of this Order. It shall be presumed that Contributions made within 60 days of a gubernatorial primary or general election were not made inadvertently.
- E. Nothing in this Order shall prohibit an individual from making a contribution to a political committee established to promote his or her own candidacy for State Office.

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- F. This Order shall not apply in circumstances when it is determined by the federal government or a court of competent jurisdiction that its application would violate federal law or regulation or otherwise prevent the State's receipt of federal funds.

IV. Enforcement and Remedies

- A. All bid documents, requests for proposals and State Procurements by a State Agency on and after the Effective Date of this Executive Order shall contain a statement that the State Procurement is voidable for failure to comply with this Executive Order.
- B. Any violation of the terms of this Executive Order shall entitle the State to terminate the State Procurement without any additional compensation due to the Business Entity.
- C. If a Covered Business Entity violates the provisions of this Executive Order three or more times within a 36-month period, then all Procurements between any State Agency and that Covered Business Entity shall be void, and no State Agency shall consider any bids or proposals from the Covered Business Entity for a period of three years from the date of the last violation. A notice of each violation and the consequences thereof shall be published in both the Procurement Bulletin and the Illinois Register.

V. Savings Clause

Nothing in this Executive Order shall be construed to contravene any state or federal law. The terms of this Executive Order shall not apply in circumstances when it is determined by the federal government or a court of competent jurisdiction that its application would violate federal law or regulation or otherwise prevent the State's receipt of federal funds.

VI. Severability

If any provision of this Executive Order or its application to any person or circumstance is found invalid by a court of competent jurisdiction, the invalidity of that provision or application does not affect the other provisions or applications that can be given effect without the invalid provision or application, and the remaining provisions and applications shall remain in full force and effect.

VII. No New Rights Created

Except as expressly provided in this Executive Order, nothing herein is intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the State of Illinois, its agencies, its officers, or any person.

EXECUTIVE ORDER

VIII. Effective Date

This Order shall take effect on January 1, 2009, and shall only apply to State Procurements entered into on and after January 1, 2009. This Executive Order is intended to have prospective effect only. The provisions of this Order shall supersede all prior Orders the provisions of which are inconsistent with this Order.

Issued by Governor: August 25, 2008

Filed with Secretary of State: August 26, 2008

PROCLAMATIONS

2008-336**GUBERNATORIAL PROCLAMATION**

Beginning on June 1, 2008 and continuing, severe storms producing heavy rainfall, high winds and tornadoes have occurred in all parts of the State and in neighboring states. Public and private property has been damaged as a result of the wind, flash flooding and river flooding. Levee breaches have allowed floodwater to spread across roads, over bridges and into homes. High winds and flooding has damaged structures and spread debris onto roads and into open fields. Heavy rainfall in neighboring states has resulted in the flooding of rivers that flow into Illinois and along its borders.

In the interest of aiding the citizens of Illinois and the local governments responsible for ensuring public health and safety, I hereby declare that a disaster exists in the State of Illinois and specifically declare Scott County as a State Disaster Area pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20ILCS 3305/7.

This proclamation of disaster will assist the Illinois Emergency Management Agency in coordinating State resources to support local governments in disaster response and recovery. This proclamation will also make possible a request for supplemental Federal disaster assistance if it is determined that the ability to effectively recover is beyond the capability of the State and the impacted local governments.

Date: August 27, 2008

Issued: August 27, 2008

2008-337**Chiropractic Healthcare Month**

WHEREAS, every year, more than 30 million Americans throughout the country, including 2 million in Illinois, visit chiropractors, who locate and help correct joint and spinal problems; and

WHEREAS, the U.S. Bureau of Labor Statistics reports that work-related illnesses and musculoskeletal injuries surpassed 4.2 million incidents in 2004, accounting for 32 percent of all injuries requiring employees to take days off from work at an estimated cost of more than \$150 billion a year in worker's compensation costs; and

WHEREAS, chiropractic physicians have long stressed that exercise, good posture, and balanced nutrition are essential to proper growth, development, and health maintenance; and

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WHEREAS, Illinois chiropractic physicians are dedicated to protecting and promoting patient rights, the practice of chiropractic medicine, and fostering the growth of chiropractic through ongoing training and a commitment to safe and ethical practice; and

WHEREAS, the science of chiropractic and the physicians who practice it have contributed greatly to the health and wellbeing of the citizens of Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2008 as **CHIROPRACTIC HEALTHCARE MONTH** in Illinois to raise awareness about chiropractic care.

Issued by the Governor August 21, 2008

Filed by the Secretary of State August 29, 2008.

