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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
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19	April 28, 2008	May 9, 2008
20	May 5, 2008	May 16, 2008
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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
32	July 28, 2008	August 8, 2008
33	August 4, 2008	August 15, 2008
34	August 11, 2008	August 22, 2008
35	August 18, 2008	August 29, 2008
36	August 25, 2008	September 5, 2008
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38	September 8, 2008	September 19, 2008
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40	September 22, 2008	October 3, 2008
41	September 29, 2008	October 10, 2008
42	October 6, 2008	October 17, 2008
43	October 14, 2008	October 24, 2008
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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

Editor's Note: The second filing period for submitting Regulatory Agendas will start October 14, 2008 with the last day to file being January 2, 2009.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Auction License Act
- 2) Code Citation: 68 Ill. Adm. Code 1440
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1440.10	Amendment
1440.110	Amendment
1440.120	Amendment
1440.130	Repealed
1440.140	Amendment
1440.145	New Section
1440.150	Amendment
1440.160	Amendment
1440.170	Amendment
1440.190	Amendment
1440.200	Amendment
1440.210	Amendment
1440.230	Amendment
1440.250	Amendment
1440.260	Amendment
1440.270	Amendment
1440.280	Amendment
1440.300	Amendment
1440.310	Amendment
1440.320	Amendment
1440.330	Amendment
1440.350	Amendment
1440.360	Amendment
1440.400	Amendment
1440.410	Amendment
1440.420	Amendment
1440.430	Amendment
1440.440	Amendment
1440.450	Amendment
1440.460	Amendment
1440.470	Amendment
- 4) Statutory Authority: Auction License Act [225 ILCS 407]

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- 5) Complete Description of the Subjects and Issues Involved: Public Act 95-0572, effective June 1, 2008, made numerous changes to the Auction License Act; this proposed rulemaking implements its provisions. Section 1440.145 concerning license renewals has been added to clarify the renewal process and the time frame for renewals. Obsolete fees have been removed from Section 1440.170, and a cap has been added to limit restoration fees. Practice prior to passage of the examination has been eliminated in Section 1440.140. Changes in Section 1440.310 regarding continuing education include providing for more than 6 CE hours to be offered in a day and providing a mechanism for approving CE earned in another state. The advertising requirements in Section 1440.230 has been simplified, and in Section 1440.270 concerning Escrow or Trust Accounts, associate auctioneers shall deliver all escrow funds to their managing auctioneer no later than 24 hours after the receipt of those funds. Also, associate auctioneers are prohibited from maintaining special accounts. The amendments also include numerous non-substantive changes, including changing references throughout the entire Part from "OBRE" to "IDFPR", "OBRE" to "Division" and "Commissioner" to "Director" to reflect the consolidation of agencies into the Department of Financial and Professional Regulation and the creation of the Division of Professional Regulation.
- 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 these Parts? No
- 11) Statement of Statewide Policy Objectives: This rulemaking has no impact on local government.
- 12) Time, Place and Manner in which interested persons may comment on this rulemaking: Interested persons may submit written comments to:

Department of Financial and Professional Regulation
Attention: Craig Cellini
320 West Washington, 3rd Floor
Springfield, IL 62786

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

217/785-0813 Fax #: 217/557-4451

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing auction services.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: Auctioneer skills are necessary for licensure.
- 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 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VIII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

PART 1440

AUCTION LICENSE ACT

SUBPART A: DEFINITIONS

Section
1440.10 Definitions

SUBPART B: AUCTION LICENSE

Section
1440.100 Necessity of License; Exemptions
1440.110 Examination
1440.120 Application for Auctioneer, Associate Auctioneer License and Auction Firm
1440.130 Application for Licensure, Practice Prior to the Act ([Repealed](#))
1440.140 45 Day Permit Sponsor Card
[1440.145 Renewals](#)
1440.150 Restoration of Lapsed or Expired License
1440.160 Nonresident Auctioneer, Associate Auctioneer Reciprocity
1440.170 Fees
1440.180 Earnings from the Investment of Moneys in the Auction Recovery Fund
1440.190 Address Change, Notification
1440.200 Pocket Card
1440.210 Assumed Name
1440.220 Supervisory Duties
1440.230 Advertising; Buyer Premium; Disclosure
1440.240 Unlicensed Assistants
1440.250 Felony convictions; Discipline of Other Professional License; Notification
1440.260 Advertising; Auction without Reserve; Absolute Auction
1440.270 Escrow or Trust Accounts
1440.280 Termination for Failure to Pay Taxes, Child Support or Student Loan

SUBPART C: CONTINUING EDUCATION

Section
1440.300 Continuing Education Schools Approval and License

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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1440.310	Continuing Education
1440.320	Expiration and Renewal for Continuing Education Schools and Courses
1440.330	Distant Learning Programs
1440.340	Class Attendance Requirements
1440.350	Withdrawal of Approval of School and Courses
1440.360	Discipline of Schools

SUBPART D: INTERNET AUCTION LISTING SERVICE

Section

1440.400	Definitions
1440.410	Registration
1440.420	Expiration of Registration
1440.430	Renewal of Registration
1440.440	Issuance of Certificate of Registration
1440.450	Notification of Name Change
1440.460	Assumed Name
1440.470	Notification of Address Change ; Street Address
1440.480	Fees

AUTHORITY: Implementing and authorized by the Auction License Act [225 ILCS 407].

SOURCE: Adopted by emergency rulemaking at 23 Ill. Reg. 13414, effective October 25, 1999, for a maximum of 150 days; adopted at 24 Ill. Reg. 3518, effective February 22, 2000; amended at 25 Ill. Reg. 12586, effective September 28, 2001; amended at 28 Ill. Reg. 13212, effective September 16, 2004; amended at 33 Ill. Reg. _____, effective _____.

SUBPART A: DEFINITIONS

Section 1440.10 Definitions

"Act" means the Auction License Act [225 ILCS 407].

"Advertisement" means any written, oral, or electronic communication that contains a promotion, inducement, or offer to conduct an auction or offer to provide an auction service, including but not limited to brochures, pamphlets, radio and television scripts, telephone and direct mail solicitation, electronic media, and other means of promotion.

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NOTICE OF PROPOSED AMENDMENTS

"Advisory Board" shall mean the Auctioneer Advisory Board.

"Associate Auctioneer" means a person who conducts an auction, but who is under the direct supervision of, and is sponsored by, a licensed auctioneer or auction firm.

"Auction" means the sale or lease of property, real or personal, by means of exchanges between an auctioneer or associate auctioneer and prospective purchasers or lessees, which consists of a series of invitations for offers made by the auctioneer or associate auctioneer and offers by prospective purchasers or lessees for the purpose of obtaining an acceptable offer for the sale or lease of the property including the sale or lease of property via mail, telecommunications, or the Internet.

"Auction Contract" means a written or oral agreement between an auctioneer, associate auctioneer, or an auction firm and a seller, sellers, lessor or lessors.

"Auction Firm" means any corporation, partnership, or limited liability company that acts as an auctioneer and provides an auction service.

"Auction School" means any educational institution, public or private, which offers a curriculum of auctioneer education and training approved by [the Division of BRE](#).

"Auction Service" means the service of arranging, managing, advertising or conducting auctions.

"Auctioneer" means a person or entity who, for another, for a fee, compensation, commission or any other valuable consideration at auction or with the intention or expectation of receiving value consideration by the means of or process of an auction or sale at auction or providing an auction service, offers, negotiates, or attempts to negotiate an auction contract, sale, purchase, or exchange of goods, chattels, merchandise, personal property, real property, or any commodity that may be lawfully kept or offered for sale by or at auction.

"Buyer Premium" means any fee or compensation paid by the successful purchaser of property sold or leased at or by auction, to the auctioneer, associate auctioneer, auction firm, seller, lessor or other party to the transaction, other than the purchase price.

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"Cashier" means a person who accepts, records and documents payments and information from bidders or prospective bidders, and performs other clerical services for and under the direct supervision of a licensed auctioneer or auction firm, while conducting an auction or providing an auction service.

"Clerk" means a person who records and documents information and performs other clerical services for and under the direct supervision of an auctioneer or an auction or providing an auction service.

"CE" means continuing education.

~~"Commissioner" means the Commissioner of the Office of Banks and Real Estate.~~

"Compensation" means the valuable consideration given by one person or entity to another person or entity in exchange for the performance of some activity or service. Compensation shall include the transfer of valuable consideration, including but not limited to:

- commissions;
- fees;
- referral fees;
- bonuses;
- prizes;
- merchandise;
- finder fees;
- performance of services;
- coupons or gift certificates;
- discounts;

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rebates;

a chance to win a raffle, drawing, lottery, or similar game of chance not prohibited by any other law or statute;

retainer fee; or salary.

"Consignment Sale" means the sale or lease of property at an auction, whereby a person or entity takes temporary control, title or possession of the property to be sold or leased for the purpose of that person or entity to sell or lease the property, receive and distribute the proceeds of the sale or lease of the property. The person or entity who conducts a consignment sale auction shall not be exempt from licensure under this Act, except for those persons or entities who are other exempt from licensure, as provided by the Act and these Rules.

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

["Director" means the Director of the Division of Professional Regulation with the authority delegated by the Secretary.](#)

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

"Goods" means chattels, movable goods, merchandise, or personal property or commodities of any form or type that may be lawfully kept or offered for sale.

"Licensee" means any person licensed under the Act.

"Livestock Auctioneer" means an auctioneer or associate auctioneer, licensed under this Act, and employed by a business registered as a market agency under the federal Packers and Stockyards Act (7 USC 181 et seq.) or under the Livestock Auction Market Law [225 ILCS 640], who by public outcry sells livestock at the registered business.

"Managing Auctioneer" means any person licensed as an auctioneer who manages and supervises an auction firm and licensees sponsored by an auction firm or auctioneer.

["OBRE" means the Office of Banks and Real Estate.](#)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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"Person" shall mean an individual, association, partnership, corporation, limited liability company, or the officers, directors, or employees of the same.

"Pre-renewal Period" means the 24 months prior to the expiration date of a license issued under the Act.

"Ring Assistant" means a person who acknowledges a bid from a member of the audience during the sale or lease of property at an auction and conveys the bid to the auctioneer, but only the auctioneer may accept the bid for the sale or lease of property at auction.

"Rules" means this Part.

"School" means a continuing education school approved and licensed in accordance with the Act and this Part.

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

"Sponsor Card" shall mean the temporary permit issued by the sponsoring auctioneer certifying that the licensee named is employed by or associated with the sponsoring auctioneer and the sponsoring auctioneer shall be responsible for the actions of the sponsored licensee.

"Sponsoring Auctioneer" means the auctioneer or auction firm who has issued a sponsor card to a licensed associate auctioneer or auctioneer.

"Terms and Conditions" means an announcement made orally or in written form at an auction sale, including but not limited to the condition of the property being sold or leased, the type of payment expected from the purchaser, when payment is expected from the purchaser, when possession, control and ownership of the property being sold or leased passes to the purchaser, and any other information which is pertinent to the auction.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART B: AUCTION LICENSE

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

Section 1440.110 Examination

- a) Every person who makes application for a license as an auctioneer or associate auctioneer shall take and pass a written examination authorized by [the DivisionOBRE](#), ~~except those exempt from the examination requirement pursuant to Section 10-25 of this Act.~~
- b) Each applicant for an auctioneer or associate auctioneer license shall file an application for examination with [the DivisionOBRE](#) or its designated testing service. The application for examination shall include:
- 1) Certification that the applicant is 18 years of age; and
 - 2) Certification of graduation from high school or equivalent (e.g., GED).

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1440.120 Application for Auctioneer, Associate Auctioneer License and Auction Firm

- a) Each applicant for an auctioneer or associate auctioneer license shall submit on forms provided ~~by the Division to OBRE~~:
- 1) The applicant's name, address and telephone number;
 - 2) The applicant's Social Security Number and date of birth; [the DivisionOBRE](#) shall make available the applicant's Social Security Number only to the Illinois Department of Revenue; to determine a tax delinquency, the Illinois Department of Public Aid; to determine a delinquency in court ordered child support payments, and the Illinois Student Assistance Commission (ISAC); to determine a delinquency for a student loan authorized by ISAC, or by subpoena;
 - 3) Certification that the applicant is 18 years of age;
 - 4) Certification of graduation from high school or equivalent (e.g., GED);
 - 5) The fee as provided by Section 1440.170 of this Part;

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- 6) A properly completed sponsor card issued in accordance with Section 10.35 of the Act and Section 1440.140 of this Part;
 - 7) Proof of successful completion of the examination authorized by [the DivisionOBRE](#), unless otherwise exempt from examination as provided by ~~Section 10-25 (Practice Prior to the Act) of the Act and Section 1440.130 of this Part~~ or Section 10-45 (Nonresident Auctioneer Reciprocity) of the Act and Section 1440.160 of this Part; and
 - 8) Any other information as required by [the DivisionOBRE](#), including but not limited to personal history, criminal record, Illinois tax delinquency, Illinois student loan delinquency, court ordered child support delinquency, or other information used by [the DivisionOBRE](#) to determine an applicant's fitness for licensure.
- b) A person who desires to conduct auctions, provide an auction service or practice auctioneering in the form of a partnership, corporation or limited liability company shall make application for an auction firm license on forms provided by [the DivisionOBRE](#) to the ~~Division~~[Office of Banks and Real Estate](#) and shall include the following:
- 1) The applicant's name, address and telephone number;
 - 2) The applicant's Federal Employer Identification Number or tax identification number; [the DivisionOBRE](#) shall make available an applicant's FEIN or tax identification number only to the Illinois Department of Revenue to determine a tax delinquency, or by subpoena;
 - 3) A list of all officers, directors, and owners with percentage of ownership of the auction firm;
 - 4) Articles of Incorporation or Organization, or other evidence of legal formation or authority to conduct business as approved by [the DivisionOBRE](#);
 - 5) Proof of a properly licensed managing auctioneer;
 - 6) The fee as provided by Section 1440.170 of this Part; and

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- 7) Any other information as required by [the DivisionOBRE](#), including but not limited to personal history, criminal record, Illinois tax delinquency, Illinois student loan delinquency, court ordered child support delinquency, or other information used by [the DivisionOBRE](#) to determine an applicant's fitness for licensure.
- c) All information provided by an applicant to [the DivisionOBRE](#) is subject to audit by [the DivisionOBRE](#) within 5 years from the date in which the application was received by [the DivisionOBRE](#).

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1440.130 Application for Licensure, Practice Prior to the Act [\(Repealed\)](#)

- a) ~~An applicant who desires to apply for an auctioneer or associate auctioneer license under the Act without examination shall submit an application on forms provided by OBRE to the Office of Banks and Real Estate providing the information as required by Sections 10-5 and 10-15 of the Act and Section 1440.110 of this Part, except the requirement for proof of successful completion of the examination authorized by OBRE. In addition, an applicant who makes application for licensure under Section 10-25 of the Act and this Section shall verify that he or she:~~
 - 1) ~~Is a resident of the State of Illinois;~~
 - 2) ~~Has practiced as an auctioneer for a period of at least 2 years prior to January 1, 2000; and~~
 - 3) ~~Has conducted a minimum of 5 auctions of real or personal property within the 2 years prior to January 1, 2000.~~
- b) ~~All information on an application for licensure provided by an applicant to OBRE is subject to audit by OBRE within 5 years after the date in which the application was received by OBRE.~~

(Source: Repealed at 33 Ill. Reg. _____, effective _____)

Section 1440.140 45 Day Permit Sponsor Card

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

- a) A properly issued 45 Day Permit Sponsor Card shall serve as a temporary permit allowing the sponsored individual to engage in the practice of auctioneering for a period of 45 days after its issuance date only under the direct supervision of the sponsoring auctioneer or auction firm.
- b) A sponsoring auctioneer or auction firm shall only execute a 45 Day Permit Sponsor Card to a sponsored individual upon presentation of:
 - 1) A valid auctioneer or associate auctioneer examination passing score report from [the Division OBRE](#) or its designated testing vendor ~~that~~^{which} states that the sponsoring auctioneer or auction firm may issue a 45 Day Permit Sponsor Card; or
 - 2) An original terminated license, pursuant to Section 10-35 of the Act, endorsed by the sponsoring auctioneer or auction firm by whom the sponsored individual was previously sponsored or associated.
- c) Upon issuance of a properly completed 45 Day Permit Sponsor Card:
 - 1) The sponsoring auctioneer or auction firm shall send to [the Division OBRE](#) within 24 hours the original 45 Day Permit Sponsor Card, the original terminated license (if applicable), the original examination score report and initial application (if applicable), and the proper fee.
 - A) If the sponsored individual is unable to obtain an original terminated license from his or her previous sponsoring auctioneer or auction firm, the sponsored individual shall prepare a sworn written statement as to why the terminated license is not submitted. The sponsoring auctioneer or auction firm shall submit the written statement in lieu of an original terminated license to [the Division OBRE](#);
 - 2) The sponsoring auctioneer or auction firm shall retain a copy of the 45 Day Permit Sponsor Card for its records; and
 - 3) The sponsored individual shall retain a copy of the 45 Day Permit Sponsor Card, and shall use it in lieu of a license until a license is issued by [the Division OBRE](#), but not for a period in excess of 45 days after its issuance.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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- d) If a new license has not been issued by ~~the Division~~OBRE within 45 days after the issuance of a 45 Day Permit Sponsor Card, the sponsored individual shall not practice auctioneering.
- e) ~~The Division~~OBRE may grant an extension of a 45 Day Permit Sponsor Card, but the extension must be requested in writing by the sponsoring auctioneer or auction firm.
- f) If ~~the Division~~OBRE denies any application in which a 45 Day Permit Sponsor Card was issued, the 45 Day Permit Sponsor Card shall be null and void upon written notice from ~~the Division~~OBRE.
- g) ~~An applicant for an auctioneer or associate auctioneer license, who is required to pass the examination for licensure, may conduct an auction on a 45 Day Permit Sponsor Card without having first passed the examination under the following conditions:~~
- 1) ~~The applicant has made application on forms provided by OBRE and paid all applicable fees as if the applicant were making application for an initial license;~~
 - 2) ~~The applicant provides evidence to OBRE that he or she was unable to schedule such examination with OBRE or the approved testing vendor prior to submitting the application as provided in this Section;~~
 - 3) ~~The applicant certifies that he or she shall abide by the be subject to all the provisions of the Act and these Rules; and~~
 - 4) ~~The applicant certifies that he or she shall schedule the examination, pass and provide documentation of same to OBRE within 45 days of the issuance of the 45 Day Permit Sponsor Card.~~

~~A person shall only make application under this paragraph, one time in any 5 year period.~~

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1440.145 Renewals

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- a) Every license and registration issued under the Act shall expire on December 31, 2010, and thereafter a license shall expire every 2 years on December 31 of each even-numbered year. The holder of a license or registration may renew the license by paying the fee required by Section 1440.170 and meeting the continuing education requirements set forth in Section 1440.310.
- b) It is the responsibility of each licensee to notify the Division of any change of address. Failure to receive a renewal form from the Division shall not constitute an excuse for failure to pay the renewal fee and to renew one's license.
- c) Practicing or operating on a license or registration that has expired or been placed on inactive status shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 20-15 of the Act.

(Source: Added at 33 Ill. Reg. _____, effective _____)

Section 1440.150 Restoration of Lapsed or Expired License

- a) A licensee whose license has lapsed or expired shall have 2 years from the date the license expired to restore his or her license without examination. The licensee whose license has expired shall make application on forms provided by the Division OBRE to the Office of Banks and Real Estate which shall include the following:
 - 1) The applicant's name, address and telephone number;
 - 2) The applicant's Social Security Number and date of birth;
 - 3) The applicant's license number;
 - 4) A statement from the applicant containing an employment history since the expiration of the applicant's license;
 - 5) The fees as provided by Section 1440.170 of this Part;
 - 6) A properly completed 45 day permit sponsor card issued in accordance with Section 10-35 of the Act and Section 1440.140 of this Part;
 - 7) Proof of successful completion of 12 hours of approved continuing

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~~education; and~~

~~8) Any other information as required by OBRE, including but not limited to personal history, criminal record, Illinois tax delinquency, Illinois student loan delinquency, court ordered child support delinquency, or other information used by OBRE to determine an applicant's fitness for licensure.~~

- b) A licensee whose license has lapsed or expired for a period in excess of 2 years shall ~~certify to be required to provide proof of~~ successful completion of 12 hours of approved education within 6 months prior to making application, ~~and~~ meet the requirements ~~of and make application the same as~~ an initial applicant pursuant to Article 10 of the Act and this Part promulgated for the administration of the Act. The licensee shall make a restoration application on forms provided by the Division.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1440.160 Nonresident Auctioneer, Associate Auctioneer Reciprocity

- a) A person holding a current license in good standing to conduct auctions, provide an auction service or engage in auctioneering in a jurisdiction in which ~~the Division~~OBRE has a reciprocal agreement shall make application to ~~the Division~~OBRE on forms provided by ~~the Division~~OBRE that shall include the following:
- 1) The applicant's name, address and telephone number;
 - 2) The applicant's Social Security Number and date of birth;
 - 3) Certification that the applicant is 18 years of age;
 - 4) Certification of graduation from high school or equivalent (e.g., GED);
 - 5) The fee as provided by Section 10-50 of the Act and Section 1440.170 of this Part;
 - 6) A properly completed sponsor card issued in accordance with Section 10-35 of the Act and Section 1440.140 of this Part;

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- 7) A certification in writing that the nonresident applicant shall abide by all the provisions of the Act and this Part with respect to his or her auction activities within the State of Illinois and submit to the jurisdiction of [the Division](#)~~OBRE~~ as provided in the Act and this Part; and
 - 8) Any other information as required by [the Division](#)~~OBRE~~, including but not limited to personal history, criminal record, Illinois tax delinquency, Illinois student loan delinquency, court ordered child support delinquency, or other information used by [the Division](#)~~OBRE~~ to determine an applicant's fitness for licensure.
- b) A person holding a current nonresident license may become a resident licensee without examination should he or she become domiciled in the State of Illinois by making application to [the Division](#)~~OBRE~~ on forms provided by [the Division](#)~~OBRE~~.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1440.170 Fees

- a) The license application fee for an auctioneer for:
 - 1) an initial license application shall be \$200;
 - A) ~~in addition to the initial license application fee, each initial applicant shall pay an additional \$100 until January 1, 2002 for deposit into the Auction Administration Fund; and~~
 - B) ~~in addition to the initial license application fee, each initial applicant shall pay an additional \$25 until January 1, 2002 for deposit into the Auction Recovery Fund;~~
 - 2) a renewal application shall be ~~calculated at the rate of~~ \$225 per year; ~~in addition to the renewal application fee, each renewal applicant shall pay an additional \$25 until January 1, 2002 for deposit into the Auction Recovery Fund;~~
 - 3) a renewal application, ~~in which the application~~ with fee, that was

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- postmarked after the expiration date of the license ~~and is received by OBRE within 45 days after the expiration date~~, shall be the renewal fee plus a \$50 penalty;
- 4) a restoration application shall be all lapsed renewal application fees, not to exceed \$675, plus a \$50 penalty and \$25 for a 45 Day Permit Sponsor Card;
 - 5) a 45 Day Permit Sponsor Card application shall be \$25; and
 - 6) a duplicate license shall be \$25.
- b) The license application fee for an associate auctioneer for:
- 1) an initial license application shall be \$100;
 - A) ~~in addition to the initial license application fee, each initial applicant shall pay an additional \$100 until January 1, 2002 for deposit into the Auction Administration Fund; and~~
 - B) ~~in addition to the initial license application fee, each initial applicant shall pay an additional \$25 until January 1, 2002 for deposit into the Auction Administration Fund;~~
 - 2) a renewal application shall be ~~calculated at the rate of~~ \$125 per year; ~~in addition to the renewal application fee, each renewal applicant shall pay an additional \$25 until January 1, 2002 for deposit into the Auction Recovery Fund;~~
 - 3) a renewal application, ~~in which the application~~ with fee, that was postmarked after the expiration date of the license ~~and is received by OBRE within 45 days after the expiration date~~, shall be the renewal fee plus a \$50 penalty;
 - 4) a restoration application shall be all lapsed renewal application fees, not to exceed \$375, plus a \$50 penalty and \$25 for a 45 Day Permit Sponsor Card;
 - 5) a 45 Day Permit Sponsor Card application shall be \$25; and

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- 6) a duplicate license shall be \$25.
- c) The license application fee for an auction firm for:
- 1) an initial license application shall be \$100;
 - A) ~~in addition to the initial license application fee, each initial applicant shall pay an additional \$100 until January 1, 2002 for deposit into the Auction Recovery Fund; and~~
 - B) ~~in addition to the initial license application fee, each initial applicant shall pay an additional \$25 until January 1, 2002 for deposit into the Auction Recovery Fund;~~
 - 2) a renewal application shall be calculated at the rate of \$125 per year; ~~in addition to the renewal application fee, each renewal applicant shall pay an additional \$25 until January 1, 2002 for deposit into the Auction Recovery Fund;~~
 - 3) a renewal application, ~~in which the application~~ with fee, ~~that~~ was postmarked after the expiration date of the license ~~and is received by OBRE within 45 days after the expiration date,~~ shall be the renewal fee plus a \$50 penalty;
 - 4) a managing auctioneer change application shall be \$25; and
 - 5) a duplicate license shall be \$25.
- d) The license application fee for an auction school for:
- 1) an initial license application shall be \$2,000;
 - A) ~~in addition to the initial license application fee, each initial applicant shall pay an additional \$100 until January 1, 2002 for deposit into the Auction Administration Fund; and~~
 - B) ~~in addition to the initial license application fee, each initial applicant shall pay an additional \$25 until January 1, 2002 for~~

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~~deposit into the Auction Recovery Fund;~~

- 2) a renewal application shall be ~~calculated at the rate of~~ \$1,000 per year; ~~in addition to the renewal application fee, each renewal applicant shall pay an additional \$25 until January 1, 2002 for deposit into the Auction Administration Fund;~~
- 3) a renewal application, ~~in which the application~~ with fee, ~~that~~ was postmarked after the expiration date of the license ~~and is received by OBRE within 45 days after the expiration date,~~ shall be the renewal fee plus a \$250 penalty; and
- 4) a duplicate license shall be \$25.
- e) The license application fee for an auction continuing education course, ~~in which application for approval was not made with the initial application or the renewal application of the auction school,~~ shall be \$50 per course. A duplicate course license shall be \$25.
- f) The fee for a certification of a licensee's record for any purpose shall be \$25.
- g) The fee for copies, license certification and other services shall be the cost of preparing and providing the same, as established by policy of ~~the Division~~OBRE.
- h) The fee for requesting a waiver of continuing education requirements pursuant to Section 10-30 of the Act and Section 1440.310(d)(2) of this Part shall be \$25.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1440.190 Address Change, Notification

Any licensee granted a license under the Act shall notify ~~the Division~~OBRE in writing of any change of business or mailing address within 24 hours after the change. A licensee who fails to notify ~~the Division~~OBRE in writing of any address change shall be responsible for any failure to comply with any notice sent to the licensee by ~~the Division~~OBRE to the extent it may affect his or her license status or penalties assessed by ~~the Division~~OBRE.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

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Section 1440.200 Pocket Card

The Division~~OBRE~~ shall issue, along with each license issued under the Act, a pocket card. All licensees shall carry the pocket card at all times and shall display it upon demand. If the licensee is operating on a properly issued 45 Day Permit Sponsor Card, the licensee shall carry a copy of the 45 Day Permit Sponsor Card in lieu of and until a pocket card is issued by the
Division~~OBRE~~.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1440.210 Assumed Name

If a licensee operates under any name other than that appearing on his or her license, he or she shall submit to the Division~~OBRE~~ a certified copy of his or her registration under the Assumed Business Name Act [805 ILCS 405] at the time of application or within 30 days after registration.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1440.230 Advertising; Buyer Premium; Disclosure

- a) For all advertising for a specific auction (including any print advertising, classified ads, display ads, sale bills, brochures, internet advertising, calendar ads and line ads paid for by a licensee or seller, and websites), a~~A~~ licensee ~~under the Act~~ shall clearly disclose ~~on any advertisement: 1)~~ — the name of the sponsoring auctioneer or the sponsoring auctioneer's properly registered assumed business name. The name of a sponsored auctioneer may be included in the advertisement. ~~licensee's name; if a licensee uses an assumed name or d/b/a, the licensee shall register that name with OBRE, pursuant to Section 1440.200 of this Part;~~
- 2) ~~the licensee's license number, as assigned by OBRE;~~
- 3) ~~the name of the city, village or town, and state, in which the licensee or the licensee's business is located;~~
- 4) ~~the licensee's telephone number; and~~
- 5) ~~the terms and conditions of the auction, to the best knowledge of the licensee at the time of printing, taping or production of the advertisement.~~

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- b) The disclosure requirements in subsection (a) do not apply to radio and television advertisements, institutional advertising, signs or calendars run by any publication for which payment is not made by a licensee or seller.
- c) A licensee shall conspicuously post or deliver to all registered participants the complete terms and conditions of the auction. The licensee ~~under this Act~~ shall clearly announce before the auction the material terms and conditions necessary to understand the procedures for the auction, including but not limited to payment terms and removal and any changes to the posted or delivered terms and conditions. The terms and conditions shall include the material information necessary to understand the procedures ~~and shall disclose any differences in the terms and conditions of the auction from any previous advertisement~~ for the auction, expressly including payment terms, and, if applicable, buyer registration and buyer premium charges.
- d)e) If a licensee ~~under the Act~~ conducts an auction or provides an auction service in which a buyer premium is charged or collected, the licensee shall clearly disclose on any advertisement that there is a buyer premium charge and the terms of the buyer premium.
- 1) ~~clearly disclose on any advertisement that there is a buyer premium charged and the terms of the buyer premium;~~
 - 2) ~~clearly post at the auction site that there is a buyer premium charged and the terms of the buyer premium; and~~
 - 3) ~~clearly announce during the terms and conditions of the auction that there is a buyer premium charged and the terms of the buyer premium.~~

(Source: Amended at 33 Ill. Reg. _____, effective _____)

**Section 1440.250 Felony Convictions; Discipline of Other Professional License;
Notification**

- a) A licensee who has a license issued pursuant to the Act or this Part shall notify the DivisionOBRE in writing within 30 days from the date of conviction for any crime described by Section 20-15(3) of the Act. In addition to the notice, the licensee shall provide to the DivisionOBRE the court record and documents

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involved with the conviction or other information as required by [the DivisionOBRE](#) to determine fitness for licensure.

- b) A licensee who has had another license disciplined pursuant to Section 20-15(5) [of the Act](#) shall notify [the DivisionOBRE](#) in writing within 30 days after any adverse final order. In addition to the notice, the licensee shall provide to [the DivisionOBRE](#) the record and/or documents involved with the disciplinary action or other information as required by [the DivisionOBRE](#) to determine fitness for licensure.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1440.260 Advertising; Auction without Reserve; Absolute Auction

- a) [No advertisement or announcement for an "absolute auction" or "auction without reserve" shall include any terms or language regarding a minimum bid or minimum price.](#)
- b) [No advertisement or announcement for](#)~~An auctioneer, associate auctioneer or auction firm shall not advertise or announce an auction as~~ an "absolute auction" or "auction without reserve" [shall be issued](#)~~or words with a similar meaning~~ unless:
- 1)a) there are no liens or encumbrances on the property to be sold other than current tax obligations, easements, or restrictions of record to any person other than the seller, unless every holder of each lien or encumbrance provides the auctioneer written evidence of a binding commitment that the liens or encumbrances shall be released immediately after the sale or at closing, without regard to the amount of the highest bid on the property or the identity of the high bidder; and
- 2)b) within the auction contract there is a binding written requirement that the seller, or agent of the seller, shall accept the highest bid, and transfer ownership of the property, without regard to the amount of the highest bid or the identity of the high bidder, and that the seller, or agent of the seller, shall not bid at the "absolute auction" or "auction without reserve", or otherwise participate in the bidding process.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

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Section 1440.270 Escrow or Trust Accounts

- a) For the purposes of the Act and this Part "escrow monies" means all monies, promissory note, legal tender or financial consideration entrusted to, held by, and deposited with an auctioneer, associate auctioneer or auction firm in consideration of property sold or leased by the auctioneer, associate auctioneer or auction firm for the benefit of the parties to the transaction.
- b) Pursuant to Section 20-15 of the Act, licensees who accept escrow monies shall maintain and deposit in a special account, separate and apart from any personal or ordinary business accounts, all monies entrusted to the licensee while acting as an auctioneer, while conducting an auction or providing an auction service.
- c) A licensee may maintain more than one special account or may elect to hold all escrow monies in one special account. A licensee who accepts escrow monies shall maintain a special account, and shall maintain a bookkeeping system in his or her office or place of business, including systems of electronic data processing, and such system shall consist of the following:
 - 1) A record book, called a journal, for each special account, that shall show the chronological sequence in which escrow monies were received and disbursed by the licensee and a running balance after each entry;
 - 2) For each auction, a deal file which contains clerk sheets and settlement sheets that correspond to journal entries;
 - 3) A record or account ledger (e.g., check ledger) that shall show the date, amount of monies deposited into the special account, and date, amount and payee of any money disbursed from the special account; and
 - 4) Bank statements for each special account shall be reconciled monthly within 10 days after the receipt of the bank statement, except where there has been no transactional activity during the previous month. The reconciliation shall include a written work sheet comparing the balances as shown on the bank statement, the journal and the ledger, respectively, in order to insure agreement between the special account and the journal and the ledger entries with respect to such special account. Each reconciliation shall be kept for at least three years from the last day of the month covered by the reconciliation.

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- d) A licensee who maintains any special account shall notify [the DivisionOBRE](#) in writing of the name and location of the depository in which such special accounts are held, and shall execute a written consent giving [the DivisionOBRE](#) the authority to examine and/or audit any or all such special accounts.
- e) [The DivisionOBRE](#) shall make available for distribution, on request, samples of approved bookkeeping systems.
- f) A licensee shall not commingle any monies held for another in connection with the practice of auctioneering, conducting an auction, or providing an auction service with any personal account or normal business account. A licensee shall only deposit his or her own funds into the special accounts in which escrow monies are held to open the account or maintain a sufficient balance to avoid incurring service charges. In addition, a licensee shall not disburse monies from any special account for his own personal or business use, except for commissions, compensation, fees, advertising or other expenses incurred by the licensee pursuant to the terms of the auction listing contract.
- g) A licensee shall deposit all escrow monies into the licensee's special account no later than the next business day following acceptance of the monies.
- [h\) Associate auctioneers shall deliver all escrow funds to their managing auctioneer no later than 24 hours after receipt of those funds.](#)
- [i\) Associate auctioneers are prohibited from maintaining special accounts.](#)

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1440.280 Termination for Failure to Pay Taxes, Child Support or Student Loan

- a) If [the DivisionOBRE](#) receives information that a licensee who has been issued a license under the Act has failed to pay or is more than 30 days in arrearage on taxes, court ordered child support or a student loan pursuant to Section 20-20 of the Act, [the DivisionOBRE](#) shall notify, by certified mail, return receipt requested, a licensee that his or her license will be automatically terminated in 30 days from the date of the notice, unless the appropriate administering agency provides to [the DivisionOBRE](#) information and proof that the licensee has corrected the failure to pay the arrearage.

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- b) The licensee may request a hearing on the termination, but the hearing shall be limited to the presentation of evidence on the issues of mistaken identity, proof that the respondent has entered into a payment plan or that the debt has been discharged in bankruptcy.
- c) The Division~~OBRE~~ and the Board shall not hear evidence as to whether a licensee has failed to pay or is in arrearage on the payments. The responsibility for the hearing of evidence is with the appropriate administering agency.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART C: CONTINUING EDUCATION

Section 1440.300 Continuing Education Schools Approval and License

Approval of continuing education (CE) schools. Those entities seeking approval as CE schools shall maintain an office for maintenance of all records, office equipment and office space necessary for customer service.

- a) The CE school's office may be subject to inspection by authorized representatives of the Division~~OBRE~~ during regular working hours and upon at least 24 hours' notice when the Division~~OBRE~~ has reason to believe that there is not full compliance with the Act or this Part and that this inspection is necessary to ensure full compliance.
- b) The Division~~OBRE~~ shall be reimbursed by any out-of-state CE school for all reasonable expenses incurred by the inspector in the course of the inspection.
- c) Entities seeking approval as CE schools shall file a CE school application, on forms provided by the Division~~OBRE~~, along with the required fee. The application shall include the following:
 - 1) An agreement by the applicant that the applicant shall provide to the Division, upon request, a schedule including location, date, time and name of instructor of each CE course to be offered.~~A list of all CE courses that the CE school is planning to offer during the 12-month period following approval and a list of all instructors the school plans to utilize in the offering of the CE courses. The list shall include the instructor's name,~~

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~~address, and approval number. An approved CE school shall not be precluded from offering CE courses or from utilizing instructors not listed in the initial application or subsequent annual renewals if written notice of the CE course and the instructor to be utilized is submitted 30 days prior to the CE course date pursuant to subsection (e)(3)(E) of this Section;~~

- 2) ~~The description, location, date and time of each CE course to be offered;~~
3) The CE school's certification:
- A) that the content areas of all CE courses offered by the CE school for CE credit will conform to those listed in ~~this Part~~[Section 25-5\(b\) and \(c\) of the Auction License Act](#);
 - B) that all CE courses offered by the CE school for CE credit will comply with the criteria in this Section;
 - C) the CE school will be responsible for verifying attendance at each CE course and providing a certificate of completion signed by the CE school on forms provided by ~~the Division~~[OBRE](#). Further, that the school will maintain these records for not less than 5 years and shall make these records available for inspection by ~~the Division~~[OBRE](#) during regular business hours;
 - D) that, upon request by ~~the Division~~[OBRE](#), the CE school will submit evidence as is necessary to establish compliance with this Section ~~and Sections 25-10 through 25-15 of the Act~~. The evidence shall be required when ~~the Division~~[OBRE](#) has reason to believe that there is not full compliance with the Act and this Part and that this information is necessary to ensure compliance;
 - E) ~~that the CE school will submit to OBRE a written notice of a course 30 days prior to the CE course date if the program was not listed in the application or any subsequent renewal application. The notice shall include the description, location, date and time of the CE course to be offered;~~ F) that the CE school will only offer CE, other than self-study CE, in an environment that is conducive to learning (i.e., adequate lighting, seating) and does not jeopardize the health, safety, and welfare of the attendees; and

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- ~~F)G)~~ that financial resources are available to equip and maintain its office in a manner necessary to enable the CE school to comply with ~~Article 25 of the Act~~, this Section, and this Part, documented by a current balance sheet, an income statement or any similar evidence ~~as requested by the Division OBRE;~~
- ~~4) Evidence of the CE school's ability to provide the certificates required by Section 25-10(e) of the Act.~~
- d) CE schools approved to offer the courses ~~required by Article 25 of the Act~~ shall be deemed to be approved to offer CE programs upon completion of an application for approval and submission of the fee required by Section 1440.170.
- e) Within 30 days after the action by the Auction Advisory Board and ~~the Division OBRE~~, ~~the Division OBRE~~ shall issue an approval and license to the CE school or notify the CE school, in writing, why approval cannot be issued.
- f) Approved CE schools shall comply with the following:
- 1) No approved CE school shall allow the premises or classrooms utilized during CE courses to be used by anyone to directly or indirectly recruit new affiliates for any company. CE schools and CE instructors shall report to ~~the Division OBRE~~ any efforts to recruit licensees.
 - 2) No approved CE school shall advertise that it is endorsed, recommended, or accredited by ~~the Division OBRE~~. The CE school, however, may indicate that the school and the CE course have been approved and licensed by ~~the Division OBRE~~.
 - 3) Approved CE schools shall utilize in the teaching of approved CE courses only CE instructors who are qualified and knowledgeable in the content offered in the course.
 - 4) Approved CE schools shall specify in any advertising promoting CE courses the number of CE hours that may be credited toward Illinois CE requirements for license renewal. Further, approved CE schools shall specify the number of mandatory or elective CE course hours that may be earned by successfully completing the course.

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- 5) All CE courses given by approved CE schools shall be open to all licensees and not be limited to members of a single organization or group.
- g) The CE school shall be responsible for assuring verified attendance at each CE course or self-study examination. No renewal applicant shall receive CE credit for time not actually spent attending the CE course or when a passing score of 70% on the examination was not achieved.
- h) To maintain approved CE school status, each CE school shall submit, prior to December 31 of odd numbered years, a school renewal application along with the required fee. ~~The CE school shall be required to submit to OBRE with the renewal application the following:~~
- 1) ~~A list of those CE courses planned to be offered in the 12-month period immediately following the renewal period. This list shall include a description, location, date and time the course is planned to be offered.~~
- 2) ~~A list of those instructors the school plans to utilize. This list shall include the name and address.~~
- i) Each approved CE school shall submit to ~~the Division~~OBRE on or before the 15th of each month a graduation report of those licensees passing approved CE courses offered by it during the preceding calendar month.
- 1) ~~The monthly graduation reports shall include the following information for each licensee: A) the licensee's name, address, social security number, and license number; B) the CE school's name and license number; and C) the CE course name, course identification number, course category (mandatory or elective), credit hours, and the date and time classes were held. 2) If a CE school during the preceding calendar month gave no courses, that CE school shall report in writing that no courses were given.~~
- 2)3) The monthly graduation reports may be submitted in a computer readable format specified by ~~the Division~~OBRE.
- 3)4) There is no processing fee for a monthly graduation report submitted in the computer readable format specified by ~~the Division~~OBRE. Each monthly graduation report submitted on paper or in a format other than that specified by ~~the Division~~OBRE shall be accompanied by a processing

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fee of \$.50 per student, per course, listed on the report, payable by check to [the Division](#)~~OBRE~~.

- ~~4)5)~~ A monthly graduation report received by [the Division](#)~~OBRE~~ with a postmark after the day it is due (the 15th day of the month) shall be accompanied by an administrative fee of \$200 in addition to the fees set forth in subsection (i)~~(34)~~.
- ~~5)6)~~ If a CE school fails to file monthly graduation reports or a statement saying that none were given, or fails to pay required fees, if any, as set forth in subsections (i)~~(34)~~ and ~~(45)~~, for three successive months, then the courses offered by that school may be disqualified until all delinquent graduation reports, processing fees, and administrative fees as set forth in subsections (i)~~(34)~~ and ~~(45)~~ have been submitted to and are received by [the Division](#)~~OBRE~~. ~~The Division~~~~OBRE~~ shall send notice to the school of an informal conference before the ~~Auction Advisory~~ Board and of pending disqualification, by certified or registered mail, return receipt requested, or by other signature restricted delivery service.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1440.310 Continuing Education

a) Continuing Education Requirements

- 1) In accordance with ~~Section~~~~Sections~~ 10-30 ~~and 25-5~~ of the Act, during each pre-renewal period, prior to the expiration date of the license, each auctioneer and associate auctioneer who makes application to renew his or her license must successfully complete 12 hours of auction continuing education courses approved by ~~the Division~~~~the Advisory Board and~~ ~~OBRE~~ from a school ~~reviewed~~~~approved~~ by the ~~Advisory~~ Board and ~~approved by the Division~~~~OBRE~~.
- 2) Auctioneers and associate auctioneers licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section, unless they are exempt pursuant to Section 10-30 of the Act ~~and this Section~~.
- 3) ~~The Division~~~~OBRE~~ shall conduct random audits to verify compliance with

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this Section.

- b) Approved Continuing Education
- 1) CE credit may be earned for verified attendance at or participation in an approved course that is licensed by ~~the Division~~OBRE, and is offered by an approved CE school that is licensed by ~~the Division~~OBRE, that meets the requirements set forth in Section 1440.300 of this Part.
 - 2) CE credit may also be earned for completion of a self-study course that is offered by an approved CE school that meets the requirements set forth in Section 1440.330 of this Part.
 - 3) ~~The Pursuant to Section 25-5 of the Act, the~~ requirement that CE be obtained through a curriculum ~~reviewed~~approved by the ~~Auction Advisory Board and approved by the Division~~OBRE shall be satisfied by successful completion of the following:
 - A) Mandatory category. Each renewal applicant shall successfully complete 12 hours of CE, of which 6 hours shall be mandatory core subjects in the following categories:
 - i) Illinois statutes and rules governing auctioneering;
 - ii) federal statutes and regulations governing auctioneering;
 - iii) auctioneering ethics;
 - iv) escrow and trust accounts;
 - v) contracts; and
 - vi) other subject matter ~~recommended~~approved by the Board.
 - B) Elective category. Each renewal applicant may satisfy the remaining 6 hours of CE from the mandatory core subjects categorized in subsection (b)(3)(A), or may successfully complete an additional 6 hours of CE in the following elective subject categories:

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- i) agency;
 - ii) business courses related to auctioneering;
 - iii) real estate related courses;
 - iv) auction management;
 - v) bid calling;
 - vi) public speaking;
 - vii) advertising;
 - viii) specialty auction courses; or
 - ix) other subject matter ~~recommended~~approved by the Board.
- 4) One hour of approved CE shall include at least 50 minutes of classroom instruction and shall be exclusive of any time devoted to taking the examination set forth in subsection (b)(6)~~below~~.
 - 5) Each CE course shall include one or more subjects from either the mandatory category or elective category set forth in subsection (b)(3)(A) or (B), whenwhere the individual is in actual attendance, or participates in, or completes self-study. All CE courses shall be a minimum of three hours and shall be offered in three-hour increments. Each three-hour increment shall be from topics in the core or elective category. In no case shall topics from the mandatory and elective category be combined within the same three-hour period. The CE school shall clearly indicate on the certificate of completion the number of hours earned from each CE course and identify whether the completed course was from the mandatory or elective category.
 - 6) Each CE course shall include the successful completion of an examination that measures the attendee's understanding of the course material. A score of at least 70% is required on the examination for successful completion of any CE course.

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- A) The examination shall be given on-site immediately following any CE course. When a sequence of courses is offered, the examination will be given at the end of each individual course on material that covers all the aspects of the course.
 - B) All examinations, including self-study examinations and retake examinations, shall be proctored by a representative of the approved CE school and shall include at least 25 questions for each three-hour period.
 - C) No credit for CE shall be given to any licensee unless the examination is successfully completed. The CE school shall allow the attendee one retake within 30 days after a failed examination in order to receive credit for CE. No more than one retake shall be allowed. A licensee failing a retake shall not receive credit for the CE course unless the entire course is retaken and the examination is successfully completed.
- 7) Self-study CE shall comply with all of the requirements of this Section, except that:
- A) Verified attendance is only required for taking the examination.
 - B) Classroom instruction is not required for self-study CE, as the intent is for the licensees to review and learn the material on their own.
 - C) The examination site for self-study shall be determined by the CE school and it shall be proctored by a representative of the approved sponsor. An instructor is not required to proctor the examination.
- 8) All CE courses shall:
- A) Contribute to the advancement, integrity, extension and enhancement of professional skills and knowledge in the practice of auctioneering.
 - B) Provide experiences (e.g., role playing, lectures, films) that contain

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subject matter and course materials relevant to that set forth in [this Section ~~25-5 of the Act.~~](#)

- C) Be developed and presented by persons with education and/or experience in subject matter of the CE course.
- 9) Nothing shall prohibit an approved CE school and its instructors from utilizing audio-visual aides or satellite communication with two-way voice interaction in assisting in the presentation of CE courses.
- 10) CE credit may be earned by an instructor for teaching an approved CE course. Credit for teaching an approved CE course may only be earned one time per course during the instructor's pre-renewal period. One hour of teaching is equal to one hour of CE.
- 11) ~~CE credit shall not be given for CE courses taken in Illinois from schools not pre-approved by the Board and OBRE. 12) The CE school shall notify the Division if~~ [Except for self-study CE courses,](#) no more than 6 hours of CE ~~is offered~~ [may be taken](#) in any calendar day. [This notification shall be submitted to the Division at least 2 weeks prior to the CE course offering.](#)
- c) Certification of Compliance with CE Requirements
- 1) Each licensee shall certify on the renewal application full compliance with the CE requirements set forth in subsections (a) and (b) of this Section.
- 2) ~~The Division~~ [OBRE](#) may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of completion, ~~transcript, etc.~~). It is the responsibility of each renewal applicant to provide the additional evidence during an audit as proof of CE completed.
- 3) When, during an audit or compliance review, ~~the Division~~ [OBRE](#) determines that a licensee may be deficient in complying with CE requirements, ~~the Division~~ [OBRE](#) will notify the licensee, and the sponsoring auctioneer of the licensee, by certified or registered mail, return receipt requested, or other signature restricted delivery service, of the possible deficiency. The licensee shall have 60 days from the date the deficiency notification is received to submit to ~~the Division~~ [OBRE](#) evidence of compliance with CE requirements.

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- A) If satisfactory evidence of compliance with CE requirements (as set forth in subsection (c)(2) of this Section) is submitted, [the Division OBRE](#) shall notify the licensee by first class mail that the licensee is in compliance.
- B) If the licensee has certified compliance with CE requirements on the licensee's most recent renewal application pursuant to subsection (c)(1) of this Section but cannot submit evidence of having been in compliance on the date the licensee made the certification, the licensee may, during the 60 days notice period, submit evidence of having attained compliance with CE requirements after the date the certification was made. The submission of evidence of post-certification completion must be accompanied by a non-refundable administrative fee of \$25 per course credit hour completed after the date the licensee originally certified compliance. The submission of evidence will not be reviewed or considered if the proper fee does not accompany the submission. Upon submission of the evidence and appropriate fee, the evidence will be reviewed. If the evidence is found to be satisfactory, [the Division OBRE](#) shall notify the licensee and the sponsoring auctioneer of the licensee that the license is in compliance. Any credit hours submitted for post-certification course completion and found satisfactory may not be used as credit for the next renewal requirements.
- C) If the licensee fails to submit within the 60 day notice period satisfactory evidence of compliance with CE requirements, the failure shall be evidence of a violation of Section 20-15(1) of the Act regarding false or fraudulent representation to obtain a license. ~~The Division and of the continuing education requirements of Article 25 of the Act.~~ [OBRE](#) shall send notice pursuant to Section 20-5 of the Act indicating the commencement of disciplinary proceedings. A copy of this notice shall be sent to the sponsoring auctioneer of the licensee.

d) [Waiver or Extension of CE Requirements](#)

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- 1) An auctioneer and associate auctioneer are exempt from the continuing education requirements if it is his or her first renewal.
- 2) As provided for in Section 10-30 of the Act, if licensees have earned CE hours offered in another state or territory for which they will be claiming credit toward full compliance in Illinois, each applicant shall submit an application along with a \$25 processing fee within 90 days after completion of the CE course and prior to expiration of the license. The Board shall review and recommend approval or disapproval of the CE course provided the CE school and CE course are substantially equivalent to those approved in Illinois and provided that the course included the successful completion of a proctored examination. In determining whether the CE school and CE course are substantially equivalent, the Board shall use the criteria in Section 1440.310(b).
- 3) Any renewal applicant seeking renewal of the license or certificate without having fully complied with these CE requirements shall file with the Division a renewal application, a statement setting forth the facts concerning the noncompliance, a request for waiver or extension of the CE requirements on the basis of those facts and, if desired, a request for an interview before the Board. If the Division finds from the statement or any other evidence submitted that good cause has been shown for granting a waiver or extension of the CE requirements, or any part of the requirements, the Division shall waive enforcement of the requirements for the renewal period for which the applicant has applied.
- 4) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
 - A) Full-time service in the armed forces of the United States of America during a substantial part of the renewal period;
 - B) A temporary, incapacitating illness documented by a licensed physician. A second consecutive request for a CE waiver pursuant to this subsection (d)(4)(B) shall be prima facie proof that the renewal applicant has a physical illness, mental illness, or other impairment including, without limitation, deterioration through the aging process, mental illness, or disability that results in the

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inability to practice the profession with reasonable judgment, skill and safety, in violation of Section 20-15(24) of the Act, which shall be grounds for denial of the renewal or other discipline;

C) Temporary undue hardship (e.g., hospitalization or being disabled and unable to practice auction on a temporary basis).

5) If an interview is requested at the time the request for waiver or extension is filed with the Division, the renewal applicant shall be given at least 20 days written notice of the date, time and place of the interview by certified mail, return receipt requested.

6) Any renewal applicant who submits a request for waiver or extension pursuant to subsection (d)(3) shall be deemed to be in good standing until the Division's final decision on the application has been made.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1440.320 Expiration and Renewal for Continuing Education Schools and Courses

- a) Every continuing education school and course license shall expire on December 31 of each odd numbered year.
- b) Each licensed CE school shall be responsible for renewal of the CE school and course license on forms provided by the Division~~OBRE~~. Failure to receive a renewal form shall not constitute a valid reason for failure to pay the renewal fee or to renew the appropriate license.
- c) The applicable fees shall be those set forth in Section 1440.170 of this Part.
- d) ~~Each CE school shall submit a list of courses to be taught as part of the renewal application.~~ e) Operation of a CE school on an expired or inoperative license shall constitute the unlicensed or unauthorized practice and shall be grounds for discipline pursuant to Section 20-15 of the Act.
- e)f) Any continuing education school whose license under the Act has expired for more than two years shall not be eligible to renew its license and must make an initial application in accordance with the Act and this Part.

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~~f~~g) Any CE school whose license has expired for less than two years may renew the license at any time by complying with the requirements of the Act and this Part, making application and paying the required fees and penalties.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1440.330 Distant Learning Programs

~~Distant~~~~Distance~~ learning programs shall be affiliated with an approved school and meet the curriculum requirements set forth in Section 1440.310 of this Part, as applicable.

~~Distant~~~~Distance~~ learning programs means those courses designed to be taken by means other than attendance in a classroom, e.g., Internet courses or correspondence/home study type courses.

- a) The program shall be approved by ~~the Division~~~~OBRE~~ in accordance with Section ~~30-1025-10~~ of the Act, and the approved school shall:
 - 1) Maintain a brief description of each lesson;
 - 2) Maintain a list of titles, authors, publishers, and copyright dates of all instructional materials;
 - 3) Require minimum passing scores for all examinations of no less than 70%.
- b) The program shall develop a written statement of teaching methods to be employed and materials and equipment needed for each course of instruction.
- c) The program shall establish written policies and procedures for examinations and lessons that shall include provisions for instructor comments, suggestions and written correction of errors. There shall also be written procedures for the prompt return of materials.
- d) The program shall establish performance objectives for each specific course of study.
- e) A qualified instructor shall be available during normal business hours to answer student questions.
- f) Students shall be allowed to attend the school's regularly scheduled CE courses.

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(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1440.350 Withdrawal of Approval of School and Courses

- a) Upon written recommendation of the Board, ~~the Division~~[OBRE](#) shall withdraw the approval of the continuing education school or course when the quality of the program fails to continue to meet the established criteria set forth in this Part or if approval of the school or program was based upon false or deceptive information.
- b) If the Board has reason to believe there has been any fraud, dishonesty, or lack of integrity in the furnishing of any documentation for the evaluation of a school or program, it shall refer the matter for investigation and any disciplinary action that might be appropriate under the Act and this Part.
- c) A CE school whose program or courses are being reconsidered shall be given at least 30 days written notice prior to any reconsideration by the Board. The officials in charge may either submit written comments or request a hearing before the Board.
- d) In the event the auction license of the administrator of an approved school is suspended or revoked, the school approval shall automatically be rescinded.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1440.360 Discipline of Schools

- a) Upon written recommendation of the Board to the ~~Secretary~~[Commissioner](#), ~~the Division~~[OBRE](#) may refuse to issue or renew a license, reprimand, fine, withdraw approval, place on probation, suspend, or revoke any license or otherwise discipline any license of any school, or applicant for the license, and may impose a civil penalty not to exceed \$10,000 upon a licensee, when at any time:
 - 1) The quality of the course, instruction or program fails to meet the established criteria set forth in the Act and this Part.
 - 2) If the license approval was based upon false or deceptive information.
 - 3) If any other professional license, accreditation, or certification by [the](#)

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[DivisionOBRE](#) of the school is suspended, revoked, or otherwise disciplined.

- 4) When the applicant or licensee has:
 - A) subverted or attempted to subvert the integrity of any exam or course, including through improper reproduction of an exam, providing an answer key to an exam, cheating, bribery or otherwise, or aids and abets an applicant or licensee to subvert the integrity of any exam or course;
 - B) made any substantial misrepresentation or misleading or untruthful advertising, including without limitation guaranteeing success or a "pass score" on any exam or in any course or using any trade name or insignia of membership in any educational or any auction organization of which the applicant or licensee is not a member;
 - C) offered auction courses without utilizing qualified instructors;
 - D) failed to provide information to [the DivisionOBRE](#) as required under any provision of the Act or this Part; or
 - E) disregarded or violated any provisions of the Act or this Part.
- b) Disciplinary proceedings shall be conducted as provided for in Article 20 of the Act.
- c) Upon recommendation of the Auction Advisory Board, [the DivisionOBRE](#) may temporarily suspend, without hearing, the approval and license of a school's courses for failure to comply with the Act or this Part. No CE credit shall be granted to any licensee for completing a CE course for which the approval of [the DivisionOBRE](#) has been temporarily suspended.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART D: INTERNET AUCTION LISTING SERVICE

Section 1440.400 Definitions

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Unless otherwise clarified by this Subpart, definitions set forth in the Act and this Part shall also apply for the purposes of this Subpart.

"Close of a transaction" shall mean the conclusion of the bidding process of a transaction on an Internet auction listing service web site. It shall not be construed to mean when a seller receives payment for the property and/or when a purchaser receives the property at the conclusion of a transaction on an Internet auction listing service web site.

~~"DBRE" means the Division of Banks and Real Estate of the Department of Financial and Professional Regulation.~~

"Designated agent" means the person listed in the registration of an Internet auction listing service who will respond to ~~Division~~~~DBRE~~ written requests for information, records and related documents maintained in connection with the activities subject to registration.

"Registrant" means any person registered as an Internet auction listing service under the Act and this Part.

"Registration" means the acceptance by ~~the Division~~~~DBRE~~ of the completed forms along with the applicable fees submitted by a person providing or seeking to provide an Internet auction listing service.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1440.410 Registration

- a) An applicant who desires to register as an Internet auction listing service shall submit to ~~the Division~~~~DBRE~~ on forms provided by ~~the Division~~~~DBRE~~:
- 1) The applicant's name, address, social security number or federal employer identification number, and telephone number;
 - 2) The applicant's designated agent;
 - 3) The fee as provided by Section 1440.480; and
 - 4) Certifications as provided in Section 10-27(c) of the Act.

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- b) If an applicant is making application as an Internet auction listing service in the form of a corporation, limited liability company or legally formed partnership, the applicant, in addition to the information provided in subsection (a), shall submit to [the Division DBRE](#) on forms provided by [the Division DBRE](#):
- 1) The articles of incorporation or organization or evidence of other legal authority, and if the corporation, limited liability company, or other legally formed partnership is registered in a state other than Illinois, a certificate of authority to conduct business in the State of Illinois; and
 - 2) A list of all officers, directors, and owners with a percentage of ownership that is in excess of 10%.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1440.420 Expiration of Registration

Pursuant to Section [1440.145 of this Part 10-27\(e\) of the Act](#), all certificates of registration issued under the Act and this Subpart shall expire on [December 31, 2010, and thereafter a registration shall expire every 2 years on December 31 of each even](#)~~September 30 of odd~~ numbered ~~year~~[years](#).

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1440.430 Renewal of Registration

- a) An applicant for renewal of a registration issued pursuant to Section 1440.410 shall submit to [the Division DBRE](#):
- 1) An application, provided by [the Division DBRE](#), that is signed and fully completed by the applicant; and
 - 2) The fee as provided by Section 1440.480.
- b) Any person who fails to submit a renewal application by the expiration date of the registration may renew the registration for a period of 2 years following the expiration date of the registration by submitting to [the Division DBRE](#):

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- 1) An application, provided by [the Division DBRE](#), that is signed and fully completed by the applicant; and
 - 2) The fee and late penalty as provided by Section 1440.480.
- c) Any person who fails to submit a renewal application within 2 years of the expiration date of the registration shall not be eligible to renew the registration, and must meet the requirements of a new applicant as provided by Section 1440.410, plus pay all lapsed fees and penalties as provided by Section 1440.480 of this Subpart.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1440.440 Issuance of Certificate of Registration

[The Division DBRE](#) shall issue a certificate of registration to all Internet auction listing services registered under the Act and this Subpart. The certificate shall include the name, address, date of expiration and registration number of the Internet auction listing service.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1440.450 Notification of Name Change

It is the responsibility of each registrant under the Act and this Subpart to notify [the Division DBRE](#) in writing, within 15 days after any change of name. For example, if the registrant has had a name change either by court order or due to a change in marital status, the registrant shall notify [the Division DBRE](#) of the name change together with a certified copy of the marriage certificate or portions of the court order relating to the name change, and indicate the name in which the registration shall be issued.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1440.460 Assumed Name

If a registrant operates under any name other than that appearing on the certificate of registration, the registrant shall submit to [the Division DBRE](#) a certified copy of the registration under the Assumed Business Name Act [805 ILCS 405] at the time of the application or within 30 days after the registration.

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(Source: Amended at 33 Ill. Reg. _____, effective _____)

| **Section 1440.470 Notification of Address Change~~Assumed Name~~**

| It is the responsibility of the registrant to notify the Division~~DBRE~~ in writing within 15 days after a change of address. If a registrant uses a post office box number as a mailing address, the registrant shall also provide the Division~~DBRE~~ with the street address of the registrant's business location.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Real Estate Appraiser Licensing
- 2) Code Citation: 68 Ill. Adm. Code 1455
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1455.100	Amendment
1455.130	Amendment
1455.150	Amendment
1455.160	Amendment
1455.240	Amendment
1455.250	Amendment
1455.320	Amendment
1455.350	Amendment
1455.360	Amendment
1455.370	Amendment
1455.380	Amendment
1455.400	Amendment
1455.430	Amendment
1455.440	Amendment
- 4) Statutory Authority: Real Estate Appraiser Licensing Act of 2002 [225 ILCS 458]
- 5) A complete description of the subjects and issues involved: Under the provisions of the federal Financial Institutions Reform, Recovery and Enforcement Act of 1989, Congress has authorized The Appraisal Foundation through its Appraiser Qualifications Board (AQB) to establish the minimum education, experience and examination requirements for real property appraisers to obtain a state certification and through its Appraisal Standards Board (ASB) to establish the Uniform Standards of Professional Appraisal Practice (USPAP). The purpose of the proposed amendments is to bring the rules under the Illinois Real Estate Appraiser Licensing Act in compliance with the federal standards as revised.
- 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

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- 9) Does this rulemaking contain incorporations by reference? Yes (see Section 1455.240)
- 10) Are there any proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking has no impact on local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:
- Department of Financial and Professional Regulation
Attention: Craig Cellini
320 W. Washington St., 3rd Floor
Springfield, IL 62786
- 217/785-0813 Fax# 217/557-4451
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Real estate appraisal schools and businesses that use real estate appraisers will be affected, but appraisers are required by federal law to operate under the most current version of USPAP.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: Appraiser education and experience is necessary for licensure.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2008

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1455

REAL ESTATE APPRAISER LICENSING

SUBPART A: DEFINITIONS

Section
1455.10 Definitions

SUBPART B: LICENSING REQUIREMENTS

Section
1455.100 Application for a State Certified General Real Estate Appraiser License and a State Certified Residential Real Estate Appraiser License; Application for an Associate Real Estate Appraiser License; Application by Non-Resident for Licensure by Reciprocity

1455.110 Application for Renewal of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Appraiser License; Late Renewal of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Appraiser License; Expiration Date

1455.120 Conversion of a State Licensed Real Estate Appraiser License to an Associate Real Estate Appraiser License; Late Conversion; No Issuance of State Licensed Real Estate Appraiser License (Repealed)

1455.130 Application for Temporary Practice Permit; Term of Permit; Scope of Practice; Regulatory Responsibility; Notice

1455.140 Issuance of Certificate to Real Estate Appraisers; Temporary Practice Permits

SUBPART C: EDUCATION REQUIREMENTS

Section
1455.150 Pre-License Education Requirements; State Certified General Real Estate Appraiser; State Certified Residential Real Estate Appraiser; Associate Real Estate Appraiser; Non-Resident Pre-License Education

1455.160 Continuing Education Requirements for State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, Associate Real

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Estate Appraiser, and State Licensed Real Estate Appraiser; Non-Resident
Continuing Education Approval

SUBPART D: EXPERIENCE REQUIREMENTS

Section

- 1455.170 Experience Requirements for a State Certified General Real Estate Appraiser License
1455.180 Experience Requirements for a State Certified Residential Real Estate Appraiser License
1455.190 Verification of Experience Credit
1455.200 Acceptable Appraisal Experience Credit

SUBPART E: BUSINESS PRACTICES; STANDARDS AND SCOPE OF PRACTICE

Section

- 1455.210 Notification of Name Change
1455.220 Assumed Name
1455.230 Address Change; Street Address
1455.240 Uniform Standards of Professional Appraisal Practice (USPAP)

SUBPART F: ENFORCEMENT PROVISIONS

Section

- 1455.250 Grounds for Discipline
1455.260 Suspension or Denial for Failure to Pay Taxes, Child Support or any Illinois-Guaranteed Student Loan
1455.270 Additional Education; Reporting Requirements
1455.280 Administrative Warning Letter
1455.290 Cooperation Required with the Division
1455.300 Felony Convictions; Discipline of Other Professional License; Notification
1455.310 Unprofessional Conduct

SUBPART G: ADMINISTRATIVE PROVISIONS

Section

- 1455.320 Fees
1455.330 Granting of Variances
1455.340 Duties of the Secretary

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SUBPART H: EDUCATION PROVIDER AND COURSE PROVISIONS

Section

- 1455.350 Education Provider Application; Requirements
- 1455.360 Pre-License Education Course Requirements of Education Providers
- 1455.370 Pre-License Course Curriculum; State Certified General Real Estate Appraiser; State Certified Residential Real Estate Appraiser; Associate Real Estate Appraiser
- | 1455.380 Examples of Acceptable Pre-License Education Courses [\(Repealed\)](#)
- 1455.390 Continuing Education Course Requirements of Education Providers
- 1455.400 Curriculum for Continuing Education Courses; Continuing Education Credit for Participation Other Than as a Student
- 1455.410 Distance Education
- 1455.420 Expiration Date and Renewal for Education Providers and Pre-License and Continuing Education Courses
- 1455.430 Continuing Education Reporting
- 1455.440 Transcript or Certificate of Completion

SUBPART I: TRANSITION PROVISIONS

Section

- 1455.450 Appraiser Applicants – Transition Provisions
- 1455.460 Education Providers, Pre-License and Continuing Education Courses – Transition Provisions

SUBPART J: HEARINGS

Section

- 1455.470 Applicability
 - 1455.480 Administrative Law Judges
 - 1455.490 Disqualification of an Administrative Law Judge
-
- 1455.APPENDIX A Caption for a Case Filed by the Division
 - 1455.APPENDIX B Caption for a Case Filed by the Petitioner

AUTHORITY: Implementing and authorized by the Real Estate Appraiser Licensing Act of 2002 [225 ILCS 458].

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SOURCE: Emergency rules adopted at 16 Ill. Reg. 16196, effective September 30, 1992, for a maximum of 150 days; rules adopted at 17 Ill. Reg. 1589, effective January 26, 1993; emergency amendment at 17 Ill. Reg. 6668, effective April 19, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13494, effective July 30, 1993; amended at 18 Ill. Reg. 2379, effective January 28, 1994; emergency amendment at 18 Ill. Reg. 3006, effective February 10, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 8428, effective May 24, 1994; amended at 19 Ill. Reg. 9176, effective June 26, 1995; emergency amendment at 19 Ill. Reg. 12503, effective August 16, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16604, effective December 1, 1995; amended at 20 Ill. Reg. 6488, effective April 30, 1996; recodified from Chapter VII, Department of Professional Regulation, to Chapter VIII, Office of Banks and Real Estate, pursuant to PA 89-23 and PA 89-508, at 20 Ill. Reg. 11984; amended at 21 Ill. Reg. 1685, effective January 27, 1997; amended at 21 Ill. Reg. 5538, effective April 18, 1997; emergency amendment at 22 Ill. Reg. 4132, effective February 4, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 8534, effective April 29, 1998, for a maximum of 150 days; old Part repealed by emergency rulemaking at 22 Ill. Reg. 12979, effective July 1, 1998, for a maximum of 150 days; new Part adopted by emergency rulemaking at 22 Ill. Reg. 13011, effective July 1, 1998, for a maximum of 150 days; old Part repealed and new Part adopted at 22 Ill. Reg. 20815, effective November 20, 1998; old Part repealed at 26 Ill. Reg. 10883 and new Part adopted by emergency rulemaking at 26 Ill. Reg. 10844, effective July 1, 2002, for a maximum of 150 days; old Part repealed at 26 Ill. Reg. 17689 and new Part adopted at 26 Ill. Reg. 17692, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 14653, effective August 29, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 824, effective December 29, 2003; amended at 29 Ill. Reg. 16445, effective October 13, 2005; amended at 31 Ill. Reg. 4741, effective March 9, 2007; amended at 33 Ill. Reg. _____, effective _____.

SUBPART B: LICENSING REQUIREMENTS

Section 1455.100 Application for a State Certified General Real Estate Appraiser License and a State Certified Residential Real Estate Appraiser License; Application for an Associate Real Estate Appraiser License; Application by Non-Resident for Licensure by Reciprocity

- a) Each applicant for a State Certified General Real Estate Appraiser License and a State Certified Residential Real Estate Appraiser License shall submit to the Division:
 - 1) An application, provided by the Division and signed by the applicant, on which all questions have been answered;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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- 2) The fee as provided by Section 1455.320;
 - 3) Proof of successful completion of the pre-license education requirements as provided by Section 1455.150 of this Part;
 - 4) A score report/application that provides proof of successful completion of the pre-license experience requirements as provided by Subpart D; and
 - 5) Proof of successful completion of the examination authorized by the Division and endorsed by the Appraiser Qualification Board (AQB).
- b) Each applicant for an Associate Real Estate Appraiser License shall submit to the Division:
- 1) An application, provided by the Division and signed by the applicant, on which questions have been answered;
 - 2) The fee as provided by Section 1455.320;
 - 3) Proof of successful completion of the pre-license education requirements as provided by Subpart C; and
 - 4) A score report/application that provides proof of successful completion of the examination authorized by the Division ~~and administered by Applied Measurement Professionals, Inc. that may be contacted at 8310 Nieman Road, Lenexa KS 66214 or at its website at www.goamp.com.~~
- c) Each non-resident applicant for a real estate appraiser license issued pursuant to Section 5-30 of the Act from a jurisdiction with which the Division has a valid reciprocal agreement shall submit to the Division:
- 1) An application, provided by the Division and signed by the applicant, on which all questions have been answered;
 - 2) The fee as provided by Section 1455.320;
 - 3) A certification of good standing from the jurisdiction of the applicant's place of residence or by a search by the Division of the Appraisal Subcommittee's (ASC) National Registry history that may be obtained

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from the ASC at 2000 K Street, NW, Suite 310, Washington, DC 20006 or at its website at www.asc.gov; and

- 4) Consent to jurisdiction pursuant to Section 5-30(b) of the Act. For the purposes of this subsection (c), the Division shall issue a license reflecting the rank for which the non-resident is qualified (Certified General Real Estate Appraiser, Certified Residential Real Estate Appraiser or Associate Real Estate Appraiser), as determined by, the requirements for licensure in the jurisdiction that licensed the non-resident applicant compared to the requirements of the Act and this Part.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1455.130 Application for Temporary Practice Permit; Term of Permit; Scope of Practice; Regulatory Responsibility; Notice

- a) Each non-resident applicant for a temporary practice permit issued pursuant to Section 5-50 of the Act shall submit to the Division:
 - 1) An application, provided by the Division and signed by the applicant, on which all questions have been answered;
 - 2) A certification of good standing from the jurisdiction of the applicant's place of residence or by a search by the Division of the ASC National Registry; and
 - 3) The fee as provided by Section 1455.320.
- b) The term for a temporary practice permit shall be 6 months from the date of issuance and may be extended for a period of an additional 6 months by request in writing to the Division.
- c) Any person issued a temporary practice permit shall be limited to ~~a one or more~~ specific appraisal ~~assignment~~ assignments. For the purposes of this Section, the term "~~assignment~~ assignments" shall mean ~~a one or more~~ real estate ~~appraisal~~ appraisals and written appraisal ~~report~~ reports that are covered by a contract to provide an appraisal.
- d) Any person issued a temporary practice permit shall be subject to the provisions

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of the Act and this Part, and the Division shall take regulatory responsibility for any person violating any provisions of the Act and this Part while the person is practicing in the State of Illinois.

- e) If the Division takes any disciplinary action against an appraiser practicing in the State of Illinois under a temporary practice permit, it shall notify the jurisdiction of the appraiser's place of residence.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART C: EDUCATION REQUIREMENTS

Section 1455.150 Pre-License Education Requirements; State Certified General Real Estate Appraiser; State Certified Residential Real Estate Appraiser; Associate Real Estate Appraiser; Non-Resident Pre-License Education

- a) ~~General— Experience Prior to July 1, 2005~~
~~An applicant for licensure as a State Certified General Real Estate Appraiser who has gained appraisal experience prior to July 1, 2005 shall file an application with the Division. All applications must be postmarked by December 31, 2007 and meet the following criteria.~~
- ~~1) Successfully complete 180 classroom hours of pre-license instruction in subjects related to real estate appraisal, as outlined by Subpart H of this Part, and may include the 120 classroom hours completed by a State Certified Residential Real Estate Appraiser licensed under the Act or the 75 classroom hours completed by an Associate Real Estate Appraiser licensed under the Act or by a State Licensed Real Estate Appraiser licensed under a previous Act, and shall include 15 hours of instruction relative to USPAP that is approved by the AQB and taught by an AQB certified instructor. All pre-license education requirements shall only be accepted from education providers and courses approved by the Division.~~
 - ~~2) Proof of successful completion of the examination authorized by the Division and endorsed by the Appraiser Qualification Board (AQB).~~
- b) ~~General— No Experience Prior to July 1, 2005~~
~~An applicant for licensure as a State Certified General Real Estate Appraiser who has not gained appraisal experience prior to July 1, 2005 shall file an application~~

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~~with the Division and meet the following criteria:~~

- ~~1) A bachelor's degree or equivalent as outlined by the AQB;~~
- ~~2) 3000 hours of AQB appraisal experience;~~
- ~~3) 300 hours of modular appraisal education as stated in the Guide Notes (GN-1) of the AQB-2008 Criteria (The Appraisal Foundation, 1155 15th Street, NW, Suite 1111, Washington DC 20005; www.appraisalfoundation.org; (202) 347-7722); and~~
- ~~4) If an individual applicant for licensure submits integrated course credit for approval, the course must have been approved by the Course Approval Program of the Appraiser Qualifications Board and a topic matrix revealing the exact number of hours for each section of course content must be provided for review. Only integrated course credit bundled together to equal a module will be accepted. Partial credit toward a module will not be accepted. It is the applicant's responsibility to demonstrate compliance as part of the application.~~

~~e) Residential – Experience Prior to January 1, 2006~~

- ~~1) An applicant for licensure as a State Certified Residential Real Estate Appraiser who has gained appraisal experience prior to January 1, 2006 shall file an application with the Division and meet the following criteria. Applications must be postmarked by December 31, 2007.~~
- ~~2) Successfully complete 120 classroom hours of pre-license instruction in subjects related to real estate appraisal, as outlined by Subpart H of this Part, and may include the 75 classroom hours completed by an Associate Real Estate Appraiser licensed under the Act or by a State Licensed Real Estate Appraiser licensed under a previous Act, and shall include 15 hours of instruction relative to USPAP that is approved by the AQB and taught by an AQB-certified instructor. All pre-license education requirements shall only be accepted from education providers and courses approved by the Division.~~

ad) Residential – No Experience Prior to July 1, 2006 – Application After December 31, 2007

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An applicant for licensure as a State Certified Residential Real Estate Appraiser who has not gained appraisal experience prior to July 1, 2006 and files an application after December 31, 2007 shall meet the following criteria.