2008-338**A Day of Remembrance and Honor of The Honorable Mark Stricker**

WHEREAS, Mayor Mark Stricker, a loyal and dedicated public servant to Illinois, passed away on Saturday, August 16. He was 72; and

WHEREAS, a retired schoolteacher, The Honorable Mark Stricker began his political career in 1973 when he was elected to the Matteson School District 159 board. In 1976 he was appointed to fill a vacancy on the village Board of Trustees and was elected in 1977 to a four-year term. He was first elected mayor of the Village of Matteson in 1981; and

WHEREAS, The Honorable Mark Stricker was known for politely but firmly correcting residents and elected officials alike who mispronounced the name of the suburb named after Illinois' 10th governor, Joel Matteson; and

WHEREAS, during his nearly three decades in office, The Honorable Mark Stricker oversaw massive expansion of his village and its businesses; and

WHEREAS, The Honorable Mark Stricker fought to attract business to Matteson, including most recently his work to attract major retailers back to Lincoln Mall, which long has served as the village's economic anchor; and

WHEREAS, other notable accomplishments during his tenure include lobbying of the Cook County Board to develop the nearly four-mile forest preserve path along

PROCLAMATIONS

Flossmoor and Vollmer roads and encouraging the creation of high-end and middle-class housing in the village, contributing to its high standard of living; and

WHEREAS, The Honorable Mark Stricker leaves behind a legacy as a man who served his village for many years, first as a trustee and later as mayor - a mayor who truly loved the village and the people he represented; and

WHEREAS, over the course of his life, The Honorable Mark Stricker made the Village of Matteson and the State of Illinois as a whole a better place and has left behind a legacy that will continue to resonate in the state for many years to come. He will be deeply missed by all who had the opportunity to know him; and

WHEREAS, funeral services for The Honorable Mark Stricker, who is survived by his wife of more than 50 years, Charlotte, two married daughters and four grandsons, will be held Friday, August 22:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 22, 2008 as **A DAY OF REMEMBRANCE AND HONOR OF THE HONORABLE MARK STRICKER** in Illinois.

Issued by the Governor August 21, 2008
Filed by the Secretary of State August 29, 2008.

2008-339**Marine Lance Corporal Anthony G. Mihalo**

WHEREAS, on Thursday, August 14, Marine Lance Corporal Anthony G. Mihalo from Naperville died at age 23 of injuries sustained when an improvised explosive device detonated while on foot patrol in Helmand Province, Afghanistan, where LCpl. Mihalo was serving in support of Operation Enduring Freedom; and

WHEREAS, LCpl. Mihalo, a 2004 graduate of Naperville North High School where he played football, had always had his eye on a career in the military and joined the Marines after - and in part due to - the events of September 11, 2001; and

WHEREAS, assigned to the 2nd Battalion, 7th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, based in Twenty-nine Palms, California, LCpl. Mihalo had completed two tours of duty in Iraq before accepting a third tour earlier this year in Afghanistan after the Marines asked for combat veterans to lead units there; and

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WHEREAS, over the course of his service LCpl. Mihalo was awarded four Purple Hearts; and

WHEREAS, a funeral will be held on Saturday, August 30 for LCpl. Mihalo, who is survived by his mother, Debbie Wolfe and stepfather, Bill Wolfe; two sisters, Barbara, 14, and Christine, 12, a brother, Michael, 25, and his fiancée, Megan Allen:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff from sunrise on August 28, 2008 until sunset on August 30, 2008 in honor and remembrance of LCpl. Mihalo, whose selfless service and sacrifice is an inspiration.

Issued by the Governor August 25, 2008

Filed by the Secretary of State August 29, 2008.

2008-340**Earth Science Week**

WHEREAS, the earth sciences, especially geology, are integral to finding, developing, and conserving the water, mineral, and energy resources needed for modern society; and

WHEREAS, the earth sciences provide the basis for preparing for and mitigating the effects of natural hazards such as floods, landslides, earthquakes, volcanic eruptions, sinkholes, and coastal erosion; and

WHEREAS, the earth sciences are crucial to our understanding of environmental and ecological issues ranging from air and water quality to waste disposal; and

WHEREAS, knowledge about geological factors regarding earth resources, hazards, and the environment are vital to land management and land use decisions at local, state, regional, national, international, and global levels; and

WHEREAS, study of the earth sciences contributes critically important information to our understanding of the natural world; and

WHEREAS, Earth Science Week is an opportunity to seek a greater understanding and appreciation of the value of earth science research and its application and relevance to our daily lives, as well as for science teachers at all levels throughout the State of Illinois to undertake lessons and activities with their students directed toward the study of earth science:

PROCLAMATIONS

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 12-18, 2008 as **EARTH SCIENCE WEEK** in Illinois.

Issued by the Governor August 25, 2008

Filed by the Secretary of State August 29, 2008.

2008-341**Lights on Afterschool Day**

WHEREAS, the education of our children is critically important to their future success. The skills they learn and develop today will prepare them for their careers tomorrow; and

WHEREAS, that is why it is critically important that children have access to all the resources they need to succeed. Head Start and afterschool programs are just two terrific opportunities available for improving the academic achievement of students; and

WHEREAS, in addition to supporting their education, afterschool programs also keep our children off the streets and out of trouble. In Illinois, nearly 65 percent of parents with school-age children work outside their home; and more than 14 million students in the United States have no place to go after school; and

WHEREAS, thanks to afterschool programs, many parents do not have to worry about where their children are, who they are associating with, and what they are doing. Indeed, by providing students a safe and healthy environment for them to learn and helping working parents, afterschool programs strengthen our communities; and

WHEREAS, on October 16, communities all across Illinois will celebrate Lights on Afterschool, a nationwide event organized each year to recognize afterschool programs and promote their benefits:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 16, 2008 as **LIGHTS ON AFTERSCHOOL DAY** in recognition of the importance of quality afterschool programs in the lives of children, families and communities.

Issued by the Governor August 25, 2008

Filed by the Secretary of State August 29, 2008.

2008-342**Life Insurance Awareness Month**

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WHEREAS, life insurance provides families and loved ones of deceased individuals with monetary compensation to help them emotionally and financially deal with their losses; and

WHEREAS, surveys consistently indicate that the vast majority of Americans believe that life insurance is an essential part of a sound financial plan; and

WHEREAS, unfortunately, nearly 50 millions Americans say they lack the life insurance coverage needed to ensure a secure financial future for their loved ones; and

WHEREAS, when someone who provides for other family members dies prematurely, insufficient life insurance coverage often results in financial hardship for surviving family members, forcing them to take such measures as work additional jobs or longer hours, borrow money from family and friends, scale back educational plans for children, spend down money from savings and investment accounts, and move to less expensive housing; and

WHEREAS, determining how much and what kind of insurance to buy is one of the most important financial decisions consumers will ever make; individuals, families, and businesses can benefit greatly from the expert advice of a qualified life insurance professional; and

WHEREAS, the Life and Health Insurance Foundation for Education (LIFE), the National Association of Insurance and Financial Advisors (NAIFA), and a coalition representing hundreds of leading life insurance companies and organizations have designated September as "Life Insurance Awareness Month," whose goal is to make consumers more aware of their life insurance needs, seek professional advice, and take the actions necessary to achieve the financial security of their loved ones:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2008 as **LIFE INSURANCE AWARENESS MONTH** in Illinois, and encourage citizens to learn about life insurance and its benefits.

Issued by the Governor August 25, 2008

Filed by the Secretary of State August 29, 2008.

2008-343
Cultural Week of Jalisco

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- WHEREAS, the Jaliscienses represent one of the largest groups of Mexicans living in the United States; and
- WHEREAS, of the 400,000 Jaliscienses living in the Midwest, 200,000 Jaliscienses have chosen the State of Illinois as their newly adopted home; and
- WHEREAS, the Federación de Jaliscienses en Illinois is a not-for-profit organization that promotes the wellbeing and advancement of the Jaliscienses in the Midwest, as well as Mexico, through educational, cultural, civic and social projects; and
- WHEREAS, the Federación de Jaliscienses en Illinois has especially distinguished itself for welcoming, cultivating and encouraging leadership by youth and women; and
- WHEREAS, through its partnerships and programs serving the needs of the Jalisciense communities of the Midwest, the Federación de Jaliscienses has helped to strengthen families and communities, enrich the cultural diversity of our state, and increase cooperation between Jalisco and Illinois; and
- WHEREAS, this year, the Honorable Emilio González Márquez, Governor of the Mexican State of Jalisco, will visit Chicago for an annual commemoration that brings together Jaliscienses from all over the region to celebrate the rich culture of Jalisco:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim August 24-31, 2008 as **CULTURAL WEEK OF JALISCO** in Illinois to recognize the Jalisco culture and in support of the Federación de Jaliscienses en Illinois.

Issued by the Governor August 25, 2008

Filed by the Secretary of State August 29, 2008.