- 1) 2500 hours of AQB Appraisal Experience;
- 2) 200 hours of modular appraisal education as stated in the Guide Notes (GN-1) of the AQB 2008 Criteria;
- 3) Associates degree or equivalent as outlined by AQB; and
- 4) If an individual applicant for licensure submits integrated course credit for approval, the course must have been approved by the Course Approval Program of the Appraiser Qualifications Board and a topic matrix revealing the exact number of hours for each section of course content must be provided for review. Only integrated course credit bundled together to equal a module will be accepted. Partial credit toward a module will not be accepted. It is the applicant's responsibility to demonstrate compliance as part of the application.

| [be](#)) Any person who makes application for an Associate Real Estate Appraiser License shall be required, as a pre-requisite to examination, to successfully complete 75 classroom hours of pre-license instruction in subjects related to real estate appraisal, as outlined by Subpart H of this Part, and shall include 15 hours of instruction relative to USPAP that is approved by the AQB and taught by an AQB certified instructor. All pre-license education requirements shall only be accepted from education providers and courses approved by the Division.

| [cf](#)) The Division may accept evidence of successful completion of pre-license education credit from another jurisdiction, if that jurisdiction's requirements are substantially the same as the State of Illinois' and meet the minimum licensing requirements of the AQB Criteria and may be in modular format for licensure after January 1, 2008. A real estate appraiser who wishes to obtain credit for pre-license education courses not licensed by the Division shall submit to the Division:

- 1) An application provided by the Division requesting approval for pre-license education credit, signed by the applicant, on which all questions are answered;

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- 2) A certificate of successful completion provided by the education provider, a certification by the jurisdiction of the appraiser's place of residence of successful completion of the requested pre-license education credit, or any other evidence to be considered by the Division; and
- 3) The fee as provided in Section 1455.320.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1455.160 Continuing Education Requirements for State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, Associate Real Estate Appraiser, and State Licensed Real Estate Appraiser; Non-Resident Continuing Education Approval

a) CE Credit

- 1) A State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, or Associate Real Estate Appraiser who makes application to renew his or her real estate appraiser license shall successfully complete the equivalent of 14 hours of approved continuing education per year preceding the renewal, e.g., a total of 28 hours of approved continuing education for a 2 year renewal. Continuing education may be obtained anytime during the pre-renewal period. [Continuing education credit will only be accepted from education providers and courses approved by the Division.](#)
- 2) If a real estate appraiser was issued an initial license for less than [185 days](#)~~one year~~ prior to the expiration of the license, then no continuing education is required for that renewal. If a real estate appraiser has held a license [185 days or more](#) ~~for more than one year~~ prior to the expiration, but less than two years, then 14 hours of approved continuing education is required. A State Licensed Real Estate Appraiser who makes application to convert his or her license to an Associate Real Estate Appraiser License pursuant to the Act and this Part shall be required to successfully complete the equivalent of 14 hours of approved continuing education per year preceding the conversion, e.g., a total of 28 hours of approved continuing education for the 2 years prior to conversion.

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- 3) A real estate appraiser must complete the 7-hour National USPAP Update Course or its equivalent as determined by the AQB or an alternate method established by the AQB a minimum of 7 hours of continuing education in coursework relative to USPAP that is approved by the AQB and taught by an AQB certified instructor who also hold a current appraiser certification by a state during each pre-renewal period prior to renewing or converting his or her real estate appraiser license, unless the real estate appraiser was issued his or her initial license for a period of less than 185 days~~one year~~ prior to the expiration date. ~~Continuing education credit will only be accepted from education providers and courses approved by the Division.~~
- b) CE Credit from Another Jurisdiction
- ↳ The Division may accept evidence of successful completion of continuing education credit from another jurisdiction if that jurisdiction's requirements are substantially the same as the State of Illinois' and meet the recommendations of the AQB, and if the credit was earned during the appropriate pre-renewal period. A real estate appraiser who wishes to obtain credit for continuing education courses not licensed by the Division shall submit to the Division:
- 1A) An application provided by the Division requesting approval for continuing education credit, signed by the applicant, on which all questions are answered;
- 2B) A certificate of successful completion provided by the education provider or a certification by the jurisdiction of the appraiser's place of residence of successful completion of the requested continuing education credit; and
- 3C) The fee as provided in Section 1455.320.
- 2) ~~No more than 21 hours of distance learning may be used to meet the continuing education requirements during any pre-renewal period. The 7 hour USPAP course required during each pre-renewal period may not be obtained through a distance learning course or program.~~

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART E: BUSINESS PRACTICES; STANDARDS AND SCOPE OF PRACTICE

Section 1455.240 Uniform Standards of Professional Appraisal Practice (USPAP)

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- a) Pursuant to Section 10-10 of the Act, the ~~2006~~-Uniform Standards of Professional Appraisal Practice (USPAP), ~~as approved and as revised effective July 1, 2006~~, by the Appraisal Standards Board (ASB) of the Appraisal Foundation (The Appraisal Foundation, 1029 Vermont Avenue, NW, Suite 900, Washington, D.C. 20005), are hereby incorporated by reference with no later amendments or editions.
- b) All real estate appraisers licensed under the Act shall practice in accordance with USPAP except where the standards are contrary to Illinois law or public policy (USPAP, Jurisdictional Exception).
- c) All investigators, auditors and examiners employed or retained by the Division are exempt from the requirements of USPAP Standard 3 while performing an investigation, audit or examination. If the Division files a formal complaint, a USPAP Standard 3 review ~~may~~ shall be utilized by the Division, except the Division may limit the scope of Standard 3 to exclude valuation.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART F: ENFORCEMENT PROVISIONS

Section 1455.250 Grounds for Discipline

Pursuant to Section 15-10(a) of the Act, failure to comply with any of the following shall be considered a violation and may be subject to discipline as provided for in the Act and this Part:

- a) In developing a real property appraisal, an appraiser shall analyze any prior sales of the property that occurred within three years if such information is readily available to the appraiser in the normal course of business. In developing a real property appraisal of one to four units of residential property, an appraiser shall analyze any prior listings of the property that occurred within three years if such information is readily available to the appraiser in the normal course of business.
- b) Work File
 - 1) An appraiser shall prepare a work file for each appraisal, appraisal review, or appraisal consulting assignment. The work file shall include the name of the client and identity, by name or type, of any other intended users,

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true copies (as transmitted to the client) of any written reports, documented on any type of media; summaries of any oral reports or testimony, or a transcript of the testimony, including the appraiser's signed and dated certification; and all other data information and documentation necessary to comply with this Part and all other applicable Sections of the Act and provisions of USPAP.

- 2) A work file shall be in existence prior to and contemporaneous with the issuance of a written or oral report. A written summary of an oral report shall be added to the work file within a reasonable time after the issuance of the oral report. A work file shall be made available to the Division within 30 days after request.
- c) An appraiser shall perform assignments with impartiality, objectivity, and independence, and without accommodation of personal interests.
- d) When preparing a real property appraisal or appraisal assignment, an appraiser shall not act as an advocate for any party.
- e) **Comparable Properties**
 - 1) ~~For the purposes of compliance with USPAP Standard Rule 1-4(a), comparable properties are those properties that are generally similar to the subject property being appraised and may include the following characteristics: building size, architectural style, functional utility, building materials, construction quality, age and condition of improvements, site size, location, view, economic market conditions, and conditions of sale. An appropriate comparable need not necessarily comply with all of the preceding characteristics. However, whenever a comparable is utilized that deviates substantially from the subject property being appraised, the deviation shall be explained in the appraisal report and/or the appropriate adjustment made.~~
 - 2) ~~Additionally, properties used as comparables, whenever possible, should be competitive with the subject property and ideally located in the same economic market area or neighborhood. If sufficient data on the sales of local comparables are unavailable, transactions involving properties in other comparable, but not directly competitive, neighborhoods or locations may be utilized in the sales comparison analysis.~~

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- ⌘ Letter of Transmittal
- 1) An appraiser who signs any part of the appraisal report, including letter of transmittal, must also sign the certification. An appraiser who signs any part of the appraisal report, including letter of transmittal, accepts full responsibility for the contents of the appraisal report and any violations of the Act, this Part or USPAP contained within the appraisal report.
 - 2) For the purposes of this subsection (ef), a letter of transmittal is any letter, cover page, memorandum or similar document that accompanies the appraisal report when it is transmitted to the client.
- g) ~~A rebuttable presumption of dishonesty shall arise whenever an appraiser, while performing an appraisal of one to four units of residential property, commits one or more of the following acts or omissions and fails to provide a credible explanation upon request:~~
- ~~1) Reports a sale of a comparable when no such sale occurred;~~
 - ~~2) Reports a sale of a comparable that cannot be independently verified;~~
 - ~~3) Reports a verification source when no such verification exists;~~
 - ~~4) Mislabels or omits to label the location of the subject or comparable sales on a location map, if used, when the proper labeling would have raised a legitimate question as to the appropriateness of the comparable sale;~~
 - ~~5) Mislabels or omits to label the address and/or city of the subject or a comparable sale when the proper labeling would have raised a legitimate question as to the appropriateness of the comparable sale;~~
 - ~~6) Significantly misreports or omits to report the appropriate unit of comparison of the subject and/or a comparable property when the proper reporting would have raised a legitimate question as to the appropriateness of the comparable data;~~
 - ~~7) Utilizes, as comparable sales, properties located outside the economic market area when suitable comparable sales were available within the~~

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~~economic market area; or~~

- 8) ~~Any significant deviation from USPAP standards, the Act or this Part, when viewed in the totality of the circumstances, raises a legitimate question as to the overall credibility of the appraisal.~~

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART G: ADMINISTRATIVE PROVISIONS

Section 1455.320 Fees

- a) Initial application fee for appraiser license.
- 1) The application fee for an initial license as a State Certified General Real Estate Appraiser, a State Certified Residential Real Estate Appraiser, and an Associate Real Estate Appraiser shall be \$225.
 - 2) In addition to the initial fee for an initial applicant as a State Certified General Real Estate Appraiser and a State Certified Residential Real Estate Appraiser prescribed in subsection (a)(1), each applicant shall pay \$75, which shall include the National Registry fee.
- b) Renewal application fee for appraiser license.
- 1) The application fee to renew a license as a State Certified General Real Estate Appraiser, a State Certified Residential Real Estate Appraiser or a State Licensed Real Estate Appraiser shall be calculated at \$250 per year, which shall include the National Registry fees.
 - 2) The application to renew an Associate Real Estate Appraiser License shall be calculated at \$150 per year.
 - 3) The application fee to renew a license that has expired, as a State Certified General Real Estate Appraiser, a State Certified Residential Real Estate Appraiser, an Associate Real Estate Appraiser, or a State Licensed Real Estate Appraiser, shall be the sum of all lapsed renewal fees plus a \$50 late fee.

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- c) ~~Application fee to convert a license. 1) The application fee to convert a license as a State Licensed Real Estate Appraiser issued pursuant to a predecessor Act to a license as an Associate Real Estate Appraiser shall be \$250. 2) The application fee to convert a license that has expired as a State Licensed Real Estate Appraiser issued pursuant to a predecessor Act to a license as an Associate Real Estate Appraiser shall be \$250, plus a \$50 late fee. d) Application fee for temporary practice permit.~~

The application fee for a temporary practice permit pursuant to the Act and this Part shall be \$150. There shall be no additional fee required for an extension granted pursuant to the Act and this Part for a temporary practice permit.

- de) Initial application fee for a license as an education provider, a pre-license course, and a continuing education course.

- 1) The application fee for a license as an education provider shall be \$1050, plus course application fees.
- 2) The application fee for a license for a pre-license course shall be \$150.
- 3) The application fee for a license for a continuing education course shall be \$100.

- ef) Application fee to renew a license as an education provider, a pre-license course, and a continuing education course.

- 1) The application fee to renew a license as an education provider shall be calculated at \$550 per year.
- 2) The application fee to renew a license that has expired as an education provider shall be the sum of all lapsed renewal fees plus a \$50 late fee.
- 3) The application fee to renew a license as a pre-license course shall be calculated at \$100 per year.
- 4) The application fee to renew a license that has expired as a pre-license course shall be the sum of all lapsed renewal fees plus a \$50 late fee.
- 5) The application fee to renew a license as a continuing education course shall be calculated at \$75 per year.

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6) The application fee to renew a license that has expired as a continuing education course shall be the sum of all lapsed renewal fees plus a \$50 late fee.

fg) For the purposes of determining if a license has expired under this Section, Department of Financial and Professional Regulation-Division of Professional Regulation (Division) shall consider the license expired if the postmark on the renewal application is a date later than the expiration date or, if delivered other than by mail, the license shall be considered expired if the renewal application is received by the Division on a date later than the expiration date.

gh) General.

- 1) All fees paid pursuant to the Act and this Part are non-refundable.
- 2) The fee for the issuance of a duplicate license certificate or pocket card, for the issuance of a replacement license certificate or pocket card that has been lost or destroyed, or for the issuance of a license certificate or pocket card with a name or address change, other than during the renewal period, shall be \$25.
- 3) The fee for a certification of a licensee's record for any purpose shall be \$25.
- 4) The fee for a decorative wall license showing registration shall be the cost of producing the license.
- 5) The fee for a roster of persons licensed under the Act shall be the cost of producing the roster.
- 6) Applicants for an examination as a State Certified Real Estate Appraiser, a State Certified Residential Real Estate Appraiser, or an Associate Real Estate Appraiser shall be required to pay a fee covering the cost of providing the examination. If a designated testing service is utilized for the examination, the fee shall be paid directly to the designated testing service. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged, shall result in the

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forfeiture of the examination fee.

7) ~~The fee for requesting a waiver of any education requirement provided by the Act and this Part shall be \$50.8)~~ The fee for a copy of the transcript of any proceeding under the Act shall be the cost to produce the copy.

89) The fee for certifying any record, e.g., a copy of a disciplinary order or application, shall be \$1 per page.

910) The Division may charge an administrative fee not to exceed \$2,000, as a part of a compliance agreement issued with an administrative warning letter pursuant to Section 1455.280 of this Part.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

SUBPART H: EDUCATION PROVIDER AND COURSE PROVISIONS

Section 1455.350 Education Provider Application; Requirements

- a) In accordance with Section 20-5 of the Act, any person or entity seeking approval to provide pre-license and/or continuing education courses shall submit an application on forms provided by the Division along with the appropriate fee required by Section 1455.320.
- b) The program of pre-license and/or continuing education for a licensed education provider shall:
 - 1) Be approved by the provider's governing and/or supervising body;
 - 2) Utilize qualified instructors to instruct such courses as, but not limited to:
 - A) pre-license education courses for a State Certified General Real Estate Appraiser (the instructor shall be a State Certified General Real Estate Appraiser or its equivalent from another jurisdiction, or a full time faculty member of a college or university);
 - B) pre-license courses for a State Certified Residential Real Estate Appraiser or an Associate Real Estate Appraiser (the instructor shall be a State Certified General Real Estate Appraiser, a State

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Certified Residential Real Estate Appraiser or its equivalent from another jurisdiction, or a full time faculty member of a college or university);

C) continuing education courses (the instructor should have the appropriate education and experience in appraisal or the subject matter being taught); or

D) all instructors teaching USPAP courses shall be AQB certified instructors [who also hold a current appraiser certification from a state](#); and

3) Offer courses that are approved and licensed by the Division, and conform to the standards established in this Subpart.

c) Facilities

1) An education provider must provide an office for the maintenance of all records, office equipment and office space necessary for customer service.

2) The premises, equipment and facilities of the education provider shall comply with applicable community, state or federal fire codes, building codes, and health and safety standards.

3) The education provider is subject to inspection prior to approval or at any time thereafter by authorized representatives of the Division. Inspections shall be conducted during regular business hours, with at least 48 hours advance notice.

4) No education provider shall maintain an office, or conduct education courses, in a private residence.

5) An education provider shall only conduct education courses in locations that are conducive to learning.

d) Administration

1) No licensed education provider shall advertise that it is endorsed, recommended, or accredited by the Division. The education provider may

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indicate that it is licensed by, and the course of study has been approved and licensed by, the Division.

- 2) Each education provider shall provide a prospective student prior to enrollment with information specifying the course of study to be offered, the tuition, the provider's policy regarding refunds, any additional fee for supplies, materials or books, and other matters that are material to the relationship between the provider and the student.
- 3) Each education provider shall maintain for each student a record including the course of study undertaken, dates of attendance, and a transcript of courses satisfactorily completed. All records shall be maintained by the education provider for a period of 5 years and shall be made available to the student or to the Division upon request during regular business hours. An education provider may charge a student the cost of reproducing copies of a transcript.
- 4) Each education provider shall upon request by the Division, provide evidence of financial resources available to equip and maintain its program, as documented by, e.g., a current balance sheet or an income statement.
- 5) Any out-of-state education providers shall reimburse the Division for all reasonable expenses incurred by the Division while inspecting their facilities.
- 6) Each education provider shall notify the Division of all proposed changes in ownership of the education provider at least 30 days prior to the change in ownership.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1455.360 Pre-License Education Course Requirements of Education Providers

- a) For the purposes of this Section, a course shall be defined as a course of instruction that meets the curriculum requirements of this Subpart for each license category and that is at least 15 hours in length.
- b) Each course shall meet the appropriate course curriculum prescribed in Section

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1455.370 of this Subpart.

- c) Each course shall include an examination of a minimum of 25 questions for each 15 hours of instruction, e.g., a 15 hour course would require a 25 question examination, a 30 hour course would require a 50 question examination. The questions shall be either multiple choice or true/false or a combination. Open book examinations shall not be accepted. No student shall be deemed to have successfully completed the course unless he or she has scored a minimum of 70% on the course examination.
- d) The Division shall only grant approval for courses that are a part of an overall pre-license education program for each license category; e.g., an education provider must have a 75 hour pre-license program approved for an Associate Real Estate Appraiser, a ~~200+20~~ hour pre-license program approved for a State Certified Residential Real Estate Appraiser, and an education provider must have a ~~300+80~~ hour pre-license education program approved for a State Certified General Real Estate Appraiser. The Division will not review or recommend any course to the Board that consists of integrated course content not equaling a full module.
- e) Each education provider who seeks approval of a course shall submit to the Division an application on forms provided by the Division, which shall include, but is not limited to, an outline and course description for each course, materials to be used in instruction, an examination with answer key, and the appropriate fee pursuant to Section 1455.320.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1455.370 Pre-License Course Curriculum; State Certified General Real Estate Appraiser; State Certified Residential Real Estate Appraiser; Associate Real Estate Appraiser

- a) Pre-license education course work to obtain a license as a State Certified General Real Estate Appraiser shall consist of ~~300+80~~ classroom hours of instruction, which may include the 75 hour requirement for a State Licensed Real Estate Appraiser License issued pursuant to a previous Act, the 75 hour requirement for an Associate Real Estate Appraiser License, or the ~~200+20~~ hour requirement for a State Certified Residential Real Estate Appraiser License. The content for pre-license instruction courses shall not be repetitive and shall represent a progression

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of instruction in which the appraiser's knowledge is increased. The core curriculum for pre-license instruction courses shall be the core curriculum as approved and as revised by the Appraiser Qualifications Board of The Appraisal Foundation, in topics including, but not limited to, the following:

- 1) ~~influences on real estate value:~~
 - A) ~~economic;~~
 - B) ~~governmental and legal; and~~
 - C) ~~social.~~
- 3) ~~legal considerations in appraisal:~~
 - A) ~~real estate vs. real property;~~
 - B) ~~real property vs. personal property;~~
 - C) ~~limitations on real estate ownership;~~
 - D) ~~legal rights and interests;~~
 - E) ~~forms of property ownership;~~
 - F) ~~legal descriptions; and~~
 - G) ~~transfer of title.~~
- 4) ~~types of value:~~
 - A) ~~market value or value in exchange;~~
 - B) ~~price;~~
 - C) ~~cost;~~

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- D) ~~investment value;~~
- E) ~~value in use;~~
- F) ~~assessed value;~~
- G) ~~insurable value; and~~
- H) ~~going concern value.~~
- 5) ~~economic principles:~~
 - A) ~~anticipation;~~
 - B) ~~balance;~~
 - C) ~~change;~~
 - D) ~~competition;~~
 - E) ~~conformity;~~
 - F) ~~contribution;~~
 - G) ~~increasing and decreasing returns;~~
 - H) ~~opportunity cost;~~
 - I) ~~substitution;~~
 - J) ~~supply and demand; and~~
 - K) ~~surplus productivity.~~
- 6) ~~real estate markets and analysis:~~
 - A) ~~characteristics of real estate markets;~~
 - B) ~~absorption analysis;~~

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- ~~C) role of money and capital markets; and~~
 - ~~D) real estate financing.~~
- 7) valuation process:
 - ~~A) definition of the problem;~~
 - ~~B) collection and analysis of data;~~
 - ~~C) analysis of highest and best use;~~
 - ~~D) application and limitations of each approach to value;~~
 - ~~E) approach to value;~~
 - ~~F) reconciliation and final value estimate; and~~
 - ~~G) the appraisal report.~~
- 8) property description:
 - ~~A) site description;~~
 - ~~B) improvement description; and~~
 - ~~C) basic construction and design.~~
- 9) highest and best use analysis:
 - ~~A) four tests;~~
 - ~~B) vacant site or as if vacant;~~
 - ~~C) as improved; and~~
 - ~~D) interim use.~~

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- 10) ~~appraisal math and statistical concepts:~~
 - A) ~~compound interest concepts; and~~
 - B) ~~statistical concepts used in appraisal.~~
- 11) ~~sales comparison approach:~~
 - A) ~~research and selection of comparables;~~
 - B) ~~elements of comparison;~~
 - C) ~~adjustment process; and~~
 - D) ~~application of sales comparison approach.~~
- 12) ~~site value:~~
 - A) ~~sales comparison;~~
 - B) ~~land residual;~~
 - C) ~~allocation;~~
 - D) ~~extraction;~~
 - E) ~~ground rent capitalization;~~
 - F) ~~subdivision analysis; and~~
 - G) ~~plottage and assemblage.~~
- 13) ~~cost approach:~~
 - A) ~~steps in cost approach; and~~
 - B) ~~application of the cost approach.~~
- 14) ~~income approach:~~

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- A) ~~estimation of income and expenses;~~
 - B) ~~operating statement ratios;~~
 - C) ~~direct capitalization;~~
 - D) ~~cash flow estimates (before tax);~~
 - E) ~~measures of cash flow;~~
 - F) ~~discounted cash flow analysis (DCF); and~~
 - G) ~~six functions of a dollar.~~
- 15) ~~valuation of partial interests:~~
- A) ~~life estate;~~
 - B) ~~undivided interest in commonly held property;~~
 - C) ~~easements;~~
 - D) ~~timeshares;~~
 - E) ~~cooperatives;~~
 - F) ~~leased fee estate; and~~
 - G) ~~leasehold estate.~~
- 16) ~~appraisal standards and ethics.~~
- 17) ~~narrative report writing.~~
- 18) ~~other topics approved by the Division and recommended by the AQB.~~
- b) Pre-license education course work to obtain a license as a State Certified Residential Real Estate Appraiser shall consist of 200~~120~~ classroom hours of

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instruction, which may include the 75 hour requirement for a State Licensed Real Estate Appraiser issued pursuant to a previous Act or the 75 hour requirement for an Associate Real Estate Appraiser License. The content for pre-license instruction courses shall not be repetitive and shall represent a progression of instruction in which the appraiser's knowledge is increased. The core curriculum for pre-license instruction courses shall be the core curriculum as approved and as revised by the Appraiser Qualifications Board of The Appraisal Foundation.~~in topics including, but not limited to, the following:~~

- 1) ~~influences on real estate value:~~
 - A) ~~physical and environmental;~~
 - B) ~~economic;~~
 - C) ~~governmental and legal; and~~
 - D) ~~social.~~
- 2) ~~legal considerations in appraisal:~~
 - A) ~~real estate vs. real property;~~
 - B) ~~real property vs. personal property;~~
 - C) ~~limitations on real estate ownership;~~
 - D) ~~legal rights and interests;~~
 - E) ~~forms of property ownership;~~
 - F) ~~legal descriptions; and~~
 - G) ~~transfer of title.~~
- 3) ~~types of value:~~
 - A) ~~market value or value in exchange;~~

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- B) ~~price;~~
 - C) ~~cost;~~
 - D) ~~investment value;~~
 - E) ~~value in use;~~
 - F) ~~assessed value;~~
 - G) ~~insurable value; and~~
 - H) ~~going concern value~~
- 4) ~~economic principles:~~
- A) ~~anticipation;~~
 - B) ~~balance;~~
 - C) ~~change;~~
 - D) ~~competition;~~
 - E) ~~conformity;~~
 - F) ~~contribution;~~
 - G) ~~increasing and decreasing returns;~~
 - H) ~~opportunity cost;~~
 - I) ~~substitution;~~
 - J) ~~supply and demand; and~~
 - K) ~~surplus productivity.~~
- 5) ~~real estate markets and analysis:~~

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- A) ~~characteristics of real estate markets;~~
- B) ~~absorption analysis;~~
- C) ~~role of money and capital markets; and~~
- D) ~~real estate financing.~~
- 6) ~~valuation process:~~
 - A) ~~definition of the problem;~~
 - B) ~~collection of analysis of data;~~
 - C) ~~analysis of highest and best use;~~
 - D) ~~application and limitations of each approach to value;~~
 - E) ~~reconciliation of final value estimate; and~~
 - F) ~~the appraisal report.~~
- 7) ~~property description:~~
 - A) ~~site inspection;~~
 - B) ~~improvement description; and~~
 - C) ~~basic construction and design.~~
- 8) ~~highest and best use analysis:~~
 - A) ~~four tests;~~
 - B) ~~vacant site or as if vacant;~~
 - C) ~~as improved; and~~

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- D) ~~interim use.~~
- 9) ~~appraisal math and statistical concepts:~~
 - A) ~~compound interest concepts; and~~
 - B) ~~statistical concepts used in appraisal.~~
- 10) ~~sales comparison approach:~~
 - A) ~~research and selection of comparables;~~
 - B) ~~elements of comparison;~~
 - C) ~~adjustment process; and~~
 - D) ~~application of sales comparison approach.~~
- 11) ~~site value:~~
 - A) ~~sales comparison;~~
 - B) ~~land residual;~~
 - C) ~~allocation;~~
 - D) ~~extraction; and~~
 - E) ~~plottage and assemblage.~~
- 12) ~~cost approach:~~
 - A) ~~steps in cost approach; and~~
 - B) ~~application of the cost approach.~~
- 13) ~~income approach:~~
 - A) ~~estimation of income and expenses;~~

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- ~~B) operating statement ratios;~~
 - ~~C) direct capitalization; and~~
 - ~~D) gross rent multiplier analysis.~~
 - ~~14) valuation of partial interests:~~
 - ~~A) interests created by a lease;~~
 - ~~B) lease provisions;~~
 - ~~C) valuation considerations; and~~
 - ~~D) other partial interests.~~
 - ~~15) appraisal standards and ethics.~~
 - ~~16) narrative report writing.~~
 - ~~17) other topics approved by the Division and recommended by the AQB.~~
- c) Pre-license education course work to obtain a license as an Associate Real Estate Appraiser shall consist of 75 classroom hours of instruction and the content of instruction shall include instruction in, but not limited to, the following topics:
- 1) influences on real estate value;
 - 2) legal considerations in appraisal;
 - 3) types of value;
 - 4) economic principles;
 - 5) real estate markets and analysis;
 - 6) valuation process;

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- 7) property description;
- 8) highest and best use analysis;
- 9) appraisal statistical concepts;
- 10) sales comparison approach;
- 11) site value;
- 12) cost approach;
- 13) income approach;
- 14) valuation of partial interests;
- 15) appraisal standards and ethics; and
- 16) other topics approved by the Division.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1455.380 Examples of Acceptable Pre-License Education Courses (Repealed)

- a) ~~Examples of an acceptable Real Estate Appraiser pre-license program and courses include:~~
 - 1) ~~Basic real estate appraisal principles, 30 hours~~
 - A) ~~Real property concepts and characteristics~~
 - i) ~~Basic real property concepts~~
 - ii) ~~Real property characteristics~~
 - iii) ~~Legal description~~
 - B) ~~Legal consideration~~

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- i) ~~Forms of ownership~~
- ii) ~~Public and private controls~~
- iii) ~~Real estate contract~~
- iv) ~~Lease~~
- C) ~~Influences on real estate values~~
 - i) ~~Governmental~~
 - ii) ~~Economic~~
 - iii) ~~Social~~
 - iv) ~~Environmental, geographic and physical~~
- D) ~~Types of value~~
 - i) ~~Market value~~
 - ii) ~~Other value types~~
- E) ~~Economic principles~~
 - i) ~~Classic economic principles~~
 - ii) ~~Application and illustration of economic principles~~
- F) ~~Overview of real estate markets and analysis~~
 - i) ~~Market fundamentals, characteristics and definitions~~
 - ii) ~~Supply side analysis~~
 - iii) ~~Demand analysis~~
 - iv) ~~Use of market analysis~~

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- G) ~~Ethics and how they apply in appraisal theory and practice~~
- 2) ~~Basic appraisal procedures, 30 hours~~
 - A) ~~Overview of approaches to value~~
 - B) ~~Valuation procedures~~
 - i) ~~Defining the problem~~
 - ii) ~~Collecting and selecting data~~
 - iii) ~~Analyzing~~
 - iv) ~~Reconciling and final value opinion~~
 - v) ~~Communicating the appraisal report~~
 - C) ~~Property description~~
 - i) ~~Geographic characteristics of the land/site~~
 - ii) ~~Geologic characteristics of the land/site~~
 - iii) ~~Location and neighborhood characteristics~~
 - iv) ~~Land/site considerations for highest and best use~~
 - v) ~~Improvements~~
 - D) ~~Residential applications~~
- 3) ~~The 15-hour National USPAP course or its equivalent, 15 hours~~
 - A) ~~Preamble and ethics rules~~
 - B) ~~Standard 1~~

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- C) ~~Standard 2~~
- D) ~~Standards 3 through 10~~
- E) ~~Statements and advisory opinions~~
- 4) ~~Residential market analysis and highest and best use, 15 hours~~
 - A) ~~Residential markets and analysis~~
 - i) ~~Market fundamentals, characteristics and definitions~~
 - ii) ~~Supply analysis~~
 - iii) ~~Demand analysis~~
 - iv) ~~Use of market analysis~~
 - B) ~~Highest and best use~~
 - i) ~~Test constraints~~
 - ii) ~~Application of highest and best use~~
 - iii) ~~Special considerations~~
 - iv) ~~Market analysis~~
 - v) ~~Case studies~~
- 5) ~~Residential appraiser site valuation and cost approach, 15 hours~~
 - A) ~~Site valuation~~
 - i) ~~Methods~~
 - ii) ~~Case studies~~
 - B) ~~Cost approach~~

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- i) ~~Concepts and definitions~~
 - ii) ~~Replacement/reproduction cost new~~
 - iii) ~~Accrued depreciation~~
 - iv) ~~Methods of estimating accrued depreciation~~
 - v) ~~Case studies~~
- 6) ~~Residential sales comparison and income approaches, 30 hours~~
- A) ~~Valuation principles & procedures—sales comparison approach~~
 - B) ~~Valuation principles & procedures—income approach~~
 - C) ~~Finance and cash equivalency~~
 - D) ~~Financial calculator introduction~~
 - E) ~~Identification, derivation and measurement of adjustments~~
 - F) ~~Gross rent multipliers~~
 - G) ~~Partial interests~~
 - H) ~~Reconciliation~~
 - I) ~~Case studies and applications~~
- 7) ~~Residential report writing and case studies, 15 hours~~
- A) ~~Writing and reasoning skills~~
 - B) ~~Common writing problems~~
 - C) ~~Form reports~~

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- ~~D) Report options and USPAP compliance~~
- ~~E) Case studies~~
- 8) ~~Statistics, modeling and finance, 15 hours~~
 - ~~A) Statistics~~
 - ~~B) Valuation models (AVMs and mass appraisal)~~
 - ~~C) Real estate finance~~
- 9) ~~Advanced residential applications and case studies, 15 hours~~
 - ~~A) Complex property, ownership and market conditions~~
 - ~~B) Deriving and supporting adjustments~~
 - ~~C) Residential market analysis~~
 - ~~D) Advanced case studies~~
- 10) ~~General appraiser market analysis and highest and best use, 30 hours~~
 - ~~A) Real estate markets and analysis~~
 - ~~i) Market fundamentals, characteristics and definitions~~
 - ~~ii) Supply analysis~~
 - ~~iii) Demand analysis~~
 - ~~iv) Use of market analysis~~
 - ~~B) Highest and best use~~
 - ~~i) Test constraints~~
 - ~~ii) Application of highest and best use~~

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- iii) ~~Special considerations~~
 - iv) ~~Market analysis~~
 - v) ~~Case studies~~
- 11) ~~General appraiser sales comparison approach, 30 hours~~
- A) ~~Value principles~~
 - B) ~~Procedures~~
 - C) ~~Reconciliation~~
 - D) ~~Case studies~~
- 12) ~~General appraiser site valuation and cost approach, 30 hours~~
- A) ~~Site valuation~~
 - i) ~~Methods~~
 - ii) ~~Case studies~~
 - B) ~~Cost approach~~
 - i) ~~Concepts and definitions~~
 - ii) ~~Replacement/reproduction cost new~~
 - iii) ~~Accrued depreciation~~
 - iv) ~~Methods of estimating accrued depreciation~~
 - v) ~~Case studies~~
- 13) ~~General appraiser income approach, 60 hours~~

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- A) ~~Overview~~
- B) ~~Compound interest~~
- C) ~~Lease analysis~~
- D) ~~Income analysis~~
- E) ~~Vacancy and collection loss~~
- F) ~~Reconstructed income and expense statement~~
- G) ~~Stabilized net operating income estimate~~
- H) ~~Direct capitalization~~
- I) ~~Discounted case flow~~
- J) ~~Yield capitalization~~
- K) ~~Partial interests~~
- L) ~~Case studies~~
- 14) ~~General appraiser report writing and case studies, 30 hours~~
 - A) ~~Writing and reasoning skills~~
 - B) ~~Common writing problems~~
 - C) ~~Report options and USPAP compliance~~
 - D) ~~Case studies~~

(Source: Repealed at 33 Ill. Reg. _____, effective _____)

Section 1455.400 Curriculum for Continuing Education Courses; Continuing Education Credit for Participation Other Than as a Student

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- a) Continuing education courses for a State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, Associate Real Estate Appraiser, or State Licensed Real Estate Appraiser shall include [the 7 hour National USPAP Update Course or its equivalent as determined by the AQB or an alternate method established by the AQB a minimum of 7 hours of coursework relative to USPAP that is approved by the AQB and](#) taught by an AQB certified instructor [who holds a current appraiser certification by a state](#) during the pre-renewal period prior to renewal or conversion of a license; shall increase his or her skill, knowledge and competency in real estate appraisal; and shall cover other real estate related appraisal topics, such as, but not limited to:
- 1) Ad valorem taxation;
 - 2) Arbitration;
 - 3) [Courses](#)~~Business courses~~ related to practice of real estate appraisal;
 - 4) Development cost estimating;
 - 5) [Dispute resolution](#);
 - [6](#)) Ethics and standards of professional practice;
 - [76](#)) Land use planning, zoning, ~~taxation~~;
 - [87](#)) Management, leasing, ~~brokerage~~, timesharing;
 - [98](#)) Property development [partial interests](#);
 - [109](#)) Real estate appraisal;
 - [1140](#)) Real estate law, [easements, legal interests](#);
 - [1244](#)) Real estate litigation, [damages, condemnation](#);
 - [1342](#)) Real estate financing and investment;
 - [1413](#)) Real estate appraisal related computer applications; [and](#)

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~~1514)~~ Real estate securities and syndication, ~~and~~

~~15)~~ ~~Real property exchange.~~

- b) Up to one-half of an individual's continuing education requirement ~~Continuing education credit~~ may also be granted by the Division for participation, other than as a student, in appraisal educational processes and programs. Examples of activities for which credit may be granted are teaching, program development, authorship of textbooks, or similar activities that are determined by the Division to be equivalent to obtaining continuing education. A real estate appraiser who wishes to obtain continuing education credit for these activities shall submit to the Division:
- 1) An application to request continuing education credit for participation other than as a student signed by the applicant and on which all questions are answered; and
 - 2) The fee provided by Section 1455.320.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1455.430 Continuing Education Reporting

- a) Each licensed education provider, pursuant to Section 20-5(e) of the Act, that is approved to offer approved continuing education courses shall submit to the Division, on or before the 15th of each month, a report of those licensees successfully completing the continuing education courses offered by the provider during the preceding calendar month.
- b) The monthly reports shall include, but not limited to, the following information for each licensee:
 - 1) the licensee's name, address, ~~social security number~~ and license number;
 - 2) the education provider's name and license number;
 - 3) the continuing education course name and license number; and
 - 4) other information as required by the Division.

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- c) If an education provider during the preceding calendar month gave no continuing education courses, the provider shall report, on forms provided by the Division, that no courses were given.
- d) The monthly reports shall be submitted in a computer readable format provided and specified by the Division.
- e) There will be no processing fee for a monthly report submitted in the computer readable format provided and specified by the Division. Each monthly report submitted on paper or in a format other than a computer readable format provided and specified by the Division shall be accompanied by a processing fee of \$.50 per licensee, per course, listed on the report, payable by check to the Division.
- f) A monthly report received by the Division with a postmark after the day it is due (the 15th day of the month) shall be accompanied by an administrative late fee of \$200 in addition to the fees set forth in subsection (a)(4).
- g) If an education provider fails to file monthly reports or a statement that no courses were offered, or fails to pay the required fees for three consecutive months, the courses offered by that school may be disqualified pursuant to the procedures set forth in the Act and this Part until all delinquent reports, processing fees, and administrative fees as set forth in this Section have been submitted to and are received by the Division. The Division shall send notice to the school of an informal conference before the Real Estate Appraisal Board and of pending disqualification pursuant to the Act and this Part, by certified or registered mail, return receipt requested, or by other signature restricted delivery service.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 1455.440 Transcript or Certificate of Completion

Within 21 days after completion of the course, each licensed education provider shall provide to each student who successfully completes an approved pre-license or continuing education course a certified transcript or certificate of completion. The certified transcript or certificate of completion shall include, but is not limited to, the following information:

- a) the student's name, address, ~~social security number~~ and license number (if applicable);

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- b) the name and license number of the education provider;
- c) the name and license number of the course; and
- d) the approved hours completed.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Horse Barns at Sites Having Equestrian Use Areas
- 2) Code Citation: 17 Ill. Adm. Code 140
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
140.10	Amendment
140.20	Amendment
140.30	Amendment
140.40	Amendment
140.50	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1, 4, 4c and 6 of the State Parks Act [20 ILCS 835/1, 4, 4c and 6]; and by Section 5 of the State Parks Designation Act [20 ILCS 840/5]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to add language to clarify the use of horse barns by field trial participants and equestrians, update regulations for use of facilities and update a statutory citation.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

Bill Richardson, General Counsel
Department of Natural Resources

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One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2008

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

DEPARTMENT OF NATURAL RESOURCES

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TITLE 17: CONSERVATION
 CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
 SUBCHAPTER a: LANDS

PART 140
 HORSE BARN AT SITES HAVING EQUESTRIAN USE AREAS

Section

140.10	Location
140.20	Non-Field Trial Areas Having Equestrian Use Areas With Horse Barns
140.30	Major Designated Field Trial Areas
140.40	Horse Riding and Stable Leased Concessions
140.50	Denying Use – Removal – Field Trial Participants and/or Equestrians

AUTHORITY: Implementing and authorized by Sections 1, 4, 4c and 6 of the State Parks Act [20 ILCS 835/1, 4, 4c and 6] and by Section 5 of the State Parks Designation Act [20 ILCS 840/5].

SOURCE: Adopted and codified at 6 Ill. Reg. 7397, effective June 11, 1982; amended at 7 Ill. Reg. 1232, effective January 26, 1983; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 33 Ill. Reg. _____, effective _____.

Section 140.10 Location

Overnight barn stabling of horses on ~~Department of Natural Resources' (Department)~~Department land will be allowed at major designated field trial areas and equestrian use areas when ~~thosesuch~~ areas have usable barns.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 140.20 Non-Field Trial Areas Having Equestrian Use Areas With Horse Barns

- a) Equestrians using horse use areas at these sites may use the horse barns. The cost per horse for a barn stall is \$2.00 per night paid daily for a maximum of ~~15fifteen~~ nights at a specific site in a ~~30thirty~~ day period starting the first night the horse is stabled in the barn.
- b) Each equestrian desiring to use a barn stall for his/~~her~~ horse shall contact the site

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superintendent in advance as the barn stalls for overnight use are available on a first come-first served~~first come, first served~~ basis.

- c) No horse will be stabled overnight unless the horse is being used to ride the use area provided at the site.
- d) Each person assigned a barn stall for his/her horse shall keep the assigned~~his~~ stall clean.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 140.30 Major Designated Field Trial Areas

- a) During the dates of field trials authorized by the Department according to 17 Ill. Adm. Code (~~Part 910~~) at ~~a designated major~~ field trial areas with horse barns~~area~~, the horse barn~~barn at the site~~ shall be made available only to participants of ~~the~~ field trial~~trial on an individual daily basis~~ at no cost for a barn stall.
- b) During times when authorized field trial activities are not taking place at ~~designated major~~ field trial areas with horse barns, equestrians using the horse use areas or equestrians and field trialers transporting horses~~at these sites~~ may use the horse barns. The cost per horse for a barn stall is \$2.00 per night paid daily for a maximum of 15~~fifteen~~ nights at a specific site in a 30~~thirty~~ day period starting the first night the horse is stabled in the barn.
 - 1) Each equestrian or field trialer desiring to use a barn stall for his/her horse shall contact the site superintendent in advance as the stalls for overnight use are available on a first come-first served~~first come, first served~~ basis.
 - 2) No horse will be stabled overnight unless the horse is being used to ride the trails provided at the site or the horse is being transported by an equestrian or field trialer.
- c) Each person assigned a barn stall for his/her horse shall keep the assigned~~his~~ stall clean.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 140.40 Horse Riding and Stable Leased Concessions

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This ~~Part~~ shall not affect authorized Department horse riding and stable leased concession operations provided through 17 Ill. Adm. Code 150 ([Regulations for the Letting of Concessions, Farm Leases, Sale of Buildings and Facilities, and Demolitions](#)).

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 140.50 Denying Use – Removal – Field Trial Participants and/or Equestrians

The site superintendent has the right to deny a field trial participant or equestrian the use of an overnight barn stall for his/~~her~~ horse or to remove a field trial participant or equestrian from the stable facility for the following reasons based on a visual inspection by, and the subsequent opinion of, the site superintendent:

- a) Person is not using the equestrian area as stated in Sections 140.20(c) or 140.30(b)(2).
- b) Person is an equestrian but is ~~not a non-~~ field trial participant at a ~~major~~ field trial area during a field trial period as stated in Section 140.30(a).
- c) Person fails to follow the Department's cleaning schedule and/or does not perform the work necessary to ~~keep the~~~~have his~~ assigned barn stall at the same level of cleanliness as ~~he~~ originally accepted ~~the stall~~, as stated in ~~Sections~~~~Section~~ 140.20(d) and 140.30(c).
- d) Person's horse shows signs of improper care or mistreatment, ~~i.e.,~~ = sickness or disease not publicly acceptable in accordance with applicable provisions of ~~the~~ "The Humane Care for Animals Act [50 ILCS 70](Ill. Rev. Stat. 1979, ch. 8, pars. 701 et seq.)." In cases ~~in~~ which the horse owner or person designated by the owner does not agree with the judgement of the site superintendent, the owner or person designated by the owner, at the owner's expense, shall have the horse examined and a written certification made as to the horse's condition by an Illinois ~~licensed veterinarian~~~~registered doctor of veterinary medicine~~ to resolve the matter.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Sport Fishing Regulations for the Waters of Illinois
- 2) Code Citation: 17 Ill. Adm. Code 810
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
810.37	Amendment
810.45	Amendment
810.70	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being updated for the 2009 fishing season. Changes are being made to: update individual site-specific fishing regulations referred to by numbers listed in parentheses in Section 810.45, update the list of open water areas and site-specific regulations at those water areas and add dates for 2009 Free Fishing Days.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this Notice to:

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William K. Richardson, General Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2008

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

DEPARTMENT OF NATURAL RESOURCES

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 810
SPORT FISHING REGULATIONS FOR THE WATERS OF ILLINOIS

Section

810.10	Sale of Fish and Fishing Seasons
810.20	Snagging
810.30	Pole and Line Fishing Only (Repealed)
810.35	Statewide Sportfishing Regulations – Daily Catch and Size Limits
810.37	Definitions for Site Specific Sportfishing Regulations
810.40	Daily Catch and Size Limits (Repealed)
810.45	Site Specific Water Area Regulations
810.50	Bait Fishing
810.60	Bullfrogs (Repealed)
810.70	Free Fishing Days
810.80	Emergency Protective Regulations
810.90	Fishing Tournament Permit
810.100	Bed Protection

AUTHORITY: Implementing and authorized by Sections 1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5].

SOURCE: Adopted at 5 Ill. Reg. 751, effective January 8, 1981; codified at 5 Ill. Reg. 10647; amended at 6 Ill. Reg. 342, effective December 23, 1981; amended at 6 Ill. Reg. 7411, effective June 11, 1982; amended at 7 Ill. Reg. 209, effective December 22, 1982; amended at 8 Ill. Reg. 1564, effective January 23, 1984; amended at 8 Ill. Reg. 16769, effective August 30, 1984; amended at 9 Ill. Reg. 2916, effective February 26, 1985; emergency amendment at 9 Ill. Reg. 3825, effective March 13, 1985, for a maximum of 150 days; emergency expired August 10, 1985; amended at 9 Ill. Reg. 6181, effective April 24, 1985; amended at 9 Ill. Reg. 14291, effective September 5, 1985; amended at 10 Ill. Reg. 4835, effective March 6, 1986; amended at 11 Ill. Reg. 4638, effective March 10, 1987; amended at 12 Ill. Reg. 5306, effective March 8, 1988; emergency amendment at 12 Ill. Reg. 6981, effective April 4, 1988, for a maximum of 150 days; emergency expired September 1, 1988; emergency amendment at 12 Ill. Reg. 10525,

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effective June 7, 1988, for a maximum of 150 days; emergency expired November 4, 1988; amended at 12 Ill. Reg. 15982, effective September 27, 1988; amended at 13 Ill. Reg. 8419, effective May 19, 1989; emergency amendment at 13 Ill. Reg. 12643, effective July 14, 1989, for a maximum of 150 days; emergency expired December 11, 1989; emergency amendment at 13 Ill. Reg. 14085, effective September 4, 1989, for a maximum of 150 days; emergency expired February 1, 1990; emergency amendment at 13 Ill. Reg. 15118, effective September 11, 1989, for a maximum of 150 days; emergency expired February 8, 1990; amended at 14 Ill. Reg. 6164, effective April 17, 1990; emergency amendment at 14 Ill. Reg. 6865, effective April 17, 1990, for a maximum of 150 days; emergency expired September 19, 1990; amended at 14 Ill. Reg. 8588, effective May 21, 1990; amended at 14 Ill. Reg. 16863, effective October 1, 1990; amended at 15 Ill. Reg. 4699, effective March 18, 1991; emergency amendment at 15 Ill. Reg. 5430, effective March 27, 1991, for a maximum of 150 days; emergency expired August 24, 1991; amended at 15 Ill. Reg. 9977, effective June 24, 1991; amended at 15 Ill. Reg. 13347, effective September 3, 1991; amended at 16 Ill. Reg. 5267, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 6016, effective March 25, 1992, for a maximum of 150 days; emergency expired August 22, 1992; amended at 16 Ill. Reg. 12526, effective July 28, 1992; amended at 17 Ill. Reg. 3853, effective March 15, 1993; emergency amendment at 17 Ill. Reg. 5915, effective March 25, 1993, for a maximum of 150 days; emergency expired August 22, 1993; amended at 17 Ill. Reg. 10806, effective July 1, 1993; amended at 18 Ill. Reg. 3277, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 5667, effective March 25, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 12652, effective August 9, 1994; amended at 19 Ill. Reg. 2396, effective February 17, 1995; emergency amendment at 19 Ill. Reg. 5262, effective April 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10614, effective July 1, 1995; amended at 20 Ill. Reg. 4640, effective March 6, 1996; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 21 Ill. Reg. 9389; amended at 21 Ill. Reg. 4709, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 5590, effective April 15, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 12140, effective August 26, 1997; amended at 22 Ill. Reg. 4930, effective March 2, 1998; amended at 23 Ill. Reg. 3434, effective March 8, 1999; emergency amendment at 23 Ill. Reg. 7317, effective June 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 8406, effective July 7, 1999; amended at 24 Ill. Reg. 3736, effective February 25, 2000; amended at 25 Ill. Reg. 6296, effective March 26, 2001; emergency amendment at 25 Ill. Reg. 7947, effective June 16, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 9912, effective August 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11386, effective August 14, 2001; emergency amendment at 25 Ill. Reg. 12122, effective September 15, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1210, effective January 16, 2002; amended at 26 Ill. Reg. 4294, effective March 6, 2002; amended at 27 Ill. Reg. 3376, effective February 14, 2003; amended at 28 Ill. Reg. 4607, effective March 1, 2004; amended at 29 Ill. Reg. 3955, effective February 24, 2005; amended at 30 Ill. Reg. 4810, effective March 1, 2006; amended at

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31 Ill. Reg. 3480, effective February 16, 2007; emergency amendment at 31 Ill. Reg. 8265, effective May 25, 2007, for a maximum of 150 days; amended at 31 Ill. Reg. 14432, effective October 5, 2007; amended at 32 Ill. Reg. 3302, effective February 25, 2008; amended at 33 Ill. Reg. _____, effective _____.

Section 810.37 Definitions for Site Specific Sportfishing Regulations

- a) Site Specific Regulations are listed by water area affected. The coverage of the regulation is dictated by the extent of the water area listed and not by the county. In some cases, regulations for a given water area or site may extend beyond the counties listed. The counties listed refer to the location of the dam or outfall for impoundments or mouths of small streams. Since large rivers or streams usually flow through many counties, the term "Multiple" is used rather than listing all counties where the large stream or river flows.
- b) The subsections listed below are referred to by number in Section 810.45. Each water area listed in Section 810.45 has numbers in parenthesis that explain all of the restrictions or special provisions in this Section that apply to that water area.
 - 1) Anglers must not use more than 2 poles and each pole must not have more than 2 hooks or lures attached while fishing, except that legal size cast nets, (in accordance with subsection 810.50(a)(1)) shad scoops, and minnow seines may be used to obtain shad, minnows, and crayfish to use as bait, provided that they are not sold, and except that bullfrogs may be taken by hand, gig, pitchfork, spear, landing net, and hook and line during bullfrog season.
 - 2) All jugs set in a body of water shall be under the immediate supervision of the fisherman. Immediate supervision shall be defined as the fisherman being on the water where the jugs are set and readily available to identify jugs to law enforcement officers.
 - 3) All largemouth and smallmouth bass taken must be less than 12 inches in total length or greater than 15 inches in total length.
 - 4) Except that sport fishermen shall be allowed to use trotlines, jugs, and by hand, except that the use and aid of underwater breathing devices is prohibited. West of Wolf Creek Road, fishing from boats is permitted all year. Trotlines/jugs must be removed from sunrise until sunset from

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Memorial Day through Labor Day. East of Wolf Creek Road, fishing from boats is permitted from March 15 through September 30. Fishing from the bank is permitted all year only at the Wolf Creek and Route 148 causeways. On the entire lake, jugs and trotlines must be checked daily and must be removed on the last day they are used. It is illegal to use stakes to anchor any trotlines; they must be anchored only with portable weights and must be removed on the last day they are used. The taking of carp and buffalo with bow and arrow is permissible.

- 5) Except that sport fishermen may take carp, carsuckers, buffalo, gar, bowfin and suckers by pitchfork, gigs, bow and arrow or bow and arrow devices.
- 6) Including the Fox River south of the Illinois-Wisconsin line to the Algonquin Dam and the Nippersink Creek upstream to the Wilmot Road Bridge.
- 7) Except that sport fishermen may take carp, buffalo, suckers and gar by bow and arrow or bow and arrow devices, gigs or spears during May and June.
- 8) Daily catch limit includes striped bass, white bass, yellow bass and hybrid striped bass either singly or in the aggregate.
- 9) Catch and Release Fishing Only means that fish (all or identified species) caught must be immediately released alive and in good condition back into the water from which they came.
- 10) It shall be illegal to possess trout during the period of October 1 to 5 a.m. on the third Saturday in October (both dates inclusive) that were taken during that period.
- 11) It shall be illegal to possess trout during the period of March 15 to 5 a.m. on the 1st Saturday in April (both dates inclusive) that were taken during that period.
- 12) Daily catch limit for largemouth or smallmouth bass, singly or in the aggregate, shall not exceed 6 fish per day, no more than one of which shall be greater than 15 inches in length and none of which shall be greater than

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12 inches and less than or equal to 15 inches in length.

- 13) Except that jug fishing is permitted from the hours of sunset to sunrise, and except that carp and buffalo may be taken by bow and arrow devices from May 1 through September 30. All jugs must have owner's/user's name and complete address affixed.
- 14) Daily catch limit includes all fish species (either singly or in the aggregate) caught within each of the following fish groupings.
 - A) Largemouth or smallmouth bass
 - B) Walleye, sauger, or their hybrid
 - C) Bluegill, redear sunfish or pumpkinseed
 - D) Channel or blue catfish
- 15) Daily catch limit includes white, black, or hybrid crappie either singly or in the aggregate.
- 16) Daily catch limit includes striped bass, white bass and hybrid striped bass either singly or in the aggregate.
- 17) Daily catch limit shall not exceed 10 fish daily, no more than 3 of which may be 17 inches or longer in length.
- 18) Except that sport fishermen shall be allowed to use trotlines, jugs and bank poles in the portions of the lake that lie north of the Davenport Bridge and northeast of the Parnell Bridge. Sport fishermen may take carp, carpsuckers and buffalo by bow and arrow, bow and arrow devices, gigs and spears on the entire lake, but not within 200 yards of any developed recreation areas.
- 19) It shall be unlawful to enter upon a designated duck hunting area between sunset of the Sunday immediately preceding opening day of regular duck season through the day before regular duck season and Canada goose season as posted at the site, or to fish on such areas during the regular duck season except in areas posted as open to fishing. It shall be unlawful

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to enter upon areas designated as waterfowl rest areas or refuges from 2 weeks prior to the start of the regular duck season through the end of duck and Canada goose season.~~No fishing within 250 yards of an occupied waterfowl blind (within the hunting area) on all Department-owned or managed sites.~~

- 20) Carlyle Lake (including its tributary streams and those portions of the Kaskaskia River and Hurricane Creek up to the U.S. Army Corps of Engineers Carlyle Lake Project boundaries), U.S. Army Corps of Engineers, Bond, Clinton, and Fayette Counties. Does not include the tailwaters, except that sport fishermen may not use a minnow seine, cast net, or shad scoop for bait collecting between U.S. Route 50 and the Carlyle Lake dam and spillway.
- 21) Lake Shelbyville (including its tributary streams and those portions of the West Okaw and Kaskaskia Rivers up to Lake Shelbyville Project boundaries – including parts of the Lake Shelbyville Fish and Wildlife Management Area), U.S. Army Corps of Engineers, Shelby and Moultrie Counties. Does not include the tailwater except for the 48" total length and live bait rig requirement for muskellunge (see subsections (b)(40) and (43)).
- 22) Rend Lake (including its tributary streams and those portions of the Big Muddy and Casey Fork Rivers up to the Rend Lake Project boundaries), Rend Lake Project Ponds, U.S. Army Corps of Engineers, Franklin and Jefferson Counties. Does not include tailwaters, except that sport fishermen may not use a minnow seine, cast net, or shad scoop for bait collecting within 1,000 yards downstream of the Rend Lake Dam and Spillway.
- 23) Daily catch limit for black, white or hybrid crappies, singly or in the aggregate, shall not exceed 20 fish daily, no more than 10 of which can be below 10" in total length and no more than 10 of which can be 10" or longer in total length.
- 24) 15" minimum length limit for walleye with no possession of walleye greater than or equal to 20" and less than or equal to 27" in total length – protected slot limit.

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- 25) Daily catch limit for largemouth or smallmouth bass, singly or in the aggregate, shall not exceed 3 fish per day, no more than one of which may be equal to or greater than 15 inches in total length and no more than 2 of which may be less than 15 inches in total length.
- 26) Lake Vermilion – Trotline and jug fishing allowed north of Boiling Springs Road.
- 27) Except that bank fishing is prohibited. Boat fishing is permitted May 1 through August 31 during the hours of 2:00 p.m. to 8:00 p.m. See site for additional regulations and exact opening and closing dates.
- 28) Except that trotlines may be set within 300 feet from shore.
- 29) Except that carp, buffalo, suckers and carpsuckers may be taken by means of pitchfork and gigs (no bow and arrow devices).
- 30) Fishing is permitted from March 15 through September 30, both dates inclusive, from sunrise to sunset. Fishing during all other times of the year is illegal and not permitted.
- 31) Daily catch limit for largemouth or smallmouth bass, singly or in the aggregate, shall not exceed 3 fish daily, no more than one of which may be equal to or greater than 15 inches in total length and no more than 2 of which may be less than 12 inches in total length.
- 32) Daily catch limit includes striped bass, white bass, yellow bass and hybrid striped bass, either singly or in the aggregate, no more than 4 of which may be 15 inches or longer in length.
- 33) It shall be unlawful to trespass upon a designated waterfowl hunting area during the 7 days prior to the regular duck season, or to fish on such areas during the regular duck and Canada goose season except in areas posted as open to fishing. It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges from 2 weeks prior to the start of the regular duck season through the end of duck and Canada goose season.
- 34) Except that sport fishermen may take carp, buffalo, suckers and gar by bow and arrow or bow and arrow devices, gigs, or spears from May 1

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through August 31.

- 35) Daily catch limit for walleye, sauger, or hybrid walleye, singly or in the aggregate, shall not exceed 3 fish greater than or equal to 14" and less than 18" in total length and/or 1 fish greater than 24" in total length daily creel limit~~daily, no more than one of which may be greater than 24 inches in total length and no more than 2 of which may be less than 18 inches in total length and greater than or equal to 14 inches in total length.~~
- 36) Except that sportfishermen may not use a minnow seine, minnow trap, cast net, or shad scoop for bait collecting in the following water areas:
- Charleston Lower Channel Lake tailwaters from that portion of the Embarras River from the Charleston Lower Channel Lake Dam downstream to the Route 130 Bridge.
- Clinton Lake tailwaters from that portion of Salt Creek from the Clinton Dam downstream to the Route 10 Bridge
- Cook County Forest Preserve District Waters (except in the Des Plaines River)
- Lake Decatur tailwaters from that portion of the Sangamon River from the Lake Decatur Dam downstream to the Route 48 Bridge.
- 37) All smallmouth bass taken must be less than 12 inches in total length or greater than 18 inches in total length. Only 1 bass greater than 18 inches and 2 bass less than 12 inches may be taken in the creel daily.
- 38) All largemouth and smallmouth bass taken must be less than 14 inches in total length or greater than 18 inches in total length. Only 1 bass greater than 18 inches and 5 bass less than 14 inches may be taken in the creel daily.
- 39) Powerton Lake shall be closed to boat traffic, except for legal waterfowl hunters, from one week prior to regular waterfowl season to February 15, and closed to all unauthorized entry during the regular goose and duck season.

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- 40) The 48 inch total length limit on pure muskellunge applies to that body of water listed as well as any tailwaters as defined below:

Evergreen Lake (McLean County) – including the portion of Six Mile Creek below the Evergreen Lake Dam downstream to its confluence with the Mackinaw River.

Forbes State Lake (Marion County) – ~~including~~ tailwaters.

Fox Chain O' Lakes (Lake/McHenry Counties) – including the Fox River south of the Wisconsin-Illinois boundary to the Algonquin Dam and the Nippersink Creek upstream to the Wilmot Road Bridge.

Kinkaid Lake (Jackson County) – including the portion of Kinkaid Creek below the Kinkaid Lake Dam downstream to the Route 149 Bridge.

Lake Mingo and Kennekuk Cove Park Ponds (Vermilion County) – no tailwaters.

Lake Shelbyville (Moultrie/Shelby Counties) – including the portion of the Kaskaskia River below the Lake Shelbyville Dam downstream to the State Route 128 Road Bridge near Cowden.

Otter Lake (Macoupin County) – including the portion of Otter Creek below Otter Lake Dam downstream to its confluence with East Otter Creek.

Pierce Lake (Winnebago County) – including the portion of Willow Creek below the Pierce Lake Dam downstream to Forest Hills Road.

Shabbona Lake (DeKalb County) – including that portion of Indian Creek below the Shabbona Lake Dam downstream to Shabbona Grove Road.

Spring Lakes (North and South) (Tazewell County) – no tailwaters.

- 41) It shall be unlawful to enter upon areas designated as waterfowl hunting areas during the 10 days prior to the start of the regular duck season, or to fish on such areas during the regular duck season except in areas posted as open to fishing. It shall be unlawful to enter upon areas designated as

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waterfowl rest areas or refuges from 10 days prior to the start of the regular duck season through the end of duck and Canada goose season.

- 42) During duck season, walk-in only access for fishing from the bank is permitted after 1:00 p.m.
- 43) When using live bait, all live bait in excess of 8" in total length shall be rigged with a quick set rig. The hook shall be immediately set upon the strike. A quick set rig is defined as follows: a live bait rig with up to 2 treble hooks attached anywhere on the live bait; single hooks are prohibited. This subsection (b)(43) does not apply to trotlines, jug lines, etc., if allowed on the lake.
- 44) Except that sport fishermen may take carp from boat by bow and arrow and bow and arrow devices, but not within 100 feet of any developed recreation areas.
- 45) Except that sport fishermen may take carp, buffalo, suckers, and gar by bow and arrow devices, gigs or spears (except during waterfowl season) but not within 200 yards of any developed recreational areas.
- 46) ~~It shall be unlawful to enter upon a designated duck hunting area between sunset of the Sunday immediately preceding opening day of regular duck season through the day before regular duck season and Canada goose season as posted at the site, or to fish on such areas during the regular duck season except in areas posted as open to fishing. It shall be unlawful to enter upon areas designated as waterfowl rest areas or refuges from 2 weeks prior to the start of the regular duck season through the end of duck and Canada goose season.~~

(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 810.45 Site Specific Water Area Regulations

Fishing regulations, including species of fish, fishing methods and daily catch limits are listed for each water area. The numbers in parenthesis refer to the corresponding numbered definitions in Section 810.37 of this Part. If a water area is not listed or if a specific species is not listed, then state-wide restrictions apply. Check the bulletin boards at the specific site for any emergency changes to regulations.

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Anderson Lake Fish and Wildlife Area (33)
Fulton County

Andover Lake, City of Andover
Henry County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

Anna City Lake, City of Anna
Union County

- All Fish - 2 Pole and Line Fishing Only (1)
- Bluegill or Redear Sunfish - 8" Minimum Length Limit
- Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

[Apple River \(within Apple River Canyon State Park and Satellite Boundaries\), State of Illinois](#)
[Jo Daviess County](#)

- [All Fish](#) - [2 Pole and Line Fishing Only \(1\)](#)
- [Smallmouth Bass](#) - [Catch and Release Fishing Only \(9\)](#)
- [Trout](#) - [Spring Closed Season \(11\)](#)

Apple River and tributaries, State of Illinois
Jo Daviess County

- All Fish - 2 Pole and Line Fishing Only (1)
- Smallmouth Bass - 14" Minimum Length Limit
- Trout - Spring Closed Season (11)

Argyle Lake, Argyle Lake State Park
McDonough County

Recreational Use Restrictions

- All live bait in excess of 8" must be rigged with a quick set rig (43)
- All Fish - 2 Pole and Line Fishing Only (1)
- Bluegill or Redear Sunfish (14) - 25 Fish Daily Creel Limit
- Channel Catfish - 6 Fish Daily Creel Limit
- Hybrid Walleye - 3 Fish Daily Creel Limit
- Large or Smallmouth Bass (14) - 1 Fish > 15" and/or 5 < 12" Daily (12)

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Trout	- Fall Closed Season (10)
White, Black, or Hybrid Crappie (15)	- 10 Fish Daily Creel Limit
White, Black, or Hybrid Crappie	- 9" Minimum Length Limit

Arrowhead Heights Lake, Village of Camp Point

Adams County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 16" Minimum Length Limit
Channel Catfish	- 3 Fish Daily Creel Limit
Bluegill or Redear Sunfish	- 8" Minimum Length Limit
Bluegill or Redear Sunfish (14)	- 10 Fish Daily Creel Limit
Large or Smallmouth Bass	- 18" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
White, Black, or Hybrid Crappie	- 10" Minimum Length Limit
White, Black, or Hybrid Crappie (15)	- 10 Fish Daily Creel Limit

Arrowhead Lake, City of Johnston City

Williamson County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
White, Black, or Hybrid Crappie (15)	- 15 Fish Daily Creel Limit

Ashland City Old Reservoir ~~#4611~~, City of Ashland

Morgan County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit

Ashland City Reservoir, City of Ashland

Morgan County

All Fish	- 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14)	- 10 Fish Daily Creel Limit
Channel Catfish	- 6 Fish Daily Creel Limit

Auburn Park Lagoon, Chicago Park District

Cook County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 4 Fish Daily Creel Limit

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Axehead Lake, Cook County Forest Preserve

Cook County

All Fish	- 2 Pole and Line Fishing Only (1) (36)
Bluegill, Redear, or Pumpkinseed	- 15 Fish Daily Creel Limit
Sunfish (14)	
Large or Smallmouth Bass	- 14" Minimum Length
Trout	- Fall Closed Season (10)
Trout	- Spring Closed Season (11)
White, Black, or Hybrid Crappie (15)	- 15 Fish Daily Creel Limit

Bakers Lake, City of Peru

LaSalle County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit

Baldwin Lake, Baldwin Lake Conservation Area

Randolph County

All Fish	- 2 Pole and Line Fishing Only (1) (5)
Large or Smallmouth Bass	- 18" Minimum Length Limit
Striped, White, or Hybrid Striped Bass	- 17" Minimum Length Limit
Striped, White, or Hybrid Striped Bass (16)	- 3 Fish Daily Creel Limit
White, Black, or Hybrid Crappie (15)	- 25 Fish Daily Creel Limit
White, Black, or Hybrid Crappie	- 9" Minimum Length Limit

Banana Lake, Lake County Forest Preserve District

Lake County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 3 Fish Daily Creel Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Trout	- Fall Closed Season (10)
Trout	- Spring Closed Season (11)

Banner Marsh Lake & Ponds, Banner Marsh State Fish and Wildlife Area (33)
Peoria/Fulton Counties

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Recreational Use Restrictions	- All live bait in excess of 8" must be rigged with a quick set rig (43)
All Fish	- 2 Pole and Line Fishing Only (1) (34)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
Large or Smallmouth Bass	- 12"-18" Protected Slot Length Limit (no possession)
Pure Muskellunge	- 42" Minimum Length Limit
White, Black, or Hybrid Crappie (15)	- 25 Fish Daily Creel Limit
White, Black, or Hybrid Crappie	- 9" Minimum Length Limit

Bass Lake, DuPage County Forest Preserve District

DuPage County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 3 Fish Daily Creel Limit
Channel Catfish	- 12" Minimum Length Limit
Large or Smallmouth Bass	- 18" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
White, Black, or Hybrid Crappie	- 9" Minimum Length Limit
White, Black, or Hybrid Crappie (15)	- 15 Fish Daily Creel Limit

Batchtown Wildlife Management Area [\(19\)\(33\)](#)

Calhoun County

Baumann Park Lake, City of Cherry Valley

Winnebago County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit

Beall Woods Lake, Beall Woods Conservation Area

Wabash County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Trout	- Spring Closed Season (11)
Trout	- Fall Closed Season (10)

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Beaver Dam Lake, Beaver Dam State Park

Macoupin County

All Fish	- 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14)	- 25 Fish Daily Creel Limit
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
Trout	- Fall Closed Season (10)
White, Black, or Hybrid Crappie (15)	- 10 Fish Daily Creel Limit
White, Black, or Hybrid Crappie	- 9" Minimum Length Limit

Beck Lake, Cook County Forest Preserve District

Cook County

All Fish	- 2 Pole and Line Fishing Only (1) (36)
Bluegill, Redear, or Pumpkinseed Sunfish (14)	- 15 Fish Daily Creel Limit
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Walleye, Sauger, or Hybrid Walleye	- 18" Minimum Length Limit
White, Black, or Hybrid Crappie (15)	- 15 Fish Daily Creel Limit

Belk Park Pond, City of Wood River

Madison County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 18" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit

Belleau Lake, Cook County Forest Preserve District

Cook County

All Fish	- 2 Pole and Line Fishing Only (1) (36)
Bluegill, Redear, or Pumpkinseed Sunfish (14)	- 15 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Trout	- Fall Closed Season (10)
Trout	- Spring Closed Season (11)
White, Black, or Hybrid Crappie (15)	- 15 Fish Daily Creel Limit

Belvidere Ponds, City of Belvidere

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Boone County

- | | |
|-------------------------------|----------------------------|
| Large or Smallmouth Bass (14) | - 1 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 14" Minimum Length Limit |

Bevier Lagoon, Waukegan Park District

Lake County

- | | |
|-----------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |

Bird Park Quarry, City of Kankakee

Kankakee County

- | | |
|-------|-----------------------------|
| Trout | - Fall Closed Season (10) |
| Trout | - Spring Closed Season (11) |

Borah Lake, City of Olney

Richland County

- | | |
|---------------------------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Bluegill or Redear Sunfish (14) | - 25 Fish Daily Creel Limit |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 14" Minimum Length Limit |

Boston Pond, Stephen A. Forbes State Park

Marion County

- | | |
|-------|-----------------------------|
| Trout | - Fall Closed Season (10) |
| Trout | - Spring Closed Season (11) |

Bowen Lake, City of Washington

Tazewell County

- | | |
|-------------------------------|---|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 12"-15" Protected Slot Length Limit (no possession) |
| Large or Smallmouth Bass (14) | - 3 Fish Daily Creel Limit |

Braidwood Lake, Braidwood State Fish and Wildlife Area (41)

Will County

- | | |
|-------------------------------|--|
| Recreational Use Restrictions | - Braidwood Lake is closed to all fishing and boat traffic, except for legal waterfowl hunters, from 10 days prior to duck |
|-------------------------------|--|

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

season through the day before duck season and is closed to all fishing during waterfowl season commencing with regular duck season through the close of the Canada goose and regular duck season

- All Fish - 2 Pole and Line Fishing Only (1)
- Large or Smallmouth Bass - 18" Minimum Length Limit
- Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
- White, Black or Hybrid Crappie (15) - 10 Fish Daily Creel Limit

Breeze JC's Park Pond, City of Breeze
Clinton County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Buckner City Reservoir, City of Buckner
Franklin County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit

Bullfrog Lake, Cook County Forest Preserve District
Cook County

- All Fish - 2 Pole and Line Fishing Only (1) (36)
- Large or Smallmouth Bass - 14" Minimum Length Limit
- ~~Bluegill or Redear Sunfish~~ - ~~8" Minimum Length Limit~~
- Bluegill, ~~or~~ Redear, or Pumpkinseed - 15 Fish Daily Creel Limit
- Sunfish (14)
- White, Black, or Hybrid Crappie (15) - 15 Fish Daily Creel Limit

Bunker Hill Lake, City of Bunker Hill
Macoupin County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

Burrells Wood Park Pond

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

White County

Channel Catfish	- 6 Fish Daily Creel Limit
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Busse Lake, Cook County Forest Preserve

Cook County

All Fish	- 2 Pole and Line Fishing Only (1) (36)
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Bluegill or Redear Sunfish	- 8" Minimum Length Limit
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Bluegill, or Redear, <u>or Pumpkinseed</u> Sunfish (14)	- 15+0 Fish Daily Creel Limit
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Channel Catfish	- 6 Fish Daily Creel Limit
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Large or Smallmouth Bass	- 14" Minimum Length Limit
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Walleye, Sauger, or Hybrid Walleye	- 18" Minimum Length Limit
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<u>White, Black, or Hybrid Crappie (15)</u>	<u>- 15 Fish Daily Creel Limit</u>
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Cache River State Natural Area ~~(19)~~

Pulaski/Johnson Counties

All Fish	- 2 Pole and Line Fishing Only (1)
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All Fish	- No Seines
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Calhoun Point Wildlife Management Area ~~(19)~~~~(33)~~

Calhoun County

Calumet River

Cook County

Yellow Perch	- 15 Fish Daily Creel Limit
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Yellow Perch	- Closed During July
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Campbell Pond Wildlife Management Area (19)

Jackson County

Campus Lake – Southern Illinois University, State of Illinois

Jackson County

All Fish	- 2 Pole and Line Fishing Only (1)
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Channel Catfish	- 6 Fish Daily Creel Limit
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Campus Pond – Eastern Illinois University, State of Illinois

Coles County

All Fish	- 2 Pole and Line Fishing Only (1)
----------	------------------------------------

Channel Catfish	- 6 Fish Daily Creel Limit
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DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Trout	- Fall Closed Season (10)
Trout	- Spring Closed Season (11)
Canton Lake, City of Canton	
Fulton County	
Recreational Use Restrictions	- All live bait in excess of 8" must be rigged with a quick set rig (43)
All Fish	- 2 Pole and Line Fishing Only (1)
Channel or Blue Catfish (14)	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
Carbondale City Reservoir, City of Carbondale	
Jackson County	
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
Carlinville Lake #1, City of Carlinville	
Macoupin County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Carlinville Lake #2, City of Carlinville	
Macoupin County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Carlton Silt Basin, State of Illinois	
Whiteside County	
All Fish	- 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish	- 8" Minimum Length Limit
Bluegill or Redear Sunfish (14)	- 10 Fish Daily Creel Limit
Large or Smallmouth Bass	- Catch and Release Fishing Only (9)
Carlyle Lake, U.S. Army Corps of Engineers (20) (33)	
Clinton/Bond/Fayette Counties	
Large or Smallmouth Bass	- 14" Minimum Length Limit
White, Black, or Hybrid Crappie (15)	- 10 Fish Daily Creel Limit
White, Black, or Hybrid Crappie	- 10" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Carthage Lake, City of Carthage
Hancock County

- | | |
|-----------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |

Casey Park Pond, City of Casey
Clark County

- | | |
|---------------------------------|--|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Bluegill or Redear Sunfish (14) | - 15 Fish Daily Creel Limit of which only 5 fish over 8" are allowed |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 18" Minimum Length Limit |
| Large or Smallmouth Bass (14) | - 1 Fish Daily Creel Limit |

Cedar Lake and Little Cedar Lake, U.S. Forest Service and City of Carbondale

Jackson County ~~(19)~~

- | | |
|---|---|
| All Fish | - 2 Pole and Line Fishing Only (1) (5) |
| Large or Smallmouth Bass | - 14"-18" Protected Slot Length Limit (no possession) |
| Large or Smallmouth Bass (14) | - 5 Fish Under 14" and 1 Fish over 18" Daily Creel Limit (38) |
| Striped, White, or Hybrid Striped Bass | - 17" Minimum Length Limit |
| Striped, White, or Hybrid Striped Bass (16) | - 3 Fish Daily Creel Limit |

Centralia Foundation Park Catfish Pond, Centralia Park Foundation

Marion County

- | | |
|-----------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |

Centralia Lake, City of Centralia

Marion County

- | | |
|--------------------------|----------------------------|
| Large or Smallmouth Bass | - 15" Minimum Length Limit |
|--------------------------|----------------------------|

Cermack Quarry, Cook County Forest Preserve District

Cook County

- | | |
|---|---|
| All Fish | - 2 Pole and Line Fishing Only (1) (36) |
| <u>Bluegill, Redear, or Pumpkinseed</u> | <u>- 15 Fish Daily Creel Limit</u> |

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Sunfish (14)

Channel Catfish

- 6 Fish Daily Creel Limit

Large or Smallmouth Bass

- 14" Minimum Length Limit

White, Black, or Hybrid Crappie (15)- 15 Fish Daily Creel Limit

Champaign Park District Lakes (Kaufman Lake, Heritage Lake, and Mattis Lake), Champaign Park District

Champaign County

All Fish

- 2 Pole and Line Fishing Only (1)

Channel Catfish

- 6 Fish Daily Creel Limit

Large or Smallmouth Bass

- 15" Minimum Length Limit

Large or Smallmouth Bass (14)

- 1 Fish Daily Creel Limit

Charleston Lower Channel Lake, City of Charleston

Coles County

All Fish

- 2 Pole and Line Fishing Only (1) (5)(36)

Charleston Side Channel Lake, City of Charleston

Coles County

All Fish

- 2 Pole and Line Fishing Only (1) (5)

Channel Catfish

- 6 Fish Daily Creel Limit

Large or Smallmouth Bass

- 14" Minimum Length Limit

Striped, White, or Hybrid Striped Bass

- 17" Minimum Length Limit

Striped, White, or Hybrid Striped

- 3 Fish Daily Creel Limit

Bass(16)

White, Black or Hybrid Crappie (15)

- 10 Fish Daily Creel Limit for Fish Under 10"; 10 Fish Daily Creel Limit for Fish 10" and Longer (23)

Charlie Brown Lake & Pond, City of Flora

Clay County

All Fish

- 2 Pole and Line Fishing Only (1)

Channel Catfish

- 6 Fish Daily Creel Limit

Large or Smallmouth Bass

- 14" Minimum Length Limit

Charter Oak North – Peoria Park District Lake, Peoria Park District

Peoria County

All Fish

- 2 Pole and Line Fishing Only (1)

Channel Catfish

- 6 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- | | |
|-------------------------------|----------------------------|
| Large or Smallmouth Bass | - 15" Minimum Length Limit |
| Large or Smallmouth Bass (14) | - 1 Fish Daily Creel Limit |

Charter Oak South – Peoria Park District Pond, Peoria Park District

Peoria County

- | | |
|-------------------------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 15" Minimum Length Limit |
| Large or Smallmouth Bass (14) | - 1 Fish Daily Creel Limit |

~~Chauncey Marsh (19)~~~~Lawrence County~~

Chautauqua Lake North Pool, U.S. Fish and Wildlife Service

Mason County

- | | |
|--------------------------------------|---|
| Recreational Use Restrictions | - Lake Chautauqua North Pool will be closed to boat fishing from October 15 through January 14 |
| | - Bank fishing will be allowed in selected areas only |
| | - Ice fishing will be allowed following the January 15 reopening |
| Black, White, or Hybrid Crappie | - 10" Minimum Length Limit (except, when the Illinois River overflows the levee system of the North Pool, there is no minimum length limit) |
| Black, White, or Hybrid Crappie (15) | - 15 Fish Daily Creel Limit (except, when the Illinois River overflows the levee system of the North Pool, there is no daily creel limit) |
| Largemouth Bass | - 15" Minimum Length Limit (12" minimum length limit when the Illinois River overflows the levee system of the North Pool) |

Chenoa City Lake, City of Chenoa

McLean County

- | | |
|-----------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Chicago River (including its North Branch, South Branch, and the North Shore Channel)

Cook County

- Yellow Perch - 15 Fish Daily Creel Limit
- Yellow Perch - Closed During July

Christopher Old City Lake, City of Christopher

Franklin County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

Citizen's Lake, City of Monmouth

Warren County

- All Fish - 2 Pole and Line Fishing Only (1)
- Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass (14) - 6 Fish Daily Creel Limit
- 1 Fish Over 15" and 5 Fish under 12"
- Daily Creel Limit (12)
- Trout - Fall Closed Season (10)

Clear Lake, Kickapoo State Park

Vermilion County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14" Minimum Length Limit
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
- Trout - Fall Closed Season (10)
- Trout - Spring Closed Season (11)

| Clinton Lake, Clinton Lake State Recreation Area [\(19\)](#)

DeWitt County

- All Fish - 2 Pole and Line Fishing Only (1) (18) (36)
- Large or Smallmouth Bass - 16" Minimum Length Limit
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
- Striped, White, or Hybrid Striped Bass (16) - 10 Creel/3 Fish 17" or Longer Daily (17)
- White, Black, or Hybrid Crappie (15) - 15 Fish Daily Creel Limit
- White, Black, or Hybrid Crappie - 9" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Coffeen Lake, Coffeen Lake State Fish and Wildlife Area

Montgomery County

- | | |
|---|--|
| Channel Catfish | - All jugs must be attended at all times while fishing (2) |
| Large or Smallmouth Bass | - 15" Minimum Length Limit |
| Large or Smallmouth Bass (14) | - <u>1 Fish \geq 15" and 2 Fish $<$ 15" daily (25)</u> 3 |
| | Fish Daily Creel Limit |
| White, Black, or Hybrid Crappie (15) | - 10 Fish Daily Creel Limit |
| White, Black, or Hybrid Crappie | - 10" Minimum Length Limit |
| Striped, White, or Hybrid Striped Bass | - 17" Minimum Length Limit |
| Striped, White, or Hybrid Striped Bass (16) | - 3 Fish Daily Creel Limit |

Coles County Airport Lake, Coles County Airport

Coles County

- | | |
|--------------------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 14" Minimum Length Limit |

Coleta Trout Pond, State of Illinois

Whiteside County

- | | |
|-------|-----------------------------|
| Trout | - Fall Closed Season (10) |
| Trout | - Spring Closed Season (11) |

Columbus Park Lagoon, Chicago Park District

Cook County

- | | |
|-----------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 4 Fish Daily Creel Limit |

Commissioners Park Pond, Alsip Park District

Cook County

- | | |
|-----------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |

Conservation World Ponds, Illinois State Fairgrounds

Sangamon County

Fishing by special permit only for senior groups, children's groups or group guests

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

of the Director. Apply for permit by writing to: Department of Natural Resources,
Division of Fisheries, One Natural Resources Way, Springfield IL 62702

Cook Co. [Forest Preserve District](#)~~F.P.D.~~ Lakes, Cook County Forest Preserve District
Cook County

All Fish	- 2 Pole and Line Fishing Only (1) (36)
Bluegill, Redear, or Pumpkinseed	- 15 Fish Daily Creel Limit
Sunfish (14)	
Large or Smallmouth Bass	- 14" Minimum Length Limit
Walleye, Sauger, or Hybrid Walleye	- 18" Minimum Length Limit
White, Black, or Hybrid Crappie (15)	- 15 Fish Daily Creel Limit

Coulterville City Lake, City of Coulterville
Randolph County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit

Crab Orchard National Wildlife Refuge – Crab Orchard Lake, U.S. Fish and Wildlife Service
[\(19\)](#)

Williamson County

All Fish	- 2 Pole and Line Fishing Only (1) (4)
Striped, White, or Hybrid Striped Bass (16)	- 10 Creel/3 Fish 17" or Longer Daily (17)
Large or Smallmouth Bass	- 16" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit

Crab Orchard National Wildlife Refuge – Devil's Kitchen Lake, U.S. Fish and Wildlife Service
[\(19\)](#)

Williamson County

All Fish	- 2 Pole and Line Fishing Only (1)
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Crab Orchard National Wildlife Refuge – Little Grassy Lake, U.S. Fish and Wildlife Service
[\(19\)](#)

Williamson County

All Fish	- 2 Pole and Line Fishing Only (1) (5)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 12-15" Slot Length Limit (3)

Crab Orchard National Wildlife Refuge Restricted Use Area Ponds (30) and Crab Orchard

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

National Wildlife Refuge – All Other Ponds ~~(19)~~, U.S. Fish and Wildlife Service

Williamson County

- | | |
|--------------------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 15" Minimum Length Limit |

Crawford Co. Cons. Area – Picnic Pond, Crawford County Conservation Area

Crawford County

- | | |
|--------------------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 15" Minimum Length Limit |
| Trout | - Fall Closed Season (10) |

Crawford Co. Cons. Area Ponds, Crawford County Conservation Area

Crawford County

- | | |
|--------------------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 15" Minimum Length Limit |

Crull Impoundment Wildlife Management Area (33)

Jersey County

Crystal Lake, Urbana Park District

Champaign County

- | | |
|-----------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 3 Fish Daily Creel Limit |

Cypress Creek National Wildlife Refuge – All Ponds, U.S. Fish and Wildlife Service

Johnson/Pulaski/Union Counties

- | | |
|--------------------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 15" Minimum Length Limit |

Cypress Creek National Wildlife Refuge – Cache River from Rt. 37 to Rt. 51 in Ullin, U.S.

Fish and Wildlife Service

Johnson/Pulaski Counties

- | | |
|----------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| All Fish | - No Seines |

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Dawson Lake & Park Ponds, Moraine View State Park

McLean County

All Fish	- 2 Pole and Line Fishing Only (1) (44)
Bluegill or Redear Sunfish (14)	- 15 Fish Daily Creel Limit
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Walleye, Sauger, or Hybrid Walleye (14)	- 3 Fish Daily Creel Limit
White, Black or Hybrid Crappie (15)	- 15 Fish Daily Creel Limit

Decatur Park Dist. Ponds, City of Decatur

Macon County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit (except for Fairview Park – Dreamland Pond, which has a 3 Fish Daily Creel Limit)

Deep Pit Lake, Boone County Conservation District

Boone County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit

Deep Quarry Lake, DuPage County Forest Preserve District

DuPage County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 3 Fish Daily Creel Limit
Channel Catfish	- 12" Minimum Length Limit
Large or Smallmouth Bass	- 18" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
Walleye, Sauger, or Hybrid Walleye	- 16" Minimum Length Limit
Walleye, Sauger, or Hybrid Walleye (14)	- 3 Fish Daily Creel Limit
White, Black, or Hybrid Crappie	- 9" Minimum Length Limit
White, Black, or Hybrid Crappie (15)	- 15 Fish Daily Creel Limit

Defiance Lake, Moraine Hills State Park

McHenry County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14" Minimum Length Limit
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Des Plaines River Basin (Hoffman Dam to 47th Street Bridge, including tributaries)

Cook County

- Channel Catfish - 15" Minimum Length Limit
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - Catch and Release Only – No Harvest Permitted (9)
- Northern Pike - 30" Minimum Length Limit
- Northern Pike - 1 Fish Daily Creel Limit
- White, Black or Hybrid Crappie (15) - 10 Fish Daily Creel Limit
- Walleye, Sauger, or Hybrid Walleye - 18" Minimum Length Limit
- Walleye, Sauger, or Hybrid Walleye (14) - 1 Fish Daily Creel Limit

~~Des Plaines River Conservation Area (19)~~
~~Will County~~

Diamond Lake, City of Mundelein

Lake County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

~~Dog Island Wildlife Management Area (19)~~
~~Pope County~~

Dolan Lake, Hamilton County Conservation Area

Hamilton County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Bluegill or Redear Sunfish (14) - 25 Fish Daily Creel Limit
- Large or Smallmouth Bass - 18" Minimum Length Limit
- Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Donnelley State Wildlife Area (33)
Bureau County

Double "T" State Fish and Wildlife Area, State of Illinois
Fulton County

- | | |
|--------------------------------------|--|
| Recreational Use Restrictions | - Waterfowl Refuge or Hunting Area (all use other than waterfowl hunting is prohibited from October 1 through the end of the central zone Canada goose season) |
| | - All live bait in excess of 8" must be rigged with a quick set rig (43) |
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Bluegill or Redear Sunfish (14) | - 25 Fish Daily Creel Limit |
| Channel or Blue Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 21" Minimum Length Limit |
| Large or Smallmouth Bass (14) | - 1 Fish Daily Creel Limit |
| Pure Muskellunge | - 42" Minimum Length Limit |
| White, Black, or Hybrid Crappie | - 10" Minimum Length Limit |
| White, Black, or Hybrid Crappie (15) | - 25 Fish Daily Creel Limit |

Douglas Park Lagoon, Chicago Park District
Cook County

- | | |
|-----------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 4 Fish Daily Creel Limit |

DuPage County Forest Preserve District Lakes and Ponds (excluding Bass Lake, Deep Quarry Lake, and Grove Lake), DuPage County Forest Preserve District

DuPage County

- | | |
|---|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Channel Catfish | - 12" Minimum Length Limit |
| Large or Smallmouth Bass | - 15" Minimum Length Limit |
| Large or Smallmouth Bass (14) | - 3 Fish Daily Creel Limit |
| Walleye, Sauger, or Hybrid Walleye | - 16" Minimum Length Limit |
| Walleye, Sauger, or Hybrid Walleye (14) | - 3 Fish Daily Creel Limit |
| White, Black or Hybrid Crappie | - 9" Minimum Length Limit |

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

White, Black or Hybrid Crappie (15) - 15 Fish Daily Creel Limit

DuPage River – West Branch (between the dams located in the McDowell Grove Forest Preserve and the Warrenville Grove Forest Preserve)

DuPage County

Large or Smallmouth Bass - Catch and Release Fishing Only (9)

DuQuoin City Lake, City of DuQuoin

Perry County

<u>Channel Catfish</u>	<u>- 6 Fish Daily Creel Limit</u>
<u>Bluegill or Redear Sunfish (14)</u>	<u>- 25 Fish Daily Creel Limit</u>
<u>Large or Smallmouth Bass</u>	<u>- 14"-18" Protected Slot Length Limit (no possession) (38)</u>
<u>Large or Smallmouth Bass (14)</u>	<u>- 5 Fish under 14" and 1 Fish over 18" Daily Creel Limit</u>
<u>White, Black, or Hybrid Crappie (15)</u>	<u>- 25 Fish Daily Creel Limit</u>

East Fork Lake, City of Olney

Richland County

All Fish	- 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14)	- 25 Fish Daily Creel Limit
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
White, Black, or Hybrid Crappie (15)	- 25 Fish Daily Creel Limit

Eldon Hazlet State Park ~~(19)~~ (See Also Carlyle Lake)

Clinton County

Elkville City Reservoir, City of Elkville

Jackson County

Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit

Elliott Lake, Wheaton Park District

DuPage County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- <u>36</u> Fish Daily Creel Limit
<u>Large or Smallmouth Bass (14)</u>	<u>- 15" Minimum Length Limit</u>

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Emiquon Lake, Emiquon National Wildlife Refuge

Fulton County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Black, White, or Hybrid Crappie	- 9" Minimum Length Limit
Black, White, or Hybrid Crappie (15)	- 25 Fish Daily Creel Limit
Bluegill, Redear, Pumpkin Seed, Green, or Orange Spotted Sunfish and Hybrid Sunfish (14)	- 25 Fish Daily Creel Limit
Large or Smallmouth Bass	- 18" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
Walleye, Sauger, or Hybrid Walleye	- 14" Minimum Length Limit
Walleye, Sauger, or Hybrid Walleye (14)	- 6 Fish Daily Creel Limit

Evergreen Lake, City of Bloomington

McLean County

Recreational Use Restrictions	- All live bait in excess of 8" must be rigged with a quick set rig (43)
All Fish	- 2 Pole and Line Fishing Only (1) (5)
Large or Smallmouth Bass	- 15" Minimum Length Limit
Pure Muskellunge	- 48" Minimum Length Limit (40)
White, Black, or Hybrid Crappie	- 9" Minimum Length Limit
White, Black, or Hybrid Crappie (15)	- 15 Fish Daily Creel Limit

Fairgrounds Pond – Fort Massac State Park, State of Illinois

Massac County

Trout	- Fall Closed Season (10)
Trout	- Spring Closed Season (11)

Fairview Park – Dreamland Pond, City of Decatur

Macon County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 3 Fish Daily Creel Limit

Ferne Clyffe Lake, Ferne Clyffe State Park

Johnson County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- | | |
|-------|-----------------------------|
| Trout | - Fall Closed Season (10) |
| Trout | - Spring Closed Season (11) |

Flatfoot Lake, Cook County Forest Preserve District

Cook County

- | | |
|--|---|
| All Fish | - 2 Pole and Line Fishing Only (1) (36) |
| Bluegill, Redear, or Pumpkinseed | - 15 Fish Daily Creel Limit |
| Sunfish (14) | |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 14" Minimum Length Limit |
| White, Black, or Hybrid Crappie (15) | - 15 Fish Daily Creel Limit |

Foli Park Pond, Village of Plano

Kendall County

- | | |
|-----------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |

Forbes State Lake, Stephen A. Forbes State Park ([including Forbes State Lake tailwaters and that portion of Lost Fork Creek within Stephen A. Forbes State Park](#))(~~19~~)

Marion County

- | | |
|---|--|
| Recreational Use Restrictions | - All live bait in excess of 8" must be rigged with a quick set rig (43) |
| All Fish | - 2 Pole and Line Fishing Only (1) (5) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 14" Minimum Length Limit |
| Pure Muskellunge | - 48" Minimum Length (40) |
| Striped, White, or Hybrid Striped Bass | - 17" Minimum Length Limit |
| Striped, White, or Hybrid Striped Bass (16) | - 3 Fish Daily Creel Limit |

Forbes State Park Ponds, Stephen A. Forbes State Park (~~19~~)

Marion County

- | | |
|--------------------------|--|
| All Fish | - 2 Pole and Line Fishing Only (1) (5) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 14" Minimum Length Limit |

Forest Park Lagoon, City of Shelbyville

Shelby County

- | | |
|----------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
|----------|------------------------------------|

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Channel Catfish	- 6 Fish Daily Creel Limit
Trout	- Fall Closed Season (10)
Trout	- Spring Closed Season (11)

~~Fort de Chartres Historic Site (19)~~
 Randolph County

Four Lakes, Winnebago County Forest Preserve
 Winnebago County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit

Fox Chain O'Lakes (including the Fox River south of the Wisconsin-Illinois boundary to the Algonquin Dam and the Nippersink Creek upstream to the Wilmot Road Bridge) (6) (Applies to Grass Lake and Nippersink Lake State Managed Blind Areas Only ~~(19)~~), State of Illinois Lake and McHenry Counties

Recreational Use Restrictions	- All live bait in excess of 8" must be rigged with a quick set rig (43)
All Fish	- 2 Pole and Line Fishing Only (1) only on State Park property bordering the Fox River and Grass Lake
Large or Smallmouth Bass	- 14" Minimum Length Limit (6)
Large or Smallmouth Bass (14)	- 6 Fish Daily Creel Limit of which no more than 3 can be Smallmouth Bass
Pure Muskellunge	- 48" Minimum Length Limit (40)
Smallmouth Bass	- All fish must be immediately released between April 1 and June 15
Walleye, Sauger, or Hybrid Walleye	- 14" Minimum Length Limit with an 18-24" Protected Slot Length Limit (no possession) (6)
Walleye, Sauger, or Hybrid Walleye (14)	- 32 Fish \geq 14" and $<$ 18" &/or 1 Fish $>$ 24" Daily Creel Limit (35)

Fox Ridge State Park (see also Hurricane Pond, Wilderness Pond and Ridge Lake) ~~(19)~~
 Coles County

Fox River, Algonquin Dam to confluence with the Illinois River, including tributaries, State of

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Illinois

Multiple Counties

Smallmouth Bass

- 1 Fish 12" or over and 2 Fish under 12"
Daily Creel Limit

Fox River (at Moraine Hills State Park and Dam and on Bolger Lock and Dam Properties),
State of Illinois

McHenry County

All Fish

- 2 Pole and Line Fishing Only (1) on
Moraine Hills State Park and Dam
property and on property at the Bolger
Lock and Dam along the Fox River

Fox River Marina, Lake County Forest Preserve

Lake County

All Fish

- 2 Pole and Line Fishing Only; Bank Fishing
Only (in areas designated by Lake County
Forest Preserve District)

Fox Valley Park District Lakes and Ponds (except Jericho Lake and Lake Gregory Blackberry
Lake), Fox Valley Park District

Kane and DuPage Counties

All Fish

Channel Catfish

Large or Smallmouth Bass

Large or Smallmouth Bass (14)

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit

Frank Holten Lakes, Frank Holten State Park

St. Clair County

All Fish

Channel Catfish

Large or Smallmouth Bass

Trout

Trout

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- Fall Closed Season (10)
- Spring Closed Season (11)

Franklin Creek (within the boundaries of Franklin Creek State Natural Area)

Lee County

All Fish

- 2 Pole and Line Fishing Only (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Franklin Creek Mill Pond – Franklin Creek State Park, State of Illinois

Lee County

- | | |
|-------------------------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Large or Smallmouth Bass | - 15" Minimum Length Limit |
| Large or Smallmouth Bass (14) | - 1 Fish Daily Creel Limit |

Fuller Lake (19) ~~(33)~~

Calhoun County

Fulton County Camping and Recreation Area Waters, Fulton County Board

Fulton County

- | | |
|---------------------------------|---|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 12"-15" Protected Slot Length Limit (no possession) |
| Large or Smallmouth Bass (14) | - 3 Fish Daily Creel Limit |
| Bluegill or Redear Sunfish (14) | - 25 Fish Daily Creel Limit |

Gages Lake, Wildwood Park District

Lake County

- | | |
|---|----------------------------|
| Large or Smallmouth Bass | - 15" Minimum Length Limit |
| Large or Smallmouth Bass (14) | - 3 Fish Daily Creel Limit |
| Walleye, Sauger, or Hybrid Walleye | - 16" Minimum Length Limit |
| Walleye, Sauger, or Hybrid Walleye (14) | - 3 Fish Daily Creel Limit |

Garfield Park Lagoon, Chicago Park District

Cook County

- | | |
|-----------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 4 Fish Daily Creel Limit |

Gebhard Woods Pond, Gebhard Woods State Park

Grundy County

- | | |
|--------------------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 15" Minimum Length Limit |
| Trout | - Spring Closed Season (11) |

Germantown Lake, City of Germantown

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Clinton County

- All Fish - 2 Pole and Line Fishing Only (1)
- Bluegill or Redear Sunfish (14) - 15 Fish Daily Creel Limit
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 18" Minimum Length Limit
- Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Giant City Park Ponds, Giant City State Park
Jackson and Union Counties

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Largemouth and Spotted Bass - 15" Minimum Length Limit

Gillespie New City Lake, City of Gillespie
Macoupin County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 12-15" Slot Length Limit (3)
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Gillespie Old City Lake, City of Gillespie
Macoupin County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

| Glades – 12 Mile Island Wildlife Management Area [\(19\)](#)~~(33)~~

Jersey County

Gladstone Lake, Henderson County Conservation Area

Henderson County

- All Fish - 2 Pole and Line Fishing Only (1)
- Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
- Channel or Blue Catfish (14) - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass (14) - 1 Fish \geq 15" and/or 2 <12" Daily (31)

Glen Oak Park Lagoon, Peoria Park District
Peoria County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- | | |
|-----------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |

Glen Shoals Lake, City of Hillsboro
Montgomery County

- | | |
|--|----------------------------|
| Large or Smallmouth Bass | - 15" Minimum Length Limit |
| Large or Smallmouth Bass (14) | - 3 Fish Daily Creel Limit |
| Striped, White, or Hybrid Striped Bass | - 17" Minimum Length Limit |
| Striped, White, or Hybrid Striped Bass
(16) | - 3 Fish Daily Creel Limit |

Godar-Diamond/Hurricane Island Wildlife Management Area [\(19\)](#)~~(33)~~
Calhoun County

Gompers Park Lagoon, Chicago Park District
Cook County

- | | |
|-----------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 4 Fish Daily Creel Limit |

Gordon F. More Park Lake, City of Alton
Madison County

- | | |
|---------------------------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Bluegill or Redear Sunfish (14) | - 25 Fish Daily Creel Limit |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 15" Minimum Length Limit |
| Large or Smallmouth Bass (14) | - 3 Fish Daily Creel Limit |

Governor Bond Lake, City of Greenville
Bond County

- | | |
|--|--|
| Channel Catfish | - All jugs must be attended at all times while fishing (2) |
| Large or Smallmouth Bass | - 15" Minimum Length Limit |
| Large or Smallmouth Bass (14) | - 3 Fish Daily Creel Limit |
| Striped, White, or Hybrid Striped Bass | - 17" Minimum Length Limit |
| Striped, White, or Hybrid Striped Bass
(16) | - 3 Fish Daily Creel Limit |
| White, Black, or Hybrid Crappie (15) | - 25 Fish Daily Creel Limit |

Grayslake Park District (Grayslake and Park Ponds), City of Grayslake

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Lake County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Greenfield City Lake, City of Greenfield

Greene County

- All Fish - 2 Pole and Line Fishing Only (1)
- Bluegill or Redear Sunfish (14) - 25 Fish Daily Creel Limit
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 12"-15" Protected Slot Length Limit (no possession)
- Large or Smallmouth Bass - 5 Fish Under 12" and 1 Fish Over 15" Daily Creel Limit

Greenville Old City Lake, Kingsbury Park District

Bond County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Trout - Fall Closed Season (10)
- Large or Smallmouth Bass - 15" Minimum Length Limit
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Grove Lake, DuPage County Forest Preserve District

DuPage County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 3 Fish Daily Creel Limit
- Channel Catfish - 12" Minimum Length Limit
- Large or Smallmouth Bass - 18" Minimum Length Limit
- Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
- White, Black, or Hybrid Crappie - 9" Minimum Length Limit
- White, Black, or Hybrid Crappie (15) - 15 Fish Daily Creel Limit

Hanover Lake – Apple River Canyon State Park, State of Illinois

Jo Daviess County

- All Fish - 2 Pole and Line Fishing Only (1)
- Bluegill or Redear Sunfish (14) - 25 Fish Daily Creel Limit
- Channel Catfish - 6 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- Large or Smallmouth Bass - 14" Minimum Length Limit
 Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Harrisburg New City Reservoir, City of Harrisburg
 Saline County

- All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Striped, White, or Hybrid Striped Bass - 17" Minimum Length Limit
 Striped, White or Hybrid Striped Bass - 3 Fish Daily Creel Limit
 (16)

Heidecke Lake, Heidecke Lake State Fish and Wildlife Area
 Grundy County (41)

- Recreational Use Restrictions - Heidecke Lake shall be closed to all fishing and boat traffic except for legal waterfowl hunters from 10 days prior to duck season through the day before duck season and is closed to all fishing during waterfowl season commencing with regular duck season through the close of the Canada goose and regular duck season
 - All live bait in excess of 8" must be rigged with a quick set rig (43)
- All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 15" Minimum Length Limit
 Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
 Striped, White, or Hybrid Striped Bass - 10 Creel/3 Fish 17" or Longer Daily (17)
 (16)
 Walleye, Sauger, or Hybrid Walleye - 16" Minimum Length Limit
 Walleye, Sauger, or Hybrid Walleye - 3 Fish Daily Creel Limit
 (14)

| Helmbold Slough (19)~~(33)~~
 Calhoun County

Hennepin Canal – Mainline & Feeder, Hennepin Canal Parkway State Park
 Multiple Counties

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- | | |
|---|--|
| All Fish | - 2 Pole and Line Fishing Only (1) (13) |
| Large or Smallmouth Bass | - 14" Minimum Length Limit |
| Trout | - Fall Closed Season (10) |
| Trout | - Spring Closed Season (11) |
| Hennepin-Hopper Lakes, The Wetlands Initiative | |
| Putnam County | |
| Recreational Use Restrictions | - All live bait in excess of 8" must be rigged with a quick set rig (43) |
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Black, White or Hybrid Crappie | - 9" Minimum Length Limit |
| Black, White or Hybrid Crappie (15) | - 25 Fish Daily Creel Limit |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 15" Minimum Length Limit |
| Large or Smallmouth Bass (14) | - 3 Fish Daily Creel Limit |
| Pure Muskellunge | - 42" Minimum Length Limit |
| Walleye, Sauger or Hybrid Walleye | - 18" Minimum Length Limit |
| Walleye, Sauger or Hybrid Walleye (14) | - 3 Fish Daily Creel Limit |
| Herrin Lake #1, City of Herrin | |
| Williamson County | |
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 15" Minimum Length Limit |
| Large or Smallmouth Bass (14) | - 3 Fish Daily Creel Limit |
| Herrin Lake #2, City of Herrin | |
| Williamson County | |
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 15" Minimum Length Limit |
| Large or Smallmouth Bass (14) | - 3 Fish Daily Creel Limit |
| Hidden Springs State Forest Pond, Hidden Springs State Forest | |
| Shelby County | |
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Bluegill or Redear Sunfish (14) | - 10 Fish Daily Creel Limit |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 18" Minimum Length Limit |

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Highland Old City Lake, City of Highland
Madison County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
Trout - Fall Closed Season (10)

Hillsboro Old City Lake, City of Hillsboro
Montgomery County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 12-15" Slot Length Limit

Homer Guthrie Pond – Eldon Hazlet State Park, State of Illinois
Clinton County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
Large or Smallmouth Bass - 18" Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Homer Lake, Champaign County Forest Preserve District
Champaign County

All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish - 8" Minimum Length Limit
Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit

Hormel Pond, Donnelly State Fish and Wildlife Area
Bureau County

All Fish - 2 Pole and Line Fishing Only (1) (5)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit

Horseshoe Lake – Alexander Co., Horseshoe Lake Conservation Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Alexander County

- | | |
|-------------------------------|---|
| Recreational Use Restrictions | - Only trolling motors in refuge from
October 15 -March 1 |
| All Fish | - 2 Pole and Line Fishing Only (1) (5) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 14" Minimum Length Limit |

Horseshoe Lake – Madison County, Horseshoe Lake State Park (19) ~~(46)~~

Madison County

- | | |
|-------------------------------------|--|
| All Fish | - 2 Pole and Line Fishing Only (1) (28) (34) |
| Large or Smallmouth Bass | - 15" Minimum Length Limit |
| Large or Smallmouth Bass (14) | - 3 Fish Daily Creel Limit |
| White, Black or Hybrid Crappie (15) | - 25 Fish Daily Creel Limit |

Horsetail Lake, Cook County Forest Preserve District

Cook County

- | | |
|--|---|
| All Fish | - 2 Pole and Line Fishing Only (1) (36) |
| Bluegill, Redear, or Pumpkinseed | - 15 Fish Daily Creel Limit |
| Sunfish (14) | |
| Large or Smallmouth Bass | - 14" Minimum Length Limit |
| Trout | - Fall Closed Season (10) |
| White, Black, or Hybrid Crappie (15) | - 15 Fish Daily Creel Limit |

Horton Lake, Nauvoo State Park

Hancock County

- | | |
|-----------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |

Humbolt Park Lagoon, Chicago Park District

Cook County

- | | |
|-----------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 4 Fish Daily Creel Limit |

Hurricane Pond, Fox Ridge State Park

Coles County

- | | |
|--|---|
| Recreational Use Restrictions | - Waterfowl Refuge and Hunting Area (19) |
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Bluegill or Redear Sunfish (14) | - 5 Fish Daily Creel Limit |
| Channel Catfish | - 6 Fish Daily Creel Limit |

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- | | |
|-------------------------------|----------------------------|
| Large or Smallmouth Bass | - 18" Minimum Length Limit |
| Large or Smallmouth Bass (14) | - 1 Fish Daily Creel Limit |

Illinois & Michigan Canal, State of Illinois
Grundy/LaSalle/ Will Counties

- | | |
|--------------------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 15" Minimum Length Limit |
| Trout | - Spring Closed Season (11) |

Illinois Beach State Park Ponds, Illinois Beach State Park
Lake County

- | | |
|-----------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |

Illinois Department of Transportation Lake, State of Illinois
Sangamon County

- | | |
|--------------------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 15" Minimum Length Limit |
| Trout | - Fall Closed Season (10) |
| Trout | - Spring Closed Season (11) |

Illinois River – Pool 26 (19)-~~(33)~~
Calhoun County

Illinois River – Starved Rock and Marseilles Pools
LaSalle and Grundy Counties

- | | |
|-------------------------------------|-----------------------------|
| Large or Smallmouth Bass | - 18" Minimum Length Limit |
| Large or Smallmouth Bass (14) | - 1 Fish Daily Creel Limit |
| White, Black or Hybrid Crappie (15) | - 10 Fish Daily Creel Limit |

Illinois River – State of Illinois
Multiple Counties

- | | |
|--------------------------|----------------------------|
| Large or Smallmouth Bass | - 12" Minimum Length Limit |
|--------------------------|----------------------------|

Indian Boundary South Pond, Frankfort Square Park District
Will County

- | | |
|----------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
|----------|------------------------------------|

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Channel Catfish - 6 Fish Daily Creel Limit

Iroquois & Kankakee Rivers and their Tributaries, State of Illinois

Multiple Counties

Walleye, Sauger and Hybrid Walleye - 16" Minimum Length Limit

Walleye, Sauger and Hybrid Walleye (14) - 3 Fish Daily Creel Limit

Jackson Park (Columbia Basin) Lagoon, Chicago Park District

Cook County

All Fish - 2 Pole and Line Fishing Only (1)

Channel Catfish - 4 Fish Daily Creel Limit

Jericho Lake, Fox Valley Park District

Kane County

All Fish - 2 Pole and Line Fishing Only (1)

Channel Catfish - 3 Fish Daily Creel Limit

Large or Smallmouth Bass - 15" Minimum Length Limit

Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Black, White, or Hybrid Crappie - 9" Minimum Length Limit

Black, White, or Hybrid Crappie (15) - 15 Fish Daily Creel Limit

Jim Edgar/Panther Creek Fish and Wildlife Area, All Lakes and Ponds, Jim Edgar/Panther
Creek Fish and Wildlife Area

Cass County

Recreational Use Restrictions - All live bait in excess of 8" must be rigged
with a quick set rig (43)

All Fish - 2 Pole and Line Fishing Only (1)

Channel Catfish - 6 Fish Daily Creel Limit

Large or Smallmouth Bass - 15" Minimum Length Limit

Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Pure Muskellunge - 48" Minimum Length Limit

Jim Edgar/Panther Creek Fish and Wildlife Area – Drake Lake, Jim Edgar/Panther Creek Fish
and Wildlife Area

Cass County

All Fish - 2 Pole and Line Fishing Only (1)

Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit

Large or Smallmouth Bass - 15" Minimum Length Limit

Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Jim Edgar/Panther Creek Fish and Wildlife Area, Gurney Road Pond, Jim Edgar/Panther Creek Fish and Wildlife Area

Cass County

- | | |
|-------------------------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 15" Minimum Length Limit |
| Large or Smallmouth Bass (14) | - 3 Fish Daily Creel Limit |
| Trout | - Spring Closed Season (11) |

Johnson Sauk Trail Lake & Pond, Johnson Sauk Trail State Park

Henry County

- | | |
|-------------------------------|--|
| Recreational Use Restrictions | - All live bait in excess of 8" must be rigged with a quick set rig (43) |
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 14" Minimum Length Limit |

Jones Lake Trout Pond, Saline County Conservation Area

Saline County

- | | |
|-------|---------------------------|
| Trout | - Fall Closed Season (10) |
|-------|---------------------------|

Jones Park Lake, City of East St. Louis

St. Clair County

- | | |
|-----------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Trout | - Fall Closed Season (10) |
| Trout | - Spring Closed Season (11) |

Jones State Lake, Saline County Conservation Area

Saline County

- | | |
|---|--|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 14"-18" Protected Slot Length Limit (no possession) (38) |
| Large or Smallmouth Bass (14) | - 5 Fish under 14" and 1 Fish over 18" Daily Creel Limit |

Jubilee College State Park Pond, Jubilee College State Park

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Peoria County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit

Kankakee-Iroquois Rivers and their Tributaries, State of Illinois

Multiple Counties

Walleye, Sauger, and Hybrid Walleye	- 16" Minimum Length Limit
Walleye, Sauger, and Hybrid Walleye (14)	- 3 Fish Daily Creel Limit

Kankakee River, from the Kankakee Dam to the mouth of the Kankakee River, including tributaries, State of Illinois

Multiple Counties

Smallmouth Bass	- 12"-18" Protected Slot Length Limit (no possession)
Smallmouth Bass	- 1 Fish over 18" and 2 Fish under 12" Daily Creel Limit (37)

~~Kankakee River State Park (19) (33)~~~~Kankakee/Will Counties~~~~Kaskaskia River Fish and Wildlife Area (19)~~~~St.Clair/Randolph/Monroe Counties~~

Kaskaskia River Fish and Wildlife Area – Doza Creek Wildlife Management Area (33)

St.Clair County

Kendall Co. Lake #1, Kendall County Forest Preserve District

Kendall County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit

Kent Creek

Winnebago County

Trout	- Spring Closed Season (11)
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DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Kickapoo State Park Lakes & Pond, Kickapoo State Park

Vermilion County

All Fish	- 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14)	- 10 Fish Daily Creel Limit
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit

Kincaid City Reservoir, City of Kincaid

Christian County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit

Kinkaid Lake, Kinkaid Lake State Fish and Wildlife Area ~~(19)~~

Jackson County

Recreational Use Restrictions	- All live bait in excess of 8" must be rigged with a quick set rig (43)
Large or Smallmouth Bass	- 16" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
Pure Muskellunge	- 48" Minimum Length Limit (40)
White, Black, or Hybrid Crappie	- 9" Minimum Length Limit
White, Black, or Hybrid Crappie (15)	- 25 Fish Daily Creel Limit

Kinmundy Reservoir, City of Kinmundy

Marion County

All Fish	- 2 Pole and Line Fishing Only (1) (5)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit

Kishwaukee River and South Branch of Kishwaukee River and Tributaries, State of Illinois

Multiple Counties

Smallmouth Bass	- 14" Minimum Length Limit
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Lake Atwood, McHenry County Conservation District

McHenry County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- | | |
|-------------------------------|-----------------------------|
| Large or Smallmouth Bass | - 15" Minimum Length Limit |
| Large or Smallmouth Bass (14) | - 1 Fish Daily Creel Limit |
| Trout | - Spring Closed Season (11) |

Lake Bloomington, City of Bloomington

McLean County

- | | |
|---|---|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Bluegill or Redear Sunfish | - 8" Minimum Length Limit |
| Bluegill or Redear Sunfish (14) | - 25 10 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 15" Minimum Length Limit |
| Striped, White, or Hybrid Striped Bass | - 17" Minimum Length Limit |
| Striped, White, or Hybrid Striped Bass (16) | - 3 Fish Daily Creel Limit |
| White, Black or Hybrid Crappie (15) | - 25 Fish Daily Creel Limit |

Lake Carlton, Morrison-Rockwood State Park

Whiteside County

- | | |
|--------------------------------------|--|
| Recreational Use Restrictions | - All live bait in excess of 8" must be rigged with a quick set rig (43) |
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass (14) | - 1 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 14" Minimum Length Limit |
| Pure Muskellunge | - 36" Minimum Length Limit |
| White, Black, or Hybrid Crappie (15) | - 25 Fish Daily Creel Limit |

Lake Co. Forest Preserve District Lakes (except Independence Grove Lake), Lake County

Forest Preserve District

Lake County

- | | |
|------------------------------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 3 Fish Daily Creel Limit |
| Large Smallmouth Bass (14) | - 1 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 15" Minimum Length Limit |
| Walleye, Sauger, or Hybrid Walleye | - 16" Minimum Length Limit |

Lake Decatur, City of Decatur

Macon County

- | | |
|---------------------------------|--|
| All Fish | - 2 Pole and Line Fishing Only (1) (29) (36) |
| White, Black, or Hybrid Crappie | - 10" Minimum Length Limit |

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- White, Black, or Hybrid Crappie (15) - 10 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit

Lake Depue Fish and Wildlife Area (33)
 Bureau County

Lake Eureka, City of Eureka
 Woodford County

- All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 15" Minimum Length Limit
 Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Lake George, Loud Thunder Forest Preserve
 Rock Island County

- Recreational Use Restrictions - All live bait in excess of 8" must be rigged
 with a quick set rig (43)
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit
 Pure Muskellunge - 36" Minimum Length Limit
 Striped, White, or Hybrid Striped Bass - 17" Minimum Length Limit
 Striped, White, or Hybrid Striped Bass (16) - 1 Fish Daily Creel Limit
 White, Black, or Hybrid Crappie (15) - 25 Fish Daily Creel Limit

Lake Jacksonville, City of Jacksonville
 Morgan County

- All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 15" Minimum Length Limit
 Striped, White, or Hybrid Striped Bass - 17" Minimum Length Limit
 Striped, White, or Hybrid Striped Bass (16) - 3 Fish Daily Creel Limit
 White, Black, or Hybrid Crappie (15) - 25 Fish Daily Creel Limit
 White, Black, or Hybrid Crappie - 9" Minimum Length Limit

Lake Kakusha, City of Mendota
 LaSalle County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

All Fish	- 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish	- 8" Minimum Length Limit
Bluegill or Redear Sunfish (14)	- 10 Fish Daily Creel Limit
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
White, Black, or Hybrid Crappie (15)	- 25 Fish Daily Creel Limit
Lake Le-Aqua-Na, Lake Le-Aqua-Na State Park	
Stephenson County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
White, Black, or Hybrid Crappie (15)	- 10 Fish Daily Creel Limit
Lake Mendota, City of Mendota	
LaSalle County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass (14)	- 1 Fish \geq 15" &/or 2 <12" Daily (31)
Lake Michigan (Illinois Portion), State of Illinois	
Lake/Cook Counties	
Trout and Salmon	- 10" Minimum Length Limit
Trout and Salmon	- No more than 5 fish of any one species daily, except for Lake Trout
Lake Trout	- 2 Fish Daily Creel Limit
Yellow Perch	- 15 Fish Daily Creel Limit
Yellow Perch	- Closed During July (exception: 10 fish daily limit during July for youth under age 16)
Large or Smallmouth Bass	- 21" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
Lake Milliken, Des Plaines Conservation Area	
Will County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Trout - Spring Closed Season (11)

Lake Mingo & Kennekuk Cove Park Ponds, Vermilion County Conservation Area
Vermilion County

Recreational Use Restrictions - All live bait in excess of 8" must be rigged with a quick set rig (43)
All Fish - 2 Pole and Line Fishing Only (1) (44)
Bluegill or Redear Sunfish (14) - No more than 5 fish over 7" permitted; unlimited daily creel for fish 7" and under
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Pure Muskellunge - 48" Minimum Length Limit (40)
White, Black, or Hybrid Crappie - 9" Minimum Length Limit
White, Black, or Hybrid Crappie (15) - 15 Fish Daily Creel Limit

Lake Murphysboro, Lake Murphysboro State Park
Jackson County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Lake Nellie, City of St. Elmo
Fayette County

All Fish - 2 Pole and Line Fishing Only (1) (5)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit

Lake of the Woods & Elk's Pond, Champaign County Forest Preserve District
Champaign County

Recreational Use Restrictions - All live bait in excess of 8" must be rigged with a quick set rig (43)
All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14) - No more than 5 fish over 7" permitted; unlimited daily creel for fish 7" and under
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
Trout - Spring Closed Season (11)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Lake Owen, Hazel Crest Park District

Cook County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

Lake Paradise, City of Mattoon

Coles County

- All Fish - 2 Pole and Line Fishing Only (1)
- Large or Smallmouth Bass - 14" Minimum Length Limit

Lake Paradise Shadow Ponds, City of Mattoon

Coles County

- All Fish - 2 Pole and Line Fishing Only (1)
- Large or Smallmouth Bass - 14" Minimum Length Limit
- Channel Catfish - 6 Fish Daily Creel Limit

Lake Sara, City of Effingham

Effingham County

- Large or Smallmouth Bass - 14" Minimum Length Limit
- White, Black, or Hybrid Crappie (15) - 25 Fish Daily Creel Limit

Lake Shelbyville (21), U.S. Army Corps of Engineers

Moultrie/Shelby Counties

- Recreational Use Restrictions - During the regular waterfowl season, no bank or boat fishing shall be permitted on the Kaskaskia River from the Strickland Boat Access north to the Illinois Central Railroad Bridge from one-half hour before sunrise to 1 p.m.
- All live bait in excess of 8" must be rigged with a quick set rig (43)
- Large or Smallmouth Bass - 14" Minimum Length Limit
- Pure Muskellunge - 48" Minimum Length Limit (40)
- White, Black, or Hybrid Crappie (15) - ~~155~~ Fish Daily Creel Limit with only 5 Fish for fish under 10" and; 10 Fish Daily Creel Limit for Fish 10" and over permitted longer

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Lake Shelbyville – U.S. Army Corps of Engineers Project Ponds and Wood Lake, and Lake Shelbyville State Fish and Wildlife Management Area Ponds (33)

Moultrie/Shelby Counties

- | | |
|---|--|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 14" Minimum Length Limit |
| White, Black, or Hybrid Crappie | - 10" Minimum Length Limit |
| White, Black, or Hybrid Crappie (15) | - 10 Fish Daily Creel Limit |
| <u>White, Black, or Hybrid Crappie (15)</u> | <u>- 15 Fish Daily Creel Limit with only 5 Fish under 10" and 10 Fish 10" and over permitted</u> |

Lake Shermerville, Northbrook Park District

Cook County

- | | |
|-----------------|--------------------------------|
| All Fish | - 2 Pole and Line Fishing Only |
| Channel Catfish | - 6 Fish Daily Creel Limit |

Lake Sinnissippi ~~(19)~~(33)

Whiteside County

Lake Springfield, City of Springfield

Sangamon County

- | | |
|--------------------------------------|---|
| All Fish | - 2 Pole and Line Fishing Only (1) <u>(5)</u> |
| Large or Smallmouth Bass | - 15" Minimum Length Limit |
| White, Black, or Hybrid Crappie (15) | - 10 Fish Daily Creel Limit |
| White, Black, or Hybrid Crappie | - 10" Minimum Length Limit |

Lake Storey, City of Galesburg

Knox County

- | | |
|---|--|
| Recreational Use Restrictions | - All live bait in excess of 8" must be rigged with a quick set rig (43) |
| All Fish | - 2 Pole and Line Fishing Only (1) (5) |
| Bluegill and Redear Sunfish (14) | - 25 Fish Daily Creel Limit |
| Channel or Blue Catfish (14) | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass (14) | - 1 Fish > 15" and/or 5 < 12" Daily (12) |
| Pure Muskellunge | - 42" Minimum Length Limit |
| Walleye, Sauger, or Hybrid Walleye (14) | - 3 Fish Daily Creel Limit |

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Lake Strini, Village of Romeoville

Will County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

Lake Sule, Flagg-Rochelle Park District

Ogle County

- Recreational Use Restrictions - All live bait in excess of 8" must be rigged with a quick set rig (43)
- All Fish - 2 Pole and Line Fishing Only (1)
- Bluegill or Redear Sunfish (14) - 5 Fish Daily Creel Limit
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14" Minimum Length Limit
- Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
- Pure Muskellunge - 36" Minimum Length Limit
- White, Black or Hybrid Crappie (15) - 10 Fish Daily Creel Limit

Lake Taylorville, City of Taylorville

Christian County

- Large or Smallmouth Bass - 15" Minimum Length Limit
- White, Black, or Hybrid Crappie - 9" Minimum Length Limit
- White, Black, or Hybrid Crappie (15) - 25 Fish Daily Creel Limit

Lake Vandalia, City of Vandalia

Fayette County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14" Minimum Length Limit
- Striped, White, or Hybrid Striped Bass - 17" Minimum Length Limit
- Striped, White, or Hybrid Striped Bass (16) - 3 Fish Daily Creel Limit

Lake Vermilion, Vermilion County Conservation District

Vermilion County

- All Fish - 2 Pole and Line Fishing Only (1) (26)
(except that sport fishermen may take carp, carpsuckers, buffalo, gar, bowfin, and suckers by pitchfork, gigs, bow and arrow or bow and arrow devices north of Boiling

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

	Springs Road, but not within 300 feet around the wetland boardwalk)
Large or Smallmouth Bass	- 15" Minimum Length Limit
White, Black, or Hybrid Crappie	- 9" Minimum Length Limit
White, Black, or Hybrid Crappie (15)	- 25 Fish Daily Creel Limit
Lake Victoria, City of South Beloit	
Winnebago County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
Lake Williamsville, City of Williamsville	
Sangamon County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
LaSalle Lake, LaSalle Lake State Fish and Wildlife Area	
LaSalle County	
Recreational Use Restrictions	- Waterfowl refuge or hunting area; LaSalle Lake is closed to all fishing and boating from October 16 until March 15; during October and March, the lake is closed on Mondays and Tuesdays
All Fish	- 2 Pole and Line Fishing Only (1)
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
Large or Smallmouth Bass	- 18" Minimum Length Limit
Striped, White, or Hybrid Striped Bass (16)	- 10 Creel/3 Fish 17" or Longer Daily (17)
Levings Lake, Rockford Park District	
Winnebago County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
Lincoln Log Cabin Pond, Lincoln Log Cabin Historical Site	

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Coles County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit
- Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Lincoln Park North Lagoon, Chicago Park District

Cook County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 4 Fish Daily Creel Limit

Lincoln Park South Lagoon, Chicago Park District

Cook County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 4 Fish Daily Creel Limit

Lincoln Trail Lake, Lincoln Trail State Park

Clark County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14-18" Slot Length Limit (14" to 18" protected)
- Large or Smallmouth Bass (14) - 4 Creel/1 Fish >18" Daily (daily Catch Limit for large or smallmouth bass, singly or in the aggregate, shall not exceed 4 fish per day, no more than one of which shall be greater than 18" in length)

Litchfield City Lake, City of Litchfield

Montgomery County

- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit – 1 Fish 15" or Over and 2 Fish Under 15" Total Length (25)
- White, Black or Hybrid Crappie (15) - 15 Fish Daily Creel Limit

Loami Reservoir, City of Loami

Sangamon County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Large or Smallmouth Bass - 15" Minimum Length Limit

Lou Yeager Lake, City of Litchfield
Montgomery County

Large or Smallmouth Bass - 15" Minimum Length Limit

Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Lyerla Lake, Union County Conservation Area
Union County

[\(All fishing and boat traffic prohibited from October 16 through the last day of February\)](#)

All Fish - 2 Pole and Line Fishing Only (1)(5)

Channel Catfish - 6 Fish Daily Creel Limit

Mackinaw Ponds 1, 2, and 3, Mackinaw State Fish and Wildlife Area
Tazewell County

Large or Smallmouth Bass - 15" Minimum Length Limit

Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Macon County Conservation District Ponds (see also Rock Springs Pond and Rock Springs Bike Trail Pond), Macon County Conservation District

Macon County

All Fish - 2 Pole and Line Fishing Only (1)

Mallard Lake, DuPage County Forest Preserve District

DuPage County

All Fish - 2 Pole and Line Fishing Only (1)

Channel Catfish - 3 Fish Daily Creel Limit

Channel Catfish - 12" Minimum Length Limit

Large or Smallmouth Bass - 15" Minimum Length Limit

Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Pure Muskellunge - 48" Minimum Length Limit (40)

Walleye, Sauger, or Hybrid Walleye - 16" Minimum Length Limit

Walleye, Sauger, or Hybrid Walleye (14) - 3 Fish Daily Creel Limit

White, Black, or Hybrid Crappie - 9" Minimum Length Limit

White, Black, or Hybrid Crappie (15) - 15 Fish Daily Creel Limit

Maple Lake, Cook County Preserve District

Cook County

All Fish - 2 Pole and Line Fishing Only (1) (36)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Bluegill, Redear, or Pumpkinseed	- 15 Fish Daily Creel Limit
Sunfish (14)	
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
White, Black, or Hybrid Crappie (15)	- 15 Fish Daily Creel Limit

Marissa City Lake, City of Marissa
St. Clair County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit

Marquette Park Lagoon, Chicago Park District
Cook County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 4 Fish Daily Creel Limit

Marshall County Conservation Area (Fishing Ditch), Marshall County Conservation Area (33)
Marshall County

All Fish	- 2 Pole and Line Fishing Only (1)
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Marshall County Conservation Area – Sparland Unit ~~(19)~~(33)
Marshall County

Mascoutah Reservoir, City of Mascoutah
St. Clair County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit

Matthiessen Lake, Matthiessen State Park
LaSalle County

All Fish	- 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14)	- 10 Fish Daily Creel Limit
Channel Catfish	- 6 Fish Daily Creel limit
Large or Smallmouth Bass	- 14" Minimum Length Limit

Mattoon Lake, City of Mattoon
Coles County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

All Fish - 2 Pole and Line Fishing Only (1)
Large or Smallmouth Bass - 14" Minimum Length Limit

Mautino Fish and Wildlife Area, Mautino Fish and Wildlife Area

Bureau County

All Fish - 2 Pole and Line Fishing Only (1) (34)
Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Mauvaise Terre/Morgan Lake, City of Jacksonville

Morgan County

Large or Smallmouth Bass - 15" Minimum Length Limit

Mazonia Lakes & Ponds (excluding Ponderosa Lake), Mazonia State Fish and Wildlife Area (33)

Grundy/Kankakee/Will Counties

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
White, Black or Hybrid Crappie (15) - 10 Fish Daily Creel Limit

McCullom Lake, City of McHenry

McHenry County

All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14) - 25 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

McKinley Park Lagoon, Chicago Park District

Cook County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 4 Fish Daily Creel Limit

McLeansboro City Lakes, City of McLeansboro

Hamilton County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit

Meredosia Lake – Cass County Portion Only (meandered waters only) (33)

Cass County

Meredosia Lake, Cass County Portion

Cass County

Recreational Use Restrictions	- Meandered waters only; All boat traffic is prohibited from operating on meandered waters (except non-motorized boats may be used to assist in the retrieval of waterfowl shot from private land) from the period from one week before waterfowl season opens until the season closes; hunting and/or any other activity is prohibited during the period from one week before waterfowl season opens until the season closes
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Mermet State Lake, Mermet Lake Conservation Area (33)

Massac County

All Fish	- 2 Pole and Line Fishing Only (1) (5)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
White, Black, or Hybrid Crappie (15)	- 25 Fish Daily Creel Limit

Middle Fork Forest Preserve Pond, Champaign County Forest Preserve

Champaign County

All Fish	- 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14)	- 25 Fish Daily Creel Limit
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit

Middle Fork of the Vermilion River, Kickapoo State Park and Middle Fork Fish and Wildlife Area

Vermilion County

All Fish	- 2 Pole and Line Fishing Only (1)
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DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Mill Creek Lake, Clark County Park District
Clark County

Recreational Use Restrictions	- All live bait in excess of 8" must be rigged with a quick set rig (43)
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 12-15" Slot Length Limit (3)
Pure Muskellunge	- 42" Minimum Length Limit

Mill Pond, Pearl City Park District
Stephenson County

All Fish	- 2 Pole and Line Fishing Only (1)
Large or Smallmouth Bass	- 14" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit

Mill Race Ponds, Belvidere Park District
Boone County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Trout	- Spring Closed Season (11)

Miller Park Lake, City of Bloomington
McLean County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Trout	- Spring Closed Season (11)

Mineral Springs Park Lagoon, City of Pekin
Tazewell County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Trout	- Fall Closed Season (10)

| Mississippi River Pools 16, 17, 18, 21, 22, 24~~(19)~~ (33)
Multiple Counties

| Mississippi River Pools 25 and 26 (19)~~(46)~~
Multiple Counties

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Mississippi River (between IL & IA), State of Illinois
Multiple Counties

- | | |
|---|---|
| Recreational Use Restrictions | - Any tagged sport fishing device may not be left unattended for more than 24 hours or must be completely removed |
| | - Tailwaters of Lock and Dam 12 (down to Mill Creek, an Iowa tributary located at River Mile 556.0) and tailwaters of Lock and Dam 13 (down to the downstream end of Stamp Island, River Mile 521.5) closed to all fishing from December 1 through March 15) |
| All Fish | - Anglers must not use more than 2 poles and each pole must not have more than 2 hooks or lures while trolling |
| Bluegill or Pumpkinseed Sunfish | - 25 Fish Daily Creel Limit singly or in aggregate |
| Large or Smallmouth Bass | - 14" Minimum Length Limit |
| Large or Smallmouth Bass (14) | - 5 Fish Daily Creel Limit |
| Northern Pike | - 5 Fish Daily Creel Limit |
| Paddlefish | - Snagging for paddlefish is permitted from January 1 through April 15 within a 500 yard downstream limit below locks and dams on the Mississippi River between Illinois and Iowa except the tailwaters of Lock and Dam 12 and 13 are closed to all fishing from December 1 through March 15; daily catch limit is 2 fish; no sorting allowed; once the daily limit of paddlefish has been reached, snagging must cease |
| Rock Bass | - 25 Fish Daily Creel Limit |
| Striped, White, Yellow or Hybrid Striped Bass | - 25 Fish Daily Creel Limit singly or in aggregate – statewide regulation limiting daily creel to 3 fish 17" or longer is not in effect on the Mississippi River between Illinois and Iowa |
| Walleye and Sauger (14) | - 6 Fish Daily Creel Limit with no more than 1 walleye greater than 27" in total length |

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- | | |
|-------------------------------------|---|
| Walleye | - 15" Minimum Length Limit with a 20-27" Protected Slot Length Limit (24) |
| White, Black or Hybrid Crappie (15) | - 25 Fish Daily Creel Limit singly or in aggregate |
| Yellow Perch | - 25 Fish Daily Creel Limit |

Mississippi River (between IL & MO), State of Illinois
Multiple Counties

- | | |
|--|--|
| Recreational Use Restrictions | - Boating prohibited on refuge area (Ellis Bay) immediately upstream of Melvin Price Lock and Dam 26 overflow dike from October 15-April 15 |
| | - Any tagged sport fishing device may not be left unattended for more than 24 hours or must be completely removed |
| All Nongame Species Combined
(Excludes endangered and threatened species and the following game species:
Crappie, Channel/Blue/ Flathead
Catfish, Rock Bass, Warmouth,
White/Yellow/Striped/ Hybrid Striped
Bass, Trout,
Largemouth/Smallmouth/Spotted Bass,
Muskellunge, Northern Pike,
Chain/Grass Pickerel, Walleye, Sauger,
Paddlefish) | - 100 Total Fish Daily Creel Limit |
| Channel or Blue Catfish (14) | - 20 Fish Daily Creel Limit |
| Flathead Catfish | - 10 Fish Daily Creel Limit |
| Largemouth, Smallmouth, Spotted Bass | - 12" Minimum Length Limit or |
| Northern Pike | - 1 Fish Daily Creel Limit |
| Paddlefish | - 24" Eye to Fork Minimum Length Limit |
| Paddlefish | - Snagging for paddlefish is permitted from September 15 through December 15 and March 15 through May 15 within a 300 yard downstream limit below locks and dams on the Mississippi River between Illinois and Missouri except for Dam 27 area at the Chain of Rocks; daily catch limit is 2 fish; sorting is permitted; every |

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- paddlefish greater than or equal to 24 inches in eye to fork length must be taken into immediate possession and included in the daily catch limit; paddlefish less than 24" eye to fork length must be returned immediately to the water; once the daily limit of paddle fish has been reached, snagging must cease
- Striped, White, Yellow or Hybrid Striped Bass - 30 Fish Daily Creel Limit singly or in aggregate – statewide regulation limiting daily creel to 3 fish 17" or longer is not in effect on the Mississippi River between Illinois and Missouri
- Walleye and Sauger (14) - 8 Fish Daily Creel Limit
- White, Black or Hybrid Crappie (15) - 30 Fish Daily Creel Limit
- Monee Reservoir, Will County Forest Preserve District
Will County
- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit
- Montrose Lake, City of Montrose
Cumberland County
- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14" Minimum Length Limit
- Mt. Olive City Lakes (Old and New), City of Mt. Olive
Macoupin County
- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
- Mt. Pulaski Park District Lake, Mt. Pulaski Park District
Logan County
- All Fish - 2 Pole and Line Fishing Only (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- Channel Catfish - 6 Fish Daily Creel Limit
- Mt. Sterling Lake, City of Mt. Sterling
Brown County
- All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit
 - Large or Smallmouth Bass - 12-15" Slot Length Limit (3)
- Mt. Vernon City Park Lake, City of Mt. Vernon
Jefferson County
- All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit
 - Large or Smallmouth Bass - 15" Minimum Length Limit
 - Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
- Mt. Vernon Game Farm Pond, Mt. Vernon Game Farm
Jefferson County
- All Fish - 2 Pole and Line Fishing Only (1)
 - Trout - Fall Closed Season (10)
 - Trout - Spring Closed Season (11)
- Mundelein Park District Ponds , City of Mundelein
Lake County
- All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit
 - Large or Smallmouth Bass - 15" Minimum Length Limit
 - Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
- Nashville City Lake, City of Nashville
Washington County
- All Fish - 2 Pole and Line Fishing Only (1)
 - Channel Catfish - 6 Fish Daily Creel Limit
 - Large or Smallmouth Bass - 18" Minimum Length Limit
- Newton Lake, Newton Lake State Fish and Wildlife Area (41) (33)
Jasper County
- Recreational Use Restrictions - The cold water arm of Newton Lake shall be closed [daily from one-half hour before sunrise until 1:00 p.m.](#) to all fishing and

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

boat traffic except for legal waterfowl hunters during waterfowl season commencing with regular duck season through the close of the Canada goose and regular duck season

- All Fish - 2 Pole and Line Fishing Only (1) (5)
- Large or Smallmouth Bass - 18" Minimum Length Limit
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
- White, Black, or Hybrid Crappie (15) - 10 Fish Daily Creel Limit
- White, Black, or Hybrid Crappie - 10" Minimum Length Limit

Norris City Reservoir, City of Norris City
White County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit

North Marcum Campground Pond, U.S. Army Corps of Engineers
Franklin County

- Recreational Use Restrictions - Fishing permitted only by persons under 16 years of age
- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14" Minimum Length Limit
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

~~Oakford Conservation Area (Menard County) (19)
Menard County~~

Oakland City Lake, City of Oakland
Coles County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14" Minimum Length Limit

Oblong Lake, City of Oblong
Crawford County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- Large or Smallmouth Bass - 15" Minimum Length Limit
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Ohio River (between Illinois & Kentucky), State of Illinois

Multiple Counties ~~(19)~~

- Large or Smallmouth Bass - 12" Minimum Length Limit
- Northern Pike - No Length or Creel Limit
- Muskie or Tiger Muskie - 2 Fish Daily Creel Limit
- Muskie or Tiger Muskie - 30" Minimum Length Limit
- Walleye, Sauger, or Hybrid Walleye(14) - 10 Fish Daily Creel Limit
- White, Black, or Hybrid Crappie (15) - 30 Fish Daily Creel Limit
- Striped, White, Yellow or Hybrid - 30 Creel/4 Fish 15" or Longer Daily (32)
- Striped Bass

Ohio River – Smithland Pool Tributary Streams (in Pope/Hardin/Gallatin Counties, excluding Wabash River and Saline River Above Route 1 Bridge) ~~(19)~~

Multiple Counties

- Large and Smallmouth Bass - 12" Minimum Length Limit

Old Kinmundy Reservoir, City of Kinmundy

Marion County

- All Fish - 2 Pole and Line Fishing Only (1)(5)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit

Olsen Lake, Rock Cut State Park

Winnebago County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14" Minimum Length Limit
- Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Omaha City Reservoir, City of Omaha

Gallatin County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14" Minimum Length Limit

Omaha Township Reservoir, City of Omaha

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Gallatin County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14" Minimum Length Limit

Otter Lake, Otter Lake Water Commission

Macoupin County

- Recreational Use Restrictions - All live bait in excess of 8" must be rigged with a quick set rig (43)
- All Fish - 2 Pole and Line Fishing Only (1) [\(5\)](#)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
- Striped, White, or Hybrid Striped Bass (16) - 10 Creel/3 Fish 17" or Longer Daily (17)
- Pure Muskellunge - 48" Minimum Length Limit (40)

Palmyra – Modesto Water Commission Lake, Palmyra/Modesto Water Commission

Macoupin County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Pana Lake, City of Pana

Shelby and Christian Counties

- Recreational Use Restrictions - All live bait in excess of 8" must be rigged with a quick set rig (43)
- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14" Minimum Length Limit

Paris East & West Lakes, City of Paris

Edgar County

- All Fish - 2 Pole and Line Fishing Only (1) (5)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14" Minimum Length Limit

Peabody River King, Pit #3 Lakes and Ponds, River King State Conservation Area (see also

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Willow Lake for additional regulations)

St Clair County

All Fish	- 2 Pole and Line Fishing Only (1) (34)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
White, Black, or Hybrid Crappie (15)	- 25 Fish Daily Creel Limit
White, Black, or Hybrid Crappie	- 9" Minimum Length Limit

Pecatonica River and Tributaries, State of Illinois

Winnebago/Stephenson Counties

Smallmouth Bass	- 14" Minimum Length Limit
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~~Pekin Lake (19)~~~~Tazewell County~~

Perry Farm Pond, Bourbonnais Park District

Kankakee County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit

~~Piasa (19)-(33)~~

Madison/Jersey Counties

Pierce Lake, Rock Cut State Park

Winnebago County

Recreational Use Restrictions	- All live bait in excess of 8" must be rigged with a quick set rig (43)
All Fish	- 2 Pole and Line Fishing Only (1) (7)
Bluegill or Redear Sunfish (14)	- 10 Fish Daily Creel Limit
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Pure Muskellunge	- 48" Minimum Length Limit (40)
White, Black, or Hybrid Crappie (15)	- 25 Fish Daily Creel Limit

~~Pike County Conservation Area (19)~~~~Pike County~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Pinckneyville Lake, City of Pinckneyville

Perry County

- Large or Smallmouth Bass - 18" Minimum Length Limit
- Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Pine Creek

Ogle County

- Trout - Spring Closed Season (11)

Pine Creek (within the boundaries of White Pines Forest State Park)

Ogle County

- All Fish - 2 Pole and Line Fishing Only (1)
- Trout - Spring Closed Season (11)

Pine Lake, Village of University Park

Will County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

Piscasaw Creek

McHenry County

- Trout - 9" Minimum Length Limit
- Trout - Spring Closed Season (11)

Pittsfield City Lake, City of Pittsfield

Pike County

- All Fish - 2 Pole and Line Fishing Only (1) (7)
- Large or Smallmouth Bass - 14" Minimum Length Limit
- Striped, White, or Hybrid Striped Bass - 17" Minimum Length
- Striped, White, or Hybrid Striped Bass (16) - 3 Fish Daily Creel Limit

Pocahontas Park Ponds, City of Pocahontas

Bond County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

Ponderosa Lake, Mazonia State Fish and Wildlife Area (33)

Grundy County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

All Fish	- 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14)	- 10 Fish Daily Creel Limit
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
White, Black or Hybrid Crappie (15)	- 10 Fish Daily Creel Limit

Powerton Lake, Powerton Lake Fish and Wildlife Area (39)

Tazewell County

Recreational Use Restrictions	- Powerton Lake shall be closed to boat traffic except for legal waterfowl hunters from one week prior to regular waterfowl season to February 15, and closed to all unauthorized entry during regular Canada goose and duck season
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All Fish	- 2 Pole and Line Fishing Only (1)
Channel or Blue Catfish (14)	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 18" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
Striped, White, or Hybrid Striped Bass (16)	- 10 Creel/3 Fish 17" or Longer Daily (17)
Walleye, Sauger, or Hybrid Walleye (14)	- 3 Fish Daily Creel Limit
Walleye, Sauger, or Hybrid Walleye	- 18" Minimum Length Limit

Prospect Pond, City of Moline

Rock Island County

Trout	- Fall Closed Season (10)
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Pyramid State Park – Blue Wing Lake, Green Wing Lake and Goldeneye Lake, Pyramid State Park

Perry County

Recreational Use Restrictions	- Waterfowl Hunting Area (from October 28 through February 28 fishing is permitted in designated areas only, and fishing hours are from ½ hour before sunrise to 2 p.m.)
All Fish	- 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14)	- 25 Fish Daily Creel Limit
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 18" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- | | |
|--------------------------------------|-----------------------------|
| Large or Smallmouth Bass (14) | - 1 Fish Daily Creel Limit |
| White, Black, or Hybrid Crappie (15) | - 25 Fish Daily Creel Limit |

Pyramid State Park – Captain, Denmark, Galum and East Conant Areas – All Lakes and Ponds except Blue Wing Lake, Green Wing Lake and Goldeneye Lake, Pyramid State Park

Perry County

- | | |
|--------------------------------------|--|
| Recreational Use Restrictions | - Waterfowl Refuge or Hunting Area (all use other than waterfowl hunting prohibited from October 28 through February 28) |
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Bluegill or Redear Sunfish (14) | - 25 Fish Daily Creel Limit |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 18" Minimum Length Limit |
| Large or Smallmouth Bass (14) | - 1 Fish Daily Creel Limit |
| White, Black, or Hybrid Crappie (15) | - 25 Fish Daily Creel Limit |

Pyramid State Park Lakes & Ponds (excluding Captain, Denmark, ~~Gallum and East Conant and Galum~~ Areas), Pyramid State Park

Perry County

- | | |
|-----------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |

Ramsey Lake, Ramsey Lake State Park

Fayette County

- | | |
|--------------------------------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Bluegill or Redear Sunfish (14) | - 25 Fish Daily Creel Limit |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 14" Minimum Length Limit |
| White, Black, or Hybrid Crappie (15) | - 10 Fish Daily Creel Limit |
| White, Black, or Hybrid Crappie | - 9" Minimum Length Limit |

Ramsey Lake State Park Ponds, Ramsey Lake State Park

Fayette County

- | | |
|--------------------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 14" Minimum Length Limit |

Randolph County Lake, Randolph County Conservation Area

Randolph County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
Trout	- Fall Closed Season (10)

Red Hills Lake, Red Hills State Park
Lawrence County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit

| Red's Landing Wildlife Management Area (19)~~(33)~~
Calhoun County
(Walk-in area closed to trespassing 7 days prior to duck season)

Redwing Slough/Deer Lake (33)
Lake County

Rend Lake, U.S. Army Corps of Engineers (22) (33)
Franklin and Jefferson Counties

Channel Catfish	- All jugs must be attended at all times while fishing (2)
Large or Smallmouth Bass	- 14" Minimum Length Limit
Striped, White, Yellow, or Hybrid Striped Bass (8)	- 20 Creel/3 Fish 17" or Longer Daily
White, Black or Hybrid Crappie (15)	- 25 Creel/10 Fish 10" or Longer Daily

Rend Lake Project Ponds – Jackie Branch Pond, Ina N. Borrow Pit, Green Heron Pond, North Marcum Campground Pond, U.S. Army Corps of Engineers
Franklin and Jefferson Counties

Recreational Use Restrictions	- See kids only fishing regulations for North Marcum Campground Pond
All Fish	- 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14)	- 10 Fish Daily Creel Limit
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

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Rice Lake Fish and Wildlife Area (33)
Fulton County

Ridge Lake, Fox Ridge State Park
Coles County

Recreational Use Restrictions

All Fish

Channel Catfish

Large or Smallmouth Bass

~~Waterfowl Refuge or Hunting Area (19)~~

- 2 Pole and Line Fishing Only (1) (27)

- 14" Minimum Length Limit

- 14" Minimum Length Limit

Riis Park Lagoon, Chicago Park District
Cook County

All Fish

Channel Catfish

- 2 Pole and Line Fishing Only (1)

- 4 Fish Daily Creel Limit

Riprap Landing (19)~~(33)~~
Calhoun County

River Bend Forest Preserve Lakes (Sunset Lake and Shadow Lake), Champaign County Forest
Preserve District

Champaign County

All Fish

Bluegill or Redear Sunfish

Bluegill or Redear Sunfish (14)

Channel Catfish

Large or Smallmouth Bass

Large or Smallmouth Bass (14)

White, Black, or Hybrid Crappie

White, Black, or Hybrid Crappie (15)

- 2 Pole and Line Fishing Only (1)

- 8" Minimum Length Limit

- 10 Fish Daily Creel Limit

- 6 Fish Daily Creel Limit

- 15" Minimum Length Limit

- 1 Fish Daily Creel Limit

- 9" Minimum Length Limit

- 10 Fish Daily Creel Limit

Riverside Park Lagoon, Moline Park District
Rock Island County

All Fish

Channel Catfish

- 2 Pole and Line Fishing Only (1)

- 6 Fish Daily Creel Limit

Rochester Park Pond, City of Rochester
Sangamon County

All Fish

Bluegill or Redear Sunfish (14)

- 2 Pole and Line Fishing Only (1)

- 10 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Channel Catfish	- 3 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit

Rock Creek, State of Illinois

Kankakee County

Trout

- Spring Closed Season (11)

Rock River, from the Sears and Steel Dam downstream to confluence of the Mississippi River,
State of Illinois

Rock Island County

Walleye

- 15" Minimum Length Limit with a 20-27"
Protected Slot Length Limit (24)

Walleye and Sauger (14)

- 6 Fish Daily Creel Limit with no more than 1
walleye greater than 27" in total length

Rock River, Wisconsin State Line downstream to confluence of the Mississippi River, including
tributaries, State of Illinois

Multiple Counties

Smallmouth Bass

- 14" Minimum Length Limit

Rock Springs Bike Trail Pond, Macon County Conservation District

Macon County

All Fish

- 2 Pole and Line Fishing Only (1)

Channel Catfish

- 6 Fish Daily Creel Limit

Large or Smallmouth Bass

- 15" Minimum Length Limit

Large or Smallmouth Bass (14)

- 1 Fish Daily Creel Limit

Rock Springs Pond, Macon County Conservation District

Macon County

All Fish

- 2 Pole and Line Fishing Only (1)

Channel Catfish

- 6 Fish Daily Creel Limit

Large or Smallmouth Bass

- 15" Minimum Length Limit

Large or Smallmouth Bass (14)

- 1 Fish Daily Creel Limit

Trout

- Fall Closed Season (10)

Roodhouse Park Lake, City of Roodhouse

Green County

All Fish

- 2 Pole and Line Fishing Only (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Channel Catfish - 6 Fish Daily Creel Limit

Route 154 Day Use Pond, State of Illinois

Randolph County

All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 15" Minimum Length Limit
 Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Sag Quarry East, Cook County Forest Preserve District

Cook County

[Bluegill, Redear, or Pumpkinseed Sunfish \(14\)](#) - [15 Fish Daily Creel Limit](#)
 Rainbow Trout - Spring Closed Season (11)
[White, Black, or Hybrid Crappie \(15\)](#) - [15 Fish Daily Creel Limit](#)

Sahara Woods Fish and Wildlife Area, State of Illinois

Saline County

All Fish - 2 Pole and Line Fishing Only (1)
 Bluegill or Redear Sunfish (14) - 15 Fish Daily Creel Limit
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 18" Minimum Length Limit
 Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
 White, Black, or Hybrid Crappie (15) - 15 Fish Daily Creel Limit

St. Elmo South Lake, City of St. Elmo

Fayette County

All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit

Salem Reservoir, City of Salem

Marion County

All Fish - 2 Pole and Line Fishing Only (1) (5)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit

Sam Dale Lake, Sam Dale Conservation Area

Wayne County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- | | |
|--------------------------|---------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1)(5) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 14" Minimum Length Limit |

Sam Dale Trout Pond, Sam Dale Conservation Area

Wayne County

- | | |
|--------------------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 14" Minimum Length Limit |
| Trout | - Fall Closed Season (10) |
| Trout | - Spring Closed Season (11) |

Sam Parr Lake, Sam Parr State Park

Jasper County

- | | |
|--------------------------|--|
| All Fish | - 2 Pole and Line Fishing Only (1) (5) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 14" Minimum Length Limit |

Sand Lake, Illinois Beach State Park

Lake County

- | | |
|-------------------------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 15" Minimum Length Limit |
| Large or Smallmouth Bass (14) | - 1 Fish Daily Creel Limit |
| Trout | - Fall Closed Season (10) |
| Trout | - Spring Closed Season (11) |

Sanganois Conservation Area (33) (42)

Mason/Cass/Schuyler/Menard Counties

Sangchris Lake, Sangchris Lake State Park

Christian/Sangamon Counties

- | | |
|-------------------------------|--|
| Recreational Use Restrictions | - Posted waterfowl refuge closed to all boat traffic during waterfowl season. Bank fishing along the dam shall be permitted. 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. Fishing |
|-------------------------------|--|

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

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

- All Fish - 2 Pole and Line Fishing Only (1) (45)
- Large or Smallmouth Bass (14) - 1 Fish > or equal to 15" and 2 Fish < 15" daily (25)
- White, Black, or Hybrid Crappie (15) - 10 Fish Daily Creel Limit
- White, Black, or Hybrid Crappie - 10" Minimum Length Limit

Sangchris Lake Park Ponds, Sangchris Lake State Park
Sangamon County

- All Fish - 2 Pole and Line Fishing Only (1)

Schiller Pond, Cook County Forest Preserve District
Cook County

- All Fish - 2 Pole and Line Fishing Only (1) (36)
- [Bluegill, Redear, or Pumpkinseed Sunfish \(14\)](#) - [15 Fish Daily Creel Limit](#)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14" Minimum Length Limit
- [White, Black, or Hybrid Crappie \(15\)](#) - [15 Fish Daily Creel Limit](#)

Schuy-Rush Lake, City of Rushville
Schuyler County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- White, Black or Hybrid Crappie - 9" Minimum Length Limit

Senior Citizen's Pond, Kankakee River State Park
Kankakee County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

Sesser City Lake, City of Sesser
Franklin County

- All Fish - 2 Pole and Line Fishing Only (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 18" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit

Shabbona Lake, Shabbona Lake State Park
DeKalb County

Recreational Use Restrictions	- All live bait in excess of 8" must be rigged with a quick set rig (43)
All Fish	- 2 Pole and Line Fishing Only (1) (7)
Bluegill or Redear Sunfish (14)	- 10 Fish Daily Creel Limit
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Pure Muskellunge	- 48" Minimum Length Limit (40)
Striped, White, or Hybrid Striped Bass	- 17" Minimum Length Limit
Striped, White, or Hybrid Striped Bass (16)	- 3 Fish Daily Creel Limit
Walleye, Sauger, or Hybrid Walleye	- 18" Minimum Length Limit
White, Black, or Hybrid Crappie (15)	- 10 Fish Daily Creel Limit

Shawnee National Forest Lakes and Ponds less than 10 acres, U.S. Forest Service
Multiple Counties

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Largemouth, Smallmouth or Spotted Bass	- 15" Minimum Length Limit

Shawnee National Forest – Bay Creek Lake #5 and #8 (Sugar Creek Lake), U.S. Forest Service
Pope County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Largemouth, Smallmouth and Spotted Bass	- 15" Minimum Length Limit

Shawnee National Forest – Dutchman Lake, U.S. Forest Service

Johnson County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Largemouth, Smallmouth or Spotted Bass	- 15" Minimum Length Limit

Shawnee National Forest – Lake Glendale, U.S. Forest Service
Pope County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Largemouth, Smallmouth or Spotted Bass	- 15" Minimum Length Limit

Shawnee National Forest – Little Cache #1, U.S. Forest Service

Johnson County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Largemouth or Smallmouth Bass	- 15" Minimum Length Limit

Shawnee National Forest – Little Cedar Lake, U.S. Forest Service

Jackson County

All Fish	- 2 Pole and Line Fishing Only (1)
<u>Large or Smallmouth Bass</u>	<u>- 14"-18" Protected Slot Length Limit (no possession)</u>
<u>Large or Smallmouth Bass (14)</u>	<u>- 5 Fish Under 14" and 1 Fish over 18" Daily Creel Limit (38)</u>
<u>Striped, White, or Hybrid Striped Bass</u>	<u>- 17" Minimum Length Limit</u>
<u>Striped, White, or Hybrid Striped Bass (16)</u>	<u>- 3 Fish Daily Creel Limit</u>
<u>Channel Catfish</u>	<u>- 6 Fish Daily Creel Limit</u>
<u>Largemouth, Smallmouth or Spotted Bass</u>	<u>- 15" Minimum Length Limit</u>

Shawnee National Forest – One Horse Gap Lake, U.S. Forest Service

Pope County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Largemouth, Smallmouth or Spotted Bass	- 15" Minimum Length Limit

Shawnee National Forest – Pounds Hollow Lake, U.S. Forest Service

Gallatin County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Largemouth, Smallmouth or Spotted Bass	- 15" Minimum Length Limit

Shawnee National Forest – Tecumseh Lake, U.S. Forest Service

Hardin County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Largemouth, Smallmouth or Spotted Bass - 15" Minimum Length Limit

Shawnee National Forest – Turkey Bayou, U.S. Forest Service

Jackson County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Largemouth, Smallmouth or Spotted Bass - 15" Minimum Length Limit

Shawnee National Forest – Whoopie Cat Lake, U.S. Forest Service

Hardin Counties

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Largemouth, Smallmouth or Spotted Bass - 15" Minimum Length Limit

Sherman Park Lagoon, Chicago Park District

Cook County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 4 Fish Daily Creel Limit

Siloam Springs Lake, Siloam Springs State Park

Adams County

All Fish - 2 Pole and Line Fishing Only (1) (7)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 12-15" Slot Length Limit (3)
Trout - Fall Closed Season (10)
Trout - Spring Closed Season (11)

Siloam Springs State Park Buckhorn Unit Waters, Siloam Springs State Park

Brown County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Bluegill or Redear Sunfish - 8" Minimum Length Limit
Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
Large or Smallmouth Bass - 18" Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

Silver Lake, City of Highland

Madison County

Large or Smallmouth Bass - 15" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Silver Lake, DuPage County Forest Preserve District

Dupage County

All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 3 Fish Daily Creel Limit
 Channel Catfish - 12" Minimum Length Limit
 Large or Smallmouth Bass - 15" Minimum Length Limit
 Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
 Trout - Spring Closed Season (11)
 Walleye, Sauger, or Hybrid Walleye - 16" Minimum Length Limit
 Walleye, Sauger, or Hybrid Walleye (14) - 3 Fish Daily Creel Limit
 White, Black or Hybrid Crappie - 9" Minimum Length Limit
 White, Black or Hybrid Crappie (15) - 15 Fish Daily Creel Limit

Silver Springs S.P. (Big Lake) & Ponds, Silver Springs State Fish and Wildlife Area

Kendall County

All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 15" Minimum Length Limit
 Trout - Fall Closed Season (10)
 Trout - Spring Closed Season (11)

Skokie Lagoons, Cook County Forest Preserve District

Cook County

All Fish - 2 Pole and Line Fishing Only (1) (36)
[Bluegill, Redear, or Pumpkinseed Sunfish \(14\)](#) - [15 Fish Daily Creel Limit](#)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit
 Walleye, Sauger, or Hybrid Walleye - 18" Minimum Length Limit
[White, Black, or Hybrid Crappie \(15\)](#) - [15 Fish Daily Creel Limit](#)

Small Pit Pond, Boone County Conservation District

Boone County

All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit
 Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Snakeden Hollow State Fish and Wildlife Area – McMaster Lake & Other Site Waters, State of Illinois

Knox County

Recreational Use Restrictions

- Waterfowl Refuge or Hunting Area (all use other than waterfowl hunting prohibited from [14 days prior to duck season through the end of the central zone](#)~~October 1 through the end of the~~ Canada goose season)

- All live bait in excess of 8" must be rigged with a quick set rig (43)

- 2 Pole and Line Fishing Only (1)

- 10 Fish Daily Creel Limit

- 6 Fish Daily Creel Limit

- 3 Fish Daily Creel Limit with only one fish 15" or longer

- 42" Minimum Length Limit

- 3 Fish Daily Creel Limit

- 5 Fish Daily Creel Limit

All Fish

Bluegill or Redear Sunfish (14)

Channel Catfish

Large or Smallmouth Bass (14)

Pure Muskellunge

Walleye, Sauger, or Hybrid Walleye (14)

White, Black, or Hybrid Crappie (15)

Sparta City Lakes, City of Sparta

Randolph County

All Fish

- 2 Pole and Line Fishing Only (1)

Channel Catfish

- 6 Fish Daily Creel Limit

Large or Smallmouth Bass

- 15" Minimum Length Limit

Sparta City Reservoir (South), City of Sparta

Randolph County

All Fish

- 2 Pole and Line Fishing Only (1)

Channel Catfish

- 6 Fish Daily Creel Limit

Bluegill or Redear Sunfish (14)

- 15 Fish Daily Creel Limit

Large or Smallmouth Bass

- 15" Minimum Length Limit

Sparta "T" Lake, City of Sparta

Randolph County

All Fish

- 2 Pole and Line Fishing Only (1)

Bluegill or Redear Sunfish

- 8" Minimum Length Limit

Bluegill or Redear Sunfish (14)

- 15 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

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Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
White, Black, or Hybrid Crappie	- 9" Minimum Length Limit
White, Black, or Hybrid Crappie (15)	- 10 Fish Daily Creel Limit

Sparta World Shooting and Recreational Complex – Derby Lake, State of Illinois
Randolph County

All Fish	- 2 Pole and Line Fishing Only (1)
Bluegill and Redear Sunfish (14)	- 15 Fish Daily Creel Limit
Channel Catfish	- 6 Fish Daily Creel Limit
Large and Smallmouth Bass	- 18" Minimum Length Limit
Large and Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
White, Black, or Hybrid Crappie	- 10" Minimum Length Limit
White, Black, or Hybrid Crappie (15)	- 10 Fish Daily Creel Limit
Trout	- Fall Closed Season (10)
Trout	- Spring Closed Season (11)

Sparta World Shooting and Recreational Complex Lakes, State of Illinois
Randolph County

All Fish	- 2 Pole and Line Fishing Only (1)
Bluegill and Redear Sunfish (14)	- 15 Fish Daily Creel Limit
Channel Catfish	- 6 Fish Daily Creel Limit
Large and Smallmouth Bass	- 18" Minimum Length Limit
Large and Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
White, Black, or Hybrid Crappie	- 10" Minimum Length Limit
White, Black, or Hybrid Crappie (15)	- 10 Fish Daily Creel Limit

Spencer Lake, Boone County Conservation District
Boone County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit

Sportsmans' Club Pond, Macon County Conservation District
Macon County

All Fish	- 2 Pole and Line Fishing Only (1)
Trout	- Spring Closed Season (11)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Spring Lake, City of Macomb
McDonough County

- | | |
|---|--|
| Recreational Use Restrictions | - All live bait in excess of 8" must be rigged with a quick set rig (43) |
| All Fish | - 2 Pole and Line Fishing Only (1) (5) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 15" Minimum Length Limit |
| Large or Smallmouth Bass (14) | - 3 Fish Daily Creel Limit |
| Striped, White, or Hybrid Striped Bass | - 17" Minimum Length Limit |
| Striped, White, or Hybrid Striped Bass (16) | - 3 Fish Daily Creel Limit |

Spring Lakes (North & South), Spring Lake Conservation Area (33)
Tazewell County

- | | |
|--------------------------------------|--|
| Recreational Use Restrictions | - All live bait in excess of 8" must be rigged with a quick set rig (43) |
| All Fish | - 2 Pole and Line Fishing Only (1) (34) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 15" Minimum Length Limit |
| Large or Smallmouth Bass (14) | - 3 Fish Daily Creel Limit |
| Pure Muskellunge | - 48" Minimum Length Limit (40) |
| White, Black, or Hybrid Crappie (15) | - 25 Fish Daily Creel Limit |
| White, Black, or Hybrid Crappie | - 9" Minimum Length Limit |

Spring Pond, Flagg-Rochelle Park District
Ogle County

- | | |
|-------------------------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Large or Smallmouth Bass | - 14" Minimum Length Limit |
| Large or Smallmouth Bass (14) | - 1 Fish Daily Creel Limit |

Starved Rock State Park ~~(19)~~ (33)
LaSalle CountyStaunton City Lake, City of Staunton
Macoupin County

- | | |
|-------------------------------|--|
| Recreational Use Restrictions | - All live bait in excess of 8" must be rigged with a quick set rig (43) |
| All Fish | - 2 Pole and Line Fishing Only (1) |

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
<u>Pure Muskellunge</u>	<u>- 36" Minimum Length Limit</u>

Stephen A. Forbes State Park ~~(19)~~ (33) (see also Forbes State Lake and Forbes State Park Ponds)
Marion County

Sterling Lake, Lake County Forest Preserve District
Lake County

Recreational Use Restrictions	- All live bait in excess of 8" must be rigged with a quick set rig (43)
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 3 Fish Daily Creel Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Pure Muskellunge	- 48" Minimum Length Limit
Walleye, Sauger, or Hybrid Walleye	- 16" Minimum Length Limit

Storm Lake, DeKalb Park District
DeKalb County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit

Stump Lake Wildlife Management Area ~~(19)~~(33)
Jersey County

Tampier Lake, Cook County Forest Preserve District
Cook County

All Fish	- 2 Pole and Line Fishing Only (36)
<u>Bluegill or Redear Sunfish</u>	<u>- 8" Minimum Length Limit</u>
Bluegill, or Redear, <u>or Pumpkinseed</u> Sunfish (14)	- <u>15</u> 10 Fish Daily Creel Limit
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Walleye, Sauger, or Hybrid Walleye	- 18" Minimum Length Limit
<u>White, Black, or Hybrid Crappie (15)</u>	<u>- 15 Fish Daily Creel Limit</u>

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Taylorville Park District Pond, Taylorville Park District
Christian County

All Fish	- 2 Pole and Line Fishing Only (1)
Trout	- Spring Closed Season (11)
Trout	- Fall Closed Season (10)

Ten Mile Creek Lakes, Ten Mile Creek State Fish and Wildlife Area ~~(19)~~(33)
Hamilton/Jefferson Counties

(Areas designated as [waterfowl rest areas](#)~~refuge~~ are closed to all access during the Canada goose season [only](#))

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit

Tilton City Lake, City of Tilton
Vermilion County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 3 Fish Daily Creel Limit
Bluegill or Redear Sunfish (14)	- 15 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit

Toledo Reservoir, City of Toledo
Cumberland County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit

Turkey Bluff Ponds, State of Illinois
Randolph County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large and Smallmouth Bass	- 15" Minimum Length Limit
Large and Smallmouth Bass (14)	- 1 Fish Daily Creel Limit

Turner Lake, Chain O'Lakes State Park
Lake County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit

Tuscola City Lake, City of Tuscola
Douglas County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit

Union County Conservation Area – [All waters except Lyerla Lake](#)

Union County

(All fishing and boat traffic prohibited [from](#) October [16 through the last day of February](#)~~15-~~
~~March 1~~)

[Union County Conservation Area – Lyerla Lake](#)

[Union County](#)

[\(All fishing and boat traffic prohibited from October 16 through the last day of February\)](#)

All Fish	- 2 Pole and Line Fishing Only (1)(5)
Channel Catfish	- 6 Fish Daily Creel Limit

Valley Lake, Wildwood Park District
Lake County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit

Valmeyer Lake, City of Valmeyer

Monroe County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit

Vanhorn Woods Pond, Plainfield Park District

Will County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
Vernor Lake, City of Olney Richland County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Villa Grove East Lake, City of Villa Grove Douglas County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Villa Grove West Lake, City of Villa Grove Douglas County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit
Trout	- Fall Closed Season (10)
Virginia City Reservoir, City of Virginia Cass County	
All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Waddams Creek Stephenson County	
Trout	- Spring Closed Season (11)
Walnut Point Lake, Walnut Point State Fish and Wildlife Area Douglas County	
All Fish	- 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14)	- 15 Fish (either singly or in aggregate) Daily Creel Limit, of which only 5 fish can be 8" or longer
Channel Catfish	- 6 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Large or Smallmouth Bass - 12-15" Slot Length Limit (3)

Walton Park Lake, City of Litchfield
Montgomery County

All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish - 8" Minimum Length Limit
Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

Wampum Lake, Cook County Forest Preserve District
Cook County

All Fish - 2 Pole and Line Fishing Only (1) (36)
Bluegill, ~~or~~ Redear, or Pumpkinseed - 15 Fish Daily Creel Limit~~Catch and Release~~
Sunfish (14) Only (9)
Large or Smallmouth Bass - 14" Minimum Length Limit
White, Black, or Hybrid Crappie (15) - 15 Fish Daily Creel Limit

Washington County Lake, Washington County Conservation Area

Washington County

All Fish - 2 Pole and Line Fishing Only (1) (5)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
Striped, White, or Hybrid Striped Bass - 17" Minimum Length Limit
Striped, White, or Hybrid Striped Bass - 3 Fish Daily Creel Limit
(16)

Washington Park Lagoon, Chicago Park District

Cook County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 4 Fish Daily Creel Limit

Washington Park Pond, Springfield Park District

Sangamon County

All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 3 Fish Daily Creel Limit
Trout - Fall Closed Season (10)
Trout - Spring Closed Season (11)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Waverly Lake, City of Waverly
Morgan County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit

Weinberg-King Pond, Weinberg-King State Park
Schuyler County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

Weldon Springs Lake, Weldon Springs State Park
DeWitt County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit
- Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit

West Frankfort New City Lake, City of West Frankfort
Franklin County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 15" Minimum Length Limit
- Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit

West Frankfort Old City Lake, City of West Frankfort
Franklin County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit

West Salem Reservoir, City of West Salem
Edwards County

- All Fish - 2 Pole and Line Fishing Only (1)
- Channel Catfish - 6 Fish Daily Creel Limit
- Large or Smallmouth Bass - 14" Minimum Length Limit

White Hall City Lake, City of White Hall
Greene County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- | | | |
|--|-----------------|--|
| | All Fish | - 2 Pole and Line Fishing Only (1) (5) |
| | Channel Catfish | - 6 Fish Daily Creel Limit |

White Oaks Park Lake, City of Bloomington
McLean County

- | | |
|-------------------------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 15" Minimum Length Limit |
| Large or Smallmouth Bass (14) | - 1 Fish Daily Creel Limit |

Wilderness Pond, Fox Ridge State Park
Coles County

- | | | |
|--|--|--|
| | Recreational Use Restrictions | Waterfowl Refuge or Hunting Area (19) |
| | All Fish | - 2 Pole and Line Fishing Only (1) |
| | Bluegill or Redear Sunfish (14) | - 5 Fish Daily Creel Limit |
| | Channel Catfish | - 6 Fish Daily Creel Limit |
| | Large or Smallmouth Bass | - 18" Minimum Length Limit |
| | Large or Smallmouth Bass (14) | - 1 Fish Daily Creel Limit |

Wildlife Prairie State Park, State of Illinois
Peoria County

- | | |
|-------------------------------------|---|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |
| Large or Smallmouth Bass | - 12-18" Protected Slot Length Limit (no possession allowed within the protected slot length limit) |
| Large or Smallmouth Bass (14) | - 3 Fish Daily Creel Limit |
| Bluegill or Redear Sunfish (14) | - 25 Fish Daily Creel Limit |
| White, Black or Hybrid Crappie | - 9" Minimum Length Limit |
| White, Black or Hybrid Crappie (15) | - 25 Fish Daily Creel Limit |
| Pure or Hybrid Muskellunge | - 42" Minimum Length Limit |

William W. Powers Conservation Area (33)
Cook County

Willow Lake, Peabody River King State Conservation Area
St. Clair County

- | | |
|-----------------|------------------------------------|
| All Fish | - 2 Pole and Line Fishing Only (1) |
| Channel Catfish | - 6 Fish Daily Creel Limit |

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 3 Fish Daily Creel Limit
White, Black, or Hybrid Crappie (15)	- 25 Fish Daily Creel Limit
White, Black, or Hybrid Crappie	- 9" Minimum Length Limit
Trout	- Fall Closed Season (10)

Wolf Lake, William W. Powers Conservation Area (33)

Cook County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 14" Minimum Length Limit

Woodford Co. Cons. Area (Fishing Ditch), Woodford County Conservation Area (33)

Woodford County

All Fish	- 2 Pole and Line Fishing Only (1)
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Woodlawn Pond, Frankfort Square Park District

Will County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit

Wyman Lake, City of Sullivan

Moultrie County

All Fish	- 2 Pole and Line Fishing Only (1)
Channel Catfish	- 6 Fish Daily Creel Limit
Large or Smallmouth Bass	- 15" Minimum Length Limit
Large or Smallmouth Bass (14)	- 1 Fish Daily Creel Limit
Trout	- Spring Closed Season (11)

Yellow Creek

Stephenson County

Trout	- Spring Closed Season (11)
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(Source: Amended at 33 Ill. Reg. _____, effective _____)

Section 810.70 Free Fishing Days

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

During the period of June [5, 6, 7 and 8, 2009](#)~~6, 7, 8 and 9, 2008~~, it shall be legal for any person to fish in waters wholly or in part within the jurisdiction of the State, including the Illinois portion of Lake Michigan, without possessing a sport fishing license, salmon stamp or inland trout stamp.

(Source: Amended at 33 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Adverse Health Care Event Reporting Code
- 2) Code Citation: 77 Ill. Adm. Code 235
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
235.110	New
235.120	New
235.130	New
235.140	New
235.150	New
235.160	New
235.170	New
235.180	New
- 4) Statutory Authority: Illinois Adverse Health Care Events Reporting Law of 2005 [410 ILCS 522]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed rules set forth a health care facility reporting system for adverse health care events, as such events are defined in the Illinois Adverse Health Care Events Reporting Law of 2005. The Law defines "health care facilities" as hospitals and ambulatory surgical treatment centers. The proposed rules set forth definitions; time frames for reporting events; the required elements of the report; and necessary follow-up reporting, which includes a root cause analyses and corrective action plan. The Department's communication with the health care facilities and the Annual Report are described. Enforcement provisions for noncompliance are also included, as well as a confidentiality provision.

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

- 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 or expand 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 the publication of this issue of the *Illinois Register* to:
- Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield, Illinois 62761
- 217/782-2043
e-mail: dph.rules@illinois.gov
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Not-for-profit health care facilities
- B) Reporting, bookkeeping or other procedures required for compliance: Reporting of adverse health care events and necessary follow-up reporting, as applicable, including root cause analyses and corrective action plans
- C) Types of professional skills necessary for compliance: Information gathering, reporting, conducting root cause analyses and developing corrective action plans
- 14) Regulatory Agenda on which this rulemaking was summarized: January 2008

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED RULES

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER b: HOSPITALS AND AMBULATORY CARE FACILITIESPART 235
ADVERSE HEALTH CARE EVENT REPORTING CODE

Section

235.110	Definitions
235.120	Referenced Materials
235.130	Adverse Health Care Events
235.140	Adverse Health Care Event Reporting System
235.150	Root Cause Analysis and Corrective Action Plan
235.160	Communication and Annual Report
235.170	Enforcement
235.180	Confidentiality

AUTHORITY: Implementing and authorized by the Illinois Adverse Health Care Events Reporting Law of 2005 [410 ILCS 522].

SOURCE: Adopted at 33 Ill. Reg. _____, effective _____.

Section 235.110 Definitions

For the purpose of this Part:

"ABO-incompatible blood or blood products" means blood or blood products that are inconsistent with a given patient's blood type.

"Act" means the Illinois Adverse Health Care Events Reporting Law of 2005 [410 ILCS 522].

"Admitting diagnosis code" means a standard medical code associated with an injury or illness of a patient, which is assigned to the patient at the time of admission to the health care facility.

"Adverse health care event" means any event listed in Section 235.130 of this Part.

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"Biologics" means products made from living organisms. Biologics are derived from living material (human, plant, animal or microorganism) and used for the treatment, prevention, or cure of disease in humans.

"Contamination" means the presence of a detectable foreign substance or material that renders a substance, preparation, device or equipment impure, unstable or unsuitable for use.

"Corrective action plan" means a document that describes the specific steps that the health care facility has taken or intends to take to resolve or reduce the risk of similar adverse health care events occurring in the facility. This document will address responsibility for implementation, oversight, time lines and strategies for measuring the effectiveness of the actions.

"Death" means patient death related to an adverse event and not related solely to the natural course of the patient's illness or underlying condition. Events otherwise reportable under this Part shall be reported even if the death might have otherwise occurred as the natural course of the patient's illness or underlying condition. (Section 10-15(h) of the Act)

"Department" means the Illinois Department of Public Health. (Section 10-10 of the Act)

"Device" includes, but is not limited to, catheters, drains and other specialized tubes, infusion pumps and ventilators. (Section 10-15 of the Act)

"Findings of root cause analysis" means the conclusions of the organizational root cause analysis that summarize how the adverse event happened and reasons for the adverse event occurrence. Reportable findings do not include investigatory notes, data, staff interviews and other unrelated documentation that led to the conclusions of the root cause analysis.

"Health care facility" means a hospital maintained by the State or any department or agency of the State where such department or agency has authority under law to establish and enforce standards for the hospital under its management and control a hospital maintained by any university or college established under the laws of this State and supported principally by public funds raised by taxation, a hospital licensed under the Hospital Licensing Act [210 ILCS 85], a hospital organized under the University of Illinois Hospital Act [110 ILCS 330], and an

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ambulatory surgical treatment center licensed under the Ambulatory Surgical Treatment Center Act [210 ILCS 5]. (Section 10-10 of the Act)

"Health care facility environment" means the totality of the conditions of a health care facility, including infrastructure, services and physical plant.

"Hypoglycemia" is defined as blood glucose levels <60 milligrams/deciliter (mg/dl).

"Inpatient" means a patient who is admitted to a health care facility for treatment that requires at least one overnight stay.

"Low risk pregnancy" means a pregnancy that is anticipated to be free of problems based on a woman's past medical history, past gynecological and obstetric history and any other relevant issues as the pregnancy continues.

"Major life activity" means an activity of central importance to a person's daily life.

"Principal procedure code" means a code that identifies the procedure performed for definitive treatment of a patient, rather than for diagnostic or exploratory purposes, or that is necessary to take care of a complication.

"Process" means a systematic sequence of actions used to produce something or achieve an end.

"Product" means something produced by human or mechanical effort or by a natural process.

"Restraint" means any method of restricting a patient's freedom of movement that: is not a usual and customary part of a medical diagnostic or treatment procedure to which the patient or his or her legal representative has consented; is not indicated to treat the patient's medical condition or symptoms; or does not promote the patient's independent functioning.

"Root cause" means a fundamental reason or reasons for an adverse event, without which the adverse health care event would not have occurred.

"Root cause analysis" means the process for determining how an error occurred.

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"Serious disability" means a physical or mental impairment, including loss of a body part, related to an adverse event and not related solely to the natural course of the patient's illness or underlying condition, that substantially limits one or more of the major life activities of an individual or results in a loss of bodily function, if the impairment or loss lasts more than 7 days prior to discharge or is still present at the time of discharge from an inpatient health care facility.
(Section 10-15(h) of the Act)

"Sexual Assault" means an act of nonconsensual forced sexual penetration or sexual conduct as defined in Section 12-12 of the Criminal Code of 1961 [720 ILCS 5], including, without limitation, acts prohibited under Sections 12-13 through 12-16 of the Criminal Code of 1961.

"Significant injury" means harm or hurt through damage inflicted on the body by an external force.

"Surgery" means treatment of diseases or injuries by manual and/or instrumental methods. Such methods may include invasive, minimally invasive or non-invasive procedures, depending on the conditions treated and the nature of the instruments and technology used.

"System" means a set of interdependent elements, both human and nonhuman, interacting to achieve a common goal.

"Systemic disturbance" means a human or nonhuman malfunction, intrusion or interruption that affects multiple organs, tissues or processes, or affects the body or organization as a whole.

Section 235.120 Referenced Materials

The following materials are referenced in this Part:

- a) State of Illinois statutes:
 - 1) Hospital Licensing Act [210 ILCS 85]
 - 2) Ambulatory Surgical Treatment Center Act [210 ILCS 5]

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- 3) University of Illinois Hospital Act [110 ILCS 330]
 - 4) Criminal Code of 1961 [720 ILCS 5]
 - 5) Code of Civil Procedure, Article VIII, Part 21 [735 ILCS 5/Art. VIII, Part 21]
- b) State of Illinois Administrative Rules
Rules of Practice and Procedure in Administrative Hearings (Illinois Department of Public Health) (77 Ill. Adm. Code 100)

Section 235.130 Adverse Health Care Events

The following are "adverse health care events" for the purposes of the requirements of the Act and this Part:

- a) *Surgical events. Events reportable under this subsection are:*
- 1) *Surgery performed on a wrong body part that is not consistent with the documented informed consent for that patient. Reportable events under this subsection do not include situations requiring prompt action that occur in the course of surgery or situations whose urgency precludes obtaining informed consent.*
 - 2) *Surgery performed on the wrong patient.*
 - 3) *The wrong surgical procedure performed on a patient that is not consistent with the documented informed consent for that patient. Reportable events under this subsection do not include situations requiring prompt action that occur in the course of surgery or situations whose urgency precludes obtaining informed consent.*
 - 4) *Retention of a foreign object in a patient after surgery or other procedure, excluding objects intentionally implanted as part of a planned intervention and objects present prior to surgery that are intentionally retained.*
 - 5) *Death during or immediately after surgery of a normal, healthy patient who has no organic, physiologic, biochemical, or psychiatric disturbance and for whom the pathologic processes for which the operation is to be*

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performed are localized and do not entail a systemic disturbance. (Section 10-15(b) of the Act)

- b) *Product or device events. Events reportable under this subsection are:*
- 1) *Patient death or serious disability associated with the use of contaminated drugs, devices, or biologics provided by the health care facility when the contamination is the result of generally detectable contaminants in drugs, devices, or biologics regardless of the source of the contamination or the product.*
 - 2) *Patient death or serious disability associated with the use or function of a device in patient care in which the device is used or functions other than as intended. "Device" includes, but is not limited to, catheters, drains, and other specialized tubes, infusion pumps, and ventilators.*
 - 3) *Patient death or serious disability associated with intravascular air embolism that occurs while being cared for in a health care facility, excluding deaths associated with neurosurgical procedures known to present a high risk of intravascular air embolism.* (Section 10-15(c) of the Act)
- c) *Patient protection events. Events reportable under this subsection are:*
- 1) *An infant discharged to the wrong person.*
 - 2) *Patient death or serious disability associated with patient disappearance for more than 4 hours, excluding events involving adults who have decision-making capacity.*
 - 3) *Patient suicide or attempted suicide resulting in serious disability while being cared for in a health care facility due to patient actions after admission to the health care facility, excluding deaths resulting from self-inflicted injuries that were the reason for admission to the health care facility.* (Section 10-15(d) of the Act)
- d) *Care management events. Events reportable under this subsection are:*

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- 1) *Patient death or serious disability associated with a medication error, including, but not limited to, errors involving the wrong drug, the wrong dose, the wrong patient, the wrong time, the wrong rate, the wrong preparation, or the wrong route of administration, excluding reasonable differences in clinical judgment on drug selection and dose.*
 - 2) *Patient death or serious disability associated with a hemolytic reaction due to the administration of ABO-incompatible blood or blood products.*
 - 3) *Maternal death or serious disability associated with labor or delivery in a low-risk pregnancy while being cared for in a health care facility, excluding deaths from pulmonary or amniotic fluid embolism, acute fatty liver of pregnancy, or cardiomyopathy.*
 - 4) *Patient death or serious disability directly related to hypoglycemia, the onset of which occurs while the patient is being cared for in a health care facility for a condition unrelated to hypoglycemia. (Section 10-15(e) of the Act)*
- e) *Environmental events. Events reportable under this subsection are:*
- 1) *Patient death or serious disability associated with an electric shock while being cared for in a health care facility, excluding events involving planned treatments such as electric countershock.*
 - 2) *Any incident in which a line designated for oxygen or other gas to be delivered to a patient contains the wrong gas or is contaminated by toxic substances.*
 - 3) *Patient death or serious disability associated with a burn incurred from any source while being cared for in a health care facility that is not consistent with the documented informed consent for that patient. Reportable events under this subsection do not include situations requiring prompt action that occur in the course of surgery or situations whose urgency precludes obtaining informed consent.*
 - 4) *Patient death or serious disability associated with a fall while being cared for in a health care facility.*

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- 5) *Patient death or serious disability associated with the use of restraints or bedrails while being cared for in a health care facility. (Section 10-15(f) of the Act)*
- f) *Physical security events. Events reportable under this subsection are:*
 - 1) *Any instance of care ordered by or provided by someone impersonating a physician, nurse, pharmacist, or other licensed health care provider.*
 - 2) *Abduction of a patient of any age.*
 - 3) *Sexual assault on a patient within or on the grounds of a health care facility.*
 - 4) *Death or significant injury of a patient or staff member resulting from a physical assault that occurs within or on the grounds of a health care facility. (Section 10-15(g) of the Act)*

Section 235.140 Adverse Health Care Event Reporting System

- a) *Reports of adverse health care events required.*

Each health care facility shall report to the Department the occurrence of any of the adverse health care events described in Section 235.130 of this Part no later than 30 days after discovery of the event. (Section 10-15(a) of the Act) The reports required by the Act and this Part may be filed by electronic means. Reports of adverse health care events shall include:

 - 1) The name, address and Department-assigned unique identifier of the health care facility making the report;
 - 2) The name, title and contact information of the person making the report;
 - 3) The exact location within the health care facility where the adverse health care event occurred;
 - 4) The date and time that the adverse health care event occurred;

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- 5) The date and time that any employee, contractor or representative of the health care facility was notified of the occurrence of the adverse health care event;
- 6) If the patient or patients involved in the adverse health care event reside in this State, the county in which the patient resides;
- 7) If the patient or patients involved in the adverse health care event do not reside in this State, the state or country in which the patient resides;
- 8) Gender and date of birth of the patient;
- 9) Race or ethnicity of the patient;
- 10) Language spoken by patient; if the language was not English, was a translator present;
- 11) Date on which the patient was admitted;
- 12) Admitting diagnosis code of the patient;
- 13) Principal procedure code of the patient if the event involved surgery;
- 14) Description of the adverse health care event, including number and type of staff present at time of the event;
- 15) Any immediate or emergency remedial actions taken prior to filing the adverse health care event report, including an apology to the patient and/or patient's family; and
- 16) The outcome for the patient from the adverse event.

Section 235.150 Root Cause Analysis and Corrective Action Plan

- a) *Following the occurrence of an adverse health care event, the health care facility must conduct a root cause analysis of the event. Following the analysis, the health care facility must:*

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- 1) *Implement a corrective action plan to address the findings of the analysis;
or*
- 2) *Report to the Department any reasons for not taking corrective action.*
- b) *A copy of the findings of the root cause analysis and a copy of the corrective action plan must be filed with the Department within 90 days after the submission of the report to the Department. (Section 10-20 of the Act)*
- c) The root cause analysis shall:
 - 1) Focus primarily on systems and processes;
 - 2) Progress from specific direct causes in clinical processes to contributing causes in organizational processes;
 - 3) Use flow charts and cause and effect diagrams to describe the sequence of the reportable events;
 - 4) Contain the following key elements:
 - A) Details of the adverse health care event;
 - B) Identification of any human factors related to the adverse health care event;
 - C) Examination of any related processes and systems in place during the adverse health care event;
 - D) Analysis of staffing levels at the times before, during and after the adverse health care event;
 - E) Analysis of staff communication before, during and after the adverse health care event;
 - F) Analysis of the training and education of staff in connection with the systems and processes associated with the root cause analysis of the adverse health care event;

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- G) Analysis of any actions, inactions, literacy or knowledge gaps of the patient that may have contributed to the adverse health care event;
 - H) Assessment of the equipment involved in the adverse health care event, if any;
 - I) Analysis of the health care facility environment before, during and after the adverse health care event;
 - J) Identification of any external factors beyond the control of the health care facility; and
 - K) Identification of any other factors related to the adverse health care event;
- 5) Describe contributing and underlying factors to the root cause; and
 - 6) Identify changes that could be made in systems and processes, either through redesign of existing systems or processes or development of new systems or processes, that would reduce the risk of such events occurring in the future.
- d) The corrective action shall include:
- 1) Specific actions to correct the identified causes of the event to prevent a similar event occurring in the future;
 - 2) Identified and measurable outcomes;
 - 3) A designated person responsible for implementation and evaluation; and
 - 4) A specific implementation plan with the following:
 - A) Completion dates;
 - B) Provisions for education of and communication with appropriate hospital staff; and

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- C) A description of how the hospital's performance will be assessed and evaluated following full implementation.
- e) The Department will determine whether the root cause analysis and corrective action plan are acceptable, based on the requirements of this Section. If the root cause analysis and corrective action plan are acceptable, the Department will instruct the facility to begin follow-up activity to measure the success of the corrective action plan.
- f) If the Department determines that the root cause analysis and corrective action plan are unacceptable, based on the requirements of this Section, the Department will provide consultation on the criteria that have not been met and will allow an additional time period (up to 30 calendar days) for resubmission.
- g) A health care facility shall report to the Department regarding the outcome of the corrective action plans at four and eight months following the initiation of the plan.

Section 235.160 Communication and Annual Report

The Department will communicate with *health care facilities to maximize the use of the adverse health care event reporting system to improve health care quality.* (Section 10-30(b) of the Act)

- a) The Department will collect and analyze data from adverse health care event reports *to determine patterns of system failure in the health care system and successful methods to correct these failures.* (Section 10-30(b) of the Act)
- b) The data collected will be used to provide adverse health care event prevention recommendations to Illinois health care facilities and to help to ensure a data base of adverse health care event reports that will provide greater understanding of adverse health care events and promote the reduction of risk for those events.
- c) The Department will publish an annual report to increase general knowledge about adverse health care events, their causes, and strategies for prevention. This report will be made available to the public.

Section 235.170 Enforcement

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- a) A health care facility that fails to comply with the requirements of the Act and this Part shall be subject to enforcement action by the Department.
- b) *After notice and opportunity for a hearing, the Department may deny, suspend, or revoke a license to open, conduct, operate, and maintain a hospital in any case in which the Department finds that there has been a substantial failure to comply with the provisions of the Act or this Part. (Section 7(a) of the Hospital Licensing Act)*
- c) *When the Department determines that an ambulatory surgical treatment center has failed to comply with the Act or this Part, the Department may issue a notice of fine assessment which shall specify the violations for which the fine is assessed. (Section 10(d) of the Ambulatory Surgical Treatment Center Act) Fines will be assessed in accordance with Section 10(d) of the Ambulatory Surgical Treatment Center Act. The Department will provide notice and opportunity for hearing to the ambulatory surgical treatment center.*
- d) Hearings shall be conducted in accordance with the Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

Section 235.180 Confidentiality

Other than the annual report required under paragraph (4) of Section 10-35 of the Act, adverse health care event reports, findings of root cause analyses, and corrective action plans filed by a health care facility under the Act and records created or obtained by the Department in reviewing or investigating these reports, findings, and plans shall not be available to the public and shall not be discoverable or admissible in any civil, criminal, or administrative proceeding against a health care facility or health care professional. No report or Department disclosure under the Act and this Part may contain information identifying a patient, employee, or licensed professional. Notwithstanding any other provision of law, under no circumstances shall the Department disclose information obtained from a health care facility that is confidential under Part 21 of Article VIII of the Code of Civil Procedure. (Section 10-25 of the Act)

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- 1) Heading of the Part: Loan Repayment Assistance for Physicians
- 2) Code Citation: 77 Ill. Adm. Code 581
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
581.100	New
581.110	New
581.200	New
581.210	New
581.220	New
581.230	New
581.240	New
- 4) Statutory Authority: Loan Repayment Assistance for Physicians Act [110 ILCS 949]
- 5) A Complete Description of the Subjects and Issues Involved: Part 581 implements the Loan Repayment Assistance for Physicians Act [110 ILCS 949], which established an educational loan repayment assistance program for physicians who practice in Illinois. The rules include definitions; referenced materials; application requirements; eligibility requirements; provisions for grant awards; grant terms and obligations; and penalties for failure to fulfill the grant obligations.

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 applicable
- 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

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- 11) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

Susan Meister
Division of Legal Services
Illinois Department of Public Health
535 W. Jefferson St., 5th floor
Springfield, Illinois 62761
217/782-2043
e-mail: dph.rules@illinois.gov
- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: Improved medical care in an area improves quality of life in the communities served, thus attracting new business, and stronger economies.
 - B) Reporting, bookkeeping or other procedures required for compliance: Recipients must document that grant monies are used to pay educational loans incurred during their medical education.
 - C) Types of professional skills necessary for compliance: Licensed physician under the Medical Practice Act of 1987.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2008

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

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NOTICE OF PROPOSED RULES

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER g: GRANTS TO DENTAL AND MEDICAL STUDENTSPART 581
LOAN REPAYMENT ASSISTANCE FOR PHYSICIANS

SUBPART A: GENERAL PROVISIONS

Section

581.100	Definitions
581.110	Referenced Materials

SUBPART B: EDUCATIONAL LOAN REPAYMENT FOR PHYSICIANS

Section

581.200	Application
581.210	Eligibility
581.220	Grant Awards
581.230	Grant Terms and Obligations
581.240	Penalty for Failure to Fulfill Obligation

AUTHORITY: Implementing and authorized by the Loan Repayment Assistance for Physicians Act [110 ILCS 949].

SOURCE: Adopted at 33 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 581.100 Definitions

"Act" means the Loan Repayment Assistance for Physicians Act [110 ILCS 949].

"Applicant" means a person who submits an application to the Department to receive a physician loan assistance grant.

"Department" means the Department of Public Health. (Section 10 of the Act)

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"Educational Loans" means higher education student loans that a person has incurred in attending a registered professional physician education program. (Section 10 of the Act)

"Full-Time Practice" means a medical practice with at least a 40-hour work week in which at least 32 hours of the 40 hours per week are spent providing clinical services. The 40 hours per week may be compressed into no fewer than four days per week, with no more than 12 hours of work to be performed in any 24-hour period. No more than 8 hours per week in "on call" status will count toward the 40-hour week. Hours worked over the required 40 hours per week will not be applied to any other work week.

"Grantee" refers to a person who is the recipient of a grant for educational loan repayment assistance under the Act and this Part.

"Grant Period" means the duration of the loan repayment benefit, which is one year.

"Health Professional Shortage Area" or "HPSA" means any of the following, which the Secretary of the Department of Health and Human Services determines has a shortage of health professionals:

An urban or rural area (which need not conform to the geographic boundaries of a political subdivision and that is a rational area for the delivery of health services);

A population group; or

A public or nonprofit private medical facility.

"Physician" means a person licensed under the Medical Practice Act of 1987 [225 ILCS 60] to practice medicine in all of its branches. (Section 10 of the Act)

"Program" means the educational loan repayment assistance program for physicians established by the Department under the Act. (Section 10 of the Act)

"Rational Service Area" may be:

Whole county;

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An area whose population has similar socio-economic characteristics that result in its being isolated from nearby resources (e.g., poverty rates, racial/ethnic composition, etc.);

An area that has physical access barriers that result in the population being isolated from nearby resources (e.g., mountains, large parks, bodies of water, highways, railway yards, industrial areas); or

Established neighborhoods and communities within metropolitan areas that display a strong self-identity (as indicated by a homogenous socioeconomic or demographic structure and/or a tradition of interaction or interdependency), have limited interaction with contiguous areas, and generally have a minimum population of 20,000.

"Rural" means any geographic area not located in a U.S. Census Bureau Metropolitan Statistical Area; or a county located within a Metropolitan Statistical Area but having a population of 60,000 or less; or a community located within a Metropolitan Statistical Area but having a population of 2,500 or less.

"Service Term" refers to the length of time that the physician is obligated to serve as a physician in Illinois as the result of receiving loan repayment funds from the Department.

"Urban" means any geographic area that does not meet the rural geographic area definition in this Part.

Section 581.110 Referenced Materials

The following Illinois statute is referenced in this Part:

Medical Practice Act of 1987 [225 ILCS 60]

SUBPART B: EDUCATIONAL LOAN REPAYMENT FOR PHYSICIANS**Section 581.200 Application**

- a) Applicants shall complete an application on forms available from the Department.

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- b) Applicants shall document currently existing educational loan indebtedness to a governmental or commercial lending institution incurred for educational expenses in pursuit of the applicant's medical degree in Illinois. The documentation of indebtedness shall include a photocopy or original copy of promissory notes or other evidence of indebtedness with disclosure of lending institution or agency, loan amount, loan period, interest rate, and any amounts repaid prior to date of application.
- c) Applicants shall provide their practice location and their specialty.
- d) The amount of educational loans to be repaid during the grant period may be equal to the amount of payments due on educational loans for one year but not exceeding \$25,000.

Section 581.210 Eligibility

To be eligible for assistance under the program, an applicant must meet all of the following qualifications:

- a) *He or she must be a citizen or permanent resident of the United States.*
- b) *He or she must be a resident of Illinois.*
- c) *He or she must be practicing full time in Illinois as a physician.*
- d) *He or she must currently be repaying educational loans.*
- e) *He or she must agree to continue full-time practice in Illinois for 3 years. (Section 25 of the Act)*

Section 581.220 Grant Awards

- a) *Under the program, for each year that a qualified applicant who is selected as a recipient practices full-time in Illinois as a physician, the Department shall, subject to appropriation, award a grant to that person in an amount equal to the amount in educational loans that the person must repay that year. However, the total amount in grants that a person may be awarded under the program shall not exceed \$25,000. The Department shall require recipients to use the grants to pay off their educational loans. (Section 30 of the Act)*

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- b) Payments received must be used for the repayment of education loans, including principal, interest and related expenses of government and commercial loans received by the individual and used for tuition expenses while attending a registered professional physician education program in the State.
- c) When qualified applications are available to support a geographical separation into urban and rural groupings, an equal number of applicants will be selected from each of the groups.
- d) When appropriations are insufficient to provide loan repayment to all qualified applicants, priority shall be given based on the following factors:
 - 1) Practice full-time in a health professional shortage area (HPSA).
 - 2) Service to underserved populations enrolled in programs administered by the Department of Healthcare and Family Services (HFS) as documented by data supplied by HFS.
 - 3) Practice full-time in a medical specialty that is found by the Department to be in short supply in Illinois or a region of Illinois.
- e) Applications shall be accepted between July 1 and September 30 of each year. If all funds are not expended, subsequent applications will be evaluated individually as received.

Section 581.230 Grant Terms and Obligations

- a) Each physician selected for educational loan repayment shall enter into a written grant agreement with the Department. The grant agreement will describe the terms of educational loan repayment and any additional provisions that ensure compliance with the laws of the State of Illinois and enforcement of the grant agreement.
- b) Grantees shall complete three years of service in Illinois. Grantees who were awarded a grant based on geographical preference and who wish to move their practice from the location described in the grantee's original application and retain status as a grantee shall receive approval from the Department prior to relocating and shall relocate to an area in Illinois.

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- c) Every six months, the grantee shall provide documentation to the Department that the amount of money paid for educational loan debt is greater than or equal to the amount of money paid by the Department under this program. Cancelled checks or documentation from the lending institution will be accepted for this purpose.
- d) Three years of service in Illinois is required for each year of funding under this program. An application for funding shall be submitted each year.

Section 581.240 Penalty for Failure to Fulfill Obligation

- a) Upon breach of grant agreement, *loan repayment recipients who fail to practice full-time in Illinois for three years shall repay the Department a sum equal to three times the amount received under the program.* (Section 35 of the Act)
- b) A breach of grant agreement shall include, but not be limited to, the following situations:
 - 1) Failure to practice full-time at the location specified in the grant agreement;
 - 2) Relocation to an area that is outside of the State of Illinois;
 - 3) Material misstatement in furnishing information to the Department;
 - 4) Making any misrepresentation for the purpose of obtaining a grant;
 - 5) *Failure to practice in Illinois for three years* (Section 25 of the Act); or
 - 6) Failure to fulfill other grant requirements as set forth in the grant agreement.
- c) *Loan repayment recipients who fail to practice full-time in Illinois for three years shall repay the Department a sum equal to three times the amount received under the program.* (Section 35 of the Act).
- d) The grantee shall repay all funds provided by the Department under this Part within a period of time equal to the recipient's service term.

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- e) If the grantee does not repay all funds owed to the Department within the required time period, the Department will refer the matter to the Attorney General for collection.

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NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Baccalaureate Assistance for Registered Nurses
- 2) Code Citation: 77 Ill. Adm. Code 595
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
595.10	Repeal
595.100	Repeal
595.110	Repeal
595.200	Repeal
595.210	Repeal
595.300	Repeal
595.310	Repeal
595.320	Repeal
- 4) Statutory Authority: Implementing and authorized by the Baccalaureate Assistance Law for Registered Nurses [110 ILCS 915]
- 5) A Complete Description of the Subjects and Issues Involved: These rules implemented the Baccalaureate Assistance Law for Registered Nurses, which has been repealed. The Nursing Education Scholarship Law [110 ILCS 975] has been enacted to replace the repealed law, and new rules (Nursing Education Scholarships -- 77 Ill Adm. Code 597) have been adopted.
- 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 proposed repealer contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This repealer does not create or expand a State mandate.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

- 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 the publication of this issue of the *Illinois Register* to:

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

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

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Repeal of these rules will not have an impact on the health care delivery system. The objectives of this program are being served by another program.
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2008

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER g: GRANTS TO DENTAL AND MEDICAL STUDENTS

PART 595

BACCALAUREATE ASSISTANCE FOR REGISTERED NURSES [\(REPEALED\)](#)

SUBPART A: INTRODUCTION

Section
595.10 Definitions

SUBPART B: ELIGIBILITY AND APPLICATION

Section
595.100 Eligibility
595.110 Application

SUBPART C: AWARD OF LOANS

Section
595.200 Criteria for Award of Loans
595.210 Determination of Financial Need

SUBPART D: TERMS OF PERFORMANCE

Section
595.300 Contract
595.310 Repayment of Loan
595.320 Forgiveness of Loan

595.APPENDIX A Illinois Baccalaureate Nursing Assistance Program Contract (Repealed)
595.APPENDIX B Illinois Baccalaureate Nursing Assistance Program Contract for
 Repayment (Repealed)

AUTHORITY: Implementing and authorized by the Baccalaureate Assistance Law for Registered Nurses (Ill. Rev. Stat. 1991, ch. 144, pars. 1401 et seq.) [110 ILCS 915].

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SOURCE: Emergency rules adopted at 8 Ill. Reg. 12689, effective June 28, 1984, for a maximum of 150 days, modified in response to objections of the Joint Committee on Administrative Rules at 8 Ill. Reg. 17939, effective September 14, 1984, for a period not to exceed the 150 day maximum effective period of the emergency rules; adopted at 8 Ill. Reg. 22874, effective November 13, 1984; amended at 12 Ill. Reg. 3757, effective February 1, 1988; amended at 15 Ill. Reg. 17349, effective November 15, 1991; amended at 17 Ill. Reg. 13746, effective August 10, 1993; repealed at 33 Ill. Reg. _____, effective _____.

SUBPART A: INTRODUCTION

Section 595.10 Definitions

"Academic year" means the period of time from September 1 of one year through August 31 of the next year (Section 3 of the Law).

"Approved Institution" means a college or university located in this State which has National League for Nursing accreditation for the baccalaureate degree program in nursing (Section 3 of the Law). "Approved Institution" also means a college or university in this State which has National League for Nursing accreditation for its graduate post-baccalaureate degree program in nursing.

"Baccalaureate Assistance Law for Registered Nurses" or "Law" means 110 ILCS 915 (Ill. Rev. Stat. 1991, ch. 144, pars. 1401 et seq.).

"Board" means the Board of Higher Education created by the Board of Higher Education Act (Section 3 of the Law).

"Department" means the Illinois Department of Public Health (Section 3 of the Law).

"Director" means the Director of the Illinois Department of Public Health (Section 3 of the Law).

"Enrollment" means the establishment and maintenance of an individual's status as a student in an approved institution, regardless of the terms used at the institution to describe such status (Section 3 of the Law).

"Fees" means those mandatory charges, in addition to tuition, that all enrolled students must pay, including required course or lab fees.

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NOTICE OF PROPOSED REPEALER

"Full-time student" means a student who is enrolled for at least the number of hours required per term by a school for its full-time students.

"Part-time student" means a student who is enrolled for at least one-third of the number of hours required per term by a school for its full-time students.

"Permanent legal residence" means the applicant's permanent home address.

"Professional nursing practice" means any type of nursing practice that is included in the definition of the practice of registered professional nursing in the Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1991, ch. 111, par. 3501 et seq.) [225 ILCS 65].

"Qualified for admission" means that a student has completed the requirements for entry into the baccalaureate nursing program at the approved institution, as documented by the institution.

"Regions" means the official and uniform state planning and administrative regions established by the Governor by Executive Order No. 71-7 (Section 3 of the Law).

"Registered Nurse" or "Professional Nurse" means a nurse holding a valid existing license in good standing as a registered professional nurse issued by the Department of Professional Regulation under the Illinois Nursing Act of 1987 (Section 3 of the Law).

"School term" means an academic term, such as a semester, quarter, or trimester, as defined by the approved institutions.

"Student in good standing" means a student maintaining at least a "C" average.

"Substantially Full-time Academic Work" means enrollment for the number of hours required per term by a school for its full-time students.

"Substantially Full Working Time" means at least 24 hours per week for those persons working weekend shifts, or 35 hours per week for those working weekday shifts.

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NOTICE OF PROPOSED REPEALER

"Substantially Half-time Academic Work" means enrollment for at least one-third of the number of hours required per term by a school for its full-time students.

"Substantially Half Working Time" means 17.5 hours or more per week.

"Total and permanent disability" means a physical or mental impairment, disease, or loss which is of a permanent nature and which substantially impairs the ability of an individual to engage in the practice of professional nursing or to engage in graduate post-baccalaureate studies in nursing as evidenced by a written statement from the individual's attending physician.

"Tuition" means the established charges of an institution of higher learning for instruction at that institution.

SUBPART B: ELIGIBILITY AND APPLICATION

Section 595.100 Eligibility

To be eligible to receive a loan under this program, an applicant must meet the eligibility criteria outlined in Section 5 of the Law (Ill. Rev. Stat. 1989, ch. 144, par. 1405) which states that an applicant must:

- a) *be a registered nurse;*
- b) *have had one year of permanent legal residence in Illinois;*
- c) *be enrolled in a baccalaureate degree program in professional nursing in an approved institution or present written assurance from an approved institution of being qualified for admission to the baccalaureate program in professional nursing; and*
- d) *Have financial resources such that, in the absence of scholarship aid, applicant will be deterred by financial considerations from completing the baccalaureate program in professional nursing at an approved institution.*

Section 595.110 Application

- a) Application forms are prescribed by the Department and available at financial aid offices and departments of nursing in approved schools, as well as directly from

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the Department. Applications submitted must include:

- 1) proof of one year of permanent legal residence, documented by submitting a copy of a federal or state income tax return filed the year prior to application, or a copy of a utility bill from one year prior to the application with the address indicated, or a copy of a current Illinois driver's license or an identification card issued by the Secretary of State
 - 2) proof of applicant's enrollment in or qualification for admission to an approved baccalaureate nursing program, documented by academic advisor's signature on a form included in the application packet
 - 3) a copy of applicant's current registered nurse license
 - 4) information about other sources of financial aid, including tuition reimbursement from employer(s).
- b) An applicant will be deemed to be "*deterred by financial considerations from completing the baccalaureate program in professional nursing*" if analysis of his/her financial data, according to the formula in Section 595.210, indicates a level of financial need that is greater than zero (Section 5 of the Law).
- c) Information requested on the application form other than the information listed in Section 595.110(a) will be used for statistical and program evaluation purposes only, and shall not be used as criteria for determination of loan awards. Decisions regarding award of loans will be based upon the provision of information specified in Section 595.110(a) and the criteria in Sections 595.100 and 595.200 of this Part.
- d) Applicants must sign the application form providing for a release of information for the Department to verify any and all statements in the application as necessary.
- e) Incomplete applications and those received after application deadlines will not be considered for loan awards.

SUBPART C: AWARD OF LOANS

Section 595.200 Criteria for Award of Loans

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- a) Loans for tuition and loans for expenses will be awarded by the Department through approved institutions. Loans will be awarded to eligible students who agree to the provisions of the contract, selected based on fulfilling the eligibility requirements as outlined in Section 595.100 of this Part. *The Department shall allocate the loans by region according to the region's proportionate share of the total number of registered nurses in that region as last certified by the Department of Professional Regulation. Any loan not used in one region may be allocated to another region* (Section 6 of the Law). Any available funding shall be reallocated evenly among all regions in the insufficient funds necessary to fulfill all applications. When the number of eligible applicants exceeds the amount of loan funds to be awarded, all applications shall be ranked according to the following criteria:
- 1) receipt of loan funds in the previous academic year; and
 - 2) least number of hours remaining to complete the Bachelor's of Science in Nursing (BSN) degree.
- b) Loan awards shall be made for up to \$2,000 for tuition and fees per year for the part-time recipient. The maximum loan amount is \$4,000 for tuition and fees for the total time recipient may take to complete the degree.
- c) Recipients enrolled on a full-time basis shall receive a living expense stipend of up to \$2,500 per year in addition to the tuition and fees award. The maximum loan amount is \$5,000 for living expenses for the total time recipient may take to complete the degree.
- d) The amount of the loan funds paid to an approved institution on behalf of the recipient is based on the payment request form submitted each school term by the financial aid office at the institution. The recipient's tuition/fee amount less any other federal or state gift assistance is entered on the form as well as the number of hours of enrollment. Tuition/fee amounts are paid according to these figures up to the annual maximum and, if enrollment is reported as full-time, a living expense stipend is paid according to the following definitions:
- 1) two (2) semesters are equivalent to an academic year and each semester of full-time enrollment warrants a stipend of \$1,250.

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NOTICE OF PROPOSED REPEALER

- 2) three (3) quarters or trimesters are equivalent to an academic year and each quarter/trimester warrants a stipend of \$833.

Section 595.210 Determination of Financial Need

- a) Financial need will be determined by subtracting the student's financial resources, consisting of all gift assistance from the college budget submitted by the institution the student will attend.
 - 1) The "college budget" is comprised of tuition, fees and college living expenses as determined by the institution the applicant will attend.
 - 2) "Gift assistance" is the total of all other financial aid awarded to a student such as scholarships, grants and loans, including tuition reimbursement from employers.
- b) After applying the formula described above, those applicants that have a financial need greater than zero will be considered to have demonstrated the requisite financial need.

SUBPART D: TERMS OF PERFORMANCE

Section 595.300 Contract

- a) Each recipient shall enter into a binding contract with the State of Illinois agreeing to the provisions of the Act and this Part.
- b) A recipient shall notify the Department of the following in writing within seven (7) days:
 - 1) change in major course of study;
 - 2) change in address;
 - 3) illness or disability affecting the recipient's obligations under the contract executed in accordance with subsection (a) of this Section; and
 - 4) action by or notice of potential action by the Department of Professional Regulation regarding the recipient's nursing license.

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NOTICE OF PROPOSED REPEALER

- c) *The Department shall require a loan recipient to reimburse the State for expenses, including but not limited to attorney's fees, incurred by the Department or other agent of the State for a successful action against the recipient for a breach of any provision of the contract (Section 4 of the Law).*

Section 595.310 Repayment of Loan

- a) A recipient who fails to complete the degree due to academic failure or voluntary actions on his or her part must repay the loan to the State of Illinois beginning 6 months following termination of studies. A recipient who obtains a BSN, but fails to meet the forgiveness requirement as stated in Section 595.320 of this Part, must also repay the loan beginning 6 months following the completion of the BSN degree.
- b) A recipient who is subject to repayment shall enter into a repayment contract with the Department as soon as the status for payback has been established. This contract shall specify the amount due to be repaid, the schedule for repayment, and all other terms of the repayment. Interest charges shall be completely waived if the recipient repays the total loan amount prior to the first payment due date.
- c) In the event a recipient fails to pay monies owed to the Department, the Department shall refer the matter to the Attorney General or to a collection agency. If the collection agency is unsuccessful, the Department shall refer the matter to the Attorney General. The total 6-year interest shall be due if the recipient fails to fulfill the repayment requirements and the case is settled through authorized agencies outside the Department.

Section 595.320 Forgiveness of Loan

- a) A loan to a recipient shall be excused and deemed satisfied pursuant to the requirements of Section 8 of the Law as follows:
- 1) If a loan is provided for full-time academic work, the loan is excused when the recipient has documented:
- A) substantially full-time professional nursing practice or full-time post-baccalaureate studies in nursing at an approved institution in Illinois for a number of years equal to the number of years loan

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funds were received or

- B) substantially half-time professional nursing practice or half-time post-baccalaureate studies in nursing at an approved institution in Illinois for twice the number of years as the number of years loan funds were received.
- 2) If a loan is provided for part-time academic work, the loan is excused when the recipient has documented:
- A) substantially full-time professional nursing practice or full-time post-baccalaureate studies in nursing at an approved institution in Illinois for one-half ($\frac{1}{2}$) the number of years as the number of years loan funds were received or
 - B) substantially half-time professional nursing practice or half-time post-baccalaureate studies in nursing at an approved institution in Illinois for a number of years equal to the number of years loan funds were received.
- b) Forms to document the above are sent to the recipient by the Department at the appropriate time according to the date of completion of the BSN degree. When the loan is determined to be satisfied, the recipient is officially notified and the record is closed.
- c) If a recipient dies or suffers total and permanent disability either while pursuing the degree, or after completing the degree if the recipient is engaged in an activity as described in this Section up to the onset of the fatal illness or such disability, the loan or any balance due on it shall be excused and deemed satisfied.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

**Section 595.APPENDIX A Illinois Baccalaureate Nursing Assistance Program Contract
(Repealed)**

(Source: Repealed at 17 Ill. Reg. 13746, effective August 10, 1993)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED REPEALER

**Section 595.APPENDIX B Illinois Baccalaureate Nursing Assistance Program Contract
for Repayment (Repealed)**

(Source: Repealed at 17 Ill. Reg. 13746, effective August 10, 1993)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Airport Hazard Zoning
- 2) Code Citation: 92 Ill. Adm. Code 16
- 3)

<u>Section Number:</u> 16.APPENDIX A	<u>Proposed Action:</u> Amend
---	----------------------------------
- 4) Statutory Authority: Implementing and authorized by the Airport Zoning Act [620 ILCS 25]
- 5) A Complete Description of the Subjects and Issues Involved: By this Notice, the Department is proposing to amend Section 16.Appendix A to add numerous publicly-owned airports to the Part. This Part prescribes requirements for administration and enforcement that restrict the height of structures, equipment, and vegetation, and that regulate the use of property, on or in the vicinity of publicly-owned airports. The following airports will be covered under this Part upon adoption of this proposed rulemaking: St. Louis Regional Airport (ALN), Pontiac Airport (PNT), Mt. Carmel Airport (AJG), Rochelle Airport (RPJ), Casey Airport (1H8), Mt. Vernon Airport (MVN), Aurora Airport (ARR), Shelby County Airport (2H0), Kankakee Airport (IKK), Flora Airport (FOA), Quincy Airport (UIN).
- 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 will not create or expand a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed amendment. Written submissions shall be filed with:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

Mr. Robert Hahn, Airspace Specialist
Illinois Department of Transportation
Division of Aeronautics
1 Langhorne Bond Drive
Abraham Lincoln Capital Airport
Springfield, Illinois 62707-8415

217/524-1580

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 317
Springfield, Illinois 62764

217/524-3838

Comments received within forty-five days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Any future development, business, or small municipality located in the vicinity of those airports being added to this Part may be affected by this rulemaking. Additionally, other proposed objects situated under the surfaces described in Sections 16.40 - 16.110 such as farm ground, grain elevators, power companies, cell towers, radio towers, TV towers, etc., may also be impacted by this rulemaking. However, this proposed rulemaking has no impact on pre-existing businesses per Section 16.140.
- B) Reporting, bookkeeping or other procedures required for compliance: The Division must be notified concerning objects on airport property. (See Section 16.160.) For objects off airport property, the person or sponsor will be directed by the Division to notify the FAA. No bookkeeping requirements are anticipated.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

- C) Types of professional skills necessary for compliance: If supplemental information (certified engineering/survey data) from a professional engineer, architect or surveyor concerning the proposed site location and height is requested under Section 16.160(c)(2)(C), compliance with this request will be necessary.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: the Department could not anticipate the timing of the need for the amendment.

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

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER b: AERONAUTICSPART 16
AIRPORT HAZARD ZONING

Section

16.10	Purpose and Scope
16.20	Applicability
16.30	Definitions
16.35	Public Hearings
16.40	Surfaces and Height Limitations
16.50	Horizontal Surface
16.60	Conical Surface
16.70	Primary Surface
16.80	Approach Surface
16.90	Transitional Surfaces
16.100	Circling Approach Surface
16.110	Instrument Approach Obstruction Clearance Surface
16.120	Heliport/Vertiport Surfaces
16.130	Use Restrictions
16.140	Pre-Existing, Non-Conforming Uses (Grandfather Clause)
16.150	Pre-Existing, Non-Conforming Structures, Uses, or Vegetation Abandoned or Destroyed
16.160	Notice of Construction or Alteration of Any Structure
16.170	Permits
16.180	Variances
16.190	Administrative and Judicial Review
16.200	Penalties
16.210	Conflicting Regulations
16.220	Severability
16.APPENDIX A	Applicable Airports
16.ILLUSTRATION A	Airports Imaginary Surfaces
16.ILLUSTRATION B	Airports (Public- or Private-Use) Minimum Dimensional Standards
16.ILLUSTRATION C	Obstruction Standards (\leq 6 Nautical Miles)
16.ILLUSTRATION D	Obstruction Standards ($>$ 6 Nautical Miles)
16.ILLUSTRATION E	Public- or Private-Use Heliport/Vertiport Minimum Dimensional Standards

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

AUTHORITY: Implementing and authorized by the Airport Zoning Act [620 ILCS 25].

SOURCE: Adopted at 28 Ill. Reg. 2421, effective January 26, 2004; amended at 29 Ill. Reg. 12529, effective July 27, 2005; amended at 30 Ill. Reg. 14117, effective August 10, 2006; amended at 31 Ill. Reg. 3191, effective February 9, 2007; amended at 32 Ill. Reg. 7806, effective May 1, 2008; amended at 33 Ill. Reg. _____, effective _____.

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

Section 16.APPENDIX A Applicable Airports

Airport	City	County	ARP Latitude	ARP Longitude	Fed Std.	State Std.	Applicable Date
SPI	Springfield	Sangamon	39-50.64	89-40.66	X		Jan. 26, 2004
MLI	Moline	Rock Island	41-26.91	90-30.45	X		July 29, 2005
SQI	Sterling-Rock Falls	Whiteside	41-44.57	89-40.58	X		July 29, 2005
SLO	Salem	Marion	38-38.57	88-57.85	X		July 29, 2005
H96	Benton	Franklin	38-00.41	88-56.07	X		Sept. 15, 2006
CIR	Cairo	Alexander	37-03.87	89-13.18	X		Sept. 15, 2006
CTK	Canton	Fulton	40-34.15	90-04.49	X		Sept. 15, 2006
DEC	Decatur	Macon	39-50.08	88-51.94	X		Sept. 15, 2006
DKB	DeKalb	DeKalb	41-56.02	88-42.34	X		Sept. 15, 2006
GBG	Galesburg	Knox	40-56.28	90-25.87	X		Sept. 15, 2006
HSB	Harrisburg	Saline	37-48.69	88-32.95	X		Sept. 15, 2006
IJX	Jacksonville	Morgan	39-46.48	90-14.30	X		Sept. 15, 2006
JOT	Joliet	Will	41-31.08	88-10.52	X		Sept. 15, 2006
EZI	Kewanee	Henry	41-12.31	89-57.83	X		Sept. 15, 2006
IGQ	Lansing	Cook	41-32.09	87-31.77	X		Sept. 15, 2006
MWA	Marion	Williamson	37-45.30	89-00.67	X		Sept. 15, 2006
MTO	Mattoon	Coles	39-28.68	88-16.75	X		Sept. 15, 2006
PRG	Paris	Edgar	39-42.01	87-40.17	X		Sept. 15, 2006
3MY	Peoria	Peoria	40-47.72	89-36.80	X		Sept. 15, 2006
PIA	Peoria	Peoria	40-39.86	89-41.60	X		Sept. 15, 2006
VYS	Peru	LaSalle	41-21.11	89-09.19	X		Sept. 15, 2006
LOT	Romeoville	Will	41-36.44	88-05.77	X		Sept. 15, 2006
DPA	West Chicago	DuPage	41-54.47	88-14.92	X		Sept. 15, 2006
K06	Beardstown	Cass	39-58.40	90-24.22	X		Feb. 28, 2007
OLY	Olney	Richland	38-43.31	88-10.59	X		Feb. 28, 2007
LWV	Lawrenceville	Lawrence	38-45.86	87-36.33	X		Feb. 28, 2007
CUL	Carmi	White	38-05.38	88-07.38	X		Feb. 28, 2007
C73	Dixon	Lee	41-50.02	89-26.77	X		Feb. 28, 2007
ORD	Chicago	Cook	41-58.72	87-54.29	X		Feb. 28, 2007

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

TAZ	Taylorville	Christian	39-31.95	89-19.84	X	May 1, 2008
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DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT

Airport	City	County	ARP Latitude	ARP Longitude	Fed Std.	State Std.	Applicable Date
BLV	Belleville/Mascoutah	St. Clair	38-32.71	89-50.11	X		May 1, 2008
AAA	Lincoln	Logan	40-09.52	89-20.10	X		May 1, 2008
VLA	Vandalia	Fayette	38-59.49	89-09.97	X		May 1, 2008
UGN	Waukegan	Lake	42-25.33	87-52.07	X		May 1, 2008
MDH	Carbondale	Jackson	37-46.69	89-15.12	X		May 1, 2008
CPS	Cahokia/Sauget	St. Clair	38-34.24	90-09.37	X		May 1, 2008
MQB	Macomb	McDonough	40-31.21	90-39.14	X		May 1, 2008
PWK	Wheeling/Prospect Heights	Cook	42-06.85	87-54.09	X		May 1, 2008
9I0	Havana	Mason	40-13.32	90-01.37	X		May 1, 2008
C09	Morris	Grundy	41-25.53	88-25.12	X		May 1, 2008
1H2	Effingham	Effingham	39-04.23	88-32.01	X		May 1, 2008
CMI	Champaign/Savoy	Champaign	40-02.36	88-16.68	X		May 1, 2008
I63	Mt. Sterling	Brown	39-59.25	90-48.25	X		May 1, 2008
RSV	Robinson	Crawford	39-00.96	87-38.99	X		May 1, 2008
ALN	East Alton/Bethalto	Madison	38-53.42	90-02.76	X		May 1, 2009
PNT	Pontiac	Livingston	40-55.47	88-37.44	X		May 1, 2009
AJG	Mt. Carmel/St. Francisville	Lawrence	38-36.39	87-43.60	X		May 1, 2009
RPJ	Rochelle	Ogle	41-53.58	89-04.70	X		May 1, 2009
1H8	Casey	Clark	39-18.15	88-00.24	X		May 1, 2009
MVN	Mt. Vernon	Jefferson	38-19.40	88-51.51	X		May 1, 2009
ARR	Aurora/Sugar Grove	Kane	41-46.32	88-28.54	X		May 1, 2009
2H0	Shelbyville	Shelby	39-24.63	88-50.73	X		May 1, 2009
IKK	Kankakee	Kankakee	41-04.28	87-50.78	X		May 1, 2009
FOA	Flora	Clay	38-39.90	88-27.18	X		May 1, 2009
UIN	Quincy	Adams	39-56.58	91-11.67	X		May 1, 2009

(Source: Amended at 33 Ill. Reg. _____, effective _____)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Aurora Municipal Airport Hazard Zoning
- 2) Code Citation: 92 Ill. Adm. Code 18
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
18.10	Repeal
18.20	Repeal
18.30	Repeal
18.40	Repeal
18.50	Repeal
18.60	Repeal
18.70	Repeal
18.80	Repeal
18.90	Repeal
18.100	Repeal
18.110	Repeal
18.120	Repeal
18.130	Repeal
18.140	Repeal
18.EXHIBIT A	Repeal
- 4) Statutory Authority: Implementing and authorized by Section 17 of the Airport Zoning Act (Ill. Rev. Stat. 1989, ch. 15½, par. 48.17)
- 5) A Complete Description of the Subjects and Issues Involved: By this Notice, the Department is proposing to repeal this Part in its entirety and, elsewhere in this issue of the *Illinois Register*, is proposing to include the Aurora Municipal Airport under 92 Ill. Adm. Code 16 (Part 16), the Department's generic rule on the administration and enforcement of airport hazard zoning. Part 16 restricts the height of structures, equipment, and vegetation, and regulates the use of property, on or in the vicinity of publicly-owned airports.

It is preferable to have all airports requesting inclusion in the administration and enforcement of airport hazard zoning under one rule rather than duplicating the requirements in separate rules, which was the Department's practice several decades ago. Therefore, the Department is proposing to repeal this Part and add the airport to Part 16 which is also being amended at this time.

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- 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 will have no impact on units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed repealer. Written submissions shall be filed with:

Mr. Robert Hahn, Airspace Specialist
Illinois Department of Transportation
Division of Aeronautics
1 Langhorne Bond Drive
Abraham Lincoln Capital Airport
Springfield, Illinois 62707-8415

217/524-1580

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 317
Springfield, Illinois 62764

217/524-3838

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Comments received within forty-five days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: Since the airport will be added to 92 Ill. Adm. Code 16, this proposed repealer will have no impact on small businesses.
 - 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 proposed repealer was not included on either of the 2 most recent agendas because: the Department could not anticipate the timing of the need for the repealer.

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

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TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER b: AERONAUTICS

PART 18

AURORA MUNICIPAL AIRPORT HAZARD ZONING [\(REPEALED\)](#)

Section

18.10	Introduction
18.20	Definitions
18.30	Surfaces and Height Limitations
18.40	Use Restrictions
18.50	Non-Conforming Uses
18.60	Permits
18.70	Non-Conforming Structures or Uses or Trees Abandoned or Destroyed
18.80	Variances
18.90	Notice of Construction or Alteration
18.100	Enforcement
18.110	Appeal and Judicial Review
18.120	Penalties
18.130	Conflicting Regulations
18.140	Severability
18.EXHIBIT A	Proposed Construction Permit Request

AUTHORITY: Implementing and authorized by Section 17 of the Airport Zoning Act (Ill. Rev. Stat. 1989, ch. 15½, par. 48.17).

SOURCE: Adopted at 5 Ill. Reg. 9595, effective September 15, 1981; codified at 7 Ill. Reg. 7218; old Part repealed, new Part adopted at 15 Ill. Reg. 9022, effective June 10, 1991; repealed at 33 Ill. Reg. _____, effective _____.

Section 18.10 Introduction

- a) This Part regulates and restricts the height of structures and trees, and otherwise regulates the use of property in the vicinity of the Aurora Municipal Airport by creating appropriate surfaces, and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such surfaces, defining certain terms used herein; referring to the Aurora Municipal Airport zoning map (Note: This zoning map can be viewed at the Department of Transportation, Division of

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Aeronautics, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706. For an example of this information see 92 Ill. Adm. Code 18. Exhibits A, B and C); providing for enforcement; imposing penalties in the interest of public safety and welfare; and providing for notice of construction or alteration.

- b) This Part is adopted at the request of the City of Aurora, as owner and operator of Aurora Municipal Airport, pursuant to the authority conferred by the Airport Zoning Act (Act) (Ill. Rev. Stat. 1989, ch. 15½, pars. 48.1 et seq.). *It is hereby found that an airport hazard endangers the lives and property of users of Aurora Municipal Airport and of occupants of land or property in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking-off and maneuvering of aircraft, thus tending to destroy or impair the utility of Aurora Municipal Airport and the public investment therein.*
- 1) *Accordingly, it is declared:*
- A) *that the creation or establishment of an airport hazard is a public nuisance and an injury to the region served by Aurora Municipal Airport;*
- B) *that it is necessary in the interest of the public health, public safety and general welfare that the creation or establishment of airport hazards be prevented; and*
- C) *that the prevention of these hazards should be accomplished to the extent legally possible, by the exercise of the police power, without compensation.*
- 2) *It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and/or lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or interests in land. (Section 11 of the Act)*

Section 18.20 Definitions

As used in this Part, unless the context otherwise requires:

"Airport" – The Aurora Municipal Airport located near Aurora, situated in

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Section 8, 17, 18, 19 and 20 Township 38 North, Range 7 East of the Third Principal Meridian, Kane County, Illinois; also known as Aurora Municipal Airport.

"Airport Elevation" – The established elevation of the highest point on the usable landing strip; the established airport elevation shall be 711 feet above mean sea level (AMSL).

"Airport Hazard" – *Any structure, tree, or use of land which obstructs the airspace required for, or is otherwise hazardous to the flight of aircraft in landing or taking-off at the airport.* (Section 3 of the Act)

"Airport Reference Point" – The point established as the approximate geographic center of the airport landing area and so designated as at Latitude 41° 46' 22.2" N and Longitude 88° 28' 34.4" W.

"Alteration" – Any construction which would result in a change in height or lateral dimensions of an existing structure.

"Approach, Transitional, Horizontal and Conical Surfaces" – These surfaces are defined in Section 18.30.

"Circling Approach Area" – That obstacle clearance area which shall be considered for aircraft maneuvering to land on a runway which is not aligned with the final approach course of the approach procedure.

"Construction" – The erection or alteration of any structure either of a permanent or temporary character.

"Department" – The Department of Transportation, Division of Aeronautics of the State of Illinois.

"Departure Area" – That area which begins at the departure end of the runway and has a beginning width of 1000' (500' from centerline). The area splays 15° on each side of the extended runway centerline for a distance of 2 Nautical Miles (NM). Additionally, it includes a second surface that extends radially from a point on the runway centerline located 2,000' from the start end of the runway and extends the distance necessary to provide a 40:1 obstacle identification surface to reach the minimum altitudes authorized for en route operations.

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"Final Approach Segment" – That area of an approach where the aircraft makes final alignment and descent for landing.

"Flight Safety Coordinator" – An employee of the Department whose duties include, but are not limited to inspection of airports, review of complaints concerning uses of property in the vicinity of airports and inspection of structures, uses and trees in the vicinity of airports to determine if such structures, uses or trees impair the use of the airport by aircraft.

"Height" – The overall height of the top of a structure including any appurtenances installed thereon, for the purpose of determining the height limits in all zones set forth in this Part and shown on the zoning map, the datum of which shall be mean sea level elevation unless otherwise specified.

"Initial Approach Segment" – That area of an instrument approach between a point where aircraft departs the en route phase of flight and is maneuvering to enter an intermediate segment. Such approach segments may be made along an arc, radial, course, heading, radar vector or a combination thereof.

"Intermediate Approach Segment" – That area of an approach between the initial and final approach segments where the aircraft adjusts configuration, speed and positioning along positive course guidance such as radial or course.

"Landing Area" – The area of the airport used for the landing, taking-off or taxiing of aircraft including the unprepared surfaces adjacent to the existing runways.

"Minimum Instrument Flight Altitude" – An altitude established for instrument flight between radio fixes that provides obstacle clearance over the terrain and man-made objects and adequate for navigational performance and communications requirements.

"Non-Conforming Use" – Any structure, tree, or use of land which is lawfully in existence at the time this Part or an amendment thereto becomes effective and does not then meet the requirements of this Part.

"Non-Precision Instrument Runway" – A runway having an existing instrument approach utilizing air navigation facilities with only horizontal guidance, or area

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type navigation equipment, for which a straight-in, non-precision instrument approach procedure has been approved by the Federal Aviation Administration [FAA], or planned, and for which no precision approach facilities are planned, or indicated on a FAA planning document or military service, military airport planning document.

"Obstacle Clearance" – The vertical distance between the lowest authorized flight altitudes and a prescribed surface within a specified area.

"Permit" – A permit issued by the Department of Transportation, Division of Aeronautics, pursuant to Section 18.60 of this Part.

"Person" – An *individual, firm, partnership, corporation, company, association, joint stock association, or body politic*, and includes a *trustee, receiver, assignee, administrator, executor, guardian, or other representative, and including this state* and the Division of Aeronautics. (Section 7 of the Act)

"Political Subdivision" – *Any municipality, city, incorporated town, village, county, township, district, or authority, or any combination of two or more thereof*, situated in whole or in part within any of the surfaces established by Section 18.30. (Section 6 of the Act)

"Precision Instrument Runway" – A precision instrument runway is one which uses an instrument landing system (ILS) or precision approach radar (PAR). A planned precision instrument runway is one for which a precision approach system is indicated on a Department approved Airport Layout Plan, which is on file at the Department of Transportation, Division of Aeronautics, Bureau of Engineering, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706.

"Runway" – An area of the airport designated for the landing or taking off of aircraft and consisting of turf or concrete, asphalt, oil and chip or other composite material that forms an all weather surface other than turf.

"Slope Ratio" – A numerical expression of a stated relationship of height to horizontal distance, e.g. 100 to 1 means one hundred feet of horizontal distance for each one foot vertically.

"State" – *The State of Illinois*. (Section 8 of the Act)

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"Structure" – Any form of construction or apparatus of a permanent or temporary character, constructed or installed by man, including any implements or material used in the erection, alteration or repair of such structure, including but without limitation, buildings, towers, smokestacks, and overhead transmission lines.

"Terminal Obstacle Clearance Area" – That area near an airport that contains the initial, intermediate and final approach segments, circling and departure areas which are a part of an instrument approach procedure.

"Tree" – Any object of natural growth.

"Utility Runway" – A runway that is constructed for and intended to be used for propeller driven aircraft of 12,500 pounds maximum gross weight or less.

"Variance" – A grant of relief by the Department from the requirements of this Part, in accordance with Section 18.80.

"Visibility Minimums" – The lowest forward horizontal distance from the cockpit of an aircraft in flight at which prominent unlighted objects may be seen and identified by day and prominent lighted objects may be seen and identified by night.

"Visual Runway" – A visual runway is a runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a Department approved Airport Layout Plan, which is on file at the Department of Transportation, Division of Aeronautics, Bureau of Engineering, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706.

Section 18.30 Surfaces and Height Limitations

- a) Establishment and Creation
 - 1) The following airport imaginary surfaces are established with relation to the airport and to each runway. The size of each such imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the

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most precise approach existing or planned for that runway end.

- 2) Such airport imaginary surfaces are hereby created and established in order to carry out the provisions of this Part. Such surfaces shall include all of the land lying within the horizontal surface, conical surface, primary surface, approach surface to include non-precision instrument approach, precision instrument approach and visual approach, transitional surface and circling approach surface. These surfaces are shown on the Airport Zoning Map (Note: This zoning map can be viewed at the Department of Transportation, Division of Aeronautics, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706. For an example of this information see 92 Ill. Adm. Code 18. Exhibits A, B and C) for Aurora Municipal Airport prepared by Crawford, Murphy & Tilly, Inc., Aurora, Ill. An area located in more than one of the following surfaces is considered to be only in the surface with the more restrictive height limitation.
- 3) Except as otherwise provided in this Part, no structure or tree shall be erected, altered, allowed to grow, or maintained in any surface created by this Part to a height in excess of the height limit herein established for such surfaces.
- 4) The various surfaces are hereby established, and height limitations are hereby established for each of the surfaces, as follows:
 - b) Horizontal Surface
 - 1) A horizontal plane 150 feet above the established airport elevation of 654 feet Above Mean Sea Level (AMSL), the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:
 - A) 5,000 feet for all runways designated as utility or visual;
 - B) 10,000 feet for all other runways.
 - 2) The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for

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either end of the runway. When a 5,000 foot arc is encompassed by tangents connecting two adjacent 10,000 foot arcs, the 5,000 foot arc shall be disregarded on the construction of the perimeter of the horizontal surface. The horizontal surface does not include the approach and transitional surfaces.

c) Conical Surface

- 1) A surface extending outward and upward from the periphery of the horizontal surface, at 150 feet above the airport elevation, at a slope of 20 feet horizontally for each foot vertically for a horizontal distance of 4,000 feet.
- 2) The conical surface does not include the approach surfaces to the precision instrument runways and the transitional surfaces.

d) Primary Surface

- 1) A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:
 - A) 250 feet for utility runways having only visual approaches;
 - B) 500 feet for utility runways having non-precision instrument approaches;
 - C) For other than utility runways, the width is:
 - i) 500 feet for visual runways having only visual approaches;
 - ii) 500 feet for non-precision instrument runways having visibility minimums greater than three-fourths statute miles;

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- iii) 1,000 feet for a non-precision instrument runway having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile, and for precision instrument runways.
- 2) The width of the primary surface of a runway will be the width prescribed in this Section for the most precise approach existing or planned for either end of that runway.
- e) Approach Surface – A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.
- 1) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
 - A) 1,250 feet for that end of a utility runway with only visual approaches;
 - B) 1,500 feet for that end of a runway other than a utility runway with only visual approaches;
 - C) 2,000 feet for that end of a utility runway with a non-precision instrument approach;
 - D) 3,500 feet for that end of a non-precision instrument runway other than utility, having visibility minimums greater than three-fourths statute mile;
 - E) 4,000 feet for that end of a non-precision instrument runway, other than utility, having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile; and
 - F) 16,000 feet for precision instrument runways.
 - 2) The approach surface extends for a horizontal distance of:
 - A) 5,000 feet at a slope of 20 feet horizontally for each foot vertically

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for all utility and visual runways;

- B) 10,000 feet at a slope of 34 feet horizontally for each foot vertically for all non-precision instrument runways other than utility; and
 - C) 10,000 feet at a slope of 50 feet horizontally for each foot vertically with an additional 40,000 feet at a slope of 40 feet horizontally for each foot vertically for all precision instrument runways.
- 3) The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.
- f) Transitional Surface – These surfaces extend outward and upward at right (90°) angles to the runway centerline and the runway centerline extended at a slope of 7 feet horizontally for each foot vertically beginning at the sides of and at the same elevation of the primary surface and the approach surfaces extending to a height of 150 feet above the airport elevation which is 654 feet AMSL. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right (90°) angles to the runway centerline.
 - g) Circling Approach Surface – This is a surface 200 feet above ground level (AGL) or above the established airport elevation, whichever is greater, within three (3) nautical miles of the established reference point of Aurora Municipal Airport and this surface increases in height in the proportion of 100 feet for each additional nautical mile of distance from the airport reference point up to a maximum of 500 feet.
 - h) A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.
 - i) Excepted Height Limitations – Nothing in this Part shall be construed as

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prohibiting the growth, construction or maintenance of any tree or structure to a height up to 50 feet above the ground.

Section 18.40 Use Restrictions

Notwithstanding any other provisions of this Part, no use may be made of land or water within any surface established by this Part as follows:

- a) Electrical or Electronic Interference
 - 1) In such a manner as to create electrical or electronic interference with navigational signals or radio or radar communication between the airport and aircraft.
 - 2) If a complaint of such interference is received by the Department, a Flight Safety Coordinator shall determine if a hazard exists by observing all relevant factors including the type of aircraft using the airport, the traffic patterns at the airport, the time of day and frequency of the interference.
- b) Flashing or Illuminated Structures
 - 1) The installation and use of flashing or illuminated advertising or business signs, billboards, or any other type of illuminated structure which would be hazardous for pilots.
 - 2) In determining whether such a hazard exists, a Flight Safety Coordinator shall consider factors which include, but are not limited to, assessing the difficulty pilots have in distinguishing between airport lights and others, or which result in glare in the eyes of pilots using the airport, thereby impairing visibility in the vicinity of the airport or endangering the landing, taking off or maneuvering of aircraft, the proximity of the illuminated structure to the airport, and the traffic patterns at the airport.
- c) Smoke
 - 1) A use which would emit or discharge smoke that would interfere with the health and safety of pilots and the public in the use of the airport, or which would otherwise be detrimental or injurious to the health, safety and general welfare of the public in the use of the airport.

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- 2) In determining if such an emission or discharge of smoke would interfere with the health and safety of pilots and the public, a Flight Safety Coordinator shall consider all relevant factors which include, but are not limited to the density of the smoke, frequency of the emission or discharge, source of the smoke, general weather patterns in the vicinity, time of day, and volume and type of aircraft which use the airport.

Section 18.50 Non-Conforming Uses

- a) Regulations Not Retroactive – Those surface regulations prescribed by this Part shall not be construed to require the removal, lowering or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Part or otherwise interfere with the continuance of any non-conforming use. Nothing contained in this Part shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Part and is diligently prosecuted.
- b) Marking and Lighting
 - 1) Notwithstanding the provision of subsection (a), the owner of any existing non-conforming structure is required to permit the installation, operation and maintenance of such markers and lights as shall be deemed necessary by the Department to indicate to operators of aircraft in the vicinity of the airport, the presence of such airport hazards, all to be performed at the expense of the City of Aurora.
 - 2) In determining the necessity for such markers and lights, the Department shall consider all relevant conditions, including but not limited to, the traffic patterns, volume and type of aircraft at the airport, the general weather patterns in the vicinity, the topography of the airport and the surrounding area, and the height of the structure and its proximity to the approach and transition slopes of the existing runways.

Section 18.60 Permits

- a) Future Uses – Except as specifically provided in subsections (1), (2), and (3), no material change shall be made in the use of land and no structure or tree shall be

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erected, altered, planted, or otherwise established in any surface created unless a permit shall have been applied for and granted by the Department. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations prescribed in this Part. If such determination is in the affirmative, the permit shall be granted.

- 1) In the area lying within the limits of the horizontal surface and the conical surface, but which is not in violation of height restrictions of primary, transitional and approach surfaces as set forth in this Part, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground or in any approach and transitional surfaces beyond a horizontal distance of 4,200 feet from each end of the runway, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such surface.
 - 2) In the areas lying within the limits of visual, precision instrument and non-precision instrument approach surfaces, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such visual, precision instrument or non-precision instrument approach surfaces.
 - 3) In the areas lying within the limits of transitional surface beyond the perimeter of the horizontal surface, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground except when such tree or structure, because of terrain, land contour or topographic features, would extend above the height limit prescribed for such transitional surface.
- b) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits prescribed by this Part.

Section 18.70 Non-Conforming Structures or Uses or Trees Abandoned or Destroyed

Whenever the Department, following a Flight Safety Coordinator's personal inspection, observation and estimation, *determines that a non-conforming structure or use or tree has been abandoned or more than 80 per cent demolished, destroyed, physically deteriorated, or decayed:*

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- a) *No permit shall be granted by the Department that would allow such structure or use or tree to exceed the applicable height limit or otherwise deviate from these zoning regulations; and*
- b) *Whether application is made for a permit, or not, the Department may issue an order pursuant to subsection (c), in cases where the remaining structure or use or tree constitutes a violation of this Part, compelling the owner of the non-conforming structure or use or tree, at his own expense, to lower, remove, reconstruct, or equip such structure or use or tree as may be necessary to conform to these zoning regulations. If the owner of the non-conforming structure or use or tree shall neglect or refuse to comply with such order within ten days after notice thereof, the Department may proceed to have such structure or use or tree so lowered, removed, reconstructed or equipped and shall have a lien, on behalf of the State, upon the land whereon it is or was located, in the amount of the cost and expense thereof. Such lien may be enforced by the Department on behalf of the State by suit in equity for the enforcement thereof as in the case of other liens. (Section 23 of the Act)*
- c) The Department shall issue an order if it is determined that the non-conforming structure or use or tree interferes with traffic patterns at the airport. In making such a determination the Department shall consider factors which include, but are not limited to, the type of aircraft using the airport, and whether or not the airport has precision instrument or instrument runways.

Section 18.80 Variances

- a) General – *Any person wishing to erect or increase the height of any structure, or permit any growth, or use his property not in accordance with these zoning regulations, may apply to the Department for a variance from these zoning regulations. Such variances shall be allowed where it is found that a literal application or enforcement of these zoning regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance with the spirit of these zoning regulations. (Section 24 of the Act)*
- b) Marking and Lighting – Any Variance granted by the Department may be so conditioned as to require the owner of such structure or tree to permit, at the expense of the owner, the installation, operation and maintenance of such markers

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and lights as may be required to indicate to pilots the presence of such structure or tree.

- c) In making the determination to allow variances the Department will consider, but is not limited to considering, the proximity of the hazard to the normal flight path or traffic patterns at the airport, the proximity of other non-conforming uses, structures or trees which would impair the use of the airport, the height of the object, the volume of air traffic at the airport, the type of aircraft using the airport, the type of navigational aids used at the airport, the length and width of existing runways, and plans for future expansion of the airport.

Section 18.90 Notice of Construction or Alteration

- a) Construction or Alteration Requiring Notice – The Department shall be notified by each person (sponsor) who proposes any of the following construction or alterations with respect to the surfaces and height limitations established by Section 18.30 with respect to Aurora Municipal Airport:
 - 1) Any construction or alteration of more than 200 feet in height above the ground level at its site.
 - 2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:
 - A) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of the airport, with at least one runway more than 3200 feet in actual length.
 - B) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of the airport, with the longest runway not more than 3200 feet in actual length.
 - 3) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a waterway or any other

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traverse way not previously mentioned, an amount equal to the highest mobile object that would normally traverse it, would exceed a standard of subsection (a)(1) or (a)(2).

- 4) Any construction or alteration that would exceed a standard of the Act or this Part.
- b) Construction or Alteration Not Requiring Notice – No person is required to notify the Department for any of the following construction or alterations with respect to Aurora Municipal Airport:
- 1) Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure.
 - 2) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device less than 50 feet in height.
 - 3) Any object that would be shielded by permanent and substantial existing structures of equal or greater height or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not obstruct or interfere with aircraft using the airport, or cause any additional adverse effect on airport operations by considering the height and location of the existing uses and structures.
- c) Form and Time of Notice
- 1) Each person who is required to notify the Department under subsection (a) shall forward one executed form set (in four copies) of the Department's Form No. DA-39 (for an example, see Exhibit A) to the Division of Aeronautics, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706. Copies of this form may be obtained from the Department.
 - 2) Such notice must be submitted at least 30 days before the date the proposed construction or alteration is to begin.
 - 3) In the case of an emergency involving essential public services, public health, or public safety, that requires immediate construction or alteration,

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the 30-day requirement in subsection (c)(2) does not apply and the notice may be sent by telephone, telegraph, or other expeditious means, with an executed Department Form No. DA-39 submitted within five days. For example, an emergency could include breaks in sewer lines, gas mains or power lines.

- d) Acknowledgment of Notice
 - 1) The Department will acknowledge in writing the receipt of such notice submitted under subsection (a) within 30 days of receipt of such notice.
 - 2) The acknowledgment will state that a study of the proposed construction or alteration has resulted in a determination that the construction or alteration:
 - A) Would under federal rules require lighting or marking standards as prescribed in Advisory Circular, Department of Transportation, Federal Aviation Administration (FAA), Subject: Obstruction, Marking and Lighting, AC No: 70/7460-1, as provided in 14 CFR 77.11 (b)(3), January 1, 1990, not including any later amendment or editions, and information on how the structure should be marked and lighted in accordance with such FAA standards; and/or
 - B) Would not exceed any standard of the Act or this Part; or
 - C) Would exceed a standard of the Act, Aviation Safety Rules (92 Ill. Adm. Code 14), or this Part; or
 - D) Would require supplemental information from the sponsor in order for a determination to be made by the Department.

Section 18.100 Enforcement

It shall be the duty of the Department to administer and enforce this Part. Applications for permits or variances, required by this Part to be submitted to the Department, shall be on forms furnished by the Department and shall be promptly considered and granted or denied.

Section 18.110 Appeal and Judicial Review

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- a) *Appeal* – Any person aggrieved by any decision of the Department made in administration of this Part may apply to the Department to reverse, wholly or partly, or modify, or otherwise change, abrogate or rescind any such decision. The procedure prescribed by the Act for proceedings before boards of appeal shall govern such application to the Department. (Section 29 of the Act)
- b) *Judicial Review* – Any person aggrieved, or any taxpayer affected by any decision of the Department may appeal to the Circuit Court of Kane County, Illinois, or Circuit Court of any county in which the airport hazard is wholly or partly located, in accordance with the provisions of an Act entitled The Administrative Review Law (Ill. Rev. Stat. 1989, ch. 110, pars. 3-101 et seq.).

Section 18.120 Penalties

Each violation of this Part or of any regulations, orders, or rulings promulgated hereunder shall constitute an airport hazard and a petty offense, and such hazard shall be removed by proper legal proceedings and each day a violation continues to exist shall constitute a separate offense. In addition, the Department may institute in the Circuit Court of Kane County, Illinois, or Circuit Court of any county in which the airport hazard is wholly or party located, an action to prevent and restrain, correct or abate, any violation of these zoning regulations, or of any regulation, order or ruling made in connection with their administration or enforcement, and the court shall adjudge such relief by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of these zoning regulations as adopted and orders and rulings made pursuant thereto. (Section 34 of the Act)

Section 18.130 Conflicting Regulations

Where a conflict exists between this Part and any other regulations or ordinances applicable to the same area, whether the conflict be with respect to the height of structures, or trees, the use of land, or any other matter, the more stringent regulation or ordinance shall govern and prevail.

Section 18.140 Severability

If any of the provisions of this Part or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Part which can be given effect without the invalid provision or application, and to this end, the provisions of this Part are declared to be severable.

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Section 18.EXHIBIT A Proposed Construction Permit Request

ILLINOIS DEPARTMENT OF TRANSPORTATION
Division of Aeronautics

Name of Individual or Company
Making Request _____

Address _____
Street City Zip Phone

Nature and Description of Proposed Structure:	New Construction					
	Alteration					
	Nearest Town:					
	Location from Nearest Town					
	Direction			Distance		
	Nearest Airport:					
	From Nearest Point to a Runway					
	Direction			Distance		
	Latitude			Longitude		
	°	'	"		'	"

Proposed Heights and Elevations

Site Elevation (Mean Sea Level)	Feet
Highest Point of Structure Above Ground	Feet
Overall Height above Mean Sea Level	Feet
Estimated Construction Starting Date	
Estimated Construction Completion Date	
Type of Structure:	Permanent Temporary
Will Structure be Obstruction Lighted:	Yes No
Will Structure be Obstruction Marked:	Yes No

Remarks:

Date:	Title or Position:	Signature
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The Illinois Department of Transportation is requesting disclosure of information that is necessary to accomplish the statutory purpose as outlined under Section 1 of the Airport Zoning Act (Ill. Rev. Stat. 1989, ch. 15½, par. 48.1). Disclosure of this information is REQUIRED. Failure to provide any

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information will result in denial of the construction permit. This form has been approved by the Forms Management Center.

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- 1) Heading of the Part: Casey Municipal Airport Hazard Zoning
- 2) Code Citation: 92 Ill. Adm. Code 27
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
27.10	Repeal
27.20	Repeal
27.30	Repeal
27.40	Repeal
27.50	Repeal
27.60	Repeal
27.70	Repeal
27.80	Repeal
27.90	Repeal
27.100	Repeal
27.110	Repeal
27.120	Repeal
27.130	Repeal
27.140	Repeal
27.EXHIBIT A	Repeal
- 4) Statutory Authority: Implementing and authorized by Section 17 of the Airport Zoning Act (Ill. Rev. Stat. 1989, ch. 15½, par. 48.17)
- 5) A Complete Description of the Subjects and Issues Involved: By this Notice, the Department is proposing to repeal this Part in its entirety and, elsewhere in this issue of the *Illinois Register*, is proposing to include the Casey Municipal Airport under 92 Ill. Adm. Code 16 (Part 16), the Department's generic rule on the administration and enforcement of airport hazard zoning. Part 16 restricts the height of structures, equipment, and vegetation, and regulates the use of property, on or in the vicinity of publicly-owned airports.

It is preferable to have all airports requesting inclusion in the administration and enforcement of airport hazard zoning under one rule rather than duplicating the requirements in separate rules, which was the Department's practice several decades ago. Therefore, the Department is proposing to repeal this Part and add the airport to Part 16 which is also being amended at this time.

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- 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 will have no impact on units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed repealer. Written submissions shall be filed with:

Mr. Robert Hahn, Airspace Specialist
Illinois Department of Transportation
Division of Aeronautics
1 Langhorne Bond Drive
Abraham Lincoln Capital Airport
Springfield, Illinois 62707-8415

217/524-1580

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 317
Springfield, Illinois 62764

217/524-3838

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Comments received within forty-five days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Since the airport will be added to 92 Ill. Adm. Code 16, this proposed repealer will have no impact on small businesses.
 - 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 proposed repealer was not included on either of the 2 most recent agendas because: the Department could not anticipate the timing of the need for the repealer.

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

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TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER b: AERONAUTICSPART 27
CASEY MUNICIPAL AIRPORT
HAZARD ZONING ([REPEALED](#))

Section

27.10	Introduction
27.20	Definitions
27.30	Surfaces and Height Limitations
27.40	Use Restrictions
27.50	Non-Conforming Uses
27.60	Permits
27.70	Non-Conforming Structures of Uses or Trees Abandoned or Destroyed
27.80	Variances
27.90	Notice of Construction or Alteration
27.100	Enforcement
27.110	Appeal and Judicial Review
27.120	Penalties
27.130	Conflicting Regulations
27.140	Severability
27.EXHIBIT A	Proposed Construction Permit Request

AUTHORITY: Implementing and authorized by Section 17 of the Airport Zoning Act (Ill. Rev. Stat. 1989, ch. 15½, par. 48.17).

SOURCE: Adopted at 15 Ill. Reg. 2976, effective February 5, 1991; repealed at 33 Ill. Reg. _____, effective _____.

Section 27.10 Introduction

- a) This Part regulates and restricts the height of structures and trees, and otherwise regulates the use of property in the vicinity of the Casey Municipal Airport by creating appropriate surfaces, and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such surfaces, defining certain terms used herein; referring to the Casey Municipal Airport zoning map (Note: This zoning map can be viewed at the Department of Transportation, Division of

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Aeronautics, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706. For an example of this information see 92 Ill. Adm. Code 18. Exhibits A, B and C); providing for enforcement; imposing penalties in the interest of public safety and welfare; and providing for notice of construction or alteration.

- b) This Part is adopted at the request of the City of Casey, as owner and operator of Casey Municipal Airport, pursuant to the authority conferred by the Airport Zoning Act (Act) (Ill. Rev. Stat. 1989, ch. 15½, pars. 48.1 et seq.). *It is hereby found that an airport hazard endangers the lives and property of users of Casey Municipal Airport and of occupants of land or property in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking-off and maneuvering of aircraft, thus tending to destroy or impair the utility of Casey Municipal Airport and the public investment therein.*
- 1) *Accordingly, it is declared:*
- A) *That the creation or establishment of an airport hazard is a public nuisance and an injury to the region served by Casey Municipal Airport;*
- B) *That it is necessary in the interest of the public health, public safety and general welfare that the creation or establishment of airport hazards be prevented; and*
- C) *that the prevention of these hazards should be accomplished to the extent legally possible, by the exercise of the police power, without compensation.*
- 2) *It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and/or lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or interests in land. (Section 11 of the Act)*

Section 27.20 Definitions

As used in this Part, unless the context otherwise requires:

"Airport" – The Casey Municipal Airport located near Casey, situated in Section

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19, Township 10 North, Range 14 East of the Second Principal Meridian, Clark County, Illinois; also known as Casey Municipal Airport.

"Airport Elevation" – The established elevation of the highest point on the usable landing strip; the established airport elevation shall be 654 feet above mean sea level (AMSL).

"Airport Hazard" – *Any structure, tree, or use of land which obstructs the airspace required for, or is otherwise hazardous to the flight of aircraft in landing or taking-off at the airport.* (Section 3 of the Act)

"Airport Reference Point" – The point established as the approximate geographic center of the airport landing area and so designated as at Latitude 39° 18' 11.0" N and Longitude 88° 00' 18.0" W.

"Alteration" – Any construction which would result in a change in height or lateral dimensions of an existing structure.

"Approach, Transitional, Horizontal and Conical Surfaces" – These surfaces are defined in Section 27.30.

"Circling Approach Area" – That obstacle clearance area which shall be considered for aircraft maneuvering to land on a runway which is not aligned with the final approach course of the approach procedure.

"Construction" – The erection or alteration of any structure either of a permanent or temporary character.

"Department" – The Department of Transportation, Division of Aeronautics of the State of Illinois.

"Departure Area" – That area which begins at the departure end of the runway and has a beginning width of 1000' (500' from centerline). The area splays 15° on each side of the extended runway centerline for a distance of 2 Nautical Miles (NM). Additionally, it includes a second surface that extends radially from a point on the runway centerline located 2,000' from the start end of the runway and extends the distance necessary to provide a 40:1 obstacle identification surface to reach the minimum altitudes authorized for en route operations.

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"Final Approach Segment" – That area of an approach where the aircraft makes final alignment and descent for landing.

"Flight Safety Coordinator" – An employee of the Department whose duties include, but are not limited to inspection of airports, review of complaints concerning uses of property in the vicinity of airports and inspection of structures, uses and trees in the vicinity of airports to determine if such structures, uses or trees impair the use of the airport by aircraft.

"Height" – The overall height of the top of a structure including any appurtenances installed thereon, for the purpose of determining the height limits in all zones set forth in this Part and shown on the zoning map, the datum of which shall be mean sea level elevation unless otherwise specified.

"Initial Approach Segment" – That area of an instrument approach between a point where aircraft departs the enroute phase of flight and is maneuvering to enter an intermediate segment. Such approach segments may be made along an arc, radial, course, heading, radar vector or a combination of thereof.

"Intermediate Approach Segment" – That area of an approach between the initial and final approach segments where the aircraft adjusts configuration, speed and positioning along positive course guidance such as radial or course.

"Landing Area" – The area of the airport used for the landing, taking-off or taxiing of aircraft including the unprepared surfaces adjacent to the existing runways.

"Minimum Instrument Flight Altitude" – An altitude established for instrument flight between radio fixes that provides obstacle clearance over the terrain and man-made objects and adequate for navigational performance and communications requirements.

"Non-Conforming Use" – Any structure, tree, or use of land which is lawfully in existence at the time this Part or an amendment thereto becomes effective and does not than meet the requirements of this Part.

"Non-Precision Instrument Runway" – A runway having an existing instrument approach utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in, non-precision instrument

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approach procedure has been approved by the Federal Aviation Administration [FAA], or planned, and for which no precision approach facilities are planned, or indicated on an FAA planning document or military service, military airport planning document.

"Obstacle Clearance" – The vertical distance between the lowest authorized flight altitudes and a prescribed surface within a specified area.

"Permit" – A permit issued by the Department of Transportation, Division of Aeronautics, pursuant to Section 27.60 of this Part.

"Person" – An *individual, firm, partnership, corporation, company, association, joint stock association, or body politic*, and includes a *trustee, receiver, assignee, administrator, executor, guardian, or other representative, and including this state* and the Division of Aeronautics. (Section 7 of the Act)

"Political Subdivision" – *any municipality, city, incorporated town, village, county, township, district, or authority, or any combination of two or more thereof*, situated in whole or in part within any of the surfaces established by Section 27.30. (Section 6 of the Act)

"Precision Instrument Runway" – A precision instrument runway is one which uses an instrument landing system (ILS) or precision approach radar (PAR). A planned precision instrument runway is one for which a precision approach system is indicated on a Department approved Airport Layout Plan, which is on file at the Department of Transportation, Division of Aeronautics, Bureau of Engineering, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706.

"Runway" – An area of the airport designated for the landing or taking off of aircraft and consisting of turf or concrete, asphalt, oil and chip or other composite material that forms an all weather surface other than turf.

"Slope Ratio" – A numerical expression of a stated relationship of height to horizontal distance, e.g. 100 to 1 means one hundred feet of horizontal distance for each one foot vertically.

"State" – *The State of Illinois*. (Section 8 of the Act)

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"Structure" – Any form of construction or apparatus of a permanent or temporary character, constructed or installed by man, including any implements or material used in the erection, alteration or repair of such structure, including but without limitation, buildings, towers, smokestacks, and overhead transmission lines.

"Terminal Obstacle Clearance Area" – That area near an airport that contains the initial, intermediate and final approach segments, circling and departure areas which are a part of an instrument approach procedure.

"Tree" – Any object of natural growth.

"Utility Runway" – A runway that is constructed for and intended to be used for propeller driven aircraft of 12,500 pounds maximum gross weight or less.

"Variance" – A grant of relief by the Department from the requirements of this Part, in accordance with Section 27.80.

"Visibility Minimums" – The lowest forward horizontal distance from the cockpit of an aircraft in flight at which prominent unlighted objects may be seen and identified by day and prominent lighted objects may be seen and identified by night.

"Visual Runway" – A visual runway is a runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a Department approved Airport Layout Plan, which is on file at the Department of Transportation, Division of Aeronautics, Bureau of Engineering, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706.

Section 27.30 Surfaces and Height Limitations

- a) Establishment and Creation
 - 1) The following airport imaginary surfaces are established with relation to the airport and to each runway. The size of each such imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach existing or planned for that runway end.

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- 2) Such airport imaginary surfaces are hereby created and established in order to carry out the provisions of this Part. Such surfaces shall include all of the land lying within the horizontal surface, conical surface, primary surface, approach surface to include non-precision instrument approach, precision instrument approach and visual approach, transitional surface and circling approach surface. These surfaces are shown on the Airport Zoning Map (Note: This zoning map can be viewed at the Department of Transportation, Division of Aeronautics, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706. For an example of this information see 92 Ill. Adm. Code 18. Exhibits A, B and C) for Casey Municipal Airport prepared by Casler, Houser, & Hutchison, Inc., Jacksonville, Ill. An area located in more than one of the following surfaces is considered to be only in the surface with the more restrictive height limitation.
- 3) Except as otherwise provided in this Part, no structure or tree shall be erected, altered, allowed to grow, or maintained in any surface created by this Part to a height in excess of the height limit herein established for such surfaces.
- 4) The various surfaces are hereby established, and height limitations are hereby established for each of the surfaces, as follows:
 - b) Horizontal Surface
 - 1) A horizontal plane 150 feet above the established airport elevation of 654 feet Above Mean Sea Level (AMSL), the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:
 - A) 5,000 feet for all runways designated as utility or visual;
 - B) 10,000 feet for all other runways.
 - 2) The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000 foot arc is encompassed by

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tangents connecting two adjacent 10,000 foot arcs, the 5,000 foot arc shall be disregarded on the construction of the perimeter of the horizontal surface. The horizontal surface does not include the approach and transitional surfaces.

c) Conical Surface

- 1) A surface extending outward and upward from the periphery of the horizontal surface, at 150 feet above the airport elevation, at a slope of 20 feet horizontally for each foot vertically for a horizontal distance of 4,000 feet.
- 2) The conical surface does not include the approach surfaces to the precision instrument runways and the transitional surfaces.

d) Primary Surface

- 1) A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The evaluation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:
 - A) 250 feet for utility runways having only visual approaches;
 - B) 500 feet for utility runways having non-precision instrument approaches;
 - C) For other than utility runways, the width is:
 - i) 500 feet for visual runways having only visual approaches;
 - ii) 500 feet for non-precision instrument runways having visibility minimums greater than three-fourths statute miles;
 - iii) 1,000 feet for a non-precision instrument runway having a

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non-precision instrument approach with visibility minimums as low as three-fourths statute mile, and for precision instrument runways.

- 2) The width of the primary surface of a runway will be the width prescribed in this Section for the most precise approach existing or planned for either end of that runway.
- e) Approach Surface – A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.
- 1) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
 - A) 1,250 feet for that end of a utility runway with only visual approaches;
 - B) 1,500 feet for that end of a runway other than a utility runway with only visual approaches;
 - C) 2,000 feet for that end of a utility runway with a non-precision instrument approach;
 - D) 3,500 feet for that end of a non-precision instrument runway other than utility, having visibility minimums greater than three-fourths statute mile;
 - E) 4,000 feet for that end of a non-precision instrument runway, other than utility, having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile; and
 - F) 16,000 feet for precision instrument runways.
 - 2) The approach surface extends for a horizontal distance of:
 - A) 5,000 feet at a slope of 20 feet horizontally for each foot vertically for all utility and visual runways;

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- B) 10,000 feet at a slope of 34 feet horizontally for each foot vertically for all non-precision instrument runways other than utility; and
 - C) 10,000 feet at a slope of 50 feet horizontally for each foot vertically with an additional 40,000 feet at a slope of 40 feet horizontally for each foot vertically for all precision instrument runways.
- 3) The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.
- f) Transitional Surface – These surfaces extend outward and upward at right (90°) angles to the runway centerline and the runway centerline extended at a slope of 7 feet horizontally for each foot vertically beginning at the sides of and at the same elevation of the primary surface and the approach surfaces extending to a height of 150 feet above the airport elevation which is 654 feet AMSL. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right (90°) angles to the runway centerline.
 - g) Circling Approach Surface – This is a surface 200 feet above ground level (AGL) or above the established airport elevation, whichever is greater, within three (3) nautical miles of the established reference point of Casey Municipal Airport and this surface increases in height in the proportion of 100 feet for each additional nautical mile of distance from the airport reference point up to a maximum of 500 feet.
 - h) A height within a terminal obstacle clearance area, including an initial approach segment, a departure area, and a circling approach area, which would result in the vertical distance between any point on the object and an established minimum instrument flight altitude within that area or segment to be less than the required obstacle clearance.
 - i) Excepted Height Limitations – Nothing in this Part shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a

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height up to 50 feet above the ground.

Section 27.40 Use Restrictions

Notwithstanding any other provisions of this Part, no use may be made of land or water within any surface established by this Part as follows:

- a) Electrical or Electronic Interference
 - 1) In such a manner as to create electrical or electronic interference with navigational signals or radio or radar communication between the airport and aircraft.
 - 2) If a complaint of such interference is received by the Department, a Flight Safety Coordinator shall determine if a hazard exists by observing all relevant factors including the type of aircraft using the airport, the traffic patterns at the airport, the time of day and frequency of the interference.
- b) Flashing or Illuminated Structures
 - 1) The installation and use of flashing or illuminated advertising or business signs, billboards, or any other type of illuminated structure which would be hazardous for pilots.
 - 2) In determining whether such a hazard exists, a Flight Safety Coordinator shall consider factors which include, but are not limited to, assessing the difficulty pilots have in distinguishing between airport lights and others, or which result in glare in the eyes of pilots using the airport, thereby impairing visibility in the vicinity of the airport or endangering the landing, taking off or maneuvering of aircraft, the proximity of the illuminated structure to the airport, and the traffic patterns at the airport.
- c) Smoke
 - 1) A use which would emit or discharge smoke that would interfere with the health and safety of pilots and the public in the use of the airport, or which would otherwise be detrimental or injurious to the health, safety and general welfare of the public in the use of the airport.

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- 2) In determining if such an emission or discharge of smoke would interfere with the health and safety of pilots and the public, a Flight Safety Coordinator shall consider all relevant factors which include, but are not limited to the density of the smoke, frequency of the emission or discharge, source of the smoke, general weather patterns in the vicinity, time of day, and volume and type of aircraft which use the airport.

Section 27.50 Non-Conforming Uses

- a) Regulations Not Retroactive – Those surface regulations prescribed by this Part shall not be construed to require the removal, lowering or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this Part or otherwise interfere with the continuance of any non-conforming use. Nothing contained in this Part shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Part and is diligently prosecuted.
- b) Marking and Lighting
 - 1) Notwithstanding the provisions of subsection (a), the owner of any existing non-conforming structure is required to permit the installation, operation and maintenance of such markers and lights as shall be deemed necessary by the Department to indicate to operators of aircraft in the vicinity of the airport, the presence of such airport hazards, all to be performed at the expense of the City of Casey.
 - 2) In determining the necessity for such markers and lights, the Department shall consider all relevant conditions, including but not limited to, the traffic patterns, volume and type of aircraft and the airport, the general weather patterns in the vicinity, the topography of the airport and the surrounding area, and the height of the structure and its proximity to the approach and transition slopes of the existing runways.

Section 27.60 Permits

- a) Future Uses – Except as specifically provided in subsections (1), (2), and (3), no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any surface created unless a

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permit shall have been applied for and granted by the Department. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations prescribed in this Part. If such determination is in the affirmative, the permit shall be granted.

- 1) In the area lying within the limits of the horizontal surface and the conical surface, but which is not in violation of height restrictions of primary, transitional and approach surfaces as set forth in this Part, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground or in any approach and transitional surfaces beyond a horizontal distance of 4,200 feet from each end of the runway, except when, because of terrain, land contour or topographic features such tree or structure, would extend above the height limits prescribed for such surface.
 - 2) In the areas lying within the limits of visual, precision instrument and non-precision instrument approach surfaces, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such visual, precision instrument or non-precision instrument approach surfaces.
 - 3) In the areas lying within the limits of the transitional surface beyond the perimeter of the horizontal surface, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground except when such tree or structure, because of terrain, land contour or topographic features would extend above the height limit prescribed for such transitional surface.
- b) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits prescribed by this Part.

Section 27.70 Non-Conforming Structures or Uses or Trees Abandoned or Destroyed

Whenever the Department following a Flight Safety Coordinator's personal inspection, observation and estimation, *determines that a non-conforming structure or use or tree has been abandoned or more than 80 per cent demolished, destroyed, physically deteriorated, or decayed:*

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- a) *No permit shall be granted by the Department that would allow such structure or use or tree to exceed the applicable height limit or otherwise deviate from these zoning regulations; and*
- b) *Whether application is made for a permit, or not, the Department may issue an order pursuant to subsection (c), in cases where the remaining structure or use or tree constitutes a violation of this Part, compelling the owner of the non-conforming structure or use or tree, at his own expense, to lower, remove, reconstruct, or equip such structure or use or tree as may be necessary to conform to these zoning regulations. If the owner of the non-conforming structure or use or tree shall neglect or refuse to comply with such order within ten days after notice thereof, the Department may proceed to have such structure or use or tree so lowered, removed, reconstructed or equipped and shall have a lien, on behalf of the state, upon the land whereon it is or was located, in the amount of the cost and expense thereof. Such lien may be enforced by the Department on behalf of the State by suit in equity for the enforcement thereof as in the case of other liens. (Section 23 of the Act)*
- c) The Department shall issue an order if it is determined that the non-conforming structure or use or tree interferes with traffic patterns at the airport. In making such a determination the Department shall consider factors which include, but are not limited to, the type of aircraft using the airport, and whether or not the airport has precision instrument or instrument runways.

Section 27.80 Variances

- a) General – *any person wishing to erect or increase the height of any structure, or permit any growth, or use his property not in accordance with these zoning regulations, may apply to the Department for a variance from these zoning regulations. Such variances shall be allowed where it is found that a literal application or enforcement of these zoning regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance with the spirit of these zoning regulations. (Section 24 of the Act)*
- b) Marking and Lighting – Any Variance granted by the Department may be so conditioned as to require the owner of such structure or tree to permit, at the expense of the owner, the installation, operation and maintenance of such markers

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and lights as may be required to indicate to pilots the presence of such structure or tree.

- c) In making the determination to allow variances the Department will consider, but is not limited to considering, the proximity of the hazard to the normal flight path or traffic patterns at the airport, the proximity of other non-conforming uses, structures or trees which would impair the use of the airport, the height of the object, the volume of air traffic at the airport, the type of aircraft using the airport, the type of navigational aids used at the airport, the length and width of existing runways, and plans for future expansion of the airport.

Section 27.90 Notice of Construction or Alteration

- a) Construction or Alteration Requiring Notice – The Department shall be notified by each person (sponsor) who proposes any of the following construction or alterations with respect to the surfaces and height limitations established by Section 27.30 with respect to Casey Municipal Airport:
 - 1) Any construction or alteration of more than 200 feet in height above the ground level at its site.
 - 2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:
 - A) 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway of the airport, with at least one runway more than 3200 feet in actual length.
 - B) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of the airport, with the longest runway not more than 3200 feet in actual length.
 - 3) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a waterway or any other

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traverse way not previously mentioned, an amount equal to the highest mobile object that would normally traverse it, would exceed a standard of subsection (a)(1) or (a)(2).

- 4) Any construction or alteration that would exceed a standard of the Act or this Part.
- b) Construction or Alteration Not Requiring Notice – No person is required to notify the Department for any of the following construction or alterations with respect to Casey Municipal Airport:
- 1) Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure.
 - 2) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device less than 50 feet in height.
 - 3) Any object that would be shielded by permanent and substantial existing structures of equal or greater height or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not obstruct or interfere with aircraft using the airport, or cause any additional adverse effect on airport operations by considering the height and location of the existing uses and structures.
- c) Form and Time of Notice
- 1) Each person who is required to notify the Department under subsection (a) shall forward one executed form set (in four copies) of the Department's Form No. DA-39 (for an example, see Exhibit A) to the Division of Aeronautics, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706. Copies of this form may be obtained from the Department.
 - 2) Such notice must be submitted at least 30 days before the date the proposed construction or alteration is to begin.
 - 3) In the case of an emergency involving essential public services, public health, or public safety, that required immediate construction or alteration,

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the 30-day requirement in subsection (c)(2) does not apply and the notice may be sent by telephone, telegraph, or other expeditious means, with an executed Department Form No. DA-39 submitted within five days. For example, an emergency could include breaks in sewer lines, gas mains or power lines.

- d) Acknowledgment of Notice
 - 1) The Department will acknowledge in writing the receipt of such notice submitted under subsection (a) within 30 days of receipt of such notice.
 - 2) The acknowledgment will state that a study of the proposed construction or alteration has resulted in a determination that the construction or alteration:
 - A) Would under federal rules require lighting or marking standards as prescribed in Advisory Circular, Department of Transportation, Federal Aviation Administration (FAA), Subject: Obstruction, Marking and Lighting, AC No: 70/7460-1, as provided in 14 CFR 77.11 (b)(3), January 1, 1990, not including any later amendment or editions, and information on how the structure should be marked and lighted in accordance with such FAA standards; and/or
 - B) Would not exceed any standard of the Act or this Part; or
 - C) Would exceed a standard of the Act, Aviation Safety Rules (92 Ill. Adm. Code 14), or this Part; or
 - D) Would require supplemental information from the sponsor in order for a determination to be made by the Department.

Section 27.100 Enforcement

It shall be the duty of the Department to administer and enforce this Part. Applications for permits or variances, required by this Part to be submitted to the Department, shall be on forms furnished by the Department and shall be promptly considered and granted or denied.

Section 27.110 Appeal and Judicial Review

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- a) *Appeal* – Any person aggrieved by any decision of the Department made in administration of this Part may apply to the Department to reverse, wholly or partly, or modify, or otherwise change, abrogate or rescind any such decision. The procedure prescribed by the Act for proceedings before Board of Appeal shall govern such application to the Department. (Section 29 of the Act)
- b) *Judicial Review* – Any person aggrieved, or any taxpayer affected by any decision of the Department may appeal to the Circuit Court of Clark County, Illinois, or Circuit Court of any county in which the airport hazard is wholly or partly located, in accordance with the provisions of an Act entitled The Administrative Review Law (Ill. Rev. Stat. 1989, ch. 110, pars. 3-101 et seq.).

Section 27.120 Penalties

Each violation of this Part or of *any regulations, orders, or rulings promulgated* hereunder shall constitute an airport hazard and a *petty offense*, and such hazard shall be removed by proper legal proceedings and *each day a violation continues to exist shall constitute a separate offense*. *In addition, the Department may institute in the Circuit Court of Clark County, Illinois, or Circuit Court of any county in which the airport hazard is wholly or partly located, an action to prevent and restrain, correct or abate, any violation of these zoning regulations, or of any regulation, order or ruling made in connection with their administration or enforcement, and the court shall adjudge such relief by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of these zoning regulations as adopted and orders and rulings made pursuant thereto.* (Section 34 of the Act)

Section 27.130 Conflicting Regulations

Where a conflict exists between this Part and any other regulations or ordinances applicable to the same area, whether the conflict be with respect to the height of structures, or trees, the use of land, or any other matter, the more stringent regulation or ordinance shall govern and prevail.

Section 27.140 Severability

If any of the provisions of this Part or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Part which can be given effect without the invalid provision or application, and to this end, the provisions of this Part are declared to be severable.

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Section 27.EXHIBIT A Proposed Construction Permit Request

ILLINOIS DEPARTMENT OF TRANSPORTATION
Division of Aeronautics

Name of Individual or Company
Making Request _____

Address _____
Street City Zip Phone

Nature and Description of Proposed Structure:	New Construction					
	Alteration					
	Nearest Town:					
	Location from Nearest Town					
	Direction			Distance		
	Nearest Airport:					
	From Nearest Point to a Runway					
	Direction			Distance		
	Latitude			Longitude		
	°	'	"		'	"

Proposed Heights And Elevations

Site Elevation (Mean Sea Level)	Feet
Highest Point of Structure Above Ground	Feet
Overall Height above Mean Sea Level	Feet
Estimated Construction Starting Date	
Estimated Construction Completion Date	
Type of Structure:	Permanent Temporary
Will Structure be Obstruction Lighted:	Yes No
Will Structure be Obstruction Marked:	Yes No

Remarks:

Date:	Title or Position:	Signature
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The Illinois Department of Transportation is requesting disclosure of information that is necessary to accomplish the statutory purpose as outlined under Section 1 of the Airport Zoning Act (Ill. Rev. Stat. 1989, ch. 15½, par. 48.1). Disclosure of this information is REQUIRED. Failure to provide any information will result in denial of the construction permit. This form has been approved by the Forms Management Center.

DA-39 (Rev. 1-87) IL 494-0765

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- 1) Heading of the Part: Civic Memorial Airport Zoning Regulations
- 2) Code Citation: 92 Ill. Adm. Code 30
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
30.5	Repeal
30.10	Repeal
30.20	Repeal
30.30	Repeal
30.40	Repeal
30.50	Repeal
30.60	Repeal
30.70	Repeal
30.80	Repeal
30.90	Repeal
30.100	Repeal
30.110	Repeal
30.120	Repeal
30.130	Repeal
30.140	Repeal
30.150	Repeal
30.160	Repeal
- 4) Statutory Authority: Implementing and authorized by the Airport Zoning Act (Ill. Rev. Stat. 1981, ch. 15½, par. 48.1 et seq.)
- 5) A Complete Description of the Subjects and Issues Involved: By this Notice, the Department is proposing to repeal this Part in its entirety and, elsewhere in this issue of the *Illinois Register*, is proposing to include the Civic Memorial Airport under 92 Ill. Adm. Code 16 (Part 16), the Department's generic rule on the administration and enforcement of airport hazard zoning. Part 16 restricts the height of structures, equipment, and vegetation, and regulates the use of property, on or in the vicinity of publicly-owned airports.

It is preferable to have all airports requesting inclusion in the administration and enforcement of airport hazard zoning under one rule rather than duplicating the requirements in separate rules, which was the Department's practice several decades ago. Therefore, the Department is proposing to repeal this Part and add the airport to Part 16 which is also being amended at this time.

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- 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 will have no impact on units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed repealer. Written submissions shall be filed with:

Mr. Robert Hahn, Airspace Specialist
Illinois Department of Transportation
Division of Aeronautics
1 Langhorne Bond Drive
Abraham Lincoln Capital Airport
Springfield, Illinois 62707-8415

217/524-1580

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 317
Springfield, Illinois 62764

217/524-3838

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Comments received within forty-five days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Since the airport will be added to 92 Ill. Adm. Code 16, this proposed repealer will have no impact on small businesses.
 - 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 proposed repealer was not included on either of the 2 most recent agendas because: the Department could not anticipate the timing of the need for the repealer.

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

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TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER b: AERONAUTICS

PART 30

CIVIC MEMORIAL AIRPORT ZONING REGULATIONS ([REPEALED](#))

Section

30.5	Introduction
30.10	Short Title
30.20	Definitions
30.30	Zones
30.40	Height Limitations
30.50	Use Restrictions
30.60	Non-Conforming Uses
30.70	Spacing Adjacent Airports, Restricted Landing Area, Restricted Landing Area-Heliports
30.80	Permits
30.90	Non-Conforming Structures or Uses Abandoned or Destroyed
30.100	Variances
30.110	Enforcement
30.120	Judicial Review
30.130	Penalties
30.140	Conflicting Regulations
30.150	Severability
30.160	Effective Date

AUTHORITY: Implementing and authorized by the Airport Zoning Act (Ill. Rev. Stat. 1981, ch. 15½, par. 48.1 et seq.).

SOURCE: Filed and effective July 13, 1972; codified at 6 Ill. Reg. 15560; repealed at 33 Ill. Reg. _____, effective _____.

Section 30.5 Introduction

- a) Zoning provisions regulating and restricting the height of structures and objects of natural growth, and otherwise regulating the use of property in the vicinity of the Civic Memorial Airport by creating airport approach zones, transition zones, horizontal zones and conical zone, and establishing the boundaries thereof;

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providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein; referring to the Civic Memorial Airport Zoning Map (Note: this zoning map can be viewed at the Department of Transportation, Division of Aeronautics, Capital Airport, Springfield, Illinois, 62706. For an example of this information see 92 Ill. Adm. Code 18, Exhibits A, B and C); providing for enforcement; and imposing penalties in the interest of public safety and welfare.

- b) These zoning regulations are adopted at the request of Civic Memorial Airport Authority, a municipal corporation of the State of Illinois, as owner and operator of Civic Memorial Airport, pursuant to the Authority conferred by an Act entitled "The Airport Zoning Act" as approved July 17, 1945, as amended by acts approved July 9, 1951 and August 8, 1961. It is hereby found that an airport hazard endangers the lives and property of users of Civic Memorial Airport and of occupants of land or to property in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the utility of Civic Memorial Airport and the public investment therein.
- 1) Accordingly, it is declared:
- A) that the creation or establishment of an airport hazard is a public nuisance and an injury to the region served by Civic Memorial Airport;
 - B) that it is necessary in the interest of the public health, public safety and general welfare that the creation or establishment of airport hazards be prevented; and
 - C) that the prevention of these hazards should be accomplished to the extent legally possible by the exercise of the police power without compensation.
- 2) It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and/or lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or interests in land.

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- c) It is hereby determined by the Department of Aeronautics, State of Illinois, that the zoning regulations for Civic Memorial Airport be adopted as follows:

Section 30.10 Short Title

These zoning regulations shall be known and may be cited as "Civic Memorial Airport Zoning Regulations".

Section 30.20 Definitions

As used in these zoning regulations, unless the context otherwise requires:

"Airport" – The Civic Memorial Airport located in Section 12, Section 13, Section 18 and Section 24, of Township 5 North, Range 8 West and Range 9 West of the Third Principal Meridian, all in Madison County, Illinois.

"Airport Elevation" – The established elevation of the highest point on the useable landing area; the established airport elevation shall be 543.9' above mean sea level (AMSL).

"Airport Hazard" – Any structure, growth, or use of land which obstructs the airspace required for, or is otherwise hazardous to the flight of aircraft in landing or taking off at the airport.

"Airport Reference Point" – The point established as the approximate geographic center of the airport landing area and so designated as at Latitude 90° 03' W and Longitude 38° 53' N.

"Alteration" – Any construction which would result in a change in height of lateral dimensions of an existing structure.

"Construction" – The erection or alteration of any structure either of a permanent or temporary character.

"Department" – The Department of Transportation, Division of Aeronautics of the State of Illinois.

"Growth" – Any object of natural growth, including trees, shrubs and foliage.

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"Height" – The overall height of the top of a structure including any appurtenance installed thereon, and for the purpose of determining the height limits in all zones set forth in these regulations and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

"Instrument Runway" – A runway equipped or to be equipped with a precision electronic navigation aid or landing aid or other air navigation facilities suitable to permit the landing of aircraft by an instrument approach under restricted visibility conditions.

"Landing Area" – The area of the airport used for the landing, taking off or taxiing of aircraft.

"Non-Conforming Use" – Any structure, growth, or use of land which is lawfully in existence at the time these zoning regulations or an amendment thereto becomes effective and does not then meet the requirements of said regulations.

"Non-Instrument Runway" – The runway other than an instrument runway.

"Permit" – A permit issued by the Department of Transportation, Division of Aeronautics.

"Person" – An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative, and including this State and the Division of Aeronautics.

"Political Subdivision" – Any municipality, city, incorporated town, village, county, township, district, or authority, or any combination of two or more thereof, situated in whole or in part within any of the surfaces established by Sections 30.30 and 30.50 hereof.

"Runway" – An area of the airport designated for the landing or taking off of aircraft and consisting of either a specially prepared hard surface or turf.

"Slope Ratio" – A numerical expression of a stated relationship of height to horizontal distance, e.g. 100 to 1 means one hundred feet of horizontal distance of each one foot vertically.

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"State" – The State of Illinois.

"Structure" – Any form of construction or apparatus of a permanent or temporary character, constructed or installed by man, including any implements or material used in the erection, alteration or repair of such structure, including but without limitation, buildings, towers, smokestacks, and overhead transmission lines.

"Variance" – A grant of relief by the Department from the requirements of these zoning regulations, in accordance with Section 30.100.

Section 30.30 Zones

In order to carry out the provisions of these zoning regulations, there are hereby created and established certain zones which include all of the land lying within the instrument approach zones, non-instrument approach zones, transition zones, horizontal zone and conical zone. Such areas and zones are shown on Civic Memorial Zoning Map consisting of one (1) sheet, prepared by Warren & Van Praag, Inc., and dated May, 1969 which is attached to these zoning regulations and made a part thereof, and referred to hereinafter as the zoning map. The various zones are hereby established and defined as follows:

- a) Instrument Approach Zone – an instrument approach zone is established at each end of the instrument runway for instrument landings and take-offs. The instrument approach zones shall have a width of One Thousand (1000) feet at a point Two Hundred (200) feet beyond each end of the runway, widening thereafter uniformly to a width of Sixteen Thousand (16,000) feet at a distance of Fifty Thousand Two Hundred (50,200) feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway.
- b) Non-Instrument Approach Zone – a non-instrument approach zone is established at each end of all non-instrument runway for non-instrument landings and take-offs. The non-instrument approach zone shall have a width of Five Hundred (500) feet at a point Two Hundred (200) feet beyond each end of the runway, widening thereafter uniformly to a width of Two Thousand Five Hundred (2,500) feet at a distance of Ten Thousand Two Hundred (10,200) feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway.
- c) Transition Zones – transition zones are hereby established adjacent to both instrument and non-instrument runways and approach zones as indicated on the

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zoning map. Transition zones located normal to and at the elevation of the centerline of instrument and non-instrument runways, have variable widths as shown on the zoning map. Transition zones extend outward from a line Two Hundred Fifty (250) feet normal to and at the elevation of the centerline of the non-instrument runway, for the length of such runway plus Two Hundred (200) feet on each end; and Five Hundred (500) feet normal to and at the elevation of the centerline of the instrument runway, for the length of such runway plus Two Hundred (200) feet on each end, and are parallel and level with such runway centerlines. The transition zones along such runways slope upward and outward one (1) foot vertically for each seven (7) feet horizontally to the point where they intersect the surface of the horizontal zone. Further, transition zones are established adjacent to both the instrument and non-instrument approach zones, having variable widths, as shown on the zoning map. Such transition zones flare symmetrically with either side of the runway approach zones from the base of such zones and slope upward and outward at the rate of one (1) foot vertically for each seven (7) foot horizontally to the points where they intersect the surfaces of the horizontal and conical zones. Additionally, transition zones are established adjacent to each instrument approach zone where it projects through and beyond the limits of the the conical zone, extending a distance of Five Thousand (5000) feet measured horizontally from the edge of the instrument approach zones at right angles to the continuation of the centerline of the runway.

- d) Horizontal Zone – A horizontal zone is hereby established as the area within a circle with its center at the Airport Reference Point and having a radius of Thirteen Thousand (13,000) feet. The horizontal zone does not include the instrument and non-instrument approach zone and the transition zones.
- e) Conical Zone – a conical zone is hereby established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a distance of Seven Thousand (7,000) feet. The conical zone does not include the instrument approach zones and transition zones.

Section 30.40 Height Limitations

Except as otherwise provided in these zoning regulations, no structure or tree shall be erected, altered, allowed to grow, or maintained in any zone created by these zoning regulations to a height in excess of the height limit herein established for such zone. Such height limitations are hereby established for each of the zones in question as follows:

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- a) Instrument Approach Zone – One (1) foot in height for each fifty (50) feet in horizontal distance beginning at a point Two Hundred (200) feet from and at the centerline elevation of the end of the instrument runway and extending to the distance of Ten Thousand Two Hundred (10,200) feet from the end of the runway; thence One (1) foot in height for each Forty (40) feet in horizontal distance to a point Fifty Thousand Two Hundred (50,200) feet from the end of the runway.
- b) Non-Instrument Approach Zone – One (1) foot in height for each forty (40) feet in horizontal distance beginning at a point Two Hundred (200) feet from and at the centerline elevation of the end of the non-instrument runway and extending to a point Ten Thousand Two Hundred (10,200) feet from the end of the runway.
- c) Transition Zones – These surfaces extend outward and upward One (1) foot in height for each seven (7) feet in horizontal distance perpendicular to the runway centerline until they meet the horizontal or conical surfaces and beginning at a point Two Hundred Fifty (250) feet on either side and normal to and at the elevation of the centerline of non-instrument runways, extending 200 feet beyond each end thereof, extending upward to a maximum height of 150 feet above the established airport elevation which is +543.9 feet above mean sea level (AMSL). In addition to the foregoing, there are established height limits of One (1) foot vertical height for each Seven (7) feet horizontal distance measured from the edges of all approach zones for the entire length of the approach zone and extending upward and outward to the points where they intersect the horizontal and conical surfaces. Further, where the instrument approach surface projects through and beyond the conical zone, a height limit of One (1) foot for each Seven (7) feet of horizontal distance shall be maintained beginning at the edge of the instrument approach zone and extending a distance of Five Thousand (5000) feet from the edge of the instrument approach measured normal to the continuation of the centerline of the runway extended.
- d) Horizontal Zone – The Horizontal zone shall have an elevation of One Hundred Fifty (150) feet above the established airport elevation (543.9 feet MSL) or an elevation of 693.9 feet above mean sea level.
- e) Conical-Zone – The conical zone is one (1) foot in height for each twenty (20) feet of horizontal distance beginning at the periphery of the horizontal zone, extending to a height of One Thousand Forty-four (1,044) feet above the airport elevation.

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Section 30.50 Use Restrictions

- a) General – Notwithstanding any other provisions of these zoning regulations, no use may be made of land within any zone established by these zoning regulations in such a manner as to create electrical or electronic interference with radio or radar communication between the airport and the aircraft; or to the installation and use of flashing or illuminated advertising or business signs, billboards, or any other type of illuminated structure which would be hazardous for flyers because of the difficulty in distinguishing between airport lights and others, or which result in glare in the eyes of flyers using the airport, thereby impairing visibility in the vicinity of the airport or endangering the landing, taking off, or maneuvering of aircraft; or which would emit or discharge smoke that would interfere with the health and safety of flyers and the public in the use of the airport, or which would otherwise be detrimental or injurious to the health, safety and general welfare of the public in the use of the airport.
- b) Land Use Restriction Zone – The land Use Restriction Zone shall be those areas underneath the approach zone, including the transitional zones, at the ends of each runway to a distance of Ten Thousand Two Hundred (10,200) feet from the end of the runway. The Civic Memorial Airport Authority shall make every effort to discourage further development of residential buildings and places of public assembly involving educational, institutional, amusement and recreational uses. Any repeal or application for an amendment, variation, or special use to a zoning ordinance or other ordinance of a political subdivision affecting land use within the land use restriction zone shall require a public hearing and notice to be made to the Civic Memorial Airport Authority, the Department and the Federal Aviation Administration, at least thirty (30) days prior to the public hearing.

Section 30.60 Non-Conforming Uses

- a) Regulations Not Retroactive – These zoning regulations prescribed by this Zoning Regulation shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of these zoning regulations or otherwise interfere with the continuance of any non-conforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of these zoning regulations and is diligently prosecuted.

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- b) Marking and Lighting – Notwithstanding the provisions of Section 30.60 (a), the owner of any non-conforming structure or tree is hereby required to permit the trimming of trees or the installation, operation and maintenance on such structures of such markers and lights as shall be deemed necessary by the Department to indicate to flyers in the vicinity of the airport, the presence of such airport hazards, all to be performed at the expense of the Civic Memorial Airport Authority.

Section 30.70 Spacing Adjacent Airports, Restricted Landing Area, Restricted Landing Area-Heliports

No airport or restricted landing area or restricted landing area-heliport shall be established within the zones described.

Section 30.80 Permits

After the effective date of these zoning regulations, the plans and specifications submitted by any person in connection with the application for a building permit must be in compliance with the regulations as herein set forth and with the requirements of Objects Affecting Navigable Airspace (14 CFR 77) of the Federal Aviation Regulations issued by the Federal Aviation Administration, and with the Airport Zoning Act of the State of Illinois. Any permit issued in contravention of these zoning regulations shall be void.

Section 30.90 Non-Conforming Structures or Uses Abandoned or Destroyed

Whenever the Department determines that a non-conforming structure or use has been abandoned or more than 80 percent torn down, destroyed, or deteriorated:

- a) No permit shall be granted that will allow such structure or use to exceed the applicable height limit or otherwise deviate from these zoning regulations; and
- b) Whether application is made for a permit or not, the Department may, by appropriation action, compel the owner of the non-conforming structure or use, at his own expense, to lower, remove, reconstruct, or equip such structure or use as may be necessary to conform to these zoning regulations. If the owner of the non-conforming structure or use shall neglect or refuse to comply with such order within ten (10) days after notice thereof, the Department may proceed to have such structure or use so lowered, removed, reconstructed or equipped and shall have a lien, on behalf of the State, upon the land whereon it is or was located, in

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the amount of the cost and expense thereof. Such lien may be enforced by the Department on behalf of the State by suit in equity for the enforcement thereof as in the case of other liens.

Section 30.100 Variances

- a) General – Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property, not in accordance with these zoning regulations, may apply to the Department for a variance from these regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of these zoning regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance with the spirit of these zoning regulations.
- b) Marking and Lighting – Any variance granted by the Department may be so conditioned as to require the owner of such structure to permit, at the expense of Civic Memorial Airport Authority, the installation, operation and maintenance thereon of such markers and lights as may be required to indicate to flyers the presence of such structure.

Section 30.110 Enforcement

It shall be the duty of the Department to administer and enforce these zoning regulations. Applications for variances required by these zoning regulations to be submitted to the Department shall be on forms furnished by the Department and shall be promptly considered and granted or denied by the Department.

Section 30.120 Judicial Review

Any person aggrieved, or any taxpayer affected, by any decision of the Department may appeal to the Circuit Court of Madison County, Illinois, in accordance with the provisions of an Act entitled, "The Administrative Review Law" (Ill. Rev. Stat. 1981, ch. 110, par. 3-101 et seq.).

Section 30.130 Penalties

Each violation of these zoning regulations or of any regulation, order, or ruling promulgated hereunder shall constitute an airport hazard and a misdemeanor, and such hazard shall be removed by proper legal proceedings and such misdemeanor shall be punished by a fine of not

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more than two hundred dollars (\$200.00) and each day a violation continues to exist shall constitute a separate offense. In addition, the Department may institute in the Circuit Court of Madison County, an action to prevent and restrain, correct or abate, any violation of these zoning regulations, or of any regulation, order or ruling made in connection with their administration or enforcement, and the Court shall adjudge such relief by way of injunction (which may be mandatory) or otherwise as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of these zoning regulations as adopted and orders and rulings made pursuant thereto.

Section 30.140 Conflicting Regulations

Where there exists a conflict between any of these zoning regulations and any other regulations or ordinances applicable to the same area, whether the conflict be with respect to the height of structures, or trees, the use of land, or any other matter, the more stringent regulation or ordinance shall govern and prevail.

Section 30.150 Severability

If any of the provisions of these zoning regulations or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of these zoning regulations which can be given effect without the invalid provision or application, and to this end the provisions of these zoning regulations are declared to be severable.

Section 30.160 Effective Date

- a) Whereas, the immediate application of the provisions of these zoning regulations is necessary for the preservation of the public health, public safety, and general welfare, an emergency is hereby declared to exist, and these zoning regulations shall be in full force and effect from and after its adoption by the Department, concurrence by the Illinois Commerce Commission, and filing with the Secretary of State.
- b) Adopted by the Department of Aeronautics this 12th day of April, 1971.
- c) Concurred in by the Illinois Commerce Commission this 3rd day of May, 1972.

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- 1) Heading of the Part: Flora Airport Hazard Zoning Regulations
- 2) Code Citation: 92 Ill. Adm. Code 42
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
42.10	Repeal
42.20	Repeal
42.30	Repeal
42.40	Repeal
42.50	Repeal
42.60	Repeal
42.70	Repeal
42.80	Repeal
42.90	Repeal
42.100	Repeal
42.110	Repeal
42.120	Repeal
42.130	Repeal
42.140	Repeal
42.150	Repeal
42.160	Repeal
- 4) Statutory Authority: Implementing and authorized by the Airport Zoning Act (Ill. Rev. Stat. 1981, ch. 15½, par. 48.1 et seq.)
- 5) A Complete Description of the Subjects and Issues Involved: By this Notice, the Department is proposing to repeal this Part in its entirety and, elsewhere in this issue of the *Illinois Register*, is proposing to include the Flora Airport under 92 Ill. Adm. Code 16 (Part 16), the Department's generic rule on the administration and enforcement of airport hazard zoning. Part 16 restricts the height of structures, equipment, and vegetation, and regulates the use of property, on or in the vicinity of publicly-owned airports.

It is preferable to have all airports requesting inclusion in the administration and enforcement of airport hazard zoning under one rule rather than duplicating the requirements in separate rules, which was the Department's practice several decades ago. Therefore, the Department is proposing to repeal this Part and add the airport to Part 16 which is also being amended at this time.

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- 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 will have no impact on units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed repealer. Written submissions shall be filed with:

Mr. Robert Hahn, Airspace Specialist
Illinois Department of Transportation
Division of Aeronautics
1 Langhorne Bond Drive
Abraham Lincoln Capital Airport
Springfield, Illinois 62707-8415

217/524-1580

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 317
Springfield, Illinois 62764

217/524-3838

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Comments received within forty-five days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Since the airport will be added to 92 Ill. Adm. Code 16, this proposed repealer will have no impact on small businesses.
 - 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 proposed repealer was not included on either of the 2 most recent agendas because: the Department could not anticipate the timing of the need for the repealer.

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

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TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER b: AERONAUTICSPART 42
FLORA AIRPORT
HAZARD ZONING REGULATIONS ([REPEALED](#))

Section

42.10	Introduction
42.20	Short Title
42.30	Definitions
42.40	Surfaces and Height Limitations
42.50	Use Restrictions
42.60	Non-Conforming Uses
42.70	Permits
42.80	Non-Conforming Structures or Uses or Growth Abandoned or Destroyed
42.90	Variances
42.100	Notice of Construction or Alteration
42.110	Enforcement
42.120	Appeal and Judicial Review
42.130	Penalties
42.140	Conflicting Regulations
42.150	Severability
42.160	Effective Date

AUTHORITY: Implementing and authorized by the Airport Zoning Act (Ill. Rev. Stat. 1981, ch. 15½, par. 48.1 et seq.).

SOURCE: Adopted at 3 Ill. Reg. 29, p. 172, effective July 15, 1979; codified at 6 Ill. Reg. 15269; repealed at 33 Ill. Reg. _____, effective _____.

Section 42.10 Introduction

- a) Zoning provisions regulating and restricting the height of structures and objects of natural growth, and otherwise regulating the use of property in the vicinity of the Flora Airport by creating appropriate surfaces, and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such surfaces, defining certain terms used herein; referring to the Flora Airport zoning map

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(Note: this zoning map can be viewed at the Department of Transportation, Division of Aeronautics, Capital Airport, Springfield, Illinois, 62706. For an example of this information see 92 Ill. Adm. Code 18, Exhibits A, B and C.) ; providing for enforcement; imposing penalties in the interest of public safety and welfare; and providing for notice of construction or alteration.

- b) These zoning regulations are adopted at the request of Flora Airport Authority, a municipal corporation of the State of Illinois, as owner and operator of Flora Airport, pursuant to the authority conferred by an Act entitled, the Airport Zoning Act (Ill. Rev. Stat. 1981, ch. 15½, pars. 48.1 et seq.). It is hereby found that an airport hazard endangers the lives and property of users of Flora Airport and of occupants of land or to property in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the utility of Flora Airport and the public investment therein.
- 1) Accordingly, it is declared:
- A) that the creation or establishment of an airport hazard is a public nuisance and an injury to the region served by Flora Airport;
 - B) that it is necessary in the interest of the public health, public safety and general welfare that the creation or establishment of airport hazards be prevented, and
 - C) that the prevention of these hazards should be accomplished to the extent legally possible by the exercise of the police power without compensation.
- 2) It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and/or lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or interests in land.
- c) It is hereby determined by the Department of Transportation, Division of Aeronautics, State of Illinois, that the zoning regulations for Flora Airport be adopted as follows:

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Section 42.20 Short Title

These zoning regulations shall be known and may be cited as "Airport Hazard Zoning Regulations for Flora Airport".

Section 42.30 Definitions

As used in these zoning regulations, unless the context otherwise requires:

"Airport" – The Flora Airport located near Flora, in the Northwest $\frac{1}{4}$ of Section 32; also part of the Southwest $\frac{1}{4}$ of Section 29, and part of the South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 29; all in Township 13 North, Range 7 East of the Third Principal Meridian, Clay County, Illinois.

"Airport Elevation" – The established elevation of the highest point on the useable landing area; the established airport elevation shall be 472.0' above mean sea level (AMSL).

"Airport Hazard" – Any structure, growth, or use of land which obstructs the airspace required for, or is otherwise hazardous to the flight of aircraft in landing or taking off at the airport.

"Airport Reference Point" – The point established as the approximate geographic center of the airport landing area and so designated as at Latitude $38^{\circ} 39' 53''$ N and Longitude $88^{\circ} 27' 07''$ W.

"Alteration" – Any construction which would result in a change in height of lateral dimensions of an existing structure.

"Approach, Transitional, Horizontal and Conical Surfaces" – These surfaces are defined in Federal Aviation Regulations, Objects Affecting Navigable Airspace (14 CFR 77).

"Construction" – The erection or alteration of any structure either of a permanent or temporary character.

"Department" – The Department of Transportation, Division of Aeronautics of the State of Illinois.

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"Growth" – Any object of natural growth, including trees, shrubs and foliage.

"Height" – The overall height of the top of a structure including any appurtenance installed thereon, and for the purpose of determining the height limits in all zones set forth in these regulations and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

"Landing Area" – The area of the airport used for the landing, taking off or taxiing of aircraft.

"Non-Conforming Use" – Any structure, growth, or use of land which is lawfully in existence at the time these zoning regulations or an amendment thereto becomes effective and does not then meet the requirements of said regulations.

"Non-Precision Instrument Runway" – A runway having an existing instrument approach utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in, non-precision instrument approach procedure has been approved, or planned, and for which no precision approach facilities are planned, or indicated on an Federal Aviation Administration (FAA) planning document or military service, military airport planning document.

"Permit" – A permit issued by the Department of Transportation, Division of Aeronautics.

"Person" – An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative, and including this State and the Division of Aeronautics.

"Political Subdivision" – Any municipality, city, incorporated town, village, county, township, district, or authority, or any combination of two or more thereof, situated in whole or in part within any of the surfaces established by Section 42.90 hereof.

"Precision Instrument Runway" – A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), or a Precision Approach Radar (PAR) or a runway for which a precision approach system is planned and is so indicated by an FAA Approved Layout Plan.

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"Runway" – An area of the airport designated for the landing or taking off of aircraft and consisting of either a specially prepared hard surface or turf.

"Slope Ratio" – A numerical expression of a stated relationship of height to horizontal distance, e.g. 100 to 1 means one hundred feet of horizontal distance of each one foot vertically.

"State" – The State of Illinois.

"Structure" – Any form of construction or apparatus of a permanent or temporary character, constructed or installed by man, including any implements or material used in the erection, alteration or repair of such structure, including but without limitation, buildings, towers, smokestacks, and overhead transmission lines.

"Utility Runway" – A runway that is constructed for and intended to be used for propeller driven aircraft of 12,500 pounds maximum gross weight or less.

"Variance" – A grant of relief by the Department from the requirements of these zoning regulations, in accordance with Section 42.90.

"Visual Runway" – A runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an FAA Approved Layout Plan, or by any planning document, submitted to the FAA by competent authority.

Section 42.40 Surfaces and Height Limitations

- a) Establishment and Creation
 - 1) The following airport imaginary surfaces are established with relation to the airport and to each runway. The size of each such imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach existing or planned for that runway end.
 - 2) Such airport imaginary surfaces are hereby created and established, in order to carry out the provisions of these zoning regulations. Such surfaces

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shall include all of the land lying within the horizontal surface, conical surface, primary surface, approach surface to include non-precision instrument approach and visual approach, transitional surface and circling approach surface. These surfaces are shown on the Airport Zoning Map for Flora Airport prepared by William J. Murray and Associates, Inc., Springfield, Illinois, and referred to hereinafter as the zoning map. (Note: this zoning map can be viewed at the Department of Transportation, Division of Aeronautics, Capital Airport, Springfield, Illinois, 62706. For an example of this information see 92 Ill. Adm. Code 18, Exhibits A, B and C.) An area located in more than one of the following surfaces is considered to be only in the surface with the more restrictive height limitation.

- 3) Except as otherwise provided in these zoning regulations, no structure or growth shall be erected, altered, allowed to grow, or maintained in any surface created by these zoning regulations to a height in excess of the height limit herein established for such surfaces.
- 4) The various surfaces are hereby established, and the height limitations are hereby established for each of the surfaces, as follows:
 - b) Horizontal Surface
 - 1) A horizontal plane 150' above the established airport elevation of 472.0' above mean sea level (AMSL), the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:
 - A) 5,000 feet for all runways designated as utility or visual;
 - B) 10,000 feet for all other runways.
 - 2) The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000 foot arc is encompassed by tangents connecting two adjacent 10,000 foot arcs, the 5,000 foot arc shall be disregarded on the construction of the perimeter of the horizontal surface. The horizontal surface does not include the approach and

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transitional surfaces.

c) Conical Surface

- 1) A surface extending outward and upward from the periphery of the horizontal surface, at 150 feet above the airport elevation, at a slope of 20 feet horizontally for each foot vertically for a horizontal distance of 4,000 feet.
- 2) The conical surface does not include the precision instrument approach surfaces and the transitional surfaces.

d) Primary Surface

- 1) A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:
 - A) 250' for utility runways having only visual approaches;
 - B) 500' for utility runways having non-precision instrument approaches;
 - C) For other than utility runways, the width is:
 - i) 500' for visual runways having only visual approaches;
 - ii) 500' for non-precision instrument runways having visibility minimums greater than three-fourths statute mile;
 - iii) 1,000' for a non-precision instrument runway having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile, and for precision instrument runways.

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- 2) The width of the primary surface of a runway will be the width prescribed in this Section for the most precise approach existing or planned for either end of that runway.
- e) Approach Surface – A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.
- 1) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
 - A) 1,250' for that end of a utility runway with only visual approaches;
 - B) 1,500' for that end of runway other than a utility runway with only visual approaches;
 - C) 2,000' for that end of a utility runway with a non-precision instrument approach;
 - D) 3,500' for that end of a non-precision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile;
 - E) 4,000' for that end of a non-precision instrument runway, other than utility, having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile; and
 - F) 16,000' for precision instrument runways.
 - 2) The approach surface extends for a horizontal distance of:
 - A) 5,000' at a slope of 20' horizontally for each foot vertically for all utility and visual runways;
 - B) 10,000' at a slope of 34' horizontally for each foot vertically for all non-precision instrument runways other than utility; and
 - C) 10,000' at a slope of 50' horizontally for each foot vertically with

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an additional 40,000' at a slope of 40 feet horizontally for each foot vertically for all precision instrument runways.

- 3) The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.
- f) Transitional Surface – These surfaces extend outward and upward at right (90°) angles to the runway centerline and the runway centerline extended at a slope of 7 feet horizontally for each foot vertically beginning at the sides of and at the same elevation of the primary surface and the approach surfaces extending to a height of 150' above the airport elevation which is 472.0' AMSL. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000' measured horizontally from the edge of the approach surface and at right (90°) angles to the runway centerline.
- g) Circling Approach Surface – This is a surface 200' above ground level (AGL) or above the established airport elevation, whichever is greater, within three (3) nautical miles of the established reference point of Flora Airport and this surface increases in height in the proportion of 100 feet for each additional nautical mile of distance from the airport reference point up to a maximum of 500'.
- h) Excepted Height Limitations – Nothing in these regulations shall be construed as prohibiting the growth, construction or maintenance of any growth or structure to a height up to 50 feet above the surface of the land.

Section 42.50 Use Restrictions

Notwithstanding any other provisions of these zoning regulations, no use may be made of land or water within any surface established by these zoning regulations in such a manner as to create electrical or electronic interference with navigational signals or radio or radar communication between the airport and aircraft; or to the installation and use of flashing or illuminated advertising or business signs, billboards, or any other type of illuminated structure which would be hazardous for pilots because of the difficulty in distinguishing between airport lights and others, or which result in glare in the eyes of pilots using the airport, thereby impairing visibility in the vicinity of the airport or endangering the landing, taking off, or maneuvering of aircraft; or which would emit or discharge smoke that would interfere with the health and safety of pilots and the public in the use of the airport, or which would otherwise be detrimental or injurious to

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the health, safety and general welfare of the public in the use of the airport.

Section 42.60 Non-Conforming Uses

- a) Regulations Not Retroactive – Those surface regulations prescribed by these zoning regulations shall not be construed to require the removal, lowering, or other changes or alteration of any structure or growth not conforming to the regulations as of the effective date of these zoning regulations or otherwise interfere with the continuance of any non-conforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of these zoning regulations and is diligently prosecuted.
- b) Marking and Lighting – Notwithstanding the provisions of Section 42.60(a), the owner of any existing non-conforming structure is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Department to indicate to operators of aircraft in the vicinity of the airport, the presence of such airport hazards, all to be performed at the expense of the Flora Airport Authority.

Section 42.70 Permits

- a) Future Uses – Except as specifically provided in Paragraphs (1), (2), and (3) hereunder, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any surface hereby created unless a permit therefor shall have been applied for and granted by the Department. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or growth would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.
 - 1) In the area lying within the limits of the horizontal surface and the conical surface, but which is not in violation of height restrictions of primary, transitional and approach surfaces as set forth in these regulations, no permit shall be required for any growth or structure less than 75' of vertical height above the ground or in any approach and transitional surfaces beyond a horizontal distance of 4,200' from each end of the runway, except when because of terrain, land contour or topographic

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features such growth or structure would extend above the height limits prescribed for such surface.

- 2) In the areas lying within the limits of visual, precision instrument and non-precision instrument approach surfaces, no permit shall be required for any growth or structure less than 75' of vertical height above the ground, except when such growth or structure would extend above the height limit prescribed for such visual, precision instrument or non-precision instrument approach surfaces.
 - 3) In the areas lying within the limits of the transitional surface beyond the perimeter of the horizontal surface, no permit shall be required for any growth or structure less than 75' of vertical height above the ground except when such growth or structure, because of terrain, land contour or topographic features would extend above the height limit prescribed for such transitional surface.
- b) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or growth in excess of any of the height limits established by these regulations.

Section 42.80 Non-Conforming Structures or Uses or Growth Abandoned or Destroyed

Whenever the Department determines that a non-conforming structure or use or growth has been abandoned or more than 80 per cent demolished, destroyed, physically deteriorated or decayed:

- a) No permit shall be granted by the Department that will allow such structure or use or growth to exceed the applicable height limit or otherwise deviate from these zoning regulations; and
- b) Whether application is made for a permit, or not, the Department may issue an order, in cases where the remaining structure or use or growth constitutes a violation of these zoning regulations, compelling the owner of the non-conforming structure or use or growth, at his own expense, to lower, remove, reconstruct, or equip such structure or use of growth as may be necessary to conform to these zoning regulations. If the owner of the non-conforming structure or use or growth shall neglect or refuse to comply with such order within ten (10) days after notice thereof; the Department may proceed to have such

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structure or use or growth so lowered, removed, reconstructed or equipped and shall have a lien, on behalf of the State, upon the land whereon it is or was located, in the amount of the cost and expense thereof. Such lien may be enforced by the Department on behalf of the State by suit in equity for the enforcement thereof as in the case of other liens.

Section 42.90 Variances

- a) General – Any person wishing to erect or increase the height of any structure, or permit any growth, or use his property not in accordance with these zoning regulations, may apply to the Department for a Variance from these regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of these zoning regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance with the spirit of these zoning regulations.
- b) Marking and Lighting – Any variance granted by the Department may be so conditioned as to require the owner of such structure or growth to permit, at the expense of the owner, the installation, operation and maintenance thereon of such markers and lights as may be required to indicate to pilots the presence of such structure or growth.

Section 42.100 Notice of Construction or Alteration

- a) Construction or Alteration Requiring Notice – The Department shall be notified by each person (sponsor) who proposes any of the following construction or alterations with respect to the surfaces and height limitation established herein by Section 42.40 hereof with respect to Flora Airport:
 - 1) Any construction or alteration of more than 200' in height above the ground level at its site.
 - 2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:
 - A) 100 to 1 for a horizontal distance of 20,000' from the nearest point of the nearest runway of the airport, with at least one runway more than 3200' in actual length.

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- B) 50 to 1 for a horizontal distance of 10,000' from the nearest point of the nearest runway of the airport, with the longest runway not more than 3200' in actual length.
- 3) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward, 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a water way or any other traverse way not previously mentioned, an amount equal to the highest mobile object that would normally traverse it, would exceed a standard of subparagraph (a)(1) or (a)(2) of this paragraph.
- 4) When requested by the Department, any construction or alteration that would be in an instrument approach area (defined in the FAA Standards Governing Instrument Approach Procedures) and available information indicates it would exceed a standard of the Statute, rules and regulations of the Department of these zoning regulations.
- b) Construction or Alteration Not Requiring Notice – No person is required to notify the Department for any of the following construction or alterations with respect to Flora Airport:
- 1) Any antenna structure of 20' or less in height except one that would increase the height of another antenna structure.
- 2) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Administrator of the FAA, or an appropriate military service on military airports, the location and height of which is fixed by its functional purpose.
- 3) Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt

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that the structure so shielded will not adversely affect safety in air navigation.

- c) Form and Time of Notice
- 1) Each person who is required to notify the Department under paragraph (a) shall forward one (1) executed form set (in four copies) of the Department's Form No. DA-39 to the Division of Aeronautics, Capital Airport, North Walnut Street Road Springfield, Illinois 62706. Copies of this form may be obtained from the Department.
 - 2) Such notice must be submitted at least 30 days before the date the proposed construction or alteration is to begin.
 - 3) In the case of an emergency involving essential public services, public health, or public safety, that requires immediate construction or alteration, the thirty (30) day requirement in paragraph (c)(2) above does not apply and the notice may be sent by telephone, telegraph, or other expeditious means, with an executed Department Form No. DA-39 submitted within five (5) days thereafter.
- d) Acknowledgment of Notice
- 1) The Department will acknowledge in writing the receipt of such notice submitted under paragraph (a) above within 30 days of receipt of such notice.
 - 2) The acknowledgment will state that an aeronautical study of the proposed construction or alteration has resulted in a determination that the construction or alteration:
 - A) Would not exceed any standard of the statute, rules, and regulations of the Department, or these zoning regulations and would not be a hazard to air navigation; or
 - B) Would exceed a standard of the statute, rules and regulations of the Department, or these zoning regulations but would not be a hazard to air navigation, although an application for Variance pursuant to Section 42.90 of these regulations would be required; or

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- C) Would exceed a standard of the Statute, rules and regulations of the Department, or these zoning regulations and further aeronautical study is necessary to determine whether it would be a hazard to air navigation, that the sponsor may request within 30 days that further study, and that, pending completion of any further study, it is presumed that construction or alteration would be a hazard to air navigation and an application for Variance pursuant to Section 42.90 of these regulations would be required; or
- D) Would require lighting or marking standards as prescribed by the FAA, and information on how the structure should be marked and lighted in accordance with such FAA standards; or
- E) Would require supplemental information from the sponsor in order for a determination to be made by the Department.

Section 42.110 Enforcement

It shall be the duty of the Department to administer and enforce these zoning regulations. Applications for permits or variances, required by these zoning regulations to be submitted to the Department, shall be on forms furnished by the Department and shall be promptly considered and granted or denied.

Section 42.120 Appeal and Judicial Review

- a) Appeal – Any person aggrieved by any decision of the Department made in the administration of these zoning regulations may apply to the Department to reverse, wholly or partly, or modify, or otherwise change, abrogate or rescind any such decision. The procedure prescribed by Statute for proceedings before Boards of Appeal shall govern such application to the Department.
- b) Judicial Review – Any person aggrieved, or any taxpayer affected by any decision of the Department may appeal to the Circuit Court of Clay County, Illinois, or Circuit Court of any county in which the airport hazard is wholly or partly located, in accordance with the provisions of an Act entitled, the Administrative Review Law (Ill. Rev. Stat. 1981, ch. 110, par. 3-101 et. seq.).

Section 42.130 Penalties

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Each violation of these zoning regulations or of any regulation, order, or ruling promulgated hereunder shall constitute an airport hazard and a petty offense, and such hazard shall be removed by proper legal proceedings and each day a violation continues to exist shall constitute a separate offense. In addition, the Department may institute in the Circuit Court of Clay County, Illinois or Circuit Court of any County in which the airport hazard is wholly or partly located, an action to prevent and restrain, correct or abate, any violation of these zoning regulations, or of any regulation, order or ruling made in connection with their administration or enforcement, and the Court shall adjudge such relief by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of these zoning regulations as adopted and orders and rulings made pursuant thereto.

Section 42.140 Conflicting Regulations

Where a conflict exists between any of these zoning regulations and any other regulations or ordinances applicable to the same site, whether the conflict be with respect to the height of structures, or growths, the use of land, or any other matter, the more stringent regulation or ordinance shall govern and prevail.

Section 42.150 Severability

If any of the provisions of these zoning regulations or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of these zoning regulations which can be given effect without the invalid provision or application, and to this end, the provisions of these zoning regulations are declared to be severable.

Section 42.160 Effective Date

- a) These zoning regulations shall be in full force and effect from and after concurrence by the Illinois Commerce Commission, adoption by the Department and ten (10) days after filing with the Secretary of State.
- b) Concurred in by Order of the Illinois Commerce Commission dated June 20, 1979.
- c) Adopted by Order of the Division of Aeronautics dated June 25, 1979.
- d) Filed with the Office of the Secretary of State on July 5, 1979 and became

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effective on July 15, 1979.

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- 1) Heading of the Part: Greater Kankakee Airport Hazard Zoning Regulations
- 2) Code Citation: 92 Ill. Adm. Code 46
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
46.5	Repeal
46.10	Repeal
46.20	Repeal
46.30	Repeal
46.40	Repeal
46.50	Repeal
46.60	Repeal
46.70	Repeal
46.80	Repeal
46.90	Repeal
46.100	Repeal
46.110	Repeal
46.120	Repeal
46.130	Repeal
46.140	Repeal
46.150	Repeal
- 4) Statutory Authority: Implementing and authorized by the Airport Zoning Act (Ill. Rev. Stat. 1981, ch. 15½, par. 48.1 et seq.)
- 5) A Complete Description of the Subjects and Issues Involved: By this Notice, the Department is proposing to repeal this Part in its entirety and, elsewhere in this issue of the *Illinois Register*, is proposing to include the Greater Kankakee Airport under 92 Ill. Adm. Code 16 (Part 16), the Department's generic rule on the administration and enforcement of airport hazard zoning. Part 16 restricts the height of structures, equipment, and vegetation, and regulates the use of property, on or in the vicinity of publicly-owned airports.

It is preferable to have all airports requesting inclusion in the administration and enforcement of airport hazard zoning under one rule rather than duplicating the requirements in separate rules, which was the Department's practice several decades ago. Therefore, the Department is proposing to repeal this Part and add the airport to Part 16 which is also being amended at this time.

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- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule 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 will have no impact on units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed repealer. Written submissions shall be filed with:

Mr. Robert Hahn, Airspace Specialist
Illinois Department of Transportation
Division of Aeronautics
1 Langhorne Bond Drive
Abraham Lincoln Capital Airport
Springfield, Illinois 62707-8415

217/524-1580

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 317
Springfield, Illinois 62764

217/524-3838

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Comments received within forty-five days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: Since the airport will be added to 92 Ill. Adm. Code 16, this proposed repealer will have no impact on small businesses.
 - 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 proposed repealer was not included on either of the 2 most recent agendas because: the Department could not anticipate the timing of the need for the repealer.

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

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TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER b: AERONAUTICSPART 46
GREATER KANKAKEE AIRPORT
HAZARD ZONING REGULATIONS ([REPEALED](#))

Section

46.5	Introduction
46.10	Short Title
46.20	Definitions
46.30	Surfaces and Height Limitations
46.40	Use Restrictions
46.50	Non-Conforming Uses
46.60	Permits
46.70	Non-Conforming Structures or Uses or Growth Abandoned or Destroyed
46.80	Variances
46.90	Notice of Construction or Alteration
46.100	Enforcement
46.110	Appeal and Judicial Review
46.120	Penalties
46.130	Conflicting Regulations
46.140	Severability
46.150	Effective Date

AUTHORITY: Implementing and authorized by the Airport Zoning Act (Ill. Rev. Stat. 1981, ch. 15½, par. 48.1 et. seq.).

SOURCE: Emergency rule adopted July 24, 1974; codified at 6 Ill. Reg. 15562; repealed at 33 Ill. Reg. _____, effective _____.

Section 46.5 Introduction

- a) Zoning provisions regulating and restricting the height of structures and objects of natural growth, and otherwise regulating the use of property in the vicinity of the Greater Kankakee Airport by creating appropriate surfaces, and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such surfaces, defining certain terms used herein; referring to the Greater

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Kankakee Airport zoning map (Note: this zoning map can be viewed at the Department of Transportation, Division of Aeronautics, Capital Airport, Springfield, Illinois, 62706. For an example of this information see 92 Ill. Adm. Code 18, Exhibits A, B and C.) ; providing for enforcement; imposing penalties in the interest of public safety and welfare; and providing for notice of construction or alteration.

- b) These zoning regulations are adopted at the request of the Kankakee Valley Airport Authority, a municipal corporation of the State of Illinois, as owner and operator of the Greater Kankakee Airport, pursuant to the authority conferred by an Act entitled, the Airport Zoning Act (Ill. Rev. Stat. 1981, ch. 15½, pars. 48.1 et seq.). It is hereby found that an airport hazard endangers the lives and property of users of the Greater Kankakee Airport and of occupants of land or to property in its vicinity, and also if of the obstruction type, in effect reduces the size of the area available for the landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the utility of the Greater Kankakee Airport and the public investment therein.
- 1) Accordingly, it is declared:
- A) that the creation or establishment of an airport hazard is a public nuisance and an injury to the region served by the Greater Kankakee Airport;
- B) that it is necessary in the interest of the public health, public safety and general welfare that the creation or establishment of airport hazards be prevented, and
- C) that the prevention of these hazards should be accomplished to the extent legally possible by the exercise of the police power without compensation.
- 2) It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and/or lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or interests in land.
- c) It is hereby determined by the Department of Transportation, Division of

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Aeronautics, State of Illinois, that the zoning regulations for the Greater Kankakee Airport be adopted as follows:

Section 46.10 Short Title

These zoning regulations shall be known and may be cited as "The Greater Kankakee Airport Hazard Zoning Regulations".

Section 46.20 Definitions

As used in these zoning regulations, unless the context otherwise requires:

"Airport" – The Greater Kankakee Airport located near Kankakee in the East ½ of Section 20; West ½ of Section 21; a Part of the South ½ of the South ½ of the Southeast ¼ of Section 17; and Part of the Southwest and Southeast Quarters of Section 16; all in Township 30 North, Range 13 West of the Second Principal Meridian, Kankakee County, Illinois.

"Airport Elevation" – The established elevation of the highest point on the useable landing area; the established airport elevation shall be 625' above mean sea level (AMSL).

"Airport Hazard" – Any structure, growth, or use of land which obstructs the airspace required for, or is otherwise hazardous to the flight of aircraft in landing or taking off at the airport.

"Airport Reference Point" – The point established as the approximate geographic center of the airport landing area and so designated as at Latitude 41° 04' 16" and Longitude 87° 50' 46".

"Alteration" – Any construction which would result in a change in height of lateral dimensions of an existing structure.

"Approach, Transitional, Horizontal and Conical Surfaces" – These surfaces are defined in Federal Aviation Regulations, Objects Affecting Navigable Airspace (14 CFR 77).

"Construction" – The erection or alteration of any structure either of a permanent or temporary character.

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"Department" – The Department of Transportation, Division of Aeronautics of the State of Illinois.

"Growth" – Any object of natural growth, including trees, shrubs and foliage.

"Height" – The overall height of the top of a structure including any appurtenance installed thereon, and for the purpose of determining the height limits in all zones set forth in these regulations and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

"Landing Area" – The area of the airport used for the landing, taking off or taxiing of aircraft.

"Non-Conforming Use" – Any structure, growth, or use of land which is lawfully in existence at the time these zoning regulations or an amendment thereto becomes effective and does not then meet the requirements of said regulations.

"Non-Precision Instrument Runway" – A runway having an existing instrument approach utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in, non-precision instrument approach procedure has been approved, or planned, and for which no precision approach facilities are planned, or indicated on an FAA planning document or military service, military airport planning document.

"Permit" – A permit issued by the Department of Transportation, Division of Aeronautics.

"Person" – An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative, and including this State and the Division of Aeronautics.

"Political Subdivision" – Any municipality, city, incorporated town, village, county, township, district, or authority, or any combination of two or more thereof, situated in whole or in part within any of the surfaces established by Section 46.30 hereof.

"Precision Instrument Runway" – A runway having an existing instrument

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approach procedure utilizing an Instrument Landing System (ILS), or a Precision Approach Radar (PAR) or a runway for which a precision approach system is planned and is so indicated by an FAA Approved Layout Plan.

"Runway" – An area of the airport designated for the landing or taking off of aircraft and consisting of either a specially prepared hard surface or turf.

"Slope Ratio" – A numerical expression of a stated relationship of height to horizontal distance, e.g. 100 to 1 means one hundred feet of horizontal distance of each one foot vertically.

"State" – The State of Illinois.

"Structure" – Any form of construction or apparatus of a permanent or temporary character, constructed or installed by man, including any implements or material used in the erection, alteration or repair of such structure, including but without limitation, buildings, towers, smokestacks, and overhead transmission lines.

"Utility Runway" – A runway that is constructed for and intended to be used for propeller driven aircraft of 12,500 pounds maximum gross weight or less.

"Variance" – A grant of relief by the Department from the requirements of these zoning regulations, in accordance with Section 46.80.

"Visual Runway" – A runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an FAA Approved Layout Plan, or by any planning document, submitted to the FAA by competent authority.

Section 46.30 Surfaces and Height Limitations

- a) Establishment and Creation
 - 1) The following airport imaginary surfaces are established with relation to the airport and to each runway. The size of each such imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach existing or planned for that runway end.

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- 2) Such airport imaginary surfaces are hereby created and established, in order to carry out the provisions of these zoning regulations. Such surfaces shall include all of the land lying within the horizontal surface, conical surface, primary surface, approach surface to include non-precision instrument approach, and visual approach, transitional surface and circling approach surface. These surfaces are shown on the Airport Zoning Map for the Greater Kankakee Airport consisting of one (1) sheet, prepared by Ralph H. Burke, Inc. and dated March 1, 1974, and referred to hereinafter as the zoning map (Note: this zoning map can be viewed at the Department of Transportation, Division of Aeronautics, Capital Airport, Springfield, Illinois, 62706. For an example of this information see 92 Ill. Adm. Code 18, Exhibits A, B and C.) . An area located in more than one of the following surfaces is considered to be only in the surface with the more restrictive height limitation.
- 3) Except as otherwise provided in these zoning regulations, no structure or growth shall be erected, altered, allowed to grow, or maintained in any surface created by these zoning regulations to a height in excess of the height limit herein established for such surfaces.
- 4) The various surfaces are hereby established, and the height limitations are hereby established for each of the surfaces, as follows:
 - b) Horizontal Surface
 - 1) A horizontal plane 150 feet above the established airport elevations of 625 feet above mean sea level, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:
 - A) 5,000 feet for all runways designated as utility or visual;
 - B) 10,000 feet for all other runways.
 - 2) The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000 foot arc is encompassed by

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tangents connecting two adjacent 10,000 foot arcs, the 5,000 foot arc shall be disregarded on the construction of the perimeter of the horizontal surface. The horizontal surface does not include the approach and transitional surfaces.

c) Conical Surface

A surface extending outward and upward from the periphery of the horizontal surface, at 150 feet above the airport elevation, at a slope of 20 feet horizontally for each foot vertically for a horizontal distance of 4,000 feet. The conical surface does not include the precision instrument approach surfaces and the transitional surfaces.

d) Primary Surface

- 1) A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:
 - A) 250' for utility runways having only visual approaches;
 - B) 500' for utility runways having non-precision instrument approaches;
 - C) For other than utility runways, the width is:
 - i) 500' for visual runways having only visual approaches;
 - ii) 500' for non-precision instrument runways having visibility minimums greater than three-fourths statute mile;
 - iii) 1,000' for a non-precision instrument runway having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile, and for precision instrument runways.

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- 2) The width of the primary surface of a runway will be the width prescribed in this Section for the most precise approach existing or planned for either end of that runway.
- e) Approach Surface
- 1) A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface.
 - 2) An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.
 - A) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
 - i) 1,250' for that end of a utility runway with only visual approaches;
 - ii) 1,500' for that end of runway other than a utility runway with only visual approaches;
 - ii) 2,000' for that end of a utility runway with a non-precision instrument approach;
 - iv) 3,500' for that end of a non-precision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile;
 - v) 4,000' for that end of a non-precision instrument runway, other than utility, having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile; and
 - vi) 16,000' for precision instrument runways.
 - B) The approach surface extends for a horizontal distance of:
 - i) 5,000' at a slope of 20' horizontally for each foot vertically

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for all utility and visual runways;

- ii) 10,000' at a slope of 34' horizontally for each foot vertically for all non-precision instrument runways other than utility; and
 - iii) 10,000' at a slope of 50' horizontally for each foot vertically with an additional 40,000' at a slope of 40 feet horizontally for each foot vertically for all precision instrument runways.
- C) The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.
- f) **Transitional Surface** – These surfaces extend outward and upward at right (90°) angles to the runway centerline and the runway centerline extended at a slope of 7 feet horizontally for each foot vertically beginning at the sides of and at the same elevation of the primary surface and the approach surfaces extending to a height of 150' above the airport elevation which is 625' above mean sea level. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000' measured horizontally from the edge of the approach surface and at right (90°) angles to the runway centerline.
- g) **Circling Approach Surface** – This is a surface 200' above ground level and above the established airport elevation, whichever is higher, within three (3) nautical miles of the established reference point of The Greater Kankakee Airport and this surface increases in height in the proportion of 100 feet for each additional nautical mile of distance from the airport reference point up to a maximum of 500 feet.
- h) **Excepted Height Limitations** – Nothing in these regulations shall be construed as prohibiting the growth, construction or maintenance of any growth or structure to a height up to 50' above the surface of the land.

Section 46.40 Use Restrictions

Notwithstanding any other provisions of these zoning regulations, no use may be made of land or

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water within any surface established by these zoning regulations in such a manner as to create electrical or electronic interference with navigational signals or radio or radar communication between the airport and aircraft; or to the installation and use of flashing or illuminated advertising or business signs, billboards, or any other type of illuminated structure which would be hazardous for pilots because of the difficulty in distinguishing between airport lights and other, or which result in glare in the eyes of pilots using the airport, thereby impairing visibility in the vicinity of the airport or endangering the landing, taking off, or maneuvering of aircraft; or which would emit or discharge smoke that would interfere with the health and safety of pilots and the public in the use of the airport, or which would otherwise be detrimental or injurious to the health, safety and general welfare of the public in the use of the airport.

Section 46.50 Non-Conforming Uses

- a) Regulations Not Retroactive – Those surface regulations prescribed by this Zoning Regulation shall not be construed to require the removal, lowering, or other changes or alteration of any structure or growth not conforming to the regulations as of the effective date of these zoning regulations or otherwise interfere with the continuance of any non-conforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of these zoning regulations and is diligently prosecuted.
- b) Marking and Lighting – Notwithstanding the provisions of Section 46.50(a), the owner of any existing non-conforming structure is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Department to indicate to operators of aircraft in the vicinity of the airport, the presence of such airport hazards, all to be performed at the expense of the Kankakee Valley Airport Authority.

Section 46.60 Permits

- a) Future Uses – Except as specifically provided in paragraphs (1), (2), and (3) hereunder, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any surface hereby created unless a permit therefor shall have been applied for and granted by the Department. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or growth would conform to the regulations herein prescribed. If such determination is in the affirmative, the

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permit shall be granted.

- 1) In the area lying within the limits of the horizontal surface and the conical surface, but which is not in violation of height restrictions of primary, transitional and approach surfaces as set forth in these regulations, no permit shall be required for any growth or structure less than 75' of vertical height above the ground or in any approach and transitional surfaces beyond a horizontal distance of 4,200' from each end of the runway, except when because of terrain, land contour or topographic features such growth or structure would extend above the height limits prescribed for such surface.
 - 2) In the areas lying within the limits of visual, precision instrument and non-precision instrument approach surfaces, no permit shall be required for any growth or structure less than 75' of vertical height above the ground, except when such growth or structure would extend above the height limit prescribed for such visual, precision instrument or non-precision instrument approach surfaces.
 - 3) In the area lying within the limits of the transitional surface beyond the perimeter of the horizontal surface, no permit shall be required for any growth or structure less than 75' of vertical height above the ground except when such growth or structure, because of terrain, land contour or topographic features would extend above the height limit prescribed for such transitional surface.
- b) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or growth in excess of any of the height limits established by these regulations.

Section 46.70 Non-Conforming Structures or Uses or Growth Abandoned or Destroyed

Whenever the Department determines that a non-conforming structure or use or growth has been abandoned or more than 80 per cent demolished, destroyed, physically deteriorated or decayed:

- a) No permit shall be granted by the Department that will allow such structure or use or growth to exceed the applicable height limit or otherwise deviate from these zoning regulations; and

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- b) Whether application is made for a permit, or not, the Department may by appropriate action, compel the owner of the non-conforming structure or use or growth, at his own expense, to lower, remove, reconstruct, or equip such structure or use of growth as may be necessary to conform to these zoning regulations. If the owner of the non-conforming structure or use or growth shall neglect or refuse to comply with such order within ten (10) days after notice thereof; the Department may proceed to have such structure or use or growth so lowered, removed, reconstructed or equipped and shall have a lien, on behalf of the State, upon the land whereon it is or was located, in the amount of the cost and expense thereof. Such lien may be enforced by the Department on behalf of the State by suit in equity for the enforcement thereof as in the case of other liens.

Section 46.80 Variances

- a) General – Any person wishing to erect or increase the height of any structure, or permit any growth, or use his property not in accordance with these zoning regulations, may apply to the Department for a Variance from these regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of these zoning regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance with the spirit of these zoning regulations.
- b) Marking and Lighting – Any variance granted by the Department may be so conditioned as to require the owner of such structure or growth to permit, at the expense of the owner, the installation, operation and maintenance thereon of such markers and lights as may be required to indicate to pilots the presence of such structure or growth.

Section 46.90 Notice of Construction or Alteration

- a) Construction or Alteration Requiring Notice – The Department shall be notified by each person (sponsor) who proposes any of the following construction or alterations with respect to the surfaces and height limitation established herein by Section 46.30 hereof with respect to The Greater Kankakee Airport:
- 1) Any construction or alteration of more than 200' in height above the ground level at its site.

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- 2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:
 - A) 100 to 1 for a horizontal distance of 20,000' from the nearest point of the nearest runway of the airport.
 - B) 50 to 1 for a horizontal distance of 10,000' from the nearest point of the nearest runway of the airport.
 - 3) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a waterway or any other traverse way not previously mentioned, an amount equal to the highest mobile object that would normally traverse it, would exceed a standard of subparagraphs (a) (1) or (a) (2) of this section.
 - 4) When requested by the Department, any construction or alteration that would be in an instrument approach area (defined in the FAA Standards Governing Instrument Approach Procedures) and available information indicates it would exceed a standard of the Statute, rules and regulations of the Department of these zoning regulations.
- b) Construction or Alteration Not Requiring Notice – No person is required to notify the Department for any of the following construction or alteration with respect to The Greater Kankakee Airport:
- 1) Any antenna structure of 20' or less in height except one that would increase the height of another antenna structure.
 - 2) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Administrator of the FAA, or an appropriate military service on military airports, the location and height of which is fixed by its functional purpose.

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- c) Form and Time of Notice
- 1) Each person who is required to notify the Department under paragraph (a) shall forward one (1) executed form set (four copies) of the Department's Form No. DA-39 to the Division of Aeronautics, Capital Airport, Springfield, Illinois 62705. Copies of this form may be obtained from the Division of Aeronautics.
 - 2) Such notice must be submitted at least 30 days before the date the proposed construction or alteration is to begin.
 - 3) In the case of an emergency involving essential public services, public health, or public safety, that requires immediate construction or alteration, the 30-day requirement in paragraph (c)(2) above does not apply and the notice may be sent by telephone, telegraph, or other expeditious means, with an executed Department Form No. DA-39 submitted within five (5) days thereafter.
- d) Acknowledgment of Notice
- 1) The Department will acknowledge in writing the receipt of each notice submitted under paragraph (a) above.
 - 2) The acknowledgment will state that an aeronautical study of the proposed construction or alteration has resulted in a determination that the construction or alteration:
 - A) Would not exceed any standard of the Statute, rules, and regulations of the Department, or these zoning regulations and would not be a hazard to air navigation; or
 - B) Would exceed a standard of the Statute, rules and regulations of the Department, or these zoning regulations but would not be a hazard to air navigation; or
 - C) Would exceed a standard of the Statute, rules and regulations of the Department, or these zoning regulations and further aeronautical study is necessary to determine whether it would be a

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hazard to air navigation, that the sponsor may request within 30 days that further study, and that, pending completion of any further study, it is presumed that construction or alteration would be a hazard to air navigation; or

- D) Would require lighting or marking standards as prescribed by the FAA, and information on how the structure should be marked and lighted in accordance with such FAA standards; or
- E) Would require supplemental information from the sponsor in order for a determination to be made by the Department.

Section 46.100 Enforcement

It shall be the duty of the Department to administer and enforce these zoning regulations. Applications for permits or variances, required by these zoning regulations to be submitted to the Department, shall be on forms furnished by the Department and shall be promptly considered and granted or denied by the Department.

Section 46.110 Appeal and Judicial Review

- a) Appeal – Any person aggrieved by any decision of the Department made in the administration of these zoning regulations may apply to the Department to reverse, wholly or partly, or modify, or otherwise change, abrogate or rescind any such decision. The procedure prescribed by Statute for proceedings before Boards of Appeal shall govern such application to the Department.
- b) Judicial Review – Any person aggrieved, or any taxpayer affected by any decision of the Department may appeal to the Circuit Court of Kankakee County, Illinois or Circuit Court of any county in which the airport hazard is wholly or partly located, in accordance with the provisions of an Act entitled, the Administrative Review Law (Ill. Rev. Stat. 1981 ch. 110, pars. 3-101 et. seq.).

Section 46.120 Penalties

Each violation of these zoning regulations or of any regulation, order, or ruling promulgated hereunder shall constitute an airport hazard and a misdemeanor, and such hazard shall be removed by proper legal proceedings and such misdemeanor shall be punished by a fine of not more than Two Hundred Dollars (\$200.00) and each day a violation continues to exist shall

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constitute a separate offense. In addition, the Department may institute in the Circuit Court of Kankakee County, or Circuit Court of any County in which the airport hazard is wholly or partly located, an action to prevent and restrain, correct or abate, any violation of these zoning regulations, or of any regulation, order or ruling made in connection with their administration or enforcement, and the Court shall adjudge such relief by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of these zoning regulations as adopted and orders and rulings made pursuant thereto.

Section 46.130 Conflicting Regulations

Where a conflict exists between any of these zoning regulations and any other regulations or ordinances applicable to the same area, whether the conflict be with respect to the height of structures, or growths, the use of land, or any other matter, the more stringent regulation or ordinance shall govern and prevail.

Section 46.140 Severability

If any of the provisions of these zoning regulations or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of these zoning regulations which can be given effect without the invalid provision or application, and to this end, the provisions of these zoning regulations are declared to be severable.

Section 46.150 Effective Date

- a) Whereas, the immediate application of the provisions of these zoning regulations is necessary for the preservation of the public health, public safety, and general welfare, an emergency is hereby declared to exist, and these zoning regulations shall be in full force and effect from and after its adoption by the Department, concurrence by the Illinois Commerce Commission, and filing with the Secretary of State.
- b) Adopted by the Division of Aeronautics on the 12th day of June, 1974.
- c) Concurred in by the Illinois Commerce Commission on the 17th day of July, 1974.
- d) Certified copy filed with the Secretary of State's Office on the 24th day of July, 1974.

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- 1) Heading of the Part: Mt. Carmel Municipal Airport Hazard Zoning Regulations
- 2) Code Citation: 92 Ill. Adm. Code 68
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
68.10	Repeal
68.20	Repeal
68.30	Repeal
68.40	Repeal
68.50	Repeal
68.60	Repeal
68.70	Repeal
68.80	Repeal
68.90	Repeal
68.100	Repeal
68.110	Repeal
68.120	Repeal
68.130	Repeal
68.140	Repeal
68.150	Repeal
68.160	Repeal
- 4) Statutory Authority: Implementing and authorized by the Airport Zoning Act (Ill. Rev. Stat. 1981, ch. 15½, par. 48.1 et seq.)
- 5) A Complete Description of the Subjects and Issues Involved: By this Notice, the Department is proposing to repeal this Part in its entirety and, elsewhere in this issue of the *Illinois Register*, is proposing to include the Mt. Carmel Municipal Airport under 92 Ill. Adm. Code 16 (Part 16), the Department's generic rule on the administration and enforcement of airport hazard zoning. Part 16 restricts the height of structures, equipment, and vegetation, and regulates the use of property, on or in the vicinity of publicly-owned airports.

It is preferable to have all airports requesting inclusion in the administration and enforcement of airport hazard zoning under one rule rather than duplicating the requirements in separate rules, which was the Department's practice several decades ago. Therefore, the Department is proposing to repeal this Part and add the airport to Part 16 which is also being amended at this time.

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- 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 will have no impact on units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed repealer. Written submissions shall be filed with:

Mr. Robert Hahn, Airspace Specialist
Illinois Department of Transportation
Division of Aeronautics
1 Langhorne Bond Drive
Abraham Lincoln Capital Airport
Springfield, Illinois 62707-8415

217/524-1580

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 317
Springfield, Illinois 62764

217/524-3838

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Comments received within forty-five days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: Since the airport will be added to 92 Ill. Adm. Code 16, this proposed repealer will have no impact on small businesses.
 - 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 proposed repealer was not included on either of the 2 most recent agendas because: the Department could not anticipate the timing of the need for the repealer.

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

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TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER b: AERONAUTICSPART 68
MT. CARMEL MUNICIPAL AIRPORT
HAZARD ZONING REGULATIONS ([REPEALED](#))

Section

68.10	Introduction
68.20	Short Title
68.30	Definitions
68.40	Surfaces and Height Limitations
68.50	Use Restrictions
68.60	Non-Conforming Uses
68.70	Permits
68.80	Non-Conforming Structures or Uses or Growth Abandoned or Destroyed
68.90	Variances
68.100	Notice of Construction or Alteration
68.110	Enforcement
68.120	Appeal and Judicial Review
68.130	Penalties
68.140	Conflicting Regulations
68.150	Severability
68.160	Effective Date

AUTHORITY: Implementing and authorized by the Airport Zoning Act (Ill. Rev. Stat. 1981, ch. 15½, par. 48.1 et seq.).

SOURCE: Adopted at 5 Ill. Reg. 6850, effective June 16, 1981; codified at 6 Ill. Reg. 15281; repealed at 33 Ill. Reg. _____, effective _____.

Section 68.10 Introduction

- a) Zoning provisions regulating and restricting the height of structures and objects of natural growth, and otherwise regulating the use of property in the vicinity of the Mt. Carmel Municipal Airport by creating appropriate surfaces, and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such surfaces, defining certain terms used herein; referring to the Mt. Carmel

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Municipal Airport zoning plans (Note: this zoning map can be viewed at the Department of Transportation, Division of Aeronautics, Capital Airport, Springfield, Illinois, 62706. For an example of this information see 92 Ill. Adm. Code 18, Exhibits A, B and C.) ; providing for enforcement; imposing penalties in the interest of public safety and welfare; and providing for Notice of Construction or Alteration.

- b) These zoning regulations are adopted at the request of the City of Mt. Carmel, a municipal corporation of the State of Illinois, as owner and operator of Mt. Carmel Municipal Airport, pursuant to the authority conferred by an Act entitled, the Airport Zoning Act as approved July 17, 1945, (Ill. Rev. Stat. 1981, ch. 15½, pars. 48.1 et seq.). It is hereby found that an airport hazard endangers the lives and property of users of Mt. Carmel Municipal Airport and of occupants of land or to property in its vicinity, and also if of the obstruction type, in effect reduces the size of the area available for the landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the utility of Mt. Carmel Municipal Airport and the public investment therein.
 - 1) Accordingly, it is declared:
 - A) that the creation or establishment of an airport hazard is a public nuisance and an injury to the region served by Mt. Carmel Municipal Airport;
 - B) that it is necessary in the interest of the public health, public safety and general welfare that the creation or establishment of airport hazards be prevented, and
 - C) that the prevention of these hazards should be accomplished to the extent legally possible by the exercise of the police power without compensation.
 - 2) It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and/or lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or interests in land.
- c) It is hereby determined by the Department of Transportation, Division of

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Aeronautics, State of Illinois, that the zoning regulations for Mt. Carmel Municipal Airport be adopted as follows:

Section 68.20 Short Title

These zoning regulations shall be known and may be cited as "Mt. Carmel Municipal Airport Hazard Zoning Regulations".

Section 68.30 Definitions

As used in these zoning regulations, unless the context otherwise requires:

"Airport" – The Mt. Carmel Municipal Airport located near St. Francisville, in the Northeast $\frac{1}{4}$, the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$, the North $\frac{1}{2}$ of the Southeast $\frac{1}{4}$, and the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 15, plus the Northwest $\frac{1}{4}$, and the North $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 14; all in Township 2 North, Range 12 West of the Second Principal Meridian, Lawrence County, Illinois.

"Airport Elevation" – The established elevation of the highest point on the useable landing area; the established airport elevation shall be 430' above mean sea level (AMSL).

"Airport Hazard" – Any structure, growth, or use of land which obstructs the airspace required for, or is otherwise hazardous to the flight of aircraft in landing or taking off at the airport.

"Airport Reference Point" – The point established as the approximate geographic center of the airport landing area and so designated as at Latitude $38^{\circ} 36' 24''$ N and Longitude $87^{\circ} 43' 34''$ W.

"Alteration" – Any construction which would result in a change in height of lateral dimensions of an existing structure.

"Approach, Transitional, Horizontal and Conical Surfaces" – These surfaces are defined in Federal Aviation Regulations, Objects Affecting Navigable Airspace (14 CFR 77).

"Construction" – The erection or alteration of any structure either of a permanent or temporary character.

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"Department" – The Department of Transportation, Division of Aeronautics of the State of Illinois.

"Growth" – Any object of natural growth, including trees, shrubs and foliage.

"Height" – The overall height of the top of a structure including any appurtenance installed thereon, and for the purpose of determining the height limits in all zones set forth in these regulations and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

"Landing Area" – The area of the airport used for the landing, taking off or taxiing of aircraft.

"Non – Conforming Use" – Any structure, growth, or use of land which is lawfully in existence at the time these zoning regulations or an amendment thereto becomes effective and does not then meet the requirements of said regulations.

"Non – Precision Instrument Runway" – A runway having an existing instrument approach utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in, non-precision instrument approach procedure has been approved, or planned, and for which no precision approach facilities are planned, or indicated on an Federal Aviation Administration (FAA) planning document or military service, military airport planning document.

"Permit" – A permit issued by the Department of Transportation, Division of Aeronautics.

"Person" – An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative, and including this State and the Division of Aeronautics.

"Political Subdivision" – Any municipality, city, incorporated town, village, county, township, district, or authority, or any combination of two or more thereof, situated in whole or in part within any of the surfaces established by Section 68.40 hereof.

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"Precision Instrument Runway" – A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), or a Precision Approach Radar (PAR) or a runway for which a precision approach system is planned and is so indicated by an FAA Approved Layout Plan.

"Runway" – An area of the airport designated for the landing or taking off of aircraft and consisting of either a specially prepared hard surface or turf.

"Slope Ratio" – A numerical expression of a stated relationship of height to horizontal distance, e.g. 100 to 1 means one hundred feet of horizontal distance of each one foot vertically.

"State" – The State of Illinois.

"Structure" – Any form of construction or apparatus of a permanent or temporary character, constructed or installed by man, including any implements or material used in the erection, alteration or repair of such structure, including but without limitation, buildings, towers, smokestacks, and overhead transmission lines.

"Utility Runway" – A runway that is constructed for and intended to be used for propeller driven aircraft of 12,500 pounds maximum gross weight or less.

"Variance" – A grant of relief by the Department from the requirements of these zoning regulations, in accordance with Section 68.90.

"Visual Runway" – A runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an FAA Approved Layout Plan, or by any planning document, submitted to the FAA by competent authority.

Section 68.40 Surfaces and Height Limitations

- a) Establishment and Creation
 - 1) The following airport imaginary surfaces are established with relation to the airport and to each runway. The size of each such imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the

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most precise approach existing or planned for that runway end.

- 2) Such airport imaginary surfaces are hereby created and established, in order to carry out the provisions of these zoning regulations. Such surfaces shall include all of the land lying within the horizontal surface, conical surface, primary surface, approach surface to include non-precision instrument approach, precision instrument approach and visual approach, transitional surface and circling approach surface. These surfaces are shown on the Airport Zoning Map for Mt. Carmel Municipal Airport prepared by William J. Murray and Associates, Inc., Springfield, Illinois, (Note: this zoning map can be viewed at the Department of Transportation, Division of Aeronautics, Capital Airport, Springfield, Illinois, 62706. For an example of this information see 92 Ill. Adm. Code 18, Exhibits A, B and C.). An area located in more than one of the following surfaces is considered to be only in the surface with the more restrictive height limitation.
- 3) Except as otherwise provided in these zoning regulations, no structure or growth shall be erected, altered, allowed to grow, or maintained in any surface created by these zoning regulations to a height in excess of the height limit herein established for such surfaces.
- 4) The various surfaces are hereby established, and the height limitations are hereby established for each of the surfaces, as follows:
 - b) Horizontal Surface
 - 1) A horizontal plane 150' above the established airport elevations of 430' Above Mean Sea Level (AMSL), the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:
 - A) 5,000 feet for all runways designated as utility or visual;
 - B) 10,000 feet for all other runways.
 - 2) The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for

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either end of the runway. When a 5,000 foot arc is encompassed by tangents connecting two adjacent 10,000 foot arcs, the 5,000 foot arc shall be disregarded on the construction of the perimeter of the horizontal surface. The horizontal surface does not include the approach and transitional surfaces.

c) Conical Surface

- 1) A surface extending outward and upward from the periphery of the horizontal surface, at 150 feet above the airport elevation, at a slope of 20 feet horizontally for each foot vertically for a horizontal distance of 4,000 feet.
- 2) The conical surface does not include the precisions instrument approach surfaces and the transitional surfaces.

d) Primary Surface

- 1) A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:
 - A) 250' for utility runways having only visual approaches;
 - B) 500' for utility runways having non-precision instrument approaches;
 - C) For other than utility runways, the width is:
 - i) 500' for visual runways having only visual approaches;
 - ii) 500' for non-precision instrument runways having visibility minimums greater than three-fourths statute mile;
 - iii) 1,000' for a non-precision instrument runway having a non-

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precision instrument approach with visibility minimums as low as three-fourths statute mile, and for precision instrument runways.

- 2) The width of the primary surface of a runway will be the width prescribed in this Section for the most precise approach existing or planned for either end of that runway.
- e) Approach Surface – A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.
- 1) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
 - A) 1,250' for that end of a utility runway with only visual approaches;
 - B) 1,500' for that end of runway other than a utility runway with only visual approaches;
 - C) 2,000' for that end of a utility runway with a non-precision instrument approach;
 - D) 3,500' for that end of a non-precision instrument visibility minimums greater than three-fourths of a statute mile;
 - E) 4,000' for that end of a non-precision instrument runway, other than utility, having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile; and
 - F) 16,000' for precision instrument runways.
 - 2) The approach surface extends for a horizontal distance of:
 - A) 5,000' at a slope of 20' horizontally for each foot vertically for all utility and visual runways;
 - B) 10,000' at a slope of 34' horizontally for each foot vertically for all

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non-precision instrument runways other than utility; and

- C) 10,000' at a slope of 50' horizontally for each foot vertically with an additional 40,000' at a slope of 40 feet horizontally for each foot vertically for all precision instrument runways.
- 3) The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.
- f) Transitional Surface – These surfaces extend outward and upward at right (90°) angles to the runway centerline and the runway centerline extended at a slope of 7 feet horizontally for each foot vertically beginning at the sides of and at the same elevation of the primary surface and the approach surfaces extending to a height of 150' above the airport elevation which is 430' AMSL. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000' measured horizontally from the edge of the approach surface and at right (90°) angles to the runway centerline.
- g) Circling Approach Surface – This is a surface 200' above ground level (AGL) and above the established airport elevation, whichever is higher, within three (3) nautical miles of the established reference point of Mt. Carmel Municipal Airport and this surface increases in height in the proportion of 100 feet for each additional nautical mile of distance from the airport reference point up to a maximum of 500 feet.
- h) Excepted Height Limitations – Nothing in these regulations shall be construed as prohibiting the growth, construction or maintenance of any growth or structure to a height up to 50 feet above the surface of the land.

Section 68.50 Use Restrictions

Notwithstanding any other provisions of these zoning regulations, no use may be made of land or water within any surface established by these zoning regulations in such a manner as to create electrical or electronic interference with navigational signals or radio or radar communication between the airport and aircraft; or to the installation and use of flashing or illuminated advertising or business signs, billboards, or any other type of illuminated structure which would be hazardous for pilots because of the difficulty in distinguishing between airport lights and

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other, or which result in glare in the eyes of pilots using the airport, thereby impairing visibility in the vicinity of the airport or endangering the landing, taking off, or maneuvering of aircraft; or which would emit or discharge smoke that would interfere with the health and safety of pilots and the public in the use of the airport, or which would otherwise be detrimental or injurious to the health, safety and general welfare of the public in the use of the airport.

Section 68.60 Non-Conforming Uses

- a) Regulations Not Retroactive – Those surface regulations prescribed by these zoning regulations shall not be construed to require the removal, lowering, or other changes or alteration of any structure or growth not conforming to the regulations as of the effective date of these zoning regulations or otherwise interfere with the continuance of any non-conforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of these zoning regulations and is diligently prosecuted.
- b) Marking and Lighting – Notwithstanding the provisions of Section 68.60(a), the owner of any existing non-conforming structure is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Department to indicate to operators of aircraft in the vicinity of the airport, the presence of such airport hazards, all to be performed at the expense of the city of Mt. Carmel.

Section 68.70 Permits

- a) Future Uses – Except as specifically provided in paragraphs (1), (2), and (3) hereunder, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any surface hereby created unless a permit therefor shall have been applied for and granted by the Department. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or growth would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.
 - 1) In the area lying within the limits of the horizontal surface and the conical surface, but which is not in violation of height restrictions of primary, transitional and approach surfaces set forth in these regulations, no permit

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shall be required for any growth or structure less than 75 feet of vertical height above the ground or in any approach and transitional surfaces beyond a horizontal distance of 4,200 feet from each end of the runway, except when because of terrain, land contour or topographic features such growth or structure would extend above the height limits prescribed for such surface.

- 2) In the areas lying within the limits of visual, precision instrument and non-precision instrument approach surfaces, no permit shall be required for any growth or structure less than 75 feet of vertical height above the ground, except when such growth or structure would extend above the height limit prescribed for such visual, precision instrument or non-precision instrument approach surfaces.
 - 3) In the area lying within the limits of the transitional surface beyond the perimeter of the horizontal surface, no permit shall be required for any growth or structure less than 75 feet of vertical height above the ground except when such growth or structure, because of terrain, land contour or topographic features would extend above the height limit prescribed for such transitional surface.
- b) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or growth in excess of any of the height limits established by these regulations.

Section 68.80 Non-Conforming Structures or Uses or Growth Abandoned or Destroyed

Whenever the Department determines that a non-conforming structure or use or growth has been abandoned or more than 80 per cent demolished, destroyed, physically deteriorated or decayed:

- a) No permit shall be granted by the Department that will allow such structure or use or growth to exceed the applicable height limit or otherwise deviate from these zoning regulations; and
- b) Whether application is made for a permit, or not, the Department may issue an order, in cases where the remaining structure or use or growth constitutes a violation of these zoning regulations, compelling the owner of the non-conforming structure or use or growth, at his own expense, to lower, remove,

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reconstruct, or equip such structure or use of growth as may be necessary to conform to these zoning regulations. If the owner of the non-conforming structure or use or growth shall neglect or refuse to comply with such order within ten (10) days after notice thereof; the Department may proceed to have such structure or use or growth so lowered, removed, reconstructed or equipped and shall have a lien, on behalf of the State, upon the land whereon it is or was located, in the amount of the cost and expense thereof. Such lien may be enforced by the Department on behalf of the State by suit in equity for the enforcement thereof as in the case of other liens.

Section 68.90 Variances

- a) Any person wishing to erect or increase the height of any structure, or permit any growth, or use his property not in accordance with these zoning regulations, may apply to the Department for a variance from these regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of these zoning regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance with the spirit of these zoning regulations.
- b) Marking and Lighting – Any variance granted by the Department may be so conditioned as to require the owner of such structure or growth to permit, at the expense of the owner, the installation, operation and maintenance thereon of such markers and lights as may be required to indicate to pilots the presence of such structure or growth.

Section 68.100 Notice of Construction or Alteration

- a) Construction or Alteration Requiring Notice – The Department shall be notified by each person (sponsor) who proposes any of the following construction or alterations with respect to the surfaces and height limitation established herein by Section 68.40 hereof with respect to Mt. Carmel Municipal Airport:
 - 1) Any construction or alteration of more than 200' in height above the ground level at its site.
 - 2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:

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- A) 100 to 1 for a horizontal distance of 20,000' from the nearest point of the nearest runway of the airport, with at least one runway more than 3,200 feet in actual length.
 - B) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of the airport, with the longest runway not more than 3,200 feet in actual length.
- 3) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward, 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a water way or any other traverse way not previously mentioned, an amount equal to the highest mobile object that would normally traverse it, would exceed a standard of subparagraph (a)(1) or (a)(2) of this paragraph.
 - 4) When requested by the Department, any construction or alteration that would be in an instrument approach area (defined in the FAA Standards Governing Instrument Approach Procedures) and available information indicates it would exceed a standard of the Statute, rules and regulations of the Department of these zoning regulations.
- b) Construction or Alteration Not Requiring Notice – No person is required to notify the Department for any of the following construction or alterations with respect to Mt. Carmel Municipal Airport:
- 1) Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure.
 - 2) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Administrator of the FAA, or an appropriate military service on military airports, the location and height of which is fixed by its functional purpose.

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- c) Form and Time of Notice
- 1) Each person who is required to notify the Department under paragraph (a) of this Section shall forward one (1) executed form set (in four copies) of the Department's Form No. DA-39 to the Division of Aeronautics, Capital Airport, Springfield, Illinois 62706. Copies of this form may be obtained from the Department.
 - 2) Such notice must be submitted at least 30 days before the date the proposed construction or alteration is to begin.
 - 3) In the case of an emergency involving essential public services, public health, or public safety, that requires immediate construction or alteration, the thirty (30) day requirement in paragraph (c)(2) of this Section above does not apply and the notice may be sent by telephone, telegraph, or other expeditious means, with an executed Department Form No. DA-39 submitted within five (5) days thereafter.
- d) Acknowledgment of Notice
- 1) The Department will acknowledge in writing the receipt of such notice submitted under paragraph (a) above within (30) days of receipt of such notice.
 - 2) The acknowledgment will state that an aeronautical study of the proposed construction or alteration has resulted in a determination that the construction or alteration:
 - A) Would not exceed any standard of the statute, rules and regulations of the Department, or these zoning regulations and would not be a hazard to air navigation; or
 - B) Would exceed a standard of the statute, rules and regulations of the Department, or these zoning regulations but would not be a hazard to air navigation; or
 - C) Would exceed a standard of the Statute, rules and regulations of the Department, or these zoning regulations and further aeronautical study is necessary to determine whether it would be a

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hazard to air navigation, that the sponsor may request within 30 days that further study, and that, pending completion of any further study, it is presumed that construction or alteration would be a hazard to air navigation; or

- D) Would require lighting or marking standards as prescribed by the FAA, and information on how the structure should be marked and lighted in accordance with such FAA standards; or
- E) Would require supplemental information from the sponsor in order for a determination to be made by the Department.

Section 68.110 Enforcement

It shall be the duty of the Department to administer and enforce these zoning regulations. Applications for permits or variances, required by these zoning regulations to be submitted to the Department, shall be on forms furnished by the Department and shall be promptly considered and granted or denied by the Department.

Section 68.120 Appeal and Judicial Review

- a) Appeal – Any person aggrieved by any decision of the Department made in the administration of these zoning regulations may apply to the Department to reverse, wholly or partly, or modify, or otherwise change, abrogate or rescind any such decision. The procedure prescribed by Statute for proceedings before Boards of Appeal shall govern such application to the Department.
- b) Judicial Review – Any person aggrieved, or any taxpayer affected by any decision of the Department may appeal to the Circuit Court of Lawrence County, Illinois or Circuit Court of any county in which the airport hazard is wholly or partly located, in accordance with the provisions of an Act entitled, the Administrative Review Law (Ill. Rev. Stat. 1981, ch. 110, par. 3-101 et seq.).

Section 68.130 Penalties

Each violation of these zoning regulations or of any regulation, order, or ruling promulgated hereunder shall constitute an airport hazard and a misdemeanor, and such hazard shall be removed by proper legal proceedings and such misdemeanor shall be punished by a fine of not more than Two Hundred Dollars (\$200.00) and each day a violation continues to exist shall

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constitute a separate offense. In addition, the Department may institute in the Circuit Court of Lawrence County, or Circuit Court of any County in which the airport hazard is wholly or partly located, an action to prevent and restrain, correct or abate, any violation of these zoning regulations, or of any regulation, order or ruling made in connection with their administration or enforcement, and the Court shall adjudge such relief by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of these zoning regulations as adopted and orders and rulings made pursuant thereto.

Section 68.140 Conflicting Regulations

Where a conflict exists between any of these zoning regulations and any other regulations or ordinances applicable to the same area, whether the conflict be with respect to the height of structures, or growths, the use of land, or any other matter, the more stringent regulation or ordinance shall govern and prevail.

Section 68.150 Severability

If any of the provisions of these zoning regulations or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of these zoning regulations which can be given effect without the invalid provision or application, and to this end, the provisions of these zoning regulations are declared to be severable.

Section 68.160 Effective Date

- a) These zoning regulations shall be in full force and effect from and after concurrence by the Illinois Commerce Commission, adoption by the Department and ten (10) days after filing with the Secretary of State.
- b) Concurred in by Order of the Illinois Commerce Commission dated February 18, 1981.
- c) Adopted by Order of the Division of Aeronautics dated May 7, 1981.
- d) Filed with the Office of the Secretary of State on June 16, 1981 and became effective on June 16, 1981.

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- 1) Heading of the Part: Mt. Vernon-Outland Airport Hazard Zoning Regulations
- 2) Code Citation: 92 Ill. Adm. Code 70
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
70.5	Repeal
70.10	Repeal
70.20	Repeal
70.30	Repeal
70.40	Repeal
70.50	Repeal
70.60	Repeal
70.70	Repeal
70.80	Repeal
70.90	Repeal
70.100	Repeal
70.110	Repeal
70.120	Repeal
70.130	Repeal
70.140	Repeal
70.150	Repeal
- 4) Statutory Authority: Implementing and authorized by the Airport Zoning Act (Ill. Rev. Stat. 1981, ch. 15½, par. 48.1 et seq.)
- 5) A Complete Description of the Subjects and Issues Involved: By this Notice, the Department is proposing to repeal this Part in its entirety and, elsewhere in this issue of the *Illinois Register*, is proposing to include the Mt. Vernon-Outland Airport under 92 Ill. Adm. Code 16 (Part 16), the Department's generic rule on the administration and enforcement of airport hazard zoning. Part 16 restricts the height of structures, equipment, and vegetation, and regulates the use of property, on or in the vicinity of publicly-owned airports.

It is preferable to have all airports requesting inclusion in the administration and enforcement of airport hazard zoning under one rule rather than duplicating the requirements in separate rules, which was the Department's practice several decades ago. Therefore, the Department is proposing to repeal this Part and add the airport to Part 16 which is also being amended at this time.

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- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule 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 will have no impact on units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed repealer. Written submissions shall be filed with:

Mr. Robert Hahn, Airspace Specialist
Illinois Department of Transportation
Division of Aeronautics
1 Langhorne Bond Drive
Abraham Lincoln Capital Airport
Springfield, Illinois 62707-8415

217/524-1580

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 317
Springfield, Illinois 62764

217/524-3838

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Comments received within forty-five days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Since the airport will be added to 92 Ill. Adm. Code 16, this proposed repealer will have no impact on small businesses.
 - 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 proposed repealer was not included on either of the 2 most recent agendas because: the Department could not anticipate the timing of the need for the repealer.

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

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TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER b: AERONAUTICSPART 70
MT. VERNON-OUTLAND AIRPORT
HAZARD ZONING REGULATIONS ([REPEALED](#))

Section

70.5	Introduction
70.10	Short Title
70.20	Definitions
70.30	Surfaces and Height Limitations
70.40	Use Restrictions
70.50	Non-Conforming Uses
70.60	Permits
70.70	Non-Conforming Structures or Uses or Growth Abandoned or Destroyed
70.80	Variances
70.90	Notice of Construction or Alteration
70.100	Enforcement
70.110	Appeal and Judicial Review
70.120	Penalties
70.130	Conflicting Regulations
70.140	Severability
70.150	Effective Date

AUTHORITY: Implementing and authorized by the Airport Zoning Act (Ill. Rev. Stat. 1981, ch. 15½, par. 48.1 et seq.).

SOURCE: Filed and effective March 20, 1974; codified at 6 Ill. Reg. 15283; repealed at 33 Ill. Reg. _____, effective _____.

Section 70.5 Introduction

- a) Zoning provisions regulating and restricting the height of structures and objects of natural growth, and otherwise regulating the use of property in the vicinity of the Mt. Vernon-Outland Airport by creating appropriate surfaces, and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such surfaces, defining certain terms used herein; referring to the Mt. Vernon-

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Outland Airport zoning plans (Note: this zoning map can be viewed at the Department of Transportation, Division of Aeronautics, Capital Airport, Springfield, Illinois, 62706. For an example of this information see 92 Ill. Adm. Code 18, Exhibits A, B and C.); providing for enforcement; imposing penalties in the interest of public safety and welfare; and providing for notice of construction or alteration.

- b) These zoning regulations are adopted at the request of the Mt. Vernon Airport Authority, a municipal corporation of the State of Illinois, as owner and operator of Mt. Vernon-Outland Airport, pursuant to the authority conferred by an Act entitled, the Airport Zoning Act as approved July 17, 1945, (Ill. Rev. Stat. 1981, ch. 15½, pars. 48.1 et seq.). It is hereby found that an airport hazard endangers the lives and property of users of Mt. Vernon-Outland Airport and of occupants of land or to property in its vicinity, and also if of the obstruction type, in effect reduces the size of the area available for the landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the utility of Mt. Vernon-Outland Airport and the public investment therein.
- 1) Accordingly, it is declared:
- A) that the creation or establishment of an airport hazard is a public nuisance and an injury to the region served by Mt. Vernon-Outland Airport;
- B) that it is necessary in the interest of the public health, public safety and general welfare that the creation or establishment of airport hazards be prevented, and
- C) that the prevention of these hazards should be accomplished to the extent legally possible by the exercise of the police power without compensation.
- 2) It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and/or lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or interests in land.
- c) It is hereby determined by the Department of Transportation, Division of

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Aeronautics, State of Illinois, that the zoning regulations for Mt. Vernon-Outland Airport be adopted as follows:

Section 70.10 Short Title

These zoning regulations shall be known and may be cited as "Mt. Vernon-Outland Airport Hazard Zoning Regulations".

Section 70.20 Definitions

As used in these zoning regulations, unless the context otherwise requires:

"Airport" – The Mt. Vernon-Outland Airport located near Mt. Vernon in part of Sections 22, 23, 26, and 27, Township 2 South, Range 3 East of the Third Principal Meridian, Jefferson County, Illinois.

"Airport Elevation" – The established elevation of the highest point on the useable landing area; the established airport elevation shall be 481' above mean sea level (AMSL).

"Airport Hazard" – Any structure, growth, or use of land which obstructs the airspace required for, or is otherwise hazardous to the flight of aircraft in landing or taking off at the airport.

"Airport Reference Point" – The point established as the approximate geographic center of the airport landing area and so designated as at Latitude 38° 19' 21" N and Longitude 88° 51' 34.1" W.

"Alteration" – Any construction which would result in a change in height of lateral dimensions of an existing structure.

"Approach, Transitional, Horizontal and Conical Surfaces" – These surfaces are defined in Federal Aviation Regulations, Objects Affecting Navigable Airspace (14 CFR 77).

"Construction" – The erection or alteration of any structure either of a permanent or temporary character.

"Department" – The Department of Transportation, Division of Aeronautics of the

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State of Illinois.

"Growth" – Any object of natural growth, including trees, shrubs and foliage.

"Height" – The overall height of the top of a structure including any appurtenance installed thereon, and for the purpose of determining the height limits in all zones set forth in these regulations and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

"Landing Area" – The area of the airport used for the landing, taking off or taxiing of aircraft.

"Non-Conforming Use" – Any structure, growth, or use of land which is lawfully in existence at the time these zoning regulations or an amendment thereto becomes effective and does not then meet the requirements of said regulations.

"Non-Precision Instrument Runway" – A runway having an existing instrument approach utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in, non-precision instrument approach procedure has been approved, or planned, and for which no precision approach facilities are planned, or indicated on an Federal Aviation Administration (FAA) planning document or military service, military airport planning document.

"Permit" – A permit issued by the Department of Transportation, Division of Aeronautics.

"Person" – An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative, and including this State and the Division of Aeronautics.

"Political Subdivision" – Any municipality, city, incorporated town, village, county, township, district, or authority, or any combination of two or more thereof, situated in whole or in part within any of the surfaces established by Section 70.30 hereof.

"Precision Instrument Runway" – A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), or a Precision

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Approach Radar (PAR) or a runway for which a precision approach system is planned and is so indicated by an FAA Approved Layout Plan.

"Runway" – An area of the airport designated for the landing or taking off of aircraft and consisting of either a specially prepared hard surface or turf.

"Slope Ratio" – A numerical expression of a stated relationship of height to horizontal distance, e.g. 100 to 1 means one hundred feet of horizontal distance of each one foot vertically.

"State" – The State of Illinois.

"Structure" – Any form of construction or apparatus of a permanent or temporary character, constructed or installed by man, including any implements or material used in the erection, alteration or repair of such structure, including but without limitation, buildings, towers, smokestacks, and overhead transmission lines.

"Utility Runway" – A runway that is constructed for and intended to be used for propeller driven aircraft of 12,500 pounds maximum gross weight or less.

"Variance" – A grant of relief by the Department from the requirements of these zoning regulations, in accordance with Section 70.80.

"Visual Runway" – A runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an FAA Approved Layout Plan, or by any planning document, submitted to the FAA by competent authority.

Section 70.30 Surfaces and Height Limitations

- a) Establishment and Creation
 - 1) The following airport imaginary surfaces are established with relation to the airport and to each runway. The size of each such imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach existing or planned for that runway end.

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- 2) Such airport imaginary surfaces are hereby created and established, in order to carry out the provisions of these zoning regulations. Such surfaces shall include all of the land lying within the horizontal surface, conical surface, primary surface, approach, precision instrument approach and visual approach, transitional surface and circling approach surface. These surfaces are shown on the Airport Zoning Plan for Mt. Vernon-Outland Airport consisting of two (2) sheets, prepared by William J. Murray and Associates, and dated August 28, 1973, (Note: this zoning map can be viewed at the Department of Transportation, Division of Aeronautics, Capital Airport, Springfield, Illinois, 62706. For an example of this information see 92 Ill. Adm. Code 18, Exhibits A, B and C.). An area located in more than one of the following surfaces is considered to be only in the surface with the more restrictive height limitation.
- 3) Except as otherwise provided in these zoning regulations, no structure or growth shall be erected, altered, allowed to grow, or maintained in any surface created by these zoning regulations to a height in excess of the height limit herein established for such surfaces.
- 4) The various surfaces are hereby established, and the height limitations are hereby established for each of the surfaces, as follows:
 - b) Horizontal Surface
 - 1) A horizontal plane 150' above the established airport elevations of 589.00 feet above mean sea level, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:
 - A) 5,000 feet for all runways designated as utility or visual;
 - B) 10,000 feet for all other runways.
 - 2) The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000 foot arc is encompassed by tangents connecting two adjacent 10,000 foot arcs, the 5,000 foot arc shall be disregarded on the construction of the perimeter of the horizontal

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surface. The horizontal surface does not include the approach and transitional surfaces.

- 3) The horizontal surface does not include the approach and transitional surfaces.

c) Conical Surface

- 1) A surface extending outward and upward from the periphery of the horizontal surface, at 150 feet above the airport elevation, at a slope of 20 feet horizontally for each foot vertically for a horizontal distance of 4,000 feet.
- 2) The conical surface does not include the precision instrument approach surfaces and the transitional surfaces.

d) Primary Surface

- 1) A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:
 - A) 250' for utility runways having only visual approaches;
 - B) 500' for utility runways having non-precision instrument approaches;
 - C) For other than utility runways, the width is:
 - i) 500' for visual runways having only visual approaches;
 - ii) 500' for non-precision instrument runways having visibility minimums greater than three-fourths statute mile;
 - iii) 1,000' for a non-precision instrument runway having a non-

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precision instrument approach with visibility minimums as low as three-fourths statute mile, and for precision instrument runways.

- 2) The width of the primary surface of a runway will be the width prescribed in this Section for the most precise approach existing or planned for either end of that runway.
- e) Approach Surface – A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.
- 1) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
 - A) 1,250' for that end of a utility runway with only visual approaches;
 - B) 1,500' for that end of runway other than a utility runway with only visual approaches;
 - C) 2,000' for that end of a utility runway with a non-precision instrument approach;
 - D) 3,500' for that end of a non-precision instrument visibility minimums greater than three-fourths of a statute mile;
 - E) 4,000' for that end of a non-precision instrument runway, other than utility, having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile; and
 - F) 16,000' for precision instrument runways.
 - 2) The approach surface extends for a horizontal distance of:
 - A) 5,000' at a slope of 20' horizontally for each foot vertically for all utility and visual runways;
 - B) 10,000' at a slope of 34' horizontally for each foot vertically for all

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non-precision instrument runways other than utility; and

- C) 10,000' at a slope of 50' horizontally for each foot vertically with an additional 40,000' at a slope of 40 feet horizontally for each foot vertically for all precision instrument runways.
- 3) The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.
- f) Transitional Surface – These surfaces extend outward and upward at right (90°) angles to the runway centerline and the runway centerline extended at a slope of 7 feet horizontally for each foot vertically beginning at the sides of and at the same elevation of the primary surface and the approach surfaces extending to a height of 150' above the airport elevation which is 589.0' above mean sea level. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000' measured horizontally from the edge of the approach surface and at right (90°) angles to the runway centerline.
- g) Circling Approach Surface – This is a surface 200' above ground level and above the established airport elevation, whichever is higher, within three (3) nautical miles of the established reference point of Mt. Vernon-Outland Airport and this surface increases in height in the proportion of 100 feet for each additional nautical mile of distance from the airport reference point up to a maximum of 500 feet.
- h) Excepted Height Limitations – Nothing in these regulations shall be construed as prohibiting the growth, construction or maintenance of any growth or structure to a height up to 50 feet above the surface of the land.

Section 70.40 Use Restrictions

Notwithstanding any other provisions of these zoning regulations, no use may be made of land or water within any surface established by these zoning regulations in such a manner as to create electrical or electronic interference with navigational signals or radio or radar communication between the airport and aircraft; or to the installation and use of flashing or illuminated advertising or business signs, billboards, or any other type of illuminated structure which would be hazardous for pilots because of the difficulty in distinguishing between airport lights and

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other, or which result in glare in the eyes of pilots using the airport, thereby impairing visibility in the vicinity of the airport or endangering the landing, taking off, or maneuvering of aircraft; or which would emit or discharge smoke that would interfere with the health and safety of pilots and the public in the use of the airport, or which would otherwise be detrimental or injurious to the health, safety and general welfare of the public in the use of the airport.

Section 70.50 Non-Conforming Uses

- a) Regulations Not Retroactive – Those surface regulations prescribed by these zoning regulations shall not be construed to require the removal, lowering, or other changes or alteration of any structure or growth not conforming to the regulations as of the effective date of these zoning regulations or otherwise interfere with the continuance of any non-conforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of these zoning regulations and is diligently prosecuted.
- b) Marking and Lighting – Notwithstanding the provisions of Section 70.50(a), the owner of any existing non-conforming structure is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Department to indicate to operators of aircraft in the vicinity of the airport, the presence of such airport hazards, all to be performed at the expense of Mt. Vernon Airport Authority.

Section 70.60 Permits

- a) Future Uses – Except as specifically provided in paragraphs (1), (2), and (3) hereunder, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any surface hereby created unless a permit therefor shall have been applied for and granted by the Department. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or growth would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.
 - 1) In the area lying within the limits of the horizontal surface and the conical surface, but which is not in violation of height restrictions of primary, transitional and approach surfaces set forth in these regulations, no permit

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shall be required for any growth or structure less than 75 feet of vertical height above the ground or in any approach and transitional surfaces beyond a horizontal distance of 4,200 feet from each end of the runway, except when because of terrain, land contour or topographic features such growth or structure would extend above the height limits prescribed for such surface.

- 2) In the areas lying within the limits of visual, precision instrument and non-precision instrument approach surfaces, no permit shall be required for any growth or structure less than 75 feet of vertical height above the ground, except when such growth or structure would extend above the height limit prescribed for such visual, precision instrument or non-precision instrument approach surfaces.
 - 3) In the area lying within the limits of the transitional surface beyond the perimeter of the horizontal surface, no permit shall be required for any growth or structure less than 50 feet of vertical height above the ground except when such growth or structure, because of terrain, land contour or topographic features would extend above the height limit prescribed for such transitional surface.
- b) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or growth in excess of any of the height limits established by these regulations.

Section 70.70 Non-Conforming Structures or Uses or Growth Abandoned or Destroyed

Whenever the Department determines that a non-conforming structure or use or growth has been abandoned or more than 80 per cent demolished, destroyed, physically deteriorated or decayed:

- a) No permit shall be granted by the Department that will allow such structure or use or growth to exceed the applicable height limit or otherwise deviate from these zoning regulations; and
- b) Whether application is made for a permit, or not, the Department may issue an order, in cases where the remaining structure or use or growth constitutes a violation of these zoning regulations, compelling the owner of the non-conforming structure or use or growth, at his own expense, to lower, remove,

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reconstruct, or equip such structure or use of growth as may be necessary to conform to these zoning regulations. If the owner of the non-conforming structure or use or growth shall neglect or refuse to comply with such order within ten (10) days after notice thereof; the Department may proceed to have such structure or use or growth so lowered, removed, reconstructed or equipped and shall have a lien, on behalf of the State, upon the land whereon it is or was located, in the amount of the cost and expense thereof. Such lien may be enforced by the Department on behalf of the State by suit in equity for the enforcement thereof as in the case of other liens.

Section 70.80 Variances

- a) General – Any person wishing to erect or increase the height of any structure, or permit any growth, or use his property not in accordance with these zoning regulations, may apply to the Department for a variance from these regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of these zoning regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance with the spirit of these zoning regulations.
- b) Marking and Lighting – Any variance granted by the Department may be so conditioned as to require the owner of such structure or growth to permit, at the expense of the owner, the installation, operation and maintenance thereon of such markers and lights as may be required to indicate to pilots the presence of such structure or growth.

Section 70.90 Notice of Construction or Alteration

- a) Construction or Alteration Requiring Notice – The Department shall be notified by each person (sponsor) who proposes any of the following construction or alterations with respect to the surfaces and height limitation established herein by Section III hereof with respect to Mt. Vernon-Outland Airport:
 - 1) Any construction or alteration of more than 200' in height above the ground level at its site.
 - 2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:

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- A) 100 to 1 for a horizontal distance of 20,000' from the nearest point of the nearest runway of the airport, with at least one runway more than 3,200 feet in actual length.
 - B) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of the airport, with the longest runway not more than 3,200 feet in actual length.
- 3) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward, 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a water way or any other traverse way not previously mentioned, an amount equal to the highest mobile object that would normally traverse it, would exceed a standard of subparagraph (1) or (2) of this paragraph.
 - 4) When requested by the Department, any construction or alteration that would be in an instrument approach area (defined in the FAA Standards Governing Instrument Approach Procedures) and available information indicates it would exceed a standard of the Statute, rules and regulations of the Department or these zoning regulations.
- b) Construction or Alteration Not Requiring Notice – No person is required to notify the Department for any of the following construction or alterations with respect to Mt. Vernon-Outland Airport:
- 1) Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure.
 - 2) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Administrator of the FAA, or an appropriate military service on military airports, the location and height of which is fixed by its functional purpose.

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- c) Form and Time of Notice. Each person who is required to notify the Department under paragraph (a) shall forward one (1) executed form set (in four copies) of the Department's Form No. DA-39 to the Division of Aeronautics, Capital Airport, Springfield, Illinois 62705. Copies of this form may be obtained from the Department.
- 1) Such notice must be submitted at least 30 days before the date the proposed construction or alteration is to begin.
 - 2) In the case of an emergency involving essential public services, public health, or public safety, that requires immediate construction or alteration, the thirty (30) day requirement in paragraph (c) (1) above does not apply and the notice may be sent by telephone, telegraph, or other expeditious means, with an executed Department Form No. DA-39 submitted within five (5) days thereafter.
- d) Acknowledgment of Notice
- 1) The Department will acknowledge in writing the receipt of such notice submitted under paragraph (a) above.
 - 2) The acknowledgment will state that an aeronautical study of the proposed construction or alteration has resulted in a determination that the construction or alteration:
 - A) Would not exceed any standard of the statute, rules, and regulations of the Department, or these zoning regulations and would not be a hazard to air navigation; or
 - B) Would exceed a standard of the statute, rules and regulations of the Department, or these zoning regulations but would not be a hazard to air navigation; or
 - C) Would exceed a standard of the Statute, rules and regulations of the Department, or these zoning regulations and further aeronautical study is necessary to determine whether it would be a hazard to air navigation, that the sponsor may request within 30 days that further study, and that, pending completion of any further study, it is presumed that construction or alteration would be a

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hazard to air navigation; or

- D) Would require lighting or marking standards as prescribed by the FAA, and information on how the structure should be marked and lighted in accordance with such FAA standards; or
- E) Would require supplemental information from the sponsor in order for a determination to be made by the Department.

Section 70.100 Enforcement

It shall be the duty of the Department to administer and enforce these zoning regulations. Applications for permits or variances, required by these zoning regulations to be submitted to the Department, shall be on forms furnished by the Department and shall be promptly considered and granted or denied by the Department.

Section 70.110 Appeal and Judicial Review

- a) Appeal – Any person aggrieved by any decision of the Department made in the administration of these zoning regulations may apply to the Department to reverse, wholly or partly, or modify, or otherwise change, abrogate or rescind any such decision. The procedure prescribed by Statute for proceedings before Boards of Appeal shall govern such application to the Department.
- b) Judicial Review – Any person aggrieved, or any taxpayer affected by any decision of the Department may appeal to the Circuit Court of Jefferson County, Illinois, or Circuit Court of any county in which the airport hazard is wholly or partly located, in accordance with the provisions of an Act entitled, "The Administrative Review Law", (Ill. Rev. Stat. 1981 ch. 110, pars. 3-101 et seq.).

Section 70.120 Penalties

Each violation of these zoning regulations or of any regulation, order, or ruling promulgated hereunder shall constitute an airport hazard and a misdemeanor, and such hazard shall be removed by proper legal proceedings and such misdemeanor shall be punished by a fine of not more than Two Hundred Dollars (\$200.00) and each day a violation continues to exist shall constitute a separate offense. In addition, the Department may institute in the Circuit Court of Jefferson County, or Circuit Court of any County in which the airport hazard is wholly or partly located, an action to prevent and restrain, correct or abate, any violation of these zoning

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regulations, or of any regulation, order or ruling made in connection with their administration or enforcement, and the Court shall adjudge such relief by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of these zoning regulations as adopted and orders and rulings made pursuant thereto.

Section 70.130 Conflicting Regulations

Where a conflict exists between any of these zoning regulations and any other regulations or ordinances applicable to the same area, whether the conflict be with respect to the height of structures, or growths, the use of land, or any other matter, the more stringent regulation or ordinance shall govern and prevail.

Section 70.140 Severability

If any of the provisions of these zoning regulations or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of these zoning regulations which can be given effect without the invalid provision or application, and to this end, the provisions of these zoning regulations are declared to be severable.

Section 70.150 Effective Date

Whereas, the immediate application of the provisions of these zoning regulations is necessary for the preservation of the public health, public safety, and general welfare, an emergency is hereby declared to exist, and these zoning regulations shall be in full force and effect from and after its adoption by the Department, concurrence by the Illinois Commerce Commission, and filing with the Secretary of State.

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- 1) Heading of the Part: Quincy Municipal Airport Hazard Zoning Regulations
- 2) Code Citation: 92 Ill. Adm. Code 75
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
75.10	Repeal
75.20	Repeal
75.30	Repeal
75.40	Repeal
75.50	Repeal
75.60	Repeal
75.70	Repeal
75.80	Repeal
75.90	Repeal
75.100	Repeal
75.110	Repeal
75.120	Repeal
75.130	Repeal
75.140	Repeal
75.EXHIBIT A	Repeal
- 4) Statutory Authority: Implementing and authorized by the Airport Zoning Act (Ill. Rev. Stat. 1981, ch. 15½, par. 48.1 et seq.)
- 5) A Complete Description of the Subjects and Issues Involved: By this Notice, the Department is proposing to repeal this Part in its entirety and, elsewhere in this issue of the *Illinois Register*, is proposing to include the Quincy Municipal Airport under 92 Ill. Adm. Code 16 (Part 16), the Department's generic rule on the administration and enforcement of airport hazard zoning. Part 16 restricts the height of structures, equipment, and vegetation, and regulates the use of property, on or in the vicinity of publicly-owned airports.

It is preferable to have all airports requesting inclusion in the administration and enforcement of airport hazard zoning under one rule rather than duplicating the requirements in separate rules, which was the Department's practice several decades ago. Therefore, the Department is proposing to repeal this Part and add the airport to Part 16 which is also being amended at this time.

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- 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 will have no impact on units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed repealer. Written submissions shall be filed with:

Mr. Robert Hahn, Airspace Specialist
Illinois Department of Transportation
Division of Aeronautics
1 Langhorne Bond Drive
Abraham Lincoln Capital Airport
Springfield, Illinois 62707-8415

217/524-1580

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 317
Springfield, Illinois 62764

217/524-3838

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Comments received within forty-five days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: Since the airport will be added to 92 Ill. Adm. Code 16, this proposed repealer will have no impact on small businesses.
 - 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 proposed repealer was not included on either of the 2 most recent agendas because: the Department could not anticipate the timing of the need for the repealer.

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

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TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER b: AERONAUTICSPART 75
QUINCY MUNICIPAL AIRPORT
HAZARD ZONING REGULATIONS ([REPEALED](#))

Section

75.10	Introduction
75.20	Definitions
75.30	Surfaces and Height Limitations
75.40	Use Restrictions
75.50	Non-Conforming Uses
75.60	Permits
75.70	Non-Conforming Structures or Uses or Growth Abandoned or Destroyed
75.80	Variances
75.90	Notice of Construction or Alteration
75.100	Enforcement
75.110	Appeal and Judicial Review
75.120	Penalties
75.130	Conflicting Regulations
75.140	Severability
75.EXHIBIT A	Proposed Construction Permit Request

AUTHORITY: Implementing and authorized by the Airport Zoning Act (Ill. Rev. Stat. 1983, ch. 15½, par. 48.1 et seq.).

SOURCE: Adopted at 9 Ill. Reg. 8857, effective May 23, 1985; repealed at 33 Ill. Reg. _____, effective _____.

Section 75.10 Introduction

- a) Zoning provisions regulating and restricting the height of structures and objects of natural growth, and otherwise regulating the use of property in the vicinity of the Quincy Municipal Airport by creating appropriate surfaces, and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such surfaces, defining certain terms used herein; referring to the Quincy Municipal Airport zoning map (Note: this zoning map can be viewed at the

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Department of Transportation, Division of Aeronautics, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706. For an example of this information see 92 Ill. Adm. Code 18, Exhibits A, B and C); providing for enforcement; imposing penalties in the interest of public safety and welfare; and providing for notice of construction or alteration.

- b) These zoning regulations are adopted at the request of City of Quincy, as owner and operator of Quincy Municipal Airport, pursuant to the authority conferred by the Airport Zoning Act (Act) (Ill. Rev. Stat. 1983, ch. 15½, par. 48.1 et seq.). *It is hereby found that an airport hazard endangers the lives and property of users of Quincy Municipal Airport and of occupants of land or property in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the utility of Quincy Municipal Airport and the public investment therein.*
- 1) *Accordingly, it is declared:*
- A) *that the creation or establishment of an airport hazard is a public nuisance and an injury to the region served by Quincy Municipal Airport;*
- B) *that it is necessary in the interest of the public health, public safety and general welfare that the creation or establishment of airport hazards be prevented, and*
- C) *that the prevention of these hazards should be accomplished to the extent legally possible, by the exercise of the police power, without compensation.*
- 2) *It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and/or lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or interests in land. (Section 11 of the Act)*
- c) It is hereby determined by the Department of Transportation, Division of Aeronautics, State of Illinois, that the zoning regulations for Quincy Municipal Airport be adopted as follows.

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Section 75.20 Definitions

As used in this Part, unless the context otherwise requires:

"Airport" – The Quincy Municipal Airport located near Quincy, in the South ½ of Section 27, all of Section 34, a part of the Southwest ¼ of Section 26, and a part of the Northwest ¼ of the Northwest ¼ of Section 35, all in Township 1 South, Range 7 West of the Fourth Principal Meridian, Adams County, Illinois.

"Airport Elevation" – The established elevation of the highest point on the usable landing strip; the established airport elevation shall be 768' above mean sea level (AMSL).

"Airport Hazard" – *Any structure, growth, or use of land which obstructs the airspace required for, or is otherwise hazardous to the flight of aircraft in landing or taking-off at the airport.* (Section 3 of the Act)

"Airport Reference Point" – The point established as the approximate geographic center of the airport landing area and so designated as at Latitude 39° 56' 37" N Longitude 91° 11' 36W.

"Alteration" – Any construction which would result in a change in height or lateral dimensions of an existing structure.

"Approach, Transitional, Horizontal and Conical Surfaces" – These surfaces are defined in Section 75.30 of this Part.

"Construction" – The erection or alteration of any structure either of a permanent or temporary character.

"Department" – The Department of Transportation, Division of Aeronautics of the State of Illinois.

"Flight Safety Coordinator" – An employee of the Department whose duties include, but are not limited to inspection of airports, review of complaints concerning uses of property in the vicinity of airports and inspection of structures, uses and growths in the vicinity of airports to determine if such structures, uses or growths impair the use of the airport by aircraft.

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"Growth" – Any object of natural growth, including trees, shrubs and foliage.

"Height" – The overall height of the top of a structure including any appurtenances installed thereon, for the purpose of determining the height limits in all zones set forth in this Part and shown on the zoning map, the datum or which shall be mean sea level elevation unless otherwise specified.

"Landing Area" – The area of the airport used for the landing, taking off or taxiing of aircraft.

"Non-Conforming Use" – Any structure, growth, or use of land which is lawfully in existence at the time this Part or an amendment thereto becomes effective and does not then meet the requirements of this Part.

"Non-precision instrument runway" – A runway having an existing instrument approach utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in, non-precision instrument approach procedure has been approved, or planned, and for which no precision approach facilities are planned, or indicated on a Federal Aviation Administration (FAA) planning document or military service, military airport planning document.

"Permit" – A permit issued by the Department of Transportation, Division of Aeronautics, pursuant to Section 75.60 of this Part.

"Person" – An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative, and including this State and the Division of Aeronautics.

"Political Subdivision" – Any municipality, city, incorporated town, village, county, township, district, or authority, or any combination of two or more thereof, situated in whole or in part within any of the surfaces established by Section 75.30 hereof.

"Precision Instrument Runway" – A precision instrument runway is one which uses an instrument landing system (ILS) or precision approach radar (PAR). A planned precision instrument runway is one for which a precision approach system is indicated on a Department approved Airport Layout Plan, which is on file at the Department of Transportation, Division of Aeronautics, Bureau of

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Engineering, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706.

"Runway" – An area of the airport designated for the landing or taking off of aircraft and consisting of either specially prepared hard surface or turf.

"Slope Ratio" – A numerical expression of a stated relationship of height to horizontal distance, e.g. 100 to 1 means one hundred feet of horizontal distance for each one foot vertically.

"State" – The State of Illinois.

"Structure" – Any form of construction or apparatus of a permanent or temporary character, constructed or installed by man, including any implements or material used in the erection, alteration or repair of such structure, including but without limitation, buildings, towers, smokestacks, and overhead transmission lines.

"Utility Runway" – A runway that is constructed for and intended to be used for propeller driven aircraft of 12,500 pounds maximum gross weight or less.

"Variance" – A grant of relief by the Department from the requirements of this Part, in accordance with Section 75.80.

"Visibility Minimums" – The lowest forward horizontal distance from the cockpit of an aircraft in flight at which prominent unlighted objects may be seen and identified by day and prominent lighted objects may be seen and identified by night.

"Visual Runway" – A visual runway is a runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a Department approved Airport Layout Plan, which is on file at the Department of Transportation, Division of Aeronautics, Bureau of Engineering, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706.

Section 75.30 Surfaces and Height Limitations

- a) Establishment and Creation

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- 1) The following airport imaginary surfaces are established with relation to the airport and to each runway. The size of each such imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach existing or planned for that runway end.
- 2) Such airport imaginary surfaces are hereby created and established in order to carry out the provisions of this Part. Such surfaces shall include all of the land lying within the horizontal surface, conical surface, primary surface, approach surface to include non-precision instrument approach, precision instrument approach and visual approach, transitional surface and circling approach surface. These surfaces are shown on the Airport Zoning Map (Note: this zoning map can be viewed at the Department of Transportation, Division of Aeronautics, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706. For an example of this information see 92 Ill. Adm. Code 18, Exhibits A, B and C) for Quincy Municipal Airport prepared by City of Quincy, Quincy, Illinois. An area located in more than one of the following surfaces is considered to be only in the surface with the more restrictive height limitation.
- 3) Except as otherwise provided in this Part, no structure or growth shall be erected, altered, allowed to grow, or maintained in any surface created by this Part to a height in excess of the height limit herein established for such surfaces.
- 4) The various surfaces are hereby established, and height limitations are hereby established for each of the surfaces, as follows:
 - b) Horizontal Surface
 - 1) A horizontal plane 150' above the established airport elevation of 768' AMSL, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:
 - A) 5,000 feet for all runways designated as utility or visual;

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- B) 10,000 feet for all other runways.
- 2) The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000 foot arc is encompassed by tangents connecting two adjacent 10,000 foot arcs, the 5,000 foot arc shall be disregarded on the construction of the perimeter of the horizontal surface. The horizontal surface does not include the approach and transitional surfaces.
- c) Conical Surface
- 1) A surface extending outward and upward from the periphery of the horizontal surface, at 150' above the airport elevation, at a slope of 20 feet horizontally for each foot vertically for a horizontal distance of 4,000 feet.
- 2) The conical surface does not include the approach surfaces to the precision instrument runways and the transitional surfaces.
- d) Primary Surface
- 1) A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200' beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:
- A) 250' for utility runways having only visual approaches;
- B) 500' for utility runways having non-precision instrument approaches;
- C) For other than utility runways, the width is:
- i) 500' for visual runways having only visual approaches;
- ii) 500' for non-precision instrument runways having visibility

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minimums greater than three-fourths statute miles;

- iii) 1,000' for a non-precision instrument runway having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile, and for precision instrument runways.
- 2) The width of the primary surface of a runway will be the width prescribed in this Section for the most precise approach existing or planned for either end of that runway.
- e) Approach Surface – A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.
- 1) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
 - A) 1,250' for that end of utility runway with only visual approaches;
 - B) 1,500' for that end of a runway other than a utility runway with only visual approaches;
 - C) 2,000' for that end of a utility runway with a non-precision instrument approach;
 - D) 3,500' for that end of a non-precision instrument runway other than utility, having visibility minimums greater than three-fourths statute mile;
 - E) 4,000' for that end of a non-precision instrument runway, other than utility, having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile; and
 - F) 16,000' for precision instrument runways.
 - 2) The approach surface extends for a horizontal distance of:

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- A) 5,000' at a slope of 20' horizontally for each foot vertically for all utility and visual runways;
 - B) 10,000' at a slope of 34' horizontally for each foot vertically for all non-precision instrument runways other than utility; and
 - C) 10,000' at a slope of 50' horizontally for each foot vertically with an additional 40,000' at a slope of 40 feet horizontally for each foot vertically for all precision instrument runways.
- 3) The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.
- f) Transitional Surface – These surfaces extend outward and upward at right (90°) angles to the runway centerline and the runway centerline extended at a slope of 7 feet horizontally for each foot vertically beginning at the sides of and at the same elevation of the primary surface and the approach surfaces extending to a height of 150' above the airport elevation which is 768' AMSL. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000' measured horizontally from the edge of the approach surface and at right (90°) angles to the runway centerline.
- g) Circling Approach Surface – This is a surface 200' above ground level (AGL) or above the established airport elevation, whichever is greater, within three (3) nautical miles of the established reference point of Quincy Municipal Airport and this surface increases in height in the proportion of 100' for each additional nautical mile of distance from the airport reference point up to a maximum of 500'.
- h) Excepted Height Limitations – Nothing in this Part shall be construed as prohibiting the growth, construction or maintenance of any growth or structure to a height up to 50' above the surface of the land.

Section 75.40 Use Restrictions

Notwithstanding any other provisions of this Part, no use may be made of land or water within any surface established by this Part as follows:

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- a) Electrical or Electronic Interference
 - 1) In such a manner as to create electrical or electronic interference with navigational signals or radio or radar communication between the airport and aircraft.
 - 2) If a complaint of such interference is received by the Department, a Flight Safety Coordinator shall determine if a hazard exists by observing all relevant factors including the type of aircraft using the airport, the traffic patterns at the airport, the time of day and frequency of the interference.
- b) Flashing or Illuminated Structures
 - 1) The installation and use of flashing or illuminated advertising or business signs, billboards, or any other type of illuminated structure which would be hazardous for pilots.
 - 2) In determining whether such a hazard exists, a Flight Safety Coordinator shall consider factors which include, but are not limited to, assessing the difficulty pilots have in distinguishing between airport lights and others, or which result in glare in the eyes of pilots using the airport, thereby impairing visibility in the vicinity of the airport or endangering the landing, taking off or maneuvering of aircraft, the proximity of the illuminated structure to the airport, and the traffic patterns at the airport.
- c) Smoke
 - 1) A use which would emit or discharge smoke that would interfere with the health and safety of pilots and the public in the use of the airport, or which would otherwise be detrimental or injurious to the health, safety and general welfare of the public in the use of the airport.
 - 2) In determining if such an emission or discharge of smoke would interfere with the health and safety of pilots and the public, a Flight Safety Coordinator shall consider all relevant factors which include, but are not limited to the density of the smoke, frequency of the emission or discharge, source of the smoke, general weather patterns in the vicinity, time of day, and volume and type of aircraft which use the airport.

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Section 75.50 Non-Conforming Uses

- a) Regulations Not Retroactive – Those surface regulations prescribed by this Part shall not be construed to require the removal, lowering or other changes or alteration of any structure or growth not conforming to the regulations as of the effective date of this Part or otherwise interfere with the continuance of any non-conforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Part and is diligently prosecuted.
- b) Marking and Lighting
 - 1) Notwithstanding the provisions of Section 75.50(a), the owner of any existing non-conforming structure is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Department to indicate to operators of aircraft in the vicinity of the airport, the presence of such airport hazards, all to be performed at the expense of the City of Quincy.
 - 2) In determining the necessity for such markers and lights the Department shall consider all relevant conditions, including but not limited to, the traffic patterns, volume and type of aircraft at the airport, the general weather patterns in the vicinity, the topography of the airport and the surrounding area, and the height of the structure and its proximity to the approach and transition slopes of the existing runways.

Section 75.60 Permits

- a) Future Uses – Except as specifically provided in Paragraphs (1), (2), and (3) hereunder, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any surface hereby created unless a permit therefor shall have been applied for and granted by the Department. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or growth would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

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- 1) In the area lying within the limits of the horizontal surface and the conical surface, but which is not in violation of height restrictions of primary, transitional and approach surfaces as set forth in this Part, no permit shall be required for any growth or structure less than 75' of vertical height above the ground or in any approach and transitional surfaces beyond a horizontal distance of 4,200' from each end of the runway, except when because of terrain, land contour or topographic features such growth or structure would extend above the height limits prescribed for such surface.
 - 2) In the areas lying within the limits of visual, precision instrument and non-precision instrument approach surfaces, no permit shall be required for any growth or structure less than 75' of vertical height above the ground, except when such growth or structure would extend above the height limit prescribed for such visual, precision instrument or non-precision instrument approach surfaces.
 - 3) In the areas lying within the limits of the transitional surface beyond the perimeter of the horizontal surface, no permit shall be required for any growth or structure less than 75' of vertical height above the ground except when such growth or structure, because of terrain, land contour or topographic features would extend above the height limit prescribed for such transitional surface.
- b) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or growth in excess of any of the height limits prescribed by this Part.

Section 75.70 Non-Conforming Structures or Uses or Growth Abandoned or Destroyed

Whenever the Department following a Flight Safety Coordinator's personal inspection, observation and estimation, *determines that a non-conforming structure or use or growth has been abandoned or is more than 80 per cent demolished, destroyed, physically deteriorated, or decayed:*

- a) *No permit shall be granted by the Department that will allow such structure or use or growth to exceed the applicable height limit or otherwise deviate from these zoning regulations: and*

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- b) *Whether application is made for a permit, or not, the Department may issue an order pursuant to Section 75.70(c), in cases where the remaining structure or use or growth constitutes a violation of this Part, compelling the owner of the non-conforming structure or use or growth, at his own expense, to lower, remove, reconstruct, or equip such structure or use or growth as may be necessary to conform to these zoning regulations. If the owner of the non-conforming structure or use or growth shall neglect or refuse to comply with such order within ten (10) days after notice thereof, the Department may proceed to have such structure or use or growth so lowered, removed, reconstructed or equipped and shall have a lien, on behalf of the state, upon the land whereon it is or was located, in the amount of the cost and expense thereof. Such lien may be enforced by the Department on behalf of the state by suit in equity for the enforcement thereof as in the case of other liens. (Section 23 of the Act)*
- c) The Department shall issue an order if it is determined that the non-conforming structure or use or growth interferes with traffic patterns at the airport. In making such a determination the Department shall consider factors which include, but are not limited to, the type of aircraft using the airport, and whether or not the airport has precision instrument or instrument runways.

Section 75.80 Variances

- a) *General – Any person wishing to erect or increase the height of any structure, or permit any growth, or use his property not in accordance with these zoning regulations, may apply to the Department For a variance from these zoning regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of these zoning regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance with the spirit of these zoning regulations. (Section 24 of the Act)*
- b) **Marking and Lighting – Any Variance granted by the Department may be so conditioned as to require the owner of such structure or growth to permit, at the expense of the owner, the installation, operation and maintenance thereon of such markers and lights as may be required to indicate to pilots the presence of such structure or growth.**
- c) In making the determination to allow variances the Department will consider, but is not limited to considering, the proximity of the hazard to the normal flight path

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or traffic patterns at the airport, the proximity of other non-conforming uses, structures or objects of natural growth which would impair the use of the airport, the height of the object, the volume of air traffic at the airport, the type of aircraft using the airport, the type of navigational aids used at the airport, the length and width of existing runways, and plans for future expansion of the airport.

Section 75.90 Notice of Construction or Alteration

- a) Construction or Alteration Requiring Notice – The Department shall be notified by each person (sponsor) who proposes any of the following construction or alterations with respect to the surfaces and height limitations established herein by Section 75.30 hereof with respect to Quincy Municipal Airport:
 - 1) Any construction or alteration of more than 200' in height above the ground level at its site.
 - 2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:
 - A) 100 to 1 for a horizontal distance of 20,000' from the nearest point of the nearest runway of the airport, with at least one runway more than 3200' in actual length.
 - B) 50 to 1 for a horizontal distance of 10,000' from the nearest point of the nearest runway of the airport, with the longest runway not more than 3200' in actual length.
 - 3) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a waterway or any other traverse way not previously mentioned, an amount equal to the highest mobile object that would normally traverse it, would exceed a standard of subparagraph (1) or (2) of this paragraph.
 - 4) Any construction or alteration that would exceed a standard of the statute

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or this Part.

- b) Construction or Alteration Not Requiring Notice – No person is required to notify the Department for any of the following construction or alterations with respect to Quincy Municipal Airport:
 - 1) Any antenna structure of 20' or less in height except one that would increase the height of another antenna structure.
 - 2) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device less than 50 feet in height.
 - 3) Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not obstruct or interfere with aircraft using the airport, or cause any additional adverse effect on airport operations by considering the height and location of the existing uses and structures.

- c) Form and Time of Notice
 - 1) Each person who is required to notify the Department under Paragraph (a) of this section shall forward one (1) executed form set (in four copies) of the Department's Form No. DA-39 (for an example, see Exhibit A) to the Division of Aeronautics, One Langhorne Bond Drive/Capital Airport, Springfield, Illinois 62706. Copies of this form may be obtained from the Department.
 - 2) Such notice must be submitted at least 30 days before the date the proposed construction or alteration is to begin.
 - 3) In the case of an emergency involving essential public services, public health, or public safety, that requires immediate construction or alteration, the 30-day requirement in Paragraph (c)(2) above does not apply and the notice may be sent by telephone, telegraph, or other expeditious means, with an executed Department Form No. DA-39 submitted within five (5) days thereafter.

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- d) Acknowledgment of Notice
- 1) The Department will acknowledge in writing the receipt of such notice submitted under Paragraph (a) above within 30 days of receipt of such notice.
 - 2) The acknowledgment will state that a study of the proposed construction or alteration has resulted in a determination that the construction or alteration:
 - A) Would not exceed any standard of the statute or this Part and would not be a hazard to air navigation; or
 - B) Would exceed a standard of the statute, rules and regulations of the Department, or this Part but would not be a hazard to air navigation, although an application for variance pursuant to Section 75.80 of this Part would be required; or
 - C) Would exceed a standard of the statute, rules and regulations of the Department, or this Part and further aeronautical study is necessary to determine whether it would be a hazard to air navigation, that the sponsor may request within 30 days that further study, it is presumed that construction or alteration would be a hazard to air navigation and an application or variance pursuant to Section 75.80 of this Part would be required; or
 - D) Would require lighting or marking standards as prescribed in Advisory Circular, Department of Transportation, Federal Aviation Administration (FAA), Subject: Obstruction, Marking and Lighting, AC No: 70/7460-1F, September 27, 1978, as provided in 14 CFR 77.11 (b)(3), January 1, 1983, not including any later amendment or editions, and information on how the structure should be marked and lighted in accordance with such FAA standards; or
 - E) Would require supplemental information from the sponsor in order for a determination to be made by the Department.

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Section 75.100 Enforcement

It shall be the duty of the Department to administer and enforce this Part. Applications for permits or variances, required by this Part to be submitted to the Department, shall be on forms furnished by the department and shall be promptly considered and granted or denied.

Section 75.110 Appeal and Judicial Review

- a) Appeal – Any person aggrieved by any decision of the Department made in Administration of this Part may apply to the Department to reverse, wholly or partly, or modify, or otherwise change, abrogate or rescind any such decision. The procedure prescribed by Statute for proceedings before Board of Appeal shall govern such application to the Department. (Ill. Rev. Stat. 1983, ch. 15½, par. 48.29)
- b) Judicial Review – Any person aggrieved, or any taxpayer affected by any decision of the Department may appeal to the Circuit Court of Adams County, Illinois, or Circuit Court of any county in which the airport hazard is wholly or partly located, in accordance with the provisions of an Act entitled the Administrative Review Law (Ill. Rev. Stat. 1983, ch. 110, pars. 3-101 et seq.).

Section 75.120 Penalties

Each violation of this Part or of *any regulations, orders, or rulings promulgated* hereunder shall constitute an airport hazard and a *petty offense*, and such hazard shall be removed by proper legal proceedings and each day a violation continues to exist shall constitute a separate offense. *In addition, the Department may institute in the Circuit Court of Adams County, Illinois, or Circuit Court of any county in which the airport hazard is wholly partly located, an action to prevent and restrain, correct or abate, any violation of these zoning regulations, or of any regulation, order or ruling made in connection with their administration or enforcement, and the court shall adjudge such relief by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of these zoning regulations as adopted and orders and rulings made pursuant thereto.* (Section 34 of the Act)

Section 75.130 Conflicting Regulations

Where a conflict exists between this Part and any other regulations or ordinances applicable to the same area, whether the conflict be with respect to the height of structures, or growths, the use

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of land, or any other matter, the more stringent regulation or ordinance shall govern and prevail.

Section 75.140 Severability

If any of the provisions of this Part or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Part which can be given effect without the invalid provision or application, and to this end, the provisions of this Part are declared to be severable.

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Section 75.EXHIBIT A Proposed Construction Permit Request

STATE OF ILLINOIS DEPARTMENT OF TRANSPORTATION DIVISION OF AERONAUTICS PROPOSED CONSTRUCTION PERMIT REQUEST			
Name of Individual or Company Making Request _____			
Address _____ <div style="display: flex; justify-content: space-between; font-size: small; margin-top: 5px;"> Street City Zip Phone </div>			
Nature and Description of Proposed Structure:	New Construction		
	Alteration		
	Nearest Town:		
	Location from Nearest Town		
	Direction	Distance	
	Nearest Airport:		
	From Nearest Point to a Runway		
	Distance	Direction	
	Latitude	Longitude	
	° ' "	° ' "	
PROPOSED HEIGHTS AND ELEVATIONS			
Site Elevation (Mean Sea Level)			Feet
Highest Point of Structure Above Ground			Feet
Overall Height above Mean Sea Level			Feet
Estimated Construction Starting Date			
Estimated Construction Completion Date			
Type of Structure:	Permanent _____	Temporary _____	
Will Structure be Obstruction Lighted:	Yes _____	No _____	
Will Structure be Obstruction Marked:	Yes _____	No _____	

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Remarks:		
Date:	Title or Position:	Signature

Form DA 39

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- 1) Heading of the Part: Rochelle Municipal Airport Hazard Zoning Regulations
- 2) Code Citation: 92 Ill. Adm. Code 76
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
76.10	Repeal
76.20	Repeal
76.30	Repeal
76.40	Repeal
76.50	Repeal
76.60	Repeal
76.70	Repeal
76.80	Repeal
76.90	Repeal
76.100	Repeal
76.110	Repeal
76.120	Repeal
76.130	Repeal
76.140	Repeal
76.150	Repeal
76.160	Repeal
- 4) Statutory Authority: Implementing and authorized by the Airport Zoning Act (Ill. Rev. Stat. 1981, ch. 15½, par. 48.1 et seq.)
- 5) A Complete Description of the Subjects and Issues Involved: By this Notice, the Department is proposing to repeal this Part in its entirety and, elsewhere in this issue of the *Illinois Register*, is proposing to include the Rochelle Municipal Airport under 92 Ill. Adm. Code 16 (Part 16), the Department's generic rule on the administration and enforcement of airport hazard zoning. Part 16 restricts the height of structures, equipment, and vegetation, and regulates the use of property, on or in the vicinity of publicly-owned airports.

It is preferable to have all airports requesting inclusion in the administration and enforcement of airport hazard zoning under one rule rather than duplicating the requirements in separate rules, which was the Department's practice several decades ago. Therefore, the Department is proposing to repeal this Part and add the airport to Part 16 which is also being amended at this time.

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- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rule 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 will have no impact on units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed repealer. Written submissions shall be filed with:

Mr. Robert Hahn, Airspace Specialist
Illinois Department of Transportation
Division of Aeronautics
1 Langhorne Bond Drive
Abraham Lincoln Capital Airport
Springfield, Illinois 62707-8415

217/524-1580

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 317
Springfield, Illinois 62764

217/524-3838

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Comments received within forty-five days after the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations affected: Since the airport will be added to 92 Ill. Adm. Code 16, this proposed repealer will have no impact on small businesses.
 - 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 proposed repealer was not included on either of the 2 most recent agendas because: the Department could not anticipate the timing of the need for the repealer.

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

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TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER b: AERONAUTICSPART 76
ROCHELLE MUNICIPAL AIRPORT
HAZARD ZONING REGULATIONS ([REPEALED](#))

Section

76.10	Introduction
76.20	Short Title
76.30	Definitions
76.40	Surfaces and Height Limitations
76.50	Use Restrictions
76.60	Non-Conforming Uses
76.70	Permits
76.80	Non-Conforming Structures or Uses or Growth Abandoned or Destroyed
76.90	Variances
76.100	Notice of Construction or Alteration
76.110	Enforcement
76.120	Appeal and Judicial Review
76.130	Penalties
76.140	Conflicting Regulations
76.150	Severability
76.160	Effective Date

AUTHORITY: Implementing and authorized by the Airport Zoning Act (Ill. Rev. Stat. 1981, ch. 15½, par. 48.1 et seq.).

SOURCE: Adopted at 5 Ill. Reg. 13730, effective December 1, 1981; codified at 6 Ill. Reg. 15287; repealed at 33 Ill. Reg. _____, effective _____.

Section 76.10 Introduction

- a) Zoning provisions regulating and restricting the height of structures and objects of natural growth, and otherwise regulating the use of property in the vicinity of the Rochelle Municipal Airport by creating appropriate surfaces, and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such surfaces, defining certain terms used herein; referring to the Rochelle

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Municipal Airport zoning map (Note: this zoning map can be viewed at the Department of Transportation, Division of Aeronautics, Capital Airport, Springfield, Illinois, 62706. For an example of this information see 92 Ill. Adm. Code 18, Exhibits A, B and C.); providing for enforcement; imposing penalties in the interest of public safety and welfare; and providing for notice of construction or alteration.

- b) These zoning regulations are adopted at the request of the City of Rochelle, a municipal corporation of the State of Illinois, as owner and operator of Rochelle Municipal Airport, pursuant to the authority conferred by an Act entitled, the Airport Zoning Act as approved July 17, 1945 (Ill. Rev. Stat. 1981, ch. 15½, pars. 48.1 et seq.). It is hereby found that an airport hazard endangers the lives and property of users of Rochelle Municipal Airport and of occupants of land or to property in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the utility of Rochelle Municipal Airport and the public investment therein.
 - 1) Accordingly, it is declared:
 - A) that the creation or establishment of an airport hazard is a public nuisance and an injury to the region served by Rochelle Municipal Airport;
 - B) that it is necessary in the interest of the public health, public safety and general welfare that the creation or establishment of airport hazards be prevented, and
 - C) that the prevention of these hazards should be accomplished to the extent legally possible by the exercise of the police power without compensation.
 - 2) It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and/or lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or interests in land.
- c) It is hereby determined by the Department of Transportation, Division of

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Aeronautics, State of Illinois, that the zoning regulations for Rochelle Municipal Airport be adopted as follows:

Section 76.20 Short Title

These zoning regulations shall be known and may be cited as "Airport Hazard Zoning Regulations for Rochelle Municipal Airport".

Section 76.30 Definitions

As used in these zoning regulations, unless the context otherwise requires:

"Airport" – The Rochelle Municipal Airport located near Rochelle, in part of the Southeast $\frac{1}{4}$ of Section 35 and the Southwest $\frac{1}{4}$ of Section 36, all in Township 40 North, Range 1 East of the Third Principal Meridian, Ogle County, Illinois.

"Airport Elevation" – The established elevation of the highest point on the useable landing strip; the established airport elevation shall be 780' above mean sea level (AMSL).

"Airport Hazard" – Any structure, growth, or use of land which obstructs the airspace required for, or is otherwise hazardous to the flight of aircraft in landing or taking off at the airport.

"Airport Reference Point" – The point established as the approximate geographic center of the airport landing area and so designated as at Latitude 41~ 53' 44" N and Longitude 89~ 04' 42" W.

"Alteration" – Any construction which would result in a change in height of lateral dimensions of an existing structure.

"Approach, Transitional, Horizontal and Conical Surfaces" – These surfaces are defined in Federal Aviation Regulations, Objects Affecting Navigable Airspace (14 CFR 77).

"Construction" – The erection or alteration of any structure either of a permanent or temporary character.

"Department" – The Department of Transportation, Division of Aeronautics of the

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State of Illinois.

"Growth" – Any object of natural growth, including trees, shrubs and foliage.

"Height" – The overall height of the top of a structure including any appurtenance installed thereon, and for the purpose of determining the height limits in all zones set forth in these regulations and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

"Landing Area" – The area of the airport used for the landing, taking off or taxiing of aircraft.

"Non-Conforming Use" – Any structure, growth, or use of land which is lawfully in existence at the time these zoning regulations or an amendment thereto becomes effective and does not then meet the requirements of said regulations.

"Non-Precision Instrument Runway" – A runway having an existing instrument approach utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in, non-precision instrument approach procedure has been approved, or planned, and for which no precision approach facilities are planned, or indicated on an Federal Aviation Administration (FAA) planning document or military service, military airport planning document.

"Permit" – A permit issued by the Department of Transportation, Division of Aeronautics.

"Person" – An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative, and including this State and the Division of Aeronautics.

"Political Subdivision" – Any municipality, city, incorporated town, village, county, township, district, or authority, or any combination of two or more thereof, situated in whole or in part within any of the surfaces established by Section 76.40 hereof.

"Precision Instrument Runway" – A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), or a Precision

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Approach Radar (PAR) or a runway for which a precision approach system is planned and is so indicated by an FAA Approved Layout Plan.

"Runway" – An area of the airport designated for the landing or taking off of aircraft and consisting of either a specially prepared hard surface or turf.

"Slope Ratio" – A numerical expression of a stated relationship of height to horizontal distance, e.g. 100 to 1 means one hundred feet of horizontal distance of each one foot vertically.

"State" – The State of Illinois.

"Structure" – Any form of construction or apparatus of a permanent or temporary character, constructed or installed by man, including any implements or material used in the erection, alteration or repair of such structure, including but without limitation, buildings, towers, smokestacks, and overhead transmission lines.

"Utility Runway" – A runway that is constructed for and intended to be used for propeller driven aircraft of 12,500 pounds maximum gross weight or less.

"Variance" – A grant of relief by the Department from the requirements of these zoning regulations, in accordance with Section 76.90.

"Visual Runway" – A runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an FAA Approved Layout Plan, or by any planning document, submitted to the FAA by competent authority.

Section 76.40 Surfaces and Height Limitations

- a) Establishment and Creation
 - 1) The following airport imaginary surfaces are established with relation to the airport and to each runway. The size of each such imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach existing or planned for that runway end.

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- 2) Such airport imaginary surfaces are hereby created and established, in order to carry out the provisions of these zoning regulations. Such surfaces shall include all of the land lying within the horizontal surface, conical surface, primary surface, approach surface to include non-precision instrument approach, precision instrument approach and visual approach, transitional surface and circling approach surface. These surfaces are shown on the Airport Zoning Map for Rochelle Municipal Airport prepared by Willett, Hofmann and Associates, Dixon, Illinois, (Note: this zoning map can be viewed at the Department of Transportation, Division of Aeronautics, Capital Airport, Springfield, Illinois, 62706. For an example of this information see 92 Ill. Adm. Code 18, Exhibits A, B and C.). An area located in more than one of the following surfaces is considered to be only in the surface with the more restrictive height limitation.
- 3) Except as otherwise provided in these zoning regulations, no structure or growth shall be erected, altered, allowed to grow, or maintained in any surface created by these zoning regulations to a height in excess of the height limit herein established for such surfaces.
- 4) The various surfaces are hereby established, and the height limitations are hereby established for each of the surfaces, as follows:
 - b) Horizontal Surface
 - 1) A horizontal plane 150' above the established airport elevations of 780' AMSL, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:
 - A) 5,000 feet for all runways designated as utility or visual;
 - B) 10,000 feet for all other runways.
 - 2) The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000 foot arc is encompassed by tangents connecting two adjacent 10,000 foot arcs, the 5,000 foot arc shall

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be disregarded on the construction of the perimeter of the horizontal surface. The horizontal surface does not include the approach and transitional surfaces.

c) Conical Surface

- 1) A surface extending outward and upward from the periphery of the horizontal surface, at 150 feet above the airport elevation, at a slope of 20 feet horizontally for each foot vertically for a horizontal distance of 4,000 feet.
- 2) The conical surface does not include the precision instrument approach surfaces and the transitional surfaces.

d) Primary Surface

- 1) A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:
 - A) 250' for utility runways having only visual approaches;
 - B) 500' for utility runways having non-precision instrument approaches;
 - C) For other than utility runways, the width is:
 - i) 500' for visual runways having only visual approaches;
 - ii) 500' for non-precision instrument runways having visibility minimums greater than three-fourths statute mile;
 - iii) 1,000' for a non-precision instrument runway having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile, and for precision

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instrument runways.

- 2) The width of the primary surface of a runway will be the width prescribed in this Section for the most precise approach existing or planned for either end of that runway.
- e) Approach Surface – A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.
- 1) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
 - A) 1,250' for that end of a utility runway with only visual approaches;
 - B) 1,500' for that end of runway other than a utility runway with only visual approaches;
 - C) 2,000' for that end of a utility runway with a non-precision instrument approach;
 - D) 3,500' for that end of a non-precision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile;
 - E) 4,000' for that end of a non-precision instrument runway, other than utility, having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile; and
 - F) 16,000' for precision instrument runways.
 - 2) The approach surface extends for a horizontal distance of:
 - A) 5,000' at a slope of 20' horizontally for each foot vertically for all utility and visual runways;
 - B) 10,000' at a slope of 34' horizontally for each foot vertically for all non-precision instrument runways other than utility; and

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- C) 10,000' at a slope of 50' horizontally for each foot vertically with an additional 40,000' at a slope of 40 feet horizontally for each foot vertically for all precision instrument runways.
- 3) The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.
- f) Transitional Surface – These surfaces extend outward and upward at right (90~) angles to the runway centerline and the runway centerline extended at a slope of 7 feet horizontally for each foot vertically beginning at the sides of and at the same elevation of the primary surface and the approach surfaces extending to a height of 150' above the airport elevation which is 780' AMSL. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000' measured horizontally from the edge of the approach surface and at right (90~) angles to the runway centerline.
- g) Circling Approach Surface – This is a surface 200' above ground level (AGL) and above the established airport elevation, whichever is greater, within three (3) nautical miles of the established reference point of Rochelle Municipal Airport and this surface increases in height in the proportion of 100 feet for each additional nautical mile of distance from the airport reference point up to a maximum of 500 feet.
- h) Excepted Height Limitations – Nothing in these regulations shall be construed as prohibiting the growth, construction or maintenance of any growth or structure to a height up to 50 feet above the surface of the land.

Section 76.50 Use Restrictions

Notwithstanding any other provisions of these zoning regulations, no use may be made of land or water within any surface established by these zoning regulations in such a manner as to create electrical or electronic interference with navigational signals or radio or radar communication between the airport and aircraft; or to the installation and use of flashing or illuminated advertising or business signs, billboards, or any other type of illuminated structure which would be hazardous for pilots because of the difficulty in distinguishing between airport lights and other, or which result in glare in the eyes of pilots using the airport, thereby impairing visibility

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in the vicinity of the airport or endangering the landing, taking off, or maneuvering of aircraft; or which would emit or discharge smoke that would interfere with the health and safety of pilots and the public in the use of the airport, or which would otherwise be detrimental or injurious to the health, safety and general welfare of the public in the use of the airport.

Section 76.60 Non-Conforming Uses

- a) Regulations Not Retroactive – Those surface regulations prescribed by these zoning regulations shall not be construed to require the removal, lowering, or other changes or alteration of any structure or growth not conforming to the regulations as of the effective date of these zoning regulations or otherwise interfere with the continuance of any non-conforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of these zoning regulations and is diligently prosecuted.
- b) Marking and Lighting – Notwithstanding the provisions of Section 76.60(a), the owner of any existing non-conforming structure is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Department to indicate to operators of aircraft in the vicinity of the airport, the presence of such airport hazards, all to be performed at the expense of the City of Rochelle.

Section 76.70 Permits

- a) Future Uses – Except as specifically provided in paragraphs (1), (2), and (3) hereunder, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any surface hereby created unless a permit therefor shall have been applied for and granted by the Department. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or growth would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.
 - 1) In the area lying within the limits of the horizontal surface and the conical surface, but which is not in violation of height restrictions of primary, transitional and approach surfaces set forth in these regulations, no permit shall be required for any growth or structure less than 75 feet of vertical

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height above the ground or in any approach and transitional surfaces beyond a horizontal distance of 4,200 feet from each end of the runway, except when because of terrain, land contour or topographic features such growth or structure would extend above the height limits prescribed for such surface.

- 2) In the areas lying within the limits of visual, precision instrument and non-precision instrument approach surfaces, no permit shall be required for any growth or structure less than 75 feet of vertical height above the ground, except when such growth or structure would extend above the height limit prescribed for such visual, precision instrument or non-precision instrument approach surfaces.
 - 3) In the area lying within the limits of the transitional surface beyond the perimeter of the horizontal surface, no permit shall be required for any growth or structure less than 75 feet of vertical height above the ground except when such growth or structure, because of terrain, land contour or topographic features would extend above the height limit prescribed for such transitional surface.
- b) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or growth in excess of any of the height limits established by these regulations.

Section 76.80 Non-Conforming Structures or Uses or Growth Abandoned or Destroyed

Whenever the Department determines that a non-conforming structure or use or growth has been abandoned or more than 80 per cent demolished, destroyed, physically deteriorated or decayed:

- a) No permit shall be granted by the Department that will allow such structure or use or growth to exceed the applicable height limit or otherwise deviate from these zoning regulations; and
- b) Whether application is made for a permit, or not, the Department may issue an order, in cases where the remaining structure or use or growth constitutes a violation of these zoning regulations, compelling the owner of the non-conforming structure or use or growth, at his own expense, to lower, remove, reconstruct, or equip such structure or use of growth as may be necessary to

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conform to these zoning regulations. If the owner of the non-conforming structure or use or growth shall neglect or refuse to comply with such order within ten (10) days after notice thereof; the Department may proceed to have such structure or use or growth so lowered, removed, reconstructed or equipped and shall have a lien, on behalf of the State, upon the land whereon it is or was located, in the amount of the cost and expense thereof. Such lien may be enforced by the Department on behalf of the State by suit in equity for the enforcement thereof as in the case of other liens.

Section 76.90 Variances

- a) Any person wishing to erect or increase the height of any structure, or permit any growth, or use his property not in accordance with these zoning regulations, may apply to the Department for a variance from these regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of these zoning regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance with the spirit of these zoning regulations.
- b) Marking and Lighting – Any variance granted by the Department may be so conditioned as to require the owner of such structure or growth to permit, at the expense of the owner, the installation, operation and maintenance thereon of such markers and lights as may be required to indicate to pilots the presence of such structure or growth.

Section 76.100 Notice of Construction or Alteration

- a) Construction or Alteration Requiring Notice – The Department shall be notified by each person (sponsor) who proposes any of the following construction or alterations with respect to the surfaces and height limitation established herein by Section 76.40 hereof with respect to Rochelle Municipal Airport:
 - 1) Any construction or alteration of more than 200' in height above the ground level at its site.
 - 2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:

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- A) 100 to 1 for a horizontal distance of 20,000' from the nearest point of the nearest runway of the airport, with at least one runway more than 3,200 feet in actual length.
 - B) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of the airport, with the longest runway not more than 3,200 feet in actual length.
- 3) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward, 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a water way or any other traverse way not previously mentioned, an amount equal to the highest mobile object that would normally traverse it, would exceed a standard of subparagraph (a)(1) or (a)(2) of this Section.
 - 4) When requested by the Department, any construction or alteration that would be in an instrument approach area (defined in the FAA Standards Governing Instrument Approach Procedures) and available information indicates it would exceed a standard of the Statute, rules and regulations of the Department or these zoning regulations.
- b) Construction or Alteration Not Requiring Notice – No person is required to notify the Department for any of the following construction or alterations with respect to Rochelle Municipal Airport:
- 1) Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure.
 - 2) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Administrator of the FAA, or an appropriate military service on military airports, the location and height of which is fixed by its functional purpose.
 - 3) Any object that would be shielded by existing structures of a permanent

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and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.

c) Form and Time of Notice

- 1) Each person who is required to notify the Department under paragraph (a) shall forward one (1) executed form set (in four copies) of the Department's Form No. DA-39 to the Division of Aeronautics, One Langhorne Bond Drive, Capital Airport, Springfield, Illinois 62706. Copies of this form may be obtained from the Department.
- 2) Such notice must be submitted at least 30 days before the proposed construction or alteration is to begin.
- 3) In the case of an emergency involving essential public services, public health, or public safety, that requires immediate construction or alteration, the thirty (30) day requirement in paragraph (b) above does not apply and the notice may be sent by telephone, telegraph, or other expeditious means, with an executed Department Form No. DA-39 submitted within five (5) days thereafter.

d) Acknowledgment of Notice

- 1) The Department will acknowledge in writing the receipt of such notice submitted under paragraph (a) above within 30 days of receipt of such notice.
- 2) The acknowledgment will state that an aeronautical study of the proposed construction or alteration has resulted in a determination that the construction or alteration:
 - A) Would not exceed any standard of the statute, rules, and regulations of the Department, or these zoning regulations and would not be a hazard to air navigation; or
 - B) Would exceed a standard of the statute, rules and regulations of the

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Department, or these zoning regulations but would not be a hazard to air navigation, although an application for Variance pursuant to Section 76.90 of these regulations would be required; or

- C) Would exceed a standard of the Statute, rules and regulations of the Department, or these zoning regulations and further aeronautical study is necessary to determine whether it would be a hazard to air navigation, that the sponsor may request within 30 days that further study, and that, pending completion of any further study, it is presumed that construction or alteration would be a hazard to air navigation and an application for variance pursuant to Section 76.90 of these regulations would be required; or
- D) Would require lighting or marking standards as prescribed by the FAA, and information on how the structure should be marked and lighted in accordance with such FAA standards; or
- E) Would require supplemental information from the sponsor in order for a determination to be made by the Department.

Section 76.110 Enforcement

It shall be the duty of the Department to administer and enforce these zoning regulations. Applications for permits or variances, required by these zoning regulations to be submitted to the Department, shall be on forms furnished by the Department and shall be promptly considered and granted or denied.

Section 76.120 Appeal and Judicial Review

- a) Appeal – Any person aggrieved by any decision of the Department made in the administration of these zoning regulations may apply to the Department to reverse, wholly or partly, or modify, or otherwise change, abrogate or rescind any such decision. The procedure prescribed by Statute for proceedings before Boards of Appeal shall govern such application to the Department.
- b) Judicial Review – Any person aggrieved, or any taxpayer affected by any decision of the Department may appeal to the Circuit Court of Ogle County, Illinois or Circuit Court of any county in which the airport hazard is wholly or partly located, in accordance with the provisions of an Act entitled, the Administrative

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Review Law (Ill. Rev. Stat. 1981, ch. 110, pars. 3-101 et seq.).

Section 76.130 Penalties

Each violation of these zoning regulations or of any regulation, order, or ruling promulgated hereunder shall constitute an airport hazard and a petty offense, and such hazard shall be removed by proper legal proceedings and each day a violation continues to exist shall constitute a separate offense. In addition, the Department may institute in the Circuit Court of Ogle County, or Illinois, or Circuit Court of any County in which the airport hazard is wholly or partly located, an action to prevent and restrain, correct or abate, any violation of these zoning regulations, or of any regulation, order or ruling made in connection with their administration or enforcement, and the Court shall adjudge such relief by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of these zoning regulations as adopted and orders and rulings made pursuant thereto.

Section 76.140 Conflicting Regulations

Where a conflict exists between any of these zoning regulations and any other regulations or ordinances applicable to the same site, whether the conflict be with respect to the height of structures, or growths, the use of land, or any other matter, the more stringent regulation or ordinance shall govern and prevail.

Section 76.150 Severability

If any of the provisions of these zoning regulations or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of these zoning regulations which can be given effect without the invalid provision or application, and to this end, the provisions of these zoning regulations are declared to be severable.

Section 76.160 Effective Date

- a) These zoning regulations shall be in full force and effect from and after concurrence by the Illinois Commerce Commission, adoption by the Department and ten (10) days after filing with the Secretary of State.
- b) Should the airport cease to be an airport open to the public, the Department shall, within 10 working days, file with the Secretary of State a repealer of these zoning regulations in accordance with either Section 5-40 or 5-45 of the Illinois

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Administrative Procedure Act, (Ill. Rev. Stat. 1991, ch. 127, pars. 1005-40, 1005-45.).

- c) Concurred in by Order of the Illinois Commerce Commission dated August 12, 1981.
- d) Adopted by Order of the Division of Aeronautics dated November 24, 1981.
- e) Filed with the Office of the Secretary of State and became effective on December 1, 1981.

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- 1) Heading of the Part: Shelby County Airport Hazard Zoning Regulations
- 2) Code Citation: 92 Ill. Adm. Code 78
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
78.10	Repeal
78.20	Repeal
78.30	Repeal
78.40	Repeal
78.50	Repeal
78.60	Repeal
78.70	Repeal
78.80	Repeal
78.90	Repeal
78.100	Repeal
78.110	Repeal
78.120	Repeal
78.130	Repeal
78.140	Repeal
78.150	Repeal
78.160	Repeal
- 4) Statutory Authority: Implementing and authorized by the Airport Zoning Act (Ill. Rev. Stat. 1981, ch. 15½, par. 48.1 et seq.)
- 5) A Complete Description of the Subjects and Issues Involved: By this Notice, the Department is proposing to repeal this Part in its entirety and, elsewhere in this issue of the *Illinois Register*, is proposing to include the Shelby County Airport under 92 Ill. Adm. Code 16 (Part 16), the Department's generic rule on the administration and enforcement of airport hazard zoning. Part 16 restricts the height of structures, equipment, and vegetation, and regulates the use of property, on or in the vicinity of publicly-owned airports.

It is preferable to have all airports requesting inclusion in the administration and enforcement of airport hazard zoning under one rule rather than duplicating the requirements in separate rules, which was the Department's practice several decades ago. Therefore, the Department is proposing to repeal this Part and add the airport to Part 16 which is also being amended at this time.

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- 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 will have no impact on units of local government.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed repealer. Written submissions shall be filed with:

Mr. Robert Hahn, Airspace Specialist
Illinois Department of Transportation
Division of Aeronautics
1 Langhorne Bond Drive
Abraham Lincoln Capital Airport
Springfield, Illinois 62707-8415

217/524-1580

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Ms. Christine Caronna-Beard, Rules Manager
Illinois Department of Transportation
Office of Chief Counsel
2300 South Dirksen Parkway, Room 317
Springfield, Illinois 62764

217/524-3838

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Comments received within forty-five days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Since the airport will be added to 92 Ill. Adm. Code 16, this proposed repealer will have no impact on small businesses.
 - 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 2 most recent agendas because: the Department could not anticipate the timing of the need for the repealer.

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

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TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER b: AERONAUTICSPART 78
SHELBY COUNTY AIRPORT
HAZARD ZONING REGULATIONS ([REPEALED](#))

Section

78.10	Introduction
78.20	Short Title
78.30	Definitions
78.40	Surfaces and Height Limitations
78.50	Use Restrictions
78.60	Non-Conforming Uses
78.70	Permits
78.80	Non-Conforming Structures or Uses or Growth Abandoned or Destroyed
78.90	Variances
78.100	Notice of Construction or Alteration
78.110	Enforcement
78.120	Appeal and Judicial Review
78.130	Penalties
78.140	Conflicting Regulations
78.150	Severability
78.160	Effective Date

AUTHORITY: Implementing and authorized by the Airport Zoning Act (Ill. Rev. Stat. 1981, ch. 15½, par. 48.1 et seq.).

SOURCE: Adopted at 4 Ill. Reg. 39, p. 305, effective September 10, 1980; codified at 6 Ill. Reg. 15289; repealed at 33 Ill. Reg. _____, effective _____.

Section 78.10 Introduction

- a) Zoning provisions regulating and restricting the height of structures and objects of natural growth, and otherwise regulating the use of property in the vicinity of the Shelby County Airport by creating appropriate surfaces, and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such surfaces, defining certain terms used herein; referring to the Shelby County

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Airport zoning map (Note: this zoning map can be viewed at the Department of Transportation, Division of Aeronautics, Capital Airport, Springfield, Illinois, 62706. For an example of this information see 92 Ill. Adm. Code 18, Exhibits A, B and C.) ; providing for enforcement; imposing penalties in the interest of public safety and welfare; and providing for notice of construction or alteration.

- b) These zoning regulations are adopted at the request of the Shelby County Airport and Landing Fields Commission, a municipal corporation of the State of Illinois, as owner and operator of Shelby County Airport, pursuant to the authority conferred by an Act entitled, the Airport Zoning Act (Ill. Rev. Stat. 1981, ch. 15½, pars. 48.1 et seq.). It is hereby found that an airport hazard endangers the lives and property of users of Shelby County Airport and of occupants of land or to property in its vicinity, and also if of the obstruction type, in effect reduces the size of the area available for the landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the utility of Shelby County Airport and the public investment therein.
 - 1) Accordingly, it is declared:
 - A) that the creation or establishment of an airport hazard is a public nuisance and an injury to the region served by Shelby County Airport;
 - B) that it is necessary in the interest of the public health, public safety and general welfare that the creation or establishment of airport hazards be prevented, and
 - C) that the prevention of these hazards should be accomplished to the extent legally possible by the exercise of the police power without compensation.
 - 2) It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and/or lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or interests in land.
- c) It is hereby determined by the Department of Transportation, Division of Aeronautics, State of Illinois, that the zoning regulations for Shelby County

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Airport be adopted as follows:

Section 78.20 Short Title

These zoning regulations shall be known and may be cited as "Airport Hazard Zoning Regulations for Shelby County Airport".

Section 78.30 Definitions

As used in these zoning regulations, unless the context otherwise requires:

"Airport" – The Shelby County Airport located near Shelbyville, in the East ½ of the Southeast ¼ of Section 10, the West ½ of the Southwest ¼ of Section 11, and the West ½ of the East ½ of the Northeast ¼ of Section 11, all in Township 11 North, Range 3 East of the Third Principal Meridian, Shelby County, Illinois.

"Airport Elevation" – The established elevation of the highest point on the useable landing area; the established airport elevation shall be 618.6' above mean sea level (AMSL).

"Airport Hazard" – Any structure, growth, or use of land which obstructs the airspace required for, or is otherwise hazardous to the flight of aircraft in landing or taking off at the airport.

"Airport Reference Point" – The point established as the approximate geographic center of the airport landing area and so designated as at Latitude 39° 24' 45" N and Longitude 88° 51' 30" W.

"Alteration" – Any construction which would result in a change in height of lateral dimensions of an existing structure.

"Approach, Transitional, Horizontal and Conical Surfaces" – These surfaces are defined in Federal Aviation Regulations, Objects Affecting Navigable Airspace (14 CFR 77).

"Construction" – The erection or alteration of any structure either of a permanent or temporary character.

"Department" – The Department of Transportation, Division of Aeronautics of the

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State of Illinois.

"Growth" – Any object of natural growth, including trees, shrubs and foliage.

"Height" – The overall height of the top of a structure including any appurtenance installed thereon, and for the purpose of determining the height limits in all zones set forth in these regulations and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

"Landing Area" – The area of the airport used for the landing, taking off or taxiing of aircraft.

"Non-Conforming Use" – Any structure, growth, or use of land which is lawfully in existence at the time these zoning regulations or an amendment thereto becomes effective and does not then meet the requirements of said regulations.

"Non-Precision Instrument Runway" – A runway having an existing instrument approach utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in, non-precision instrument approach procedure has been approved, or planned, and for which no precision approach facilities are planned, or indicated on an FAA planning document or military service, military airport planning document.

"Permit" – A permit issued by the Department of Transportation, Division of Aeronautics.

"Person" – An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative, and including this State and the Division of Aeronautics.

"Political Subdivision" – Any municipality, city, incorporated town, village, county, township, district, or authority, or any combination of two or more thereof, situated in whole or in part within any of the surfaces established by Section 233.104 hereof.

"Precision Instrument Runway" – A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS), or a Precision Approach Radar (PAR) or a runway for which a precision approach system is

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planned and is so indicated by an FAA Approved Layout Plan.

"Runway" – An area of the airport designated for the landing or taking off of aircraft and consisting of either a specially prepared hard surface or turf.

"Slope Ratio" – A numerical expression of a stated relationship of height to horizontal distance, e.g. 100 to 1 means one hundred feet of horizontal distance of each one foot vertically.

"State" – The State of Illinois.

"Structure" – Any form of construction or apparatus of a permanent or temporary character, constructed or installed by man, including any implements or material used in the erection, alteration or repair of such structure, including but without limitation, buildings, towers, smokestacks, and overhead transmission lines.

"Utility Runway" – A runway that is constructed for and intended to be used for propeller driven aircraft of 12,500 pounds maximum gross weight or less.

"Variance" – A grant of relief by the Department from the requirements of these zoning regulations, in accordance with Section VIII.

"Visual Runway" – A runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an FAA Approved Layout Plan, or by any planning document, submitted to the FAA by competent authority.

Section 78.40 Surfaces and Height Limitations

- a) Establishment and Creation
 - 1) The following airport imaginary surfaces are established with relation to the airport and to each runway. The size of each such imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach existing or planned for that runway end.
 - 2) Such airport imaginary surfaces are hereby created and established, in

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order to carry out the provisions of these zoning regulations. Such surfaces shall include all of the land lying within the horizontal surface, conical surface, primary surface, approach surface to include non-precision instrument approach, precision instrument approach and visual approach, transitional surface and circling approach surface. These surfaces are shown on the Airport Zoning Map for Shelby County Airport, prepared by William J. Murray and Associates Inc., of Springfield, Illinois (Note: this zoning map can be viewed at the Department of Transportation, Division of Aeronautics, Capital Airport, Springfield, Illinois, 62706. For an example of this information see 92 Ill. Adm. Code 18, Exhibits A, B and C.). An area located in more than one of the following surfaces is considered to be only in the surface with the more restrictive height limitation.

- 3) Except as otherwise provided in these zoning regulations, no structure or growth shall be erected, altered, allowed to grow, or maintained in any surface created by these zoning regulations to a height in excess of the height limit herein established for such surfaces.
- 4) The various surfaces are hereby established, and the height limitations are hereby established for each of the surfaces, as follows:
 - b) Horizontal Surface
 - 1) A horizontal plane 150' above the established airport elevations of 618.6' AMSL the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:
 - A) 5,000 feet for all runways designated as utility or visual;
 - B) 10,000 feet for all other runways.
 - 2) The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a 5,000 foot arc is encompassed by tangents connecting two adjacent 10,000 foot arcs, the 5,000 foot arc shall be disregarded on the construction of the perimeter of the horizontal

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surface. The horizontal surface does not include the approach and transitional surfaces.

c) Conical Surface

- 1) A surface extending outward and upward from the periphery of the horizontal surface, at 150 feet above the airport elevation, at a slope of 20 feet horizontally for each foot vertically for a horizontal distance of 4,000 feet.
- 2) The conical surface does not include the precision instrument approach surfaces and the transitional surfaces.

d) Primary Surface

- 1) A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is:
 - A) 250' for utility runways having only visual approaches;
 - B) 500' for utility runways having non-precision instrument approaches;
 - C) For other than utility runways, the width is:
 - i) 500' for visual runways having only visual approaches;
 - ii) 500' for non-precision instrument runways having visibility minimums greater than three-fourths statute mile;
 - iii) 1,000' for a non-precision instrument runway having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile, and for precision instrument runways.

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- 2) The width of the primary surface of a runway will be the width prescribed in this Section for the most precise approach existing or planned for either end of that runway.
- e) Approach Surface – A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.
- 1) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:
 - A) 1,250' for that end of a utility runway with only visual approaches;
 - B) 1,500' for that end of runway other than a utility runway with only visual approaches;
 - C) 2,000' for that end of a utility runway with a non-precision instrument approach;
 - D) 3,500' for that end of a non-precision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile;
 - E) 4,000' for that end of a non-precision instrument runway, other than utility, having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile; and
 - F) 16,000' for precision instrument runways.
 - 2) The approach surface extends for a horizontal distance of:
 - A) 5,000' at a slope of 20' horizontally for each foot vertically for all utility and visual runways;
 - B) 10,000' at a slope of 34' horizontally for each foot vertically for all non-precision instrument runways other than utility; and

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- C) 10,000' at a slope of 50' horizontally for each foot vertically with an additional 40,000' at a slope of 40 feet horizontally for each foot vertically for all precision instrument runways.
- 3) The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.
- f) Transitional Surface – These surfaces extend outward and upward at right (90°) angles to the runway centerline and the runway centerline extended at a slope of 7 feet horizontally for each foot vertically beginning at the sides of and at the same elevation of the primary surface and the approach surfaces extending to a height of 150' above the airport elevation which is 618.6' AMSL. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000' measured horizontally from the edge of the approach surface and at right (90~) angles to the runway centerline.
- g) Circling Approach Surface – This is a surface 200' above ground level (AGL) and above the established airport elevation, whichever is greater, within three (3) nautical miles of the established reference point of Shelby County Airport and this surface increases in height in the proportion of 100 feet for each additional nautical mile of distance from the airport reference point up to a maximum of 500 feet.
- h) Excepted Height Limitations – Nothing in these regulations shall be construed as prohibiting the growth, construction or maintenance of any growth or structure to a height up to 50 feet above the surface of the land.

Section 78.50 Use Restrictions

Notwithstanding any other provisions of these zoning regulations, no use may be made of land or water within any surface established by these zoning regulations in such a manner as to create electrical or electronic interference with navigational signals or radio or radar communication between the airport and aircraft; or to the installation and use of flashing or illuminated advertising or business signs, billboards, or any other type of illuminated structure which would be hazardous for pilots because of the difficulty in distinguishing between airport lights and others, or which result in glare in the eyes of pilots using the airport, thereby impairing visibility in the vicinity of the airport or endangering the landing, taking off, or maneuvering of aircraft; or

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which would emit or discharge smoke that would interfere with the health and safety of pilots and the public in the use of the airport, or which would otherwise be detrimental or injurious to the health, safety and general welfare of the public in the use of the airport.

Section 78.60 Non-Conforming Uses

- a) Regulations Not Retroactive – Those surface regulations prescribed by these zoning regulations shall not be construed to require the removal, lowering, or other changes or alteration of any structure or growth not conforming to the regulations as of the effective date of these zoning regulations or otherwise interfere with the continuance of any non-conforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of these zoning regulations and is diligently prosecuted.
- b) Marking and Lighting – Notwithstanding the provisions of Section 78.60(a), the owner of any existing non-conforming structure is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Department to indicate to operators of aircraft in the vicinity of the airport, the presence of such airport hazards, all to be performed at the expense of the Shelby County Airport and Landing Fields Commission.

Section 78.70 Permits

- a) Future Uses – Except as specifically provided in paragraphs (1), (2), and (3) hereunder, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any surface hereby created unless a permit therefor shall have been applied for and granted by the Department. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or growth would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.
 - 1) In the area lying within the limits of the horizontal surface and the conical surface, but which is not in violation of height restrictions of primary, transitional and approach surfaces as set forth in these regulations, no permit shall be required for any growth or structure less than 75 feet of vertical height above the ground or in any approach and transitional

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surfaces beyond a horizontal distance of 4,200 feet from each end of the runway, except when because of terrain, land contour or topographic features such growth or structure would extend above the height limits prescribed for such surface.

- 2) In the areas lying within the limits of visual, precision instrument and non-precision instrument approach surfaces, no permit shall be required for any growth or structure less than 75 feet of vertical height above the ground, except when such growth or structure would extend above the height limit prescribed for such visual, precision instrument or non-precision instrument approach surfaces.
 - 3) In the area lying within the limits of the transitional surface beyond the perimeter of the horizontal surface, no permit shall be required for any growth or structure less than 75 feet of vertical height above the ground except when such growth or structure, because of terrain, land contour or topographic features would extend above the height limit prescribed for such transitional surface.
- b) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or growth in excess of any of the height limits established by these regulations.

Section 78.80 Non-Conforming Structures or Uses or Growth Abandoned or Destroyed

Whenever the Department determines that a non-conforming structure or use or growth has been abandoned or more than 80 per cent demolished, destroyed, physically deteriorated or decayed:

- a) No permit shall be granted by the Department that will allow such structure or use or growth to exceed the applicable height limit or otherwise deviate from these zoning regulations; and
- b) Whether application is made for a permit, or not, the Department may issue an order, in cases where the remaining structure or use or growth constitutes a violation of these zoning regulations, compelling the owner of the non-conforming structure or use or growth, at his own expense, to lower, remove, reconstruct, or equip such structure or use of growth as may be necessary to conform to these zoning regulations. If the owner of the non-conforming

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structure or use or growth shall neglect or refuse to comply with such order within ten (10) days after notice thereof, the Department may proceed to have such structure or use or growth so lowered, removed, reconstructed or equipped and shall have a lien, on behalf of the State, upon the land whereon it is or was located, in the amount of the cost and expense thereof. Such lien may be enforced by the Department on behalf of the State by suit in equity for the enforcement thereof as in the case of other liens.

Section 78.90 Variances

- a) General – Any person wishing to erect or increase the height of any structure, or permit any growth, or use his property not in accordance with these zoning regulations, may apply to the Department for a variance from these regulations. Such variances shall be allowed where it is duly found that a literal application or enforcement of these zoning regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance with the spirit of these zoning regulations.
- b) Marking and Lighting – Any variance granted by the Department may be so conditioned as to require the owner of such structure or growth to permit, at the expense of the owner, the installation, operation and maintenance thereon of such markers and lights as may be required to indicate to pilots the presence of such structure or growth.

Section 78.100 Notice of Construction or Alteration

- a) Construction or Alteration Requiring Notice – The Department shall be notified by each person (sponsor) who proposes any of the following construction or alterations with respect to the surfaces and height limitation established herein by Section 78.40 hereof with respect to Shelby County Airport:
 - 1) Any construction or alteration of more than 200' in height above the ground level at its site.
 - 2) Any construction or alteration of greater height than an imaginary surface extending outward and upward at one of the following slopes:
 - A) 100 to 1 for a horizontal distance of 20,000' from the nearest point

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of the nearest runway of the airport, with at least one runway more than 3,200 feet in actual length.

- B) 50 to 1 for a horizontal distance of 10,000 feet from the nearest point of the nearest runway of the airport, with the longest runway not more than 3,200 feet in actual length.
- 3) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward, 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a water way or any other traverse way not previously mentioned, an amount equal to the highest mobile object that would normally traverse it, would exceed a standard of subparagraph (a)(1) or (a)(2) of this paragraph.
- 4) When requested by the Department, any construction or alteration that would be in an instrument approach area (defined in the FAA Standards Governing Instrument Approach Procedures) and available information indicates it would exceed a standard of the Statute, rules and regulations of the Department or these zoning regulations.
- b) Construction or Alteration Not Requiring Notice – No person is required to notify the Department for any of the following construction or alterations with respect to Shelby County Airport:
- 1) Any antenna structure of 20 feet or less in height except one that would increase the height of another antenna structure.
- 2) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device, of a type approved by the Administrator of the FAA, or an appropriate military service on military airports, the location and height of which is fixed by its functional purpose.
- 3) Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of

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equal or greater height, and would be located in the congested area of a city, town, or settlement where it is evident that the structure so shielded will not adversely affect safety in air navigation.

c) Form and Time of Notice

- 1) Each person who is required to notify the Department under paragraph (a) of this Section shall forward one (1) executed form set (in four copies) of the Department's Form No. DA-39 to the Division of Aeronautics, One Langhorne Bond Drive, Capital Airport, Springfield, Illinois 62706. Copies of this form may be obtained from the Department.
- 2) Such notice must be submitted at least 30 days before the date the proposed construction or alteration is to begin.
- 3) In the case of an emergency involving essential public services, public health, or public safety, that requires immediate construction or alteration, the thirty (30) day requirement in paragraph (c)(2) above does not apply and the notice may be sent by telephone, telegraph, or other expeditious means, with an executed Department Form No. DA-39 submitted within five (5) days thereafter.

d) Acknowledgment of Notice

- 1) The Department will acknowledge in writing the receipt of such notice submitted under paragraph (a) above within 30 days of receipt of such notice.
- 2) The acknowledgment will state that an aeronautical study of the proposed construction or alteration has resulted in a determination that the construction or alteration:
 - A) Would not exceed any standard of the statute, rules, and regulations of the Department, or these zoning regulations and would not be a hazard to air navigation; or
 - B) Would exceed a standard of the statute, rules and regulations of the Department, or these zoning regulations but would not be a hazard to air navigation, although an application for variance pursuant to

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Section 78.90 of these regulations would be required; or

- C) Would exceed a standard of the Statute, rules and regulations of the Department, or these zoning regulations and further aeronautical study is necessary to determine whether it would be a hazard to air navigation, that the sponsor may request within 30 days that further study, and that, pending completion of any further study, it is presumed that construction or alteration would be a hazard to air navigation and an application for variance pursuant to Section 78.90 of these regulations would be required; or
- D) Would require lighting or marking standards as prescribed by the FAA, and information on how the structure should be marked and lighted in accordance with such FAA standards; or
- E) Would require supplemental information from the sponsor in order for a determination to be made by the Department.

Section 78.110 Enforcement

It shall be the duty of the Department to administer and enforce these zoning regulations. Applications for permits or variances, required by these zoning regulations to be submitted to the Department, shall be on forms furnished by the Department and shall be promptly considered and granted or denied by the Department.

Section 78.120 Appeal and Judicial Review

- a) Appeal – Any person aggrieved by any decision of the Department made in the administration of these zoning regulations may apply to the Department to reverse, wholly or partly, or modify, or otherwise change, abrogate or rescind any such decision. The procedure prescribed by Statute for proceedings before Boards of Appeal shall govern such application to the Department.
- b) Judicial Review – Any person aggrieved, or any taxpayer affected by any decision of the Department may appeal to the Circuit Court of Shelby County, Illinois or Circuit Court of any county in which the airport hazard is wholly or partly located, in accordance with the provisions of an Act entitled, the Administrative Review Law (Ill. Rev. Stat. 1981, ch. 110, pars. 264 et seq.).

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Section 78.130 Penalties

Each violation of these zoning regulations or of any regulation, order, or ruling promulgated hereunder shall constitute an airport hazard and a petty offense, and such hazard shall be removed by proper legal proceedings and each day a violation continues to exist shall constitute a separate offense. In addition, the Department may institute in the Circuit Court of Shelby County, Illinois, or Circuit Court of any County in which the airport hazard is wholly or partly located, an action to prevent and restrain, correct or abate, any violation of these zoning regulations, or of any regulation, order or ruling made in connection with their administration or enforcement, and the Court shall adjudge such relief by way of injunction (which may be mandatory) or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of these zoning regulations as adopted and orders and rulings made pursuant thereto.

Section 78.140 Conflicting Regulations

Where a conflict exists between any of these zoning regulations and any other regulations or ordinances applicable to the same area, whether the conflict be with respect to the height of structures, or growths, the use of land, or any other matter, the more stringent regulation or ordinance shall govern and prevail.

Section 78.150 Severability

If any of the provisions of these zoning regulations or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of these zoning regulations which can be given effect without the invalid provision or application, and to this end, the provisions of these zoning regulations are declared to be severable.

Section 78.160 Effective Date

- a) These zoning regulations shall be in full force and effect from and after concurrence by the Illinois Commerce Commission, adoption by the Department and ten (10) days after filing with the Secretary of State.
- b) Concurred in by Order of the Illinois Commerce Commission dated June 4, 1980.
- c) Adopted by Order of the Division of Aeronautics dated September 4, 1980.
- d) Filed with the Office of the Secretary of State on September 10, 1980 and became

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effective on September 10, 1980.

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- 1) Heading of the Part: Actuarial Opinion and Memorandum
- 2) Code Citation: 50 Ill. Adm. Code 1408
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1408.10	Amendment
1408.20	Amendment
1408.30	Amendment
1408.40	Amendment
1408.50	Repealed
1408.60	Repealed
1408.80	Amendment
1408.90	Repealed
1408.ILLUSTRATION A	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 223 of the Illinois Insurance Code [215 ILCS 5/223]
- 5) Effective Date of Rulemaking: January 1, 2009
- 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 rulemaking, including any material incorporated by reference, is on file in the principal office of the Division of Insurance and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 32 Ill. Reg. 13397; August 15, 2008
- 10) Has JCAR issued a Statement of Objection to this Rulemaking? No
- 11) Differences between proposal and final version:
 - a) In the main source note and all Section source notes added "January 1, 2009" following "effective".
 - b) Section 1408.10(a) and 1408.30, in the definition of "Annual Statement", the proposed formal ILCS citation was eliminated.

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- b) Section 1408.40(e)(1), on the fifth line, added "from the annual financial statement required by Section 136 of the Code" following "Part 1 and".
 - c) Section 1408.Illustration A, in the table a few parenthetical and grammatical changes were made for consistency.
 - d) Section 1408.Illustration A,(b)(4), on the first line added "statements" following "include" and strike "statement".
 - e) Section 1408.Illustration A,(b)(4)(A), on the second line added "found in the Asset Adequacy Test Amounts – Reserves and Liabilities table" following "items".
 - f) Section 1408.Illustration A,(b)(4)(A)(iii), on the first line added "regulations" following "Law and" and strike "regulation"
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of rulemaking: The NAIC adopted changes to their Actuarial Opinion and Memorandum model regulation # 822. The model now requires all, or almost all, companies to perform an asset adequacy analysis to help assure reserve adequacy. The model includes an exemption that states may opt to include in their regulation, which allows companies and fraternal only doing business in their state of domicile to be exempt from the asset adequacy testing. That exemption is included in this amendment.

Currently our Illinois regulation exempts some companies from this requirement based on various aspects of their balance sheet. Most companies that are currently exempt from performing an asset adequacy analysis in Illinois will now be required to do the analysis, resulting in additional costs to be borne by those companies.

Our state standards must be made consistent with those of the NAIC to assure continued NAIC accreditation status. The amendments to this Part will clarify our regulatory intent.

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

Susan Christy, Life Actuarial Assistant
Department of Financial and Professional Regulation
Division of Insurance
320 West Washington Street
Springfield, Illinois 62767-0001

217/782-1759

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

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TITLE 50: INSURANCE

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

SUBCHAPTER s: LEGAL RESERVE LIFE INSURANCE

PART 1408

ACTUARIAL OPINION AND MEMORANDUM

Section

1408.10	Purpose
1408.20	Scope
1408.30	Definitions
1408.40	General Requirements
1408.50	Required Opinions (Repealed)
1408.60	Statement of Actuarial Opinion Not Including an Asset Adequacy Analysis (Repealed)
1408.70	Statement of Actuarial Opinion Based on Asset Adequacy Analysis
1408.80	Description of Actuarial Memorandum, Including an Asset Adequacy Analysis and Regulatory Asset Adequacy Issues Summary
1408.90	Additional Considerations for Analysis (Repealed)
1408.ILLUSTRATION A	Statement of Actuarial Opinion Based on Asset Adequacy Analysis Format

AUTHORITY: Implementing and authorized by Section 223 of the Illinois Insurance Code [215 ILCS 5/223].

SOURCE: Adopted at 17 Ill. Reg. 4195, effective March 23, 1993; amended at 32 Ill. Reg. 19670, effective January 1, 2009.

Section 1408.10 Purpose

The purpose of this Part is to prescribe:

- a) [Requirements](#)~~Guidelines and standards~~ for statements of actuarial opinion ~~that~~[which](#) are to be submitted in accordance with [Section 223\(1a\) of the Illinois Insurance Code \(Ill. Rev. Stat. 1991, ch. 73, par. 835\(1a\)\(B\)\)](#) and for memoranda in support ~~of that opinion;~~[thereof](#).
- b) [Requirements applicable to the appointment of an appointed actuary; and](#)

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~~Guidelines and standards for statements of actuarial opinion which are to be submitted when a company is exempt from Section 223(1a)(B) of the Illinois Insurance Code.~~

- c) ~~Guidance as to the meaning of "adequacy of reserves" Requirements applicable to the appointment of an appointed actuary.~~

(Source: Amended at 32 Ill. Reg. 19670, effective January 1, 2009)

Section 1408.20 Scope

~~a) This Part shall apply to all life insurance companies and fraternal benefit societies doing business in this State and to all life insurance companies and fraternal benefit societies that which are authorized to reinsure life insurance, annuities or accident and health insurance business in this State. This Part shall be applied in a manner that allows the appointed actuary to utilize his or her professional judgment in performing the asset analysis and developing the actuarial opinion and supporting memoranda, consistent with relevant actuarial standards of practice. However, the Director shall have the authority to specify specific methods of actuarial analysis and actuarial assumptions when, in the Director's judgment, these specifications are necessary for an acceptable opinion to be rendered relative to the adequacy of reserves and related items. This Part shall be applicable to all annual statements filed with the office of the Director for years ending on or after December 31, 1992. Except with respect to companies which are exempted pursuant to Section 1408.50 of this Part, a statement of opinion on the adequacy of the reserves and related actuarial items based on an asset adequacy analysis in accordance with Section 1408.70 and Illustration A of this Part, and a memorandum in support of that opinion thereof, in accordance with Section 1408.80 of this Part, shall be required each year. Any company so exempted must file a statement of actuarial opinion pursuant to Section 1408.60 of this Part. ~~b) Notwithstanding the foregoing, the Director may require any company otherwise exempt pursuant to Section 1408.50 of this Part to submit a statement of actuarial opinion and to prepare a memorandum in support thereof in accordance with Sections 1408.70, Illustration A, and 1408.80 of this Part if, in the opinion of the Director, an asset adequacy analysis is necessary for the company.~~~~

(Source: Amended at 32 Ill. Reg. 19670, effective January 1, 2009)

Section 1408.30 Definitions

Actuarial Opinion means: ~~With respect to Sections 1408.70, 1408.80 or 1408.90 of this Part,~~ the opinion of an Appointed Actuary regarding the adequacy of the

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reserves and related actuarial items based on an asset adequacy ~~analysis~~ ~~test~~ in accordance with Section 1408.70 of this Part and with ~~applicable~~ ~~presently accepted~~ Actuarial Standards ~~of Practice~~. ~~With respect to Section 1408.60 of this Part, the opinion of an Appointed Actuary regarding the calculation of reserves and related items, in accordance with Section 1408.60 of this Part and with those presently accepted Actuarial Standards which specifically relate to this opinion.~~

Actuarial Standards Board ~~means~~ the board established by the American Academy of Actuaries to develop and promulgate standards of actuarial practice.

Actuarial Standards of Practice means the actuarial standards promulgated by the Actuarial Standards Board (as published in 2007, 1100 Seventeenth Street, NW, Seventh Floor, Washington DC 20036).

Annual Statement means that statement required by Section 136 of the Illinois Insurance Code (~~Ill. Rev. Stat. 1991, ch. 73, par. 748~~) to be filed annually by the company with the office of the Director.

Appointed Actuary means ~~an~~ ~~any~~ individual who is appointed or retained in accordance with the requirements set forth in Section 1408.40(c) of this Part to provide the actuarial opinion and supporting memorandum as required by Section 223(1a) of the Code.

Asset Adequacy Analysis means an analysis that meets the standards and other requirements referred to in Section 1408.40(d) of this Part. ~~It may take many forms, including, but not limited to, cash flow testing, sensitivity testing or applications of risk theory.~~

Code means the Illinois Insurance Code [215 ILCS 5], (~~Ill. Rev. Stat. 1991, ch. 73, par. 835 et seq.~~)

Company means a life insurance company, fraternal benefit society or reinsurer subject to the provisions of this Part.

Department means the Department of Financial and Professional Regulation.

Director means the Director of the Department of Financial and Professional Regulation-Division of Insurance ~~Director of this State~~.

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Division means the Illinois Department of Financial and Professional Regulation-Division of Insurance.

Non-Investment Grade Bonds are those designated as classes 3, 4, 5 or 6 by the National Association of Insurance Commissioners (NAIC) Securities Valuation Office.

Qualified Actuary means anany individual who meets the requirements set forth in Section 1408.40(b) of this Part.

(Source: Amended at 32 Ill. Reg. 19670, effective January 1, 2009)

Section 1408.40 General Requirements

- a) Submission of the Statement of Actuarial Opinion
- 1) There is to be included on or attached to Page 1 of the annual statement the statement of an appointed actuary, entitled "Statement of Actuarial Opinion", setting forth an opinion relating to reserves and related actuarial items held in support of policies and contracts, in accordance with Section 1408.70 and Illustration A of this Part; ~~provided, however, that any company exempted pursuant to Section 1408.50 of this Part shall include on or attach to Page 1 of the annual statement a statement of actuarial opinion rendered by an appointed actuary in accordance with Section 1408.60 of this Part.~~
 - 2) ~~If in the previous year a company provided a statement of actuarial opinion in accordance with Section 1408.60 of this Part, and in the current year fails the exemption criteria of Sections 1408.50(c)(1), (2), or (3) of this Part, to again provide an actuarial opinion in accordance with Section 1408.60, the statement of actuarial opinion in accordance with Section 1408.70 and Illustration A of this Part shall not be required until August 1 following the date of the annual statement. In this instance, the company shall provide a statement of actuarial opinion in accordance with Section 1408.60 with appropriate qualification noting the intent to subsequently provide a statement of actuarial opinion in accordance with Section 1408.70 and Illustration A.~~
 - 3) ~~In the case of a statement of actuarial opinion required to be submitted by~~

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~~a foreign or alien company, the Director may accept the statement of actuarial opinion filed by such company with the insurance regulatory body of another state if the Director determines that the opinion reasonably meets the requirements applicable to a company domiciled in this State.~~

24) Upon written request by the company, the Director may grant an extension of the date for submission of the statement of actuarial opinion.

b) Qualified Actuary

A "qualified actuary" is an individual who:

- 1) Is a member in good standing of the American Academy of Actuaries;
- 2) Is qualified to sign statements of actuarial opinion for life and health insurance company annual statements in accordance with the American Academy of Actuaries qualification standards for actuaries signing such statements;
- 3) Is familiar with the valuation requirements applicable to life and health insurance companies;
- 4) Has not been found by the Director (or if so found has subsequently been reinstated as a qualified actuary), following appropriate notice and hearing, to have:
 - A) violated any provision of, or any obligation imposed by, the Illinois Insurance Code or other law in the course of his or her dealings as a qualified actuary;
 - B) been found guilty of fraudulent or dishonest practices;
 - C) demonstrated his or her incompetency, lack of cooperation, or untrustworthiness to act as a qualified actuary;
 - D) submitted to the Director during the past ~~five (5)~~ years, pursuant to this Part, an actuarial opinion or memorandum that the Director rejected because it did not meet the provisions of this Part, including standards set by the Actuarial Standards Board; or

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- E) resigned or been removed as an actuary within the past ~~five~~(5) years as a result of acts or omissions indicated in any adverse report of examination or as a result of failure to adhere to generally accepted actuarial standards; and
- 5) Has not failed to notify the Director of any action taken by any Director of any other state similar to that under subsection (b)(4)~~above~~.
- c) Appointed Actuary
An "appointed actuary" is a qualified actuary who is appointed or retained to prepare the Statement of Actuarial Opinion required by this Part~~;~~ either directly or by the authority of the board of directors through an executive officer of the company ~~other than the qualified actuary~~. The company shall give the Director timely written notice of the name, title (and, in the case of a consulting actuary, the name of the firm) and manner of appointment or retention of each person appointed or retained by the company as an appointed actuary and shall state in ~~the such~~ notice that the person meets the requirements set forth in subsection (b) ~~above~~. Once notice is furnished, no further notice is required with respect to this person, provided that the company shall give the Director timely written notice in the event the actuary ceases to be appointed or retained as an appointed actuary or to meet the requirements set forth in subsection (b)~~above~~. If any person appointed or retained as an appointed actuary replaces a previously appointed actuary, the notice shall so state and give the reasons for replacement.
- d) Standards for Asset Adequacy Analysis
The asset adequacy analysis required by this Part:
- 1) Shall conform to the Standards of Practice as promulgated from time to time by the Actuarial Standards Board and on any additional standards under this Part, which standards are to form the basis of the statement of actuarial opinion in accordance with Section 1408.70 and Illustration A of this Part; and
- 2) Shall be based on methods of analysis deemed appropriate for such purposes by the Actuarial Standards Board.
- e) Liabilities to be Covered

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- 1) Under ~~authority of~~ Section 223(1a) of the Code, the statement of actuarial opinion shall apply to all in force business on the annual statement date, whether directly issued or assumed, regardless of when or where issued, including reserves of Exhibits 5, 6 and 7 and claim liabilities in Exhibit 8, Part 1 from the annual financial statement required by Section 136 of the Code and equivalent items in the separate account statement or statements.
- 2) If the appointed actuary determines, as the result of asset adequacy analysis, that a reserve should be held in addition to the aggregate reserve held by the company and calculated in accordance with methods set forth in Section 223(3)(b), (f) and (g), (5) and (7) of the Code, the company shall establish ~~the~~ additional reserve.
- 3) ~~For years ending prior to December 31, 1994, the company may, in lieu of establishing the full amount of the additional reserve in the annual statement for that year, set up an additional reserve in an amount not less than the following:~~
 - A) ~~December 31, 1992, the additional reserve divided by three.~~
 - B) ~~December 31, 1993, two times the additional reserve divided by three.~~
- 34) Additional reserves established under subsection (e)(2) ~~and (3) above~~, and deemed not necessary in subsequent years, may be released. Any amounts released ~~shall~~ must be disclosed in the actuarial opinion for the applicable year. The release of such reserves shall not be deemed an adoption of a lower standard of valuation.

(Source: Amended at 32 Ill. Reg. 19670, effective January 1, 2009)

Section 1408.50 Required Opinions (Repealed)

- a) **General**
~~In accordance with Section 223(1a) of the Code, every company doing business in this State shall annually submit the opinion of an appointed actuary as provided by this Part. The type of opinion submitted shall be determined by the provisions set forth in this Section and shall be in accordance with the applicable provisions in this Part.~~

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b) ~~Company Categories~~

~~For purposes of this Part, companies shall be classified as follows based on the admitted assets as of the end of the calendar year for which the actuarial opinion is applicable:~~

- ~~1) Category A shall consist of those companies whose admitted assets do not exceed \$20 million;~~
- ~~2) Category B shall consist of those companies whose admitted assets exceed \$20 million but do not exceed \$100 million;~~
- ~~3) Category C shall consist of those companies whose admitted assets exceed \$100 million but do not exceed \$500 million; and~~
- ~~4) Category D shall consist of those companies whose admitted assets exceed \$500 million.~~

e) ~~Exemption Eligibility Tests~~

~~1) Any Category A company that meets all of the following criteria shall be eligible for exemption from submitting a statement of actuarial opinion in accordance with Section 1408.70 and Illustration A of this Part for the year in which these criteria are met. The ratios in subsections (A), (B) and (C) below shall be calculated based on amounts as of the end of the calendar year for which the actuarial opinion is applicable.~~

- ~~A) The ratio of the sum of capital and surplus to the sum of cash and invested assets is at least equal to .10.~~
- ~~B) The ratio of the sum of the reserves and liabilities for annuities and deposits to the total admitted assets is less than .30.~~
- ~~C) The ratio of the book value of the non-investment grade bonds to the sum of capital and surplus is less than .50.~~
- ~~D) The Examiner Team for the NAIC has neither designated the company as a first priority company in either of the two (2) calendar years preceding the calendar year for which the actuarial~~

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~~opinion is applicable, nor a second priority company in each of the two (2) calendar years preceding the calendar year for which the actuarial opinion is applicable, or the company has resolved the first or second priority status to the satisfaction of the Director of the state of domicile and the Director has so notified the Chair of the NAIC Life and Health Actuarial Task Force and the NAIC staff and support office.~~

- 2) ~~Any Category B company that meets all of the following criteria shall be eligible for exemption from submitting a statement of actuarial opinion in accordance with Section 1408.70 and Illustration A of this Part for the year in which the criteria are met. The ratios in subsections (A), (B) and (C) below shall be calculated based on amounts as of the end of the calendar year for which the actuarial opinion is applicable.~~
 - A) ~~The ratio of the sum of capital and surplus to the sum of cash and invested assets is at least equal to .07;~~
 - B) ~~The ratio of the sum of the reserves and liabilities for annuities and deposits to the total admitted assets is less than .40;~~
 - C) ~~The ratio of the book value of the non-investment grade bonds to the sum of capital and surplus is less than .50; and~~
 - D) ~~The Examiner Team for the NAIC has neither designated the company as a first priority company in either of the two (2) calendar years preceding the calendar year for which the actuarial opinion is applicable, nor a second priority company in each of the two (2) calendar years preceding the calendar year for which the actuarial opinion is applicable, or the company has resolved the first or second priority status to the satisfaction of the Director of the state of domicile and the Director has so notified the Chair of the NAIC Life and Health Actuarial Task Force and the NAIC staff and support office.~~
- 3) ~~Any Category A or Category B company that meets all of the criteria set forth in subsections (c)(1) or (2) above, whichever is applicable, is exempted from submitting a statement of actuarial opinion in accordance with Section 1408.70 and Illustration A of this Part unless the Director~~

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~~specifically indicates to the company that the exemption is not to be taken.~~

- 4) ~~Any Category A or Category B company that is not exempted under subsection (c)(3) above shall be required to submit a statement of actuarial opinion in accordance with Section 1408.70 and Illustration A of this Part for the year for which it is not exempt.~~

- 5) ~~Any Category C company that, after submitting an opinion in accordance with Section 1408.70 and Illustration A of this Part, meets all of the following criteria shall not be required, unless required in accordance with subsection (c)(6) below, to submit a statement of actuarial opinion in accordance with Section 1408.70 and Illustration A of this Part more frequently than every third year. Any Category C company which fails to meet all of the following criteria for any year shall submit a statement of actuarial opinion in accordance with Section 1408.70 and Illustration A of this Part for that year. The ratios in subsection (A), (B) or (C) below shall be calculated based on amounts as of the end of the calendar year for which the actuarial opinion is applicable.~~
 - A) ~~The ratio of the sum of capital and surplus to the sum of cash and invested assets is at least equal to .05;~~
 - B) ~~The ratio of the sum of the reserves and liabilities for annuities and deposits to the total admitted assets is less than .50;~~
 - C) ~~The ratio of the book value of the non-investment grade bonds to the sum of the capital and surplus is less than .50; and~~
 - D) ~~The Examiner Team for the NAIC has neither designated the company as a first priority company in either of the two (2) calendar years preceding the calendar year for which the actuarial opinion is applicable, nor a second priority company in each of the two (2) calendar years preceding the calendar year for which the actuarial opinion is applicable, or the company has resolved the first or second priority status to the satisfaction of the Director of the state of domicile and the Director has so notified the Chair of the NAIC Life and Health Actuarial Task Force and the NAIC staff and support office.~~

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- 6) ~~Any company which is not required by this Section to submit a statement of actuarial opinion in accordance with Section 1408.70 and Illustration A of this Part for any calendar year shall submit a statement of actuarial opinion in accordance with Section 1408.60 of this Part for that year unless as provided by Section 1408.20(b) of this Part the Director requires a statement of actuarial opinion in accordance with Section 1408.70 and Illustration A of this Part.~~
- d) ~~Large Companies~~
Every Category D company shall submit a statement of actuarial opinion in accordance with Section 1408.70 and Illustration A of this Part.

(Source: Repealed at 32 Ill. Reg. 19670, effective January 1, 2009)

Section 1408.60 Statement of Actuarial Opinion Not Including an Asset Adequacy Analysis
(Repealed)

- a) ~~General Description~~
The statement of actuarial opinion required by this Section shall consist of:
- 1) ~~A paragraph identifying the appointed actuary and his or her qualifications;~~
 - 2) ~~A regulatory authority paragraph stating that the company is exempt pursuant to Section 1408.50 of this Part from submitting a statement of actuarial opinion based on an asset adequacy analysis and that the opinion, which is not based on an asset adequacy analysis, is rendered in accordance with this Section;~~
 - 3) ~~A scope paragraph identifying the subjects on which the opinion is to be expressed and describing the scope of the appointed actuary's work; and~~
 - 4) ~~An opinion paragraph expressing the appointed actuary's opinion as required by Section 223(1a) of the Code.~~
- b) ~~Recommended Language~~
The following language is that which in typical circumstances would be included in a statement of actuarial opinion in accordance with this Section. Although language may be modified as needed to meet the circumstances of a particular

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~~case, and the appointed actuary should use language which clearly expresses his or her professional judgment, the opinion shall retain all pertinent aspects of the language provided in this Section.~~

- 1) ~~The opening paragraph should indicate the appointed actuary's relationship to the company.~~
 - A) ~~For a company actuary, the opening paragraph of the actuarial opinion should read: "I, [name of actuary], am [title] of [name of company] and a member of the American Academy of Actuaries. I was appointed by, or by the authority of, the Board of Directors of said insurer to render this opinion as stated in a letter to the Director dated [insert date]. I meet the Academy qualification standards for rendering this opinion and am familiar with the valuation requirements applicable to life and health companies."~~
 - B) ~~For a consulting actuary, the opening paragraph of the actuarial opinion should read: "I, [name of actuary], a member of the American Academy of Actuaries, am associated with the firm of [insert name of consulting firm]. I have been appointed by, or by the authority of, the Board of Directors of [name of company] to render this opinion as stated in a letter to the Director dated [insert date]. I meet the Academy qualification standards for rendering this opinion and am familiar with the valuation requirements applicable to life and health insurance companies."~~
- 2) ~~The regulatory authority paragraph should include a statement such as the following: "Said company is exempt, pursuant to 50 Ill. Adm. Code 1408.40 of the Illinois Department of Insurance rules from submitting a statement of actuarial opinion based on an asset adequacy analysis. This opinion, which is not based on an asset adequacy analysis, is rendered in accordance with Section 1408.60 of the Part."~~
- 3) ~~The scope paragraph should contain a sentence such as the following: "I have examined the actuarial assumptions and actuarial methods used in determining reserves and related actuarial items listed below shown in the annual statement of the company, as prepared for filing with state regulatory officials as of December 31, [—]." This paragraph should also list items and amounts with respect to which the appointed actuary is~~

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~~expressing an opinion. The list should include but not be necessarily limited to:~~

- ~~A) Aggregate reserve and deposit funds for policies and contracts included in Exhibit 8 of the annual statement;~~
 - ~~B) Aggregate reserve and deposit funds for policies and contracts included in Exhibit 9 of the annual statement;~~
 - ~~C) Deposit funds, premiums, dividend and coupon accumulations and supplementary contracts not involving life contingencies included in Exhibit 10 of the annual statement; and~~
 - ~~D) Policy and contract claims—liability as of the end of the current year included in Exhibit 11, Part I of the annual statement.~~
- ~~4) If the appointed actuary has examined the underlying records, the scope paragraph should also include a statement which reads: "My examination included such review of the actuarial assumptions and actuarial methods and of the underlying basic records and such tests of the actuarial calculations as I considered necessary."~~
- ~~5) If the appointed actuary has not examined the underlying records, but has relied upon listings and summaries of policies in force prepared by the company or a third party, the scope paragraph should include a sentence such as one of the following:~~
- ~~A) "I have relied upon listings and summaries of policies and contracts and other liabilities in force prepared by [name and title of company officer certifying in force records] as certified in the attached statement. (See accompanying affidavit by a company officer.) In other respects my examination included review of the actuarial assumptions and actuarial methods and such tests of the actuarial calculations as I considered necessary."; or~~
 - ~~B) "I have relied upon [name of accounting firm] for the substantial accuracy of the in force records inventory and information concerning other liabilities, as certified in the attached statement. In other respects my examination included review of the actuarial~~

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~~assumptions and actuarial methods and such tests of the actuarial calculations as I considered necessary."~~

- 6) ~~The opinion paragraph should include a statement which reads: "In my opinion the amounts carried in the balance sheet on account of the actuarial items identified above:~~
- ~~A) Are computed in accordance with those presently accepted actuarial standards which specifically relate to the opinion required under this Section;~~
 - ~~B) Are based on actuarial assumptions which produce reserves at least as great as those called for in any contract provision as to reserve basis and method, and are in accordance with all other contract provisions;~~
 - ~~C) Meet the requirements of the Insurance Law and regulations of the State of [state of domicile] and are at least as great as the minimum aggregate amounts required by the state in which this statement is filed;~~
 - ~~D) Are computed on the basis of assumptions consistent with those used in computing the corresponding items in the annual statement of the preceding year end with any exceptions as noted below;~~
 - ~~E) Include provision for all actuarial reserves and related statement items which ought to be established; and~~
 - ~~F) The actuarial methods, considerations and analyses used in forming my opinion conform to the appropriate Compliance Guidelines as promulgated by the Actuarial Standards Board, which guidelines form the basis of this statement of opinion."~~
- 7) ~~The concluding paragraph should document the eligibility for the company to submit an opinion as provided by this Section. It shall include the following:~~
- ~~A) "This opinion is provided in accordance with 50 Ill. Adm. Code 1408.60. As such it does not include an opinion regarding the~~

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~~adequacy of reserves and related actuarial items when considered in light of the assets which support them.~~

- B) Eligibility is confirmed as follows:
- i) ~~The ratio of the sum of capital and surplus to the sum of cash and invested assets is [insert amount], which equals or exceeds the applicable criterion based on the admitted assets of the company (50 Ill. Adm. Code).~~
 - ii) ~~The ratio of the sum of the reserves and liabilities for annuities and deposits to the excess of the total admitted assets is [insert amount], which is less than the applicable criteria based on the admitted assets of the company (Section 1408.50).~~
 - iii) ~~The ratio of the book value of the non-investment grade bonds to the sum of capital and surplus is [insert amount], which is less than the applicable criteria of .50.~~
 - iv) ~~To my knowledge, the NAIC Examiner Team has neither designated the company as a first priority company in either of the two (2) calendar years preceding the calendar year for which this actuarial opinion is applicable, nor a second priority company in each of the two (2) calendar years preceding the calendar year for which this actuarial opinion is applicable or the company has resolved the first or second priority status to the satisfaction of the Director of the state of domicile.~~
 - v) ~~To my knowledge there is not a specific request from any Director requiring an asset adequacy analysis opinion.~~

Signature of Appointed Actuary

Address of Appointed Actuary

Telephone Number of Appointed Actuary"

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- 8) ~~If there has been any change in the actuarial assumptions from those previously employed, that change should be described in the annual statement or in a paragraph of the statement of actuarial opinion, and the reference to consistency in subsection (b)(6)(D) above to consistency should read: "... with the exception of the change described in Page [] of the annual statement (or in the preceding paragraph)." The adoption for new issues or new claims or other new liabilities of an actuarial assumption which differs from a corresponding assumption used for prior new issues or new claims or other new liabilities is not a change in actuarial assumptions within the meaning of this subsection.~~
- 9) ~~If the appointed actuary is unable to form an opinion, he or she shall refuse to issue a statement of actuarial opinion. If the appointed actuary's opinion is adverse or qualified, he or she shall issue an adverse or qualified actuarial opinion explicitly stating the reason(s) for such opinion. This statement should follow the scope paragraph and precede the opinion paragraph.~~
- 10) ~~If the appointed actuary does not express an opinion as to the accuracy and completeness of the listings and summaries of policies in force, there shall be attached to the opinion the statement of a company officer or accounting firm who prepared such underlying data similar to the following:~~

~~"I [name of officer], [title] of [name and address of company or accounting firm], hereby affirm that the listings and summaries of policies and contracts in force as of December 31, [—], prepared for and submitted to [name of appointed actuary], were prepared under my direction and, to the best of my knowledge and belief, are substantially accurate and complete.~~

~~_____
Signature of the Officer of the Company or
Accounting Firm~~

~~_____
Address of the Officer of the Company or
Accounting Firm~~

~~_____
Telephone Number of the Officer of the~~

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~~Company or Accounting Firm"~~

(Source: Repealed at 32 Ill. Reg. 19670, effective January 1, 2009)

Section 1408.80 Description of Actuarial Memorandum, Including an Asset Adequacy Analysis and Regulatory Asset Adequacy Issues Summary

a) General

- 1) In accordance with Section 223(1a) of the Code, the appointed actuary shall prepare a memorandum to the company describing the analysis done in support of his or her opinion regarding the reserves ~~under the opinion~~. The memorandum shall be made available for examination by the Director upon his or her request, but shall be returned to the company ~~or destroyed~~ after ~~the such~~ examination and shall not be considered a record of the ~~Division Insurance Department~~ or subject to automatic filing with the Director.
- 2) In preparing the memorandum, the appointed actuary may rely on, and include as a part of his or her own memorandum, memoranda prepared and signed by other actuaries who are qualified within the meaning of Section 1408.40(b) of this Part, with respect to the areas covered in ~~those such~~ memoranda, and so state in ~~his or her their~~ memoranda.
- 3) If the Director requests a memorandum and no such memorandum exists, or if the Director finds that the analysis described in the memorandum fails to meet the standards of the Actuarial Standards Board or the standards and requirements of this Part, the Director may designate a qualified actuary to review the opinion and prepare such supporting memorandum as is required for review. The expense of the independent review shall be paid by the company but shall be directed and controlled by the Director.
- 4) The reviewing actuary shall have the same status as an examiner for purposes of obtaining data from the company, and the work papers and documentation of the reviewing actuary shall be retained by the Director; provided, however, that any information provided by the company to the reviewing actuary and included in the work papers shall be considered as material provided by the company to the Director and shall be kept

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confidential to the same extent as is prescribed by law with respect to other material provided by the company to the Director pursuant to Section 223(1a)(A)(11) of the Code. The reviewing actuary shall not be an employee of a consulting firm involved with the preparation of any prior memorandum or opinion for the insurer pursuant to this Part for the current year or any one of the preceding ~~three~~(3) years.

5) In accordance with Section 223(1a) of the Code, when an actuarial opinion based on asset adequacy analysis is provided, the appointed actuary shall prepare a regulatory asset adequacy issues summary, the contents of which are specified in subsection (c). Companies domiciled in Illinois shall submit the regulatory asset adequacy issues summary no later than March 15 of the year following the year for which a statement of actuarial opinion based on asset adequacy is required. Illinois foreign companies are not required to submit the regulatory asset adequacy issues summary annually, however, the summary shall be made available for examination by the Director upon request. The regulatory asset adequacy issues summary is to be kept confidential to the same extent and under the same conditions as the actuarial memorandum.

b) Details of the Memorandum Section Documenting Asset Adequacy Analysis (Section 1408.70 of this Part)

When an actuarial opinion based on asset adequacy analysis~~under Section 1408.70 and Illustration A of this Part~~ is provided, the memorandum shall demonstrate that the analysis has been done in accordance with the standards for asset adequacy referred to in Section 1408.40(d) of this Part and any additional standards under this Part. It shall specify:

- 1) For reserves:
 - A) Product descriptions, including market description, underwriting and other aspects of a risk profile and the specific risks the appointed actuary deems significant;
 - B) Source of liability in force;
 - C) Reserve method and basis;
 - D) Investment reserves; ~~and~~

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- E) Reinsurance arrangements;:-
 - F) Identification of any explicit or implied guarantees made by the general account in support of benefits provided through a separate account or under a separate account policy or contract and the methods used by the appointed actuary to provide for the guarantees in the asset adequacy analysis; and
 - G) Documentation of assumptions. The documentation of the assumptions shall be such that an actuary reviewing the actuarial memorandum could form a conclusion as to the reasonableness of the assumptions. Documentation of assumptions shall test reserves for the following:
 - i) Lapse rates (both base and excess);
 - ii) Interest crediting rate strategy;
 - iii) Mortality;
 - iv) Policyholder dividend strategy;
 - v) Competitor or market interest rate;
 - vi) Annuitization rates;
 - vii) Commissions and expenses; and
 - viii) Morbidity.
- 2) For assets:
- A) Portfolio descriptions, including a risk profile disclosing the quality, distribution and types of assets;
 - B) Investment and disinvestment assumptions;
 - C) Source of asset data;

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- D) Asset valuation bases; and
 - E) Documentation of assumptions. The documentation of the assumptions shall be such that an actuary reviewing the actuarial memorandum could form a conclusion as to the reasonableness of the assumptions. Documentation of assumptions shall be made for: Disclosure of the methodology for allocating assets, the specific blocks of business and the AVR.
 - i) Default costs;
 - ii) Bond call function;
 - iii) Mortgage prepayment function;
 - iv) Determining market value for assets sold due to disinvestment strategy; and
 - v) Determining yield on assets acquired through the investment strategy.
- 3) For the analysisAnalysis basis:
- A) Methodology;
 - B) Rationale for inclusion or/ exclusion of different blocks of business and how pertinent risks were analyzed;
 - C) Rationale for degree of rigor in analyzing different blocks of business (include in the rationale the level of "materiality" that was used in determining how rigorously to analyze different blocks of business);
 - D) Criteria for determining asset adequacy (include in the criteria the precise basis for determining if assets are adequate to cover reserves under "moderately adverse conditions" or other conditions as specified in relevant actuarial standards of practice); and

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- E) Whether the impact of federal income taxes was considered and the method of treating reinsurance in the asset adequacy analysis. Effect of federal income taxes, reinsurance and other relevant factors.
- 4) Summary of material changes in methods, procedures, or assumptions from prior year's asset adequacy analysis. Summary of Results
- 5) Summary of results. Conclusion(s)
- 6) Conclusions.
- c) Details of the Regulatory Asset Adequacy Issues Summary
 - 1) The regulatory asset adequacy issues summary shall include:
 - A) Descriptions of the scenarios tested (including whether those scenarios are stochastic or deterministic) and the sensitivity testing done relative to those scenarios. If negative ending surplus results under certain tests in the aggregate, the actuary should describe those tests and the amount of additional reserve as of the valuation date that, if held, would eliminate the negative aggregate surplus values. Ending surplus values shall be determined by either extending the projection period until the in force and associated assets and liabilities at the end of the projection period are immaterial or by adjusting the surplus amount at the end of the projection period by an amount that appropriately estimates the value that can reasonably be expected to arise from the assets and liabilities remaining in force. Illinois domestic companies shall also include a description of each of the scenarios required by subsection (f);
 - B) The extent to which the appointed actuary uses assumptions in the asset adequacy analysis that are materially different than the assumptions used in the previous asset adequacy analysis;
 - C) The amount of reserves and the identity of the product lines that had been subjected to asset adequacy analysis in the prior opinion, but were not subject to analysis for the current opinion;

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- D) Comments on any interim results that may be of significant concern to the appointed actuary;
 - E) The methods used by the actuary to recognize the impact of reinsurance on the company's cash flows, including both assets and liabilities, under each of the scenarios tested; and
 - F) Whether the actuary has been satisfied that all options, whether explicit or embedded, in any asset or liability (including but not limited to those affecting cash flows embedded in fixed income securities) and equity-like features in any investments have been appropriately considered in the asset adequacy analysis.
- 2) The regulatory asset adequacy issues summary shall contain the name of the company for which the regulatory asset adequacy issues summary is being supplied and shall be signed and dated by the appointed actuary rendering the actuarial opinion.
- de) Conformity to Standards of Practice
The memorandum shall include a statement ~~that which~~ reads: "Actuarial methods, considerations and analyses used in the preparation of this memorandum conform to the appropriate Standards of Practice as promulgated by the Actuarial Standards Board, which standards form the basis for this memorandum."
- e) Use of Assets Supporting the Interest Maintenance Reserve and the Asset Valuation Reserve
An appropriate allocation of assets in the amount of the interest maintenance reserve (IMR), whether positive or negative, shall be used in any asset adequacy analysis. Analysis of risks regarding asset default may include an appropriate allocation of assets supporting the asset valuation reserves (AVR); these AVR assets may not be applied for any other risks with respect to reserve adequacy. Analysis of these and other risks may include assets supporting other mandatory or voluntary reserves available to the extent not used for risk analysis and reserve support. The amount of the assets used for the AVR shall be disclosed in the table of reserves and liabilities of the opinion and in the memorandum. The method used for selecting particular assets or allocated portions of assets shall be disclosed in the memorandum.

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f) Required Interest Scenarios for Illinois Domestic Companies

- 1) For the purpose of performing the asset adequacy analysis required by this Part, the qualified actuary is expected to follow standards adopted by the Actuarial Standards Board; nevertheless, the appointed actuary must consider in the analysis the effect of at least the following interest rate scenarios:
 - A) Level with no deviation;
 - B) Uniformly increasing over 10 years at a half percent per year, and then level;
 - C) Uniformly increasing at one percent per year over 5 years, and then uniformly decreasing at one percent per year to the original level at the end of 10 years, and then level;
 - D) An immediate increase of 3%, and then level;
 - E) Uniformly decreasing over 10 years at a half percent per year, and then level;
 - F) Uniformly decreasing at one percent per year over 5 years, and then uniformly increasing at one percent per year to the original level at the end of 10 years, and then level; and
 - G) An immediate decrease of 3%, and then level.
- 2) For these and other scenarios that may be used, projected interest rates for a 5 year Treasury Note need not be reduced beyond the point where the 5 year Treasury Note yield would be at 50% of its initial level.
- 3) The beginning interest rates may be based on interest rates for new investments as of the valuation date, similar to recent investments allocated to support the product being tested, or may be based on an outside index, such as Treasury yields, of assets of the appropriate length on a date close to the valuation date. The method used to determine the beginning yield curve and associated interest rates shall be specifically

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defined. The beginning yield curve and associated interest rates shall be consistent for all interest rate scenarios.

- g) Documentation
The appointed actuary shall retain on file, for at least 7 years, documentation sufficient to determine the procedures followed, the analyses performed, the bases for assumptions and the results obtained.

(Source: Amended at 32 Ill. Reg. 19670, effective January 1, 2009)

Section 1408.90 Additional Considerations for Analysis (Repealed)

- a) Aggregation
For the asset adequacy analysis for the statement of actuarial opinion provided in accordance with Section 1408.70 and Illustration A of this Part, reserves and assets may be aggregated by either of the following methods:
- 1) Aggregate the reserves and related actuarial items, and the supporting assets, for different products or lines of business, before analyzing the adequacy of the combined assets to mature the combined liabilities. The appointed actuary must be satisfied that the assets held in support of the reserves and related actuarial items so aggregated are managed in such a manner that the cash flows from the aggregated assets are available to help mature the liabilities from the blocks of business that have been aggregated.
 - 2) Aggregate the results of asset adequacy analysis of one or more products or lines of business, the reserves for which prove through analysis to be redundant, with the results of one or more products or lines of business, the reserves for which prove through analysis to be deficient. The appointed actuary must be satisfied that the asset adequacy results for the various products or lines of business for which the results are so aggregated:
 - A) Are developed using consistent economic scenarios, or
 - B) Are subject to mutually independent risks, i.e., the likelihood of events impacting the adequacy of the assets supporting the redundant reserves is completely unrelated to the likelihood of

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~~events impacting the adequacy of the assets supporting the deficient reserves.~~

~~In the event of any aggregation, the actuary must disclose in his or her opinion that such reserves were aggregated on the basis of methods in subsection (1), (2)(A) or (2)(B) above, whichever is applicable, and describe the aggregation in the supporting memorandum.~~

b) ~~Selection of Assets for Analysis~~

~~The appointed actuary shall analyze only those assets held in support of the reserves which are the subject for specific analysis, hereafter called "specified reserves." A particular asset or portion thereof supporting a group of specified reserves cannot support any other group of specified reserves. An asset may be allocated over several groups of specified reserves. The annual statement value of the assets held in support of the reserves shall not exceed the annual statement value of the specified reserves, except as provided in subsection (c) below. If the method of asset allocation is not consistent from year to year, the extent of its inconsistency shall be described in the supporting memorandum.~~

e) ~~Use of Assets Supporting the Interest Maintenance Reserve and the Asset Valuation Reserve~~

~~An appropriate allocation of assets in the amount of the Interest Maintenance Reserve (IMR), whether positive or negative, must be used in any asset adequacy analysis. Analysis of risks regarding asset default may include an appropriate allocation of assets supporting the Asset Valuation Reserves (AVR); these AVR assets may not be applied for any other risks with respect to reserve adequacy. Analysis of these and other risks may include assets supporting other mandatory or voluntary reserves available to the extent not used for risk analysis and reserve support.~~

~~The amount of the assets used for the AVR must be disclosed in the Table of Reserves and Liabilities of the opinion and in the memorandum, as well as the method used for selecting particular assets or allocated portions of assets, must be disclosed in the memorandum.~~

d) ~~Required Interest Scenarios~~

1) ~~For the purpose of performing the asset adequacy analysis required by this Part, the qualified actuary is expected to follow standards adopted by the Actuarial Standards Board; nevertheless, the appointed actuary must~~

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~~consider in the analysis the effect of at least the following interest rate scenarios:~~

- ~~A) Level with no deviation;~~
- ~~B) Uniformly increasing over ten (10) years at a half percent per year and then level;~~
- ~~C) Uniformly increasing at one percent per year over five (5) years and then uniformly decreasing at one percent per year to the original level at the end of ten (10) years and then level;~~
- ~~D) An immediate increase of three percent (3%) and then level;~~
- ~~E) Uniformly decreasing over ten (10) years at a half percent per year and then level;~~
- ~~F) Uniformly decreasing at one percent per year over five (5) years and then uniformly increasing at one percent per year to the original level at the end of ten (10) years and then level; and~~
- ~~G) An immediate decrease of three percent (3%) and then level.~~

~~2) For these and other scenarios which may be used, projected interest rates for a five (5) year Treasury Note need not be reduced beyond the point where such five (5) year Treasury Note yield would be at fifty percent (50%) of its initial level.~~

~~3) The beginning interest rates may be based on interest rates for new investments as of the valuation date similar to recent investments allocated to support the product being tested or may be based on an outside index, such as Treasury yields, of assets of the appropriate length on a date close to the valuation date. The method used to determine the beginning yield curve and associated interest rates shall be specifically defined. The beginning yield curve and associated interest rates shall be consistent for all interest rate scenarios.~~

- e) Documentation
~~The appointed actuary shall retain on file, for at least seven (7) years,~~

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~~documentation sufficient to determine the procedures followed, the analyses performed, the bases for assumptions and the results obtained.~~

(Source: Repealed at 32 Ill. Reg. 19670, effective January 1, 2009)

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Section 1408. ILLUSTRATION A Statement of Actuarial Opinion Based on Asset Adequacy Analysis Format

- a) General Description
The statement of actuarial opinion submitted in accordance with Section 1408.70 of this Part shall consist of:
- 1) A paragraph identifying the appointed actuary and his or her qualifications (subsection (b)(1) ~~below~~);
 - 2) A scope paragraph identifying the subjects on which an opinion is to be expressed and describing the scope of the appointed actuary's work, including a tabulation delineating the reserves and related actuarial items ~~that~~which have been analyzed for asset adequacy and the method of analysis (see subsection (b)(2) ~~below~~), and identifying the reserves and related actuarial items covered by the opinion ~~that~~which have not been so analyzed;
 - 3) A reliance paragraph describing those areas, if any, where the appointed actuary has deferred to other experts in developing data, procedures or assumptions (e.g., anticipated cash flows from currently owned assets), including variation in cash flows according to economic scenarios (see subsection (b)(3) ~~below~~), supported by a statement of each such expert in the form prescribed by subsection (e) ~~below~~; ~~and~~
 - 4) An opinion paragraph expressing the appointed actuary's opinion with respect to the adequacy of the supporting assets to mature the liabilities (see subsection (b)(6) ~~below~~); ~~and~~.
 - 5) One or more additional paragraphs, ~~will be needed~~ in individual company cases as follows:
 - A) If the appointed actuary considers it necessary to state a qualification of his or her opinion;
 - ~~B) If the appointed actuary must disclose the method of aggregation for reserves of different products or lines of business for asset adequacy analysis;~~

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- ~~C)~~ ~~If the appointed actuary must disclose reliance upon any portion of the assets supporting the Asset Valuation Reserve (AVR) or other mandatory or voluntary statement reserves for asset adequacy analysis;~~
- ~~BD)~~ If the appointed actuary must disclose an inconsistency in the method of analysis or basis of asset allocation used at the prior opinion date with that used for this opinion;
- ~~CE)~~ If the appointed actuary must disclose whether additional reserves as of the prior opinion date are released as of this opinion date, and the extent of the release; or
- ~~DF)~~ If the appointed actuary chooses to add a paragraph briefly describing the assumptions thatwhich form the basis for the actuarial opinion.

b) Recommended Language

The following paragraphs are to be included in the statement of actuarial opinion in accordance with Section 1408.70 of this Part. The language is that which, in typical circumstances, should be included in a statement of actuarial opinion. The language may be modified as needed to meet the circumstances of a particular case, but the appointed actuary should use language thatwhich clearly expresses his or her professional judgment. However, in any event, the opinion shall retain all pertinent aspects of the language provided in this subsection.

1) Opening Paragraph

The opening paragraph should generally indicate the appointed actuary's relationship to the company and his or her qualifications to sign the opinion.

- A) For a company actuary, the opening paragraph of the actuarial opinion should include a statement such as read: "I, [name], am [title] of [insurance company name] and a member of the American Academy of Actuaries. I was appointed by, or by the authority of, the Board of Directors of said insurer to render this opinion as stated in a letter to the Director dated [insert date]. I meet the Academy qualification standards for rendering the opinion and am familiar with the valuation requirements applicable

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to life and health insurance companies."

- B) For a consulting actuary, the opening paragraph should [include a statement such as read](#): "I, [name], a member of the American Academy of Actuaries, am associated with the firm of [name of consulting firm]. I have been appointed by, or by the authority of, the Board of Directors of [name of company] to render this opinion as stated in a letter to the Director dated [insert date]. I meet the Academy qualification standards for rendering the opinion and am familiar with the valuation requirements applicable to life and health insurance companies."

- 2) [Scope Paragraph](#)
The scope paragraph should include a statement [such as the following, accompanied by the appropriate table of tested amounts which reads](#): "I have examined the actuarial assumptions and actuarial methods used in determining reserves and related actuarial items listed below, as shown in the annual statement of the company, as prepared for filing with state regulatory officials, as of December 31, [2019](#)[]. Tabulated below are those reserves and related actuarial items which have been subjected to asset adequacy analysis."

[For companies filing a Life Annual Financial Statement, the following table shall be used:](#)

Asset Adequacy Tested Amounts <u>–</u> Reserves and Liabilities					
Statement Item	Formula Reserves (1)	Additional Actuarial Reserves ^(a) (2)	Analysis Method ^(b)	Other Amount (3)	Total Amount (1) + (2) + (3) (4)
Exhibit 58					
A Life Insurance					
B Annuities					
C Supplementary Contracts Involving Life Contingencies					

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D Accidental Death Benefit					
E Disability-Active					
F Disability-Disabled					
G Miscellaneous					
Total (Exhibit 58 , Item 1, Page 3)					
Exhibit 69					
A Active Life Reserve					
B Claim Reserve					
Total (Exhibit 69 , Item 2, Page 3)					
Exhibit 710					
A Premiums and Other Deposit Funds (Column 6, Line 14)					
1.1 Policyholder Premiums (Page 3, Line 10.1)					
B1.2 Guaranteed Interest Contracts (Column 2, Line 14)(Page 3, Line 10.2)					
C1.3 Annuities Certain (Column 3, Line 14) Other Contract Deposit Funds Page 3, Line 10.3)					

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D2 <u>D2</u> Supplemental Supplementary Contracts (<u>Column 4, Line 14</u>) Not Involving Life Contingencies (Page 3, Line 3)					
E3 <u>E3</u> Dividend and Coupon Accumulations or Refunds (<u>Column 5, Line 14</u>) (Page 3, Line 5)					
Total (<u>Exhibit 7, 10 Column 1, Line 14</u>)					
Exhibit 8, 11 Part 1					
A1 <u>A1</u> Life (Page 3, Line 4.1)					
B2 <u>B2</u> Health (Page 3, Line 4.2)					
Total (<u>Exhibit 8, 11, Part 1</u>)					
Separate Accounts (Page 3 <u>of the Annual Statement of the Separate Accounts, Lines 1, 2, 3.1, 3.2, 3.3, Line 27</u>)					
TOTAL RESERVES					
IMR (<u>General Account, Page _____, Line _____</u>)					
(<u>Separate Accounts, Page _____, Line _____</u>)					
AVR (Page _____, Line _____)					(c)
<u>Net Deferred and Uncollected Premium</u>					

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- (a) **Note:** The additional actuarial reserves are the reserves established under Section 1408.40(e)(2).
- (b) **Note:** The appointed actuary should indicate the method of analysis, determined in accordance with the standards for asset adequacy analysis referred to in Section 1408.40(d)-~~of this Part~~, by means of symbols ~~that which~~-should be defined in footnotes to the table.
- (c) **Note:** Allocated amount of Asset Valuation Reserve (AVR).

Or

For companies filing a Health Annual Financial Statement, the following table shall be used:

<u>Asset Adequacy Tested Amounts – Reserves and Liabilities</u>					
<u>Statement Item</u>	<u>Formula Reserves</u> <u>(1)</u>	<u>Additional Actuarial Reserves</u> ^(a) <u>(2)</u>	<u>Analysis Method</u> ^(b)	<u>Other Amount</u> <u>(3)</u>	<u>Total Amount</u> <u>(1) + (2) + (3)</u> <u>(4)</u>
<u>A Claims Unpaid (Page 3, Line 1)</u>					
<u>B Accrued Medical Incentive Pool and Bonus Payments (Page 3, Line 2)</u>					
<u>C Unpaid Claims Adjustment Expenses (Page 3, Line 3)</u>					
<u>D Aggregate Health Policy Reserves (Page 3, Line 4)</u>					
<u>E Aggregate Life Policy Reserves (Page 3, Line 5)</u>					

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F Total Supplemental Exhibit 7					
G Aggregate Health Claim Reserves (Page 3, Line 7)					
H Experience Rated Refunds					
I Actuarial Liabilities included in Page 3, Line 21					
TOTAL RESERVES					
Uncollected Premiums and Agents' Balances in the Course of Collection (Page 2, Line 13.1, Column 3)					

(a) [Note:](#) The additional actuarial reserves are the reserves established under Section 1408.40(e)(2).

(b) [Note:](#) The appointed actuary should indicate the method of analysis, determined in accordance with the standards for asset adequacy analysis referred to in Section 1408.40(d), by means of symbols that should be defined in footnotes to the table.

3) [Reliance Paragraph](#)

[A\)](#) If the appointed actuary has relied on other experts to develop certain portions of the analysis, the reliance paragraph should include a statement such as: "[I have relied on \[name\], \[title\] for \[e.g., "anticipated cash flows from currently owned assets, including variations in cash flows according to economic scenarios" or "certain critical aspects of the analysis performed in conjunction with forming my opinion"\], as certified in the attached statement. I have reviewed the information relied upon for reasonableness." A statement of reliance on other experts should be accompanied by a statement by each of the experts in the form](#)

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prescribed by subsection (e). ~~the following:~~

- A) ~~"I have relied on [name], [title] for [e.g., anticipated cash flows from currently owned assets, including variations in cash flows according to economic scenarios] and, as certified in the attached statement, . . ."~~ or
- B) ~~"I have relied on personnel as cited in the supporting memorandum for certain critical aspects of the analysis in reference to the accompanying statement."~~
- B4) If the appointed actuary has examined the underlying asset and liability records, the reliance paragraph should ~~also~~ include a statement such as: "My examination included such review of the actuarial assumptions and actuarial methods and of the underlying basic asset and liability records and such tests of the actuarial calculations as I considered necessary. I also reconciled the underlying basic asset and liability records to [exhibits and schedules listed as applicable] of the company's current annual statement."
- C5) If the appointed actuary has not examined the underlying records, but has relied upon data (e.g., listings and summaries of policies in force and/or asset records prepared by the company) ~~or a third party~~, the reliance paragraph should include a statementsentence such as: "In forming my opinion on [specify types of reserves], I relied upon data prepared by [name and title of company officer certifying in force records or other data] as certified in the attached statements. I evaluated that data for reasonableness and consistency. I also reconciled that data to [exhibits and schedules to be listed as applicable] of the company's current annual statement. In other respects, my examination included review of the actuarial assumptions and actuarial methods used and tests of the calculations I considered necessary." The reliance paragraph shall be accompanied by a statement by each person relied upon in the form prescribed by subsection (e).
- A) ~~"I have relied upon listings and summaries [of policies and contracts, of asset records] prepared by [name and title of company~~

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~~officer certifying in force records] as certified in the attached statement. In other respects my examination included such review of the actuarial assumptions and actuarial methods and such tests of the actuarial calculations as I considered necessary." or~~

- B) ~~"I have relied upon [name of accounting firm] for the substantial accuracy of the in force records inventory and information concerning other liabilities, as certified in the attached statement. In other respects my examination included review of the actuarial assumptions and actuarial methods and tests of the actuarial calculations as I considered necessary."~~

46) Opinion Paragraph

The opinion paragraph should include statements such as a statement which reads:

- A) "In my opinion the reserves and related actuarial values concerning the statement items found in the Asset Adequacy Test Amounts – Reserves and Liabilities table identified above:
- i) Are computed in accordance with presently accepted actuarial standards consistently applied and are fairly stated, in accordance with sound actuarial principles;
 - ii) Are based on actuarial assumptions ~~that~~which produce reserves at least as great as those called for in any contract provision as to reserve basis and method, and are in accordance with all other contract provisions;
 - iii) Meet the requirements of the Insurance Law and ~~regulations~~regulation of the state of [state of domicile] and are at least as great as the minimum aggregate amounts required by the state in which this statement is filed;
 - iv) Are computed on the basis of assumptions consistent with those used in computing the corresponding items in the annual statement of the preceding year-end (with any exceptions noted below); and

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- v) Include provision for all actuarial reserves and related statement items ~~that which~~ ought to be established."
- B) "The reserves and related items, when considered in light of the assets held by the company with respect to such reserves and related actuarial items, including, but not limited to, the investment earnings on ~~thesueh~~ assets, and the considerations anticipated to be received and retained under ~~thesueh~~ policies and contracts, make adequate provision, according to presently accepted actuarial standards of practice, for the anticipated cash flows required by the contractual obligations and related expenses of the company."
This language may be omitted for an opinion filed on behalf of a company doing business only in this State and in no other state. The Director may require any company otherwise exempt to submit a statement of actuarial opinion, and to prepare a memorandum in support of that opinion, based on asset adequacy if, in the opinion of the Director, an asset adequacy analysis is necessary.
- C) "The actuarial methods, considerations and analyses used in forming my opinion conform to the appropriate Standards of Practice as promulgated by the Actuarial Standards Board, which standards form the basis of this statement of opinion."
- i) "This opinion is updated annually as required by statute. To the best of my knowledge, there have been no material changes from the applicable date of the annual statement to the date of the rendering of this opinion ~~that which~~ should be considered in reviewing this opinion"; or
- ii) "The following material change(s) ~~that which~~ occurred between the date of the statement for which this opinion is applicable and the date of this opinion should be considered in reviewing this opinion:" (Describe the change or changes.)
- D) "The impact of unanticipated events subsequent to the date of this opinion is beyond the scope of this opinion. The analysis of asset adequacy portion of this opinion should be viewed recognizing that

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the company's future experience may not follow all the assumptions used in the analysis.

Signature of Appointed Actuary

[Printed Name of Appointed Actuary](#)

Address of Appointed Actuary

Telephone Number of Appointed Actuary

[E-mail Address of Appointed Actuary](#)

[Date](#)"

- c) Assumptions for New Issues
The adoption for new issues or new claims or other new liabilities of an actuarial assumption ~~that which~~ differs from a corresponding assumption used for prior new issues or new claims or other new liabilities is not a change in actuarial assumptions within the meaning of [Section 1408.70 and this Illustration A subsection \(b\)\(6\) above](#).
- d) Adverse Opinions
If the appointed actuary is unable to form an opinion, then he or she shall refuse to issue a statement of actuarial opinion. If the appointed actuary's opinion is adverse or qualified, then he or she shall issue an adverse or qualified actuarial opinion explicitly stating the ~~reasons reason(s)~~ for ~~thesueh~~ opinion. This statement should follow the scope paragraph and precede the opinion paragraph.
- e) Reliance on ~~Information~~[Data](#) Furnished by Other Persons
[If the appointed actuary relies on the certification of others on matters concerning the accuracy or completeness of any data underlying the actuarial opinion, or the appropriateness of any other information used by the appointed actuary in forming the actuarial opinion, the actuarial opinion should indicate the persons the](#)

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~~actuary is relying upon and a precise identification of the items subject to reliance. In addition, the persons on whom the appointed actuary relies shall provide a certification that precisely identifies the items on which the person is providing information and a statement as to the accuracy, completeness or reasonableness, as applicable, of the items. This certification shall include the signature, title, company, address and telephone number of the person rendering the certification, as well as the date on which it is signed. If the appointed actuary does not express an opinion as to the accuracy and completeness of the listings and summaries of policies in force and/or asset-oriented information, there shall be attached to the opinion the statement of a company officer or accounting firm who prepared such underlying data similar to the following:~~

~~"I [name of officer], [title], of [name of company or accounting firm], hereby affirm that the listings and summaries of policies and contracts in force as of December 31, [—], and other liabilities prepared for and submitted to [name of appointed actuary] were prepared under my direction and, to the best of my knowledge and belief, are substantially accurate and complete.~~

~~_____
Signature of the Officer of the Company or
Accounting Firm~~

~~_____
Address of the Officer of the Company or
Accounting Firm~~

~~_____
Telephone Number of the Officer of the
Company or Accounting Firm"~~

~~and/or~~

~~"I, [name of officer], [title] of [name of company, accounting firm, or security analyst], hereby affirm that the listings, summaries and analyses relating to data prepared for and submitted to [name of appointed actuary] in support of the asset-oriented aspects of the opinion were prepared under my direction and, to the best of my knowledge and belief, are substantially accurate and complete.~~

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~~Signature of the Officer of the Company,
Accounting Firm or the Security Analyst~~

~~Address of the Officer of the Company,
Accounting Firm or the Security Analyst~~

~~Telephone Number of the Officer of the Company,
Accounting Firm or the Security Analyst"~~

(Source: Amended at 32 Ill. Reg. 19670, effective January 1, 2009)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Valuation of Life Insurance Policies Including the Use of Select Mortality Factors
- 2) Code Citation: 50 Ill. Adm. Code 1409
- 3) Section Number: 1409.20 Adopted Action: Amendment
- 4) Statutory Authority: Implementing Section 223 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/223 and 401]
- 5) Effective Date of Rulemaking: January 1, 2009
- 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 principal office of the Division of Insurance and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 32 Ill. Reg. 13986; August 29, 2008
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In the main source note and the Section 1409.20 source note the Division has added a "January 1, 2009" effective date.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Division intends to promulgate a new regulation, Part 1414, which will require the use of the Ultimate 1980 CSO Mortality Table for determining the minimum standard of valuation of reserves and the minimum

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standard nonforfeiture values for preneed insurance products. The amendments to Part 1409 will add a cross reference to this new Rule.

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

Susan Christy, Life Actuarial Assistant
Department of Financial and Professional Regulation
Division of Insurance
320 West Washington Street
Springfield, Illinois 62767-0001

217/782-1759

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER s: LEGAL RESERVE LIFE INSURANCE

PART 1409

VALUATION OF LIFE INSURANCE POLICIES
INCLUDING THE USE OF SELECT MORTALITY FACTORS

Section

1409.10	Purpose
1409.20	Applicability
1409.30	Definitions
1409.40	General Calculation Requirements for Basic Reserves and Deficiency Reserves
1409.50	Calculation of Minimum Valuation Standard for Policies with Guaranteed Nonlevel Premiums or Guaranteed Nonlevel Benefits (Other Than Universal Life Policies)
1409.60	Calculation of Minimum Valuation Standard for Flexible Premium and Fixed Premium Universal Life Insurance Policies That Contain Provisions Resulting in the Ability of a Policyowner to Keep a Policy in Force Over a Secondary Guarantee Period
1409.70	Use of 2001 CSO Mortality Table
1409.80	Use of 2001 CSO Preferred Class Structure Mortality Table
1409.APPENDIX A	1980 CSO Select Mortality Factors
1409.ILLUSTRATION A	Male Aggregate
1409.ILLUSTRATION B	Male Nonsmoker
1409.ILLUSTRATION C	Male Smoker
1409.ILLUSTRATION D	Female Aggregate
1409.ILLUSTRATION E	Female Nonsmoker
1409.ILLUSTRATION F	Female Smoker

AUTHORITY: Implementing Section 223 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/223 and 401].

SOURCE: Adopted at 20 Ill. Reg. 12359, effective September 3, 1996; amended at 23 Ill. Reg. 14306, effective January 1, 2000; amended at 28 Ill. Reg. 9262, effective July 1, 2004; amended at 31 Ill. Reg. 14700, effective October 16, 2007; amended at 32 Ill. Reg. 19713, effective January 1, 2009.

Section 1409.20 Applicability

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This Part shall apply to all life insurance policies, with or without nonforfeiture values issued on or after January 1, 2000, subject to the following exceptions and conditions:

- a) Exceptions.
 - 1) This Part shall not apply to any individual life insurance policy issued on or after January 1, 2000 if the policy is issued in accordance with, and as a result of the exercise of, a reentry provision contained in the original life insurance policy or any individual life insurance policy of the same or greater face amount, issued before January 1, 2000 that guarantees the premium rates of the new policy. This Part also shall not apply to subsequent policies issued as a result of the exercise of such a provision, or a derivation of the provision in the new policy.
 - 2) This Part shall not apply to any universal life policy that meets all the following requirements with regard to all secondary guarantee periods:
 - A) Secondary guarantee period, if any, is 5 years or less;
 - B) Specified premium for the secondary guarantee period is not less than the net level reserve premium for the secondary guarantee period based on the 1980 CSO valuation tables as defined in Section 1409.30 of this Part and the applicable valuation interest rate; and
 - C) The initial surrender charge is not less than 100% of the first year annualized specified premium for the secondary guarantee period.
 - 3) This Part shall not apply to any variable life insurance policy that provides for life insurance, the amount or duration of which varies according to the investment experience of any separate account or accounts.
 - 4) This Part shall not apply to any variable universal life insurance policy that provides for life insurance, the amount or duration of which varies according to the investment experience of any separate account or accounts.
 - 5) This Part shall not apply to group life insurance certificates unless the

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certificates provide for a stated or implied schedule of maximum gross premiums required in order to continue coverage in force for a period in excess of one year.

- b) Conditions.
- 1) Calculation of the minimum valuation standard for policies with guaranteed nonlevel premiums or guaranteed nonlevel benefits (other than universal life policies), or both, shall be in accordance with the provisions of Section 1409.50 of this Part.
 - 2) Calculation of the minimum valuation standard for flexible premium and fixed premium universal life insurance policies that contain provisions resulting in the ability of a policyholder to keep a policy in force over a secondary guarantee period shall be in accordance with the provisions of Section 1409.60 of this Part.
 - 3) [For preneed insurance contracts and similar policies and contracts, as defined by 50 Ill. Adm. Code 1414.30, to which the requirements of this Part apply, the minimum mortality standard for calculating the minimum valuation standard in accordance with this Part shall be the 1980 CSO Valuation Tables without select factors, or the 2001 CSO Mortality Table in accordance with the Transitional Rules prescribed in 50 Ill. Adm. Code 1414.50.](#)

(Source: Amended at 32 Ill. Reg. 19713, effective January 1, 2009)

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- 1) Heading of the Part: Recognition of the 2001 CSO Mortality Table for Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits
- 2) Code Citation: 50 Ill. Adm. Code 1412
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1412.20	Amendment
1412.30	Amendment
- 4) Statutory Authority: Implementing Sections 223(3)(a)(i) and 229.2(4c)(h)(vi) and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/223(3)(a)(i); 229.2(4c)(h)(vi); and 401]
- 5) Effective Date of Rulemaking: January 1, 2009
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes. Please see Section 1412.20 of this Part.
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the principal office of the Division of Insurance and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 32 Ill. Reg. 13991; August 29, 2008
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In the main source note and Section 1409.20 source note the Division has added a "January 1, 2009" effective date.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: The Division intends to promulgate a new regulation, Part 1414, which will require the use of the Ultimate 1980 CSO Mortality Table for determining the minimum standard of valuation of reserves and the minimum standard nonforfeiture values for preneed insurance products. The amendments to 50 Ill. Adm. Code 1412 will permit the use of the 1980 CSO Mortality Table for preneed business and will reference the new rule.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Susan Christy, Life Actuarial Assistant
Department of Financial and Professional Regulation
Division of Insurance
320 West Washington Street
Springfield, Illinois 62767-0001

217/782-1759

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

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NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

SUBCHAPTER s: LEGAL RESERVE LIFE

PART 1412

RECOGNITION OF THE 2001 CSO MORTALITY TABLE
 FOR USE IN DETERMINING MINIMUM RESERVE LIABILITIES
 AND NONFORFEITURE BENEFITS

Section

1412.10	Purpose
1412.20	Definitions
1412.30	Applicability 2001 CSO Mortality Table
1412.40	Conditions
1412.50	Applicability of the 2001 CSO Mortality Table to 50 Ill. Adm. Code 1409
1412.60	Gender-Blended Tables
1412.70	Use of 2001 CSO Preferred Class Structure Mortality Table
1412.APPENDIX A	2001 CSO Mortality Tables
1412.ILLUSTRATION A	Male Composite Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION B	Male Nonsmoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION C	Male Smoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION D	Female Composite Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION E	Female Nonsmoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION F	Female Smoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION G	Ultimate Age Nearest Birthday (Male/Female Composite/Nonsmoker/Smoker)
1412.ILLUSTRATION H	Male Composite Select & Ultimate Age Last Birthday
1412.ILLUSTRATION I	Male Nonsmoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION J	Male Smoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION K	Female Composite Select & Ultimate Age Last Birthday
1412.ILLUSTRATION L	Female Nonsmoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION M	Female Smoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION N	Ultimate Age Last Birthday (Male/Female Composite/Nonsmoker/Smoker)
1412.ILLUSTRATION O	Blended 80% Male, 20% Female Composite Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION P	Blended 60% Male, 40% Female Composite Select & Ultimate Age Nearest Birthday

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1412.ILLUSTRATION Q	Blended 50% Male, 50% Female Composite Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION R	Blended 40% Male, 60% Female Composite Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION S	Blended 20% Male, 80% Female Composite Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION T	Blended Composite Ultimate Age Nearest Birthday
1412.ILLUSTRATION U	Blended 80% Male, 20% Female Nonsmoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION V	Blended 60% Male, 40% Female Nonsmoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION W	Blended 50% Male, 50% Female Nonsmoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION X	Blended 40% Male, 60% Female Nonsmoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION Y	Blended 20% Male, 80% Female Nonsmoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION Z	Blended Nonsmoker Ultimate Age Nearest Birthday
1412.ILLUSTRATION AA	Blended 80% Male, 20% Female Smoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION BB	Blended 60% Male, 40% Female Smoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION CC	Blended 50% Male, 50% Female Smoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION DD	Blended 40% Male, 60% Female Smoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION EE	Blended 20% Male, 80% Female Smoker Select & Ultimate Age Nearest Birthday
1412.ILLUSTRATION FF	Blended Smoker Ultimate Age Nearest Birthday
1412.ILLUSTRATION GG	Blended 80% Male, 20% Female Composite Select & Ultimate Age Last Birthday
1412.ILLUSTRATION HH	Blended 60% Male, 40% Female Composite Select & Ultimate Age Last Birthday
1412.ILLUSTRATION II	Blended 50% Male, 50% Female Composite Select & Ultimate Age Last Birthday
1412.ILLUSTRATION JJ	Blended 40% Male, 60% Female Composite Select & Ultimate Age Last Birthday
1412.ILLUSTRATION KK	Blended 20% Male, 80% Female Composite Select & Ultimate Age Last Birthday

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1412.ILLUSTRATION LL	Blended Composite Ultimate Age Last Birthday
1412.ILLUSTRATION MM	Blended 80% Male, 20% Female Nonsmoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION NN	Blended 60% Male, 40% Female Nonsmoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION OO	Blended 50% Male, 50% Female Nonsmoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION PP	Blended 40% Male, 60% Female Nonsmoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION QQ	Blended 20% Male, 80% Female Nonsmoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION RR	Blended Nonsmoker Ultimate Age Last Birthday
1412.ILLUSTRATION SS	Blended 80% Male, 20% Female Smoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION TT	Blended 60% Male, 40% Female Smoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION UU	Blended 50% Male, 50% Female Smoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION VV	Blended 40% Male, 60% Female Smoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION WW	Blended 20% Male, 80% Female Smoker Select & Ultimate Age Last Birthday
1412.ILLUSTRATION XX	Blended Smoker Ultimate Age Last Birthday

AUTHORITY: Implementing Sections 223(3)(a)(i) and 229.2(4c)(h)(vi) and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/223(3)(a)(i); 229.2(4c)(h)(vi); and 401].

SOURCE: Adopted at 28 Ill. Reg. 9281, effective July 1, 2004; amended at 31 Ill. Reg. 14708, effective October 16, 2007; amended at 32 Ill. Reg. 19718, effective January 1, 2009.

Section 1412.20 Definitions

[1980 CSO Valuation Tables means the Commissioner's 1980 Standard Ordinary Mortality Table \(1980 CSO Table\) without 10 year selection factors, incorporated into the 1980 amendments to the National Association of Insurance Commissioners \(NAIC\) Standard Valuation Law, and the smoker and nonsmoker variations of the 1980 CSO Table approved by the NAIC in December 1983, as published in the 1984 Proceedings for the NAIC, Vol. 1, p. 31 and approved by](#)

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[the Director for use in determining the minimum standards of valuation pursuant to 50 Ill. Adm. Code 934.](#)

2001 CSO Mortality Table means that mortality table, consisting of separate rates of mortality for male and female lives found in Appendix A of this Part, developed by the American Academy of Actuaries CSO Task Force from the Valuation Basic Mortality Table developed by the Society of Actuaries Individual Life Insurance Valuation Mortality Task Force, and adopted by the National Association of Insurance Commissioners (NAIC) in December 2002. Unless the context indicates otherwise, the 2001 CSO Mortality Table includes both the ultimate form of that table and the select and ultimate form of that table and includes both the smoker and nonsmoker mortality tables and the composite mortality tables. It also includes both the age-nearest-birthday and age-last-birthday bases of the mortality tables.

2001 CSO Mortality Table (F) means that mortality table consisting of the rates of mortality for female lives from the 2001 CSO Mortality Table.

2001 CSO Mortality Table (M) means that mortality table consisting of the rates of mortality for male lives from the 2001 CSO Mortality Table.

2001 CSO Preferred Class Structure Mortality Table means mortality tables with separate rates of mortality for Super Preferred Nonsmokers, Preferred Nonsmokers, Residual Standard Nonsmokers, Preferred Smokers, and Residual Standard Smoker splits of the 2001 CSO Nonsmoker and Smoker approved by the NAIC in September 2006, as published in the 2006 Proceedings for the NAIC (3rd Quarter), Vol. III, p. 2219 and approved by the Director for use pursuant to 50 Ill. Adm. Code 1413. Unless the context indicates otherwise, the 2001 CSO Preferred Class Structure Mortality Table includes both the ultimate form of that table and the select and ultimate form of that table. It includes both the smoker and nonsmoker mortality tables. It includes both the male and female mortality tables and the gender composite mortality tables. It also includes both the age-nearest-birthday and age-last-birthday bases of the mortality table.

Code means the Illinois Insurance Code [215 ILCS 5].

Composite mortality tables means mortality tables with rates of mortality that do not distinguish between smokers and nonsmokers.

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Director means the Director of the Illinois Department of Insurance.

Smoker and nonsmoker mortality tables means mortality tables with separate rates of mortality for smokers and nonsmokers.

(Source: Amended at 32 Ill. Reg. 19718, effective January 1, 2009)

Section 1412.30 Applicability~~2001 CSO Mortality Table~~

a) 2001 CSO Mortality Table

1) At the election of the company for any one or more specified plans of insurance and subject to the conditions stated in this Part, the 2001 CSO Mortality Table may be used as the minimum standard for policies issued on or after July 1, 2004 and before the date specified in subsection (b) of this Section, to which Sections 223(3)(a)(i) and 229.2(4c)(h)(vi) and 50 Ill. Adm. Code 1409.40(a) and (b) are applicable. If the company elects to use the 2001 CSO Mortality Table, it shall do so for both valuation and nonforfeiture purposes.

2b) Subject to the conditions of this Part, the 2001 CSO Mortality Table shall be used in determining minimum standards for policies issued on and after January 1, 2009, to which Sections 223(3)(a)(i) and 229.2(4c)(h)(vi) and 50 Ill. Adm. Code 1409.40(a) and (b) are applicable.

b) Exceptions. The 1980 CSO Valuation Tables without select factors shall be used in determining minimum standards for preneed insurance contracts and similar policies and contracts, as defined by 50 Ill. Adm. Code 1414.30, issued on or after January 1, 2009, to which the requirements of Sections 223(3)(a)(i) and 229.2(4c)(h)(vi) of the Code are applicable, except in accordance with the Transitional Rules prescribed in 50 Ill. Adm. Code 1414.50.

(Source: Amended at 32 Ill. Reg. 19718, effective January 1, 2009)

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Preneed Life Insurance Minimum Standards for Determining Reserve Liabilities and Nonforfeiture Values
- 2) Code Citation: 50 Ill. Adm. Code 1414
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1414.10	New Section
1414.20	New Section
1414.30	New Section
1414.40	New Section
1414.50	New Section
- 4) Statutory Authority: Implementing and authorized by Section 223 of the Illinois Insurance Code [215 ILCS 5/223]
- 5) Effective Date of Rulemaking: January 1, 2009
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rulemaking, including any material incorporated by reference, is on file in the principal office of the Division of Insurance and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 32 Ill. Reg.13998; August 29, 2008
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In the main source note and all Section sources notes added "January 1, 2009" following "effective".

Section 1414.10, following the first sentence, added "The determination shall be based, in part, on the use of various types of insurance policies to accomplish goals similar to preneed contracts, as well as policies with characteristics and benefits that resemble those found in preneed contracts."

Section 1414.30, in the definition of "Preneed", on the first line added ", or any series or combination of agreements or contracts," following "certificate" and delete "that is".

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of rulemaking: The purpose of this new regulation will be to require the use of the 1980 CSO Mortality Table for determining the minimum standard of valuation of reserves and the minimum standard nonforfeiture values for preneed insurance products. This new regulation is based on the NAIC Model #817 and it will protect the public interest by increasing necessary reserves to an appropriate level.
- 16) Information and questions regarding this adopted rulemaking shall be directed to:

Susan Christy, Life Actuarial Assistant
Department of Financial and Professional Regulation
Division of Insurance
320 West Washington Street
Springfield, Illinois 62767-0001

217/782-1759

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

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER s: LEGAL RESERVE LIFE INSURANCE

PART 1414

PRENEED LIFE INSURANCE MINIMUM STANDARDS FOR DETERMINING
RESERVE LIABILITIES AND NONFORFEITURE VALUES

Section

1414.10	Scope
1414.20	Purpose
1414.30	Definitions
1414.40	Minimum Valuation Mortality Standards
1414.50	Transition Rules

AUTHORITY: Implementing and authorized by Section 223 of the Illinois Insurance Code [215 ILCS 5/223].

SOURCE: Adopted at 32 Ill. Reg. 19725, effective January 1, 2009.

Section 1414.10 Scope

This Part applies to preneed insurance contracts issued on or after January 1, 2009, as defined in Section 1414.30 of this Part, and to similar policies and certificates. The determination shall be based, in part, on the use of various types of insurance policies to accomplish goals similar to preneed contracts, as well as policies with characteristics and benefits that resemble those found in preneed contracts. The Director shall have the authority to determine what constitutes similar policies and certificates.

Section 1414.20 Purpose

The purpose of this Part is to establish for preneed insurance products minimum mortality standards for reserves and nonforfeiture values, and to require the use of the 1980 Commissioner's Standard Ordinary (CSO) Life Valuation Mortality Table for use in determining the minimum standard of valuation of reserves and the minimum standard nonforfeiture values for preneed insurance products.

Section 1414.30 Definitions

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1980 CSO Valuation Table means the Commissioner's 1980 Standard Ordinary Mortality Tables (1980 CSO) without 10 year selection factors, incorporated into the 1980 amendments to the NAIC Standard Valuation Law, and the smoker and nonsmoker variations of the 1980 CSO Table approved by the NAIC in December 1983, as published in the 1984 Proceedings for the NAIC, Vol. 1, p. 31 and approved by the Director for use in determining the minimum standards of valuation pursuant to 50 Ill. Adm. Code 934.

2001 CSO Mortality Table means that mortality table, consisting of separate rates of mortality for male and female lives found in 50 Ill. Adm. Code 1412. Appendix A, developed by the American Academy of Actuaries CSO Task Force from the Valuation Basic Mortality Table developed by the Society of Actuaries Individual Life Insurance Valuation Mortality Task Force, and adopted by the NAIC in December 2002. Unless the context indicates otherwise, the 2001 CSO Mortality Table includes both the ultimate form of that table and the select and ultimate form of that table, and includes both the smoker and nonsmoker mortality tables and the composite mortality tables. It also includes both the age-nearest-birthday and age-last-birthday bases of the mortality tables.

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.

Division means the Illinois Department of Financial and Professional Regulation-Division of Insurance.

NAIC means the National Association of Insurance Commissioners.

Preneed Insurance is any life insurance policy or certificate, or any series or combination of agreements or contracts, issued in combination with, in support of, with an assignment to, or as a guarantee for a prearrangement agreement for goods and services to be provided at the time of and immediately following the death of the insured. Goods and services may include, but are not limited to, embalming, cremation, body preparation, viewing or visitation, coffin or urn, memorial stone, and transportation of the deceased. The status of the policy or

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contract as preneed insurance is determined at the time of issue in accordance with the policy form filing.

Section 1414.40 Minimum Valuation Mortality Standards

For preneed insurance contracts, as defined in Section 1414.30 of this Part, and similar policies and contracts, the minimum mortality standard for determining reserve liabilities and nonforfeiture values for both male and female insureds shall be the 1980 CSO Valuation Tables.

Section 1414.50 Transition Rules

- a) For preneed insurance policies issued on or after January 1, 2009, and before January 1, 2012, the 2001 CSO may be used as the minimum standard for reserves and minimum standard for nonforfeiture benefits for both male and female insureds.
- b) If an insurer elects to use the 2001 CSO as a minimum standard for any policy issued on or after January 1, 2009, and before January 1, 2012, the insurer shall provide, as a part of the actuarial opinion memorandum submitted in support of the company's asset adequacy testing, an annual written notification to the insurance supervisory official of the state or jurisdiction in which the company is domiciled. The notification shall include:
 - 1) A complete list of all preneed policy forms that use the 2001 CSO as a minimum standard;
 - 2) A certification signed by the appointed actuary stating that the reserve methodology employed by the company in determining reserves for the preneed policies issued after the effective date, and using the 2001 CSO as a minimum standard, develops adequate reserves (For the purposes of this certification, the preneed insurance policies using the 2001 CSO as a minimum standard cannot be aggregated with any other policies.); and
 - 3) Supporting information regarding the adequacy of reserves for preneed insurance policies issued after the effective date of this Part and using the 2001 CSO as a minimum standard for reserves.

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- c) Preneed insurance policies issued on or after January 1, 2012 must use the 1980 CSO Valuation Tables in the calculation of minimum nonforfeiture values and minimum reserves.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Special White-Tailed Deer Season for Disease Control
- 2) Code Citation: 17 Ill. Adm. Code 675
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
675.10	Amendment
675.20	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36]
- 5) Effective Date of Amendments: December 4, 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 rulemaking, 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: 32 Ill. Reg. 