2008-344**Youth Soccer Month**

- WHEREAS, soccer is one of the fastest growing sports in the United States. More than 19 million children in the U.S., including more than 85,000 Illinois youth, play soccer; and
- WHEREAS, soccer is a great way to engage Illinois children in a healthy activity while teaching them valuable personal and social skills such as teamwork, commitment, and sportsmanship; and

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WHEREAS, the United States Youth Soccer Organization, in conjunction with the Soccer Federation and the President's Council on Physical Fitness and Sports, commemorates September as Youth Soccer Month to celebrate and raise awareness about the benefits of playing soccer; and

WHEREAS, Illinois Youth Soccer, a member of the United States Youth Soccer Organization, supports Youth Soccer Month and will sponsor celebrations and special events throughout the month at games and tournaments across Illinois; and

WHEREAS, inner city, special needs, recreational, and elite soccer programs will all benefit from the exposure generated by Youth Soccer Month:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2008 as **YOUTH SOCCER MONTH** in Illinois, in recognition of the physical fitness, psychological and social benefits of youth soccer programs.

Issued by the Governor August 26, 2008

Filed by the Secretary of State August 29, 2008.

2008-345**National Disability Employment Awareness Month**

WHEREAS, there are approximately 54 million Americans with some sort of physical, mental, or sensory impairment which limits one or more major life activities and these individuals are more than twice as likely to be living in poverty as the rest of the general population; and

WHEREAS, the ability of people with disabilities to fulfill their aspirations and lead full and productive lives is limited only by the opportunities afforded them; and

WHEREAS, efforts continue to be made to create opportunities for greater independence, inclusive of physical accessibility, education, access to information, and involvement with the community for people with disabilities and their families; and

WHEREAS, there are more and more individuals coming back from Iraq and Afghanistan with Traumatic Brain Injuries, amputations, and other disabilities; and

WHEREAS, in spite of Title I of the Americans with Disabilities Act being implemented in 1992, individuals with disabilities are much more likely to be unemployed or

PROCLAMATIONS

underemployed, even though most individuals with disabilities who are not working indicate that they want to work; and

WHEREAS, the State of Illinois recognizes this employment disparity and encourages public and private employers to hire qualified applicants with disabilities; and

WHEREAS, there are programs in Illinois, such as the Successful Disability Opportunity program, which encourage state government agencies to hire citizens with disabilities, as well as tax incentives and deductions for employers to make reasonable accommodations to their workers with disabilities; and

WHEREAS, the Department of Healthcare and Family Services encourages individuals with disabilities who are working to purchase health insurance through the Health Benefits for Workers with Disabilities Program; and

WHEREAS, employees with disabilities are generally highly productive, responsible workers and much can be done to help teach the value of diversity and accept the uniqueness of people with disabilities; and

WHEREAS, the month of October is recognized as National Disability Employment Awareness Month and the week of October 13-17 has specifically been targeted for a number of Disability Mentoring Day activities in Illinois:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim October 2008 as **NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH** in Illinois and reaffirm the commitment of my administration to helping those with disabilities.

Issued by the Governor August 28, 2008

Filed by the Secretary of State August 29, 2008.

2008-346**Hunger Action Month**

WHEREAS, hunger and poverty are issues of grave concern in the United States and the State of Illinois; and

WHEREAS, the State of Illinois is committed to taking steps to raise awareness about the need to combat hunger in every part of our state and to provide additional resources such as the Food for Families program for families and individuals in need; and

PROCLAMATIONS

WHEREAS, the Illinois Food Bank Association is committed to educating people about the role of food banks in addressing hunger and raising awareness of the need to devote more resources and attention to hunger issues; and

WHEREAS, more than 900,000 individuals in Illinois rely upon food provided by the members of the Illinois Food Bank Association annually; and

WHEREAS, the members of the Illinois Food Bank Association distribute more than 80 million pounds of food each year through its network of food pantries, soup kitchens, shelters and other community organizations; and

WHEREAS, Feeding America (formerly America's Second Harvest) has declared September 2008 to be Hunger Action Month; and

WHEREAS, more than 200 Feeding America food banks, including the eight members of the Illinois Food Bank Association – Central Illinois Food Bank, Eastern Illinois Foodbank, Greater Chicago Food Depository, Northern Illinois Food Bank, Peoria Area Food Bank, River Bend Foodbank, St. Louis Area Foodbank and the Tri-State Foodbank – will host numerous events throughout the month to empower community members to get involved in efforts to end hunger in their local community:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2008 as **HUNGER ACTION MONTH** in Illinois and encourage all the State's citizens to do what they can to help end hunger in Illinois.

Issued by the Governor August 28, 2008

Filed by the Secretary of State August 29, 2008.

ILLINOIS ADMINISTRATIVE CODE

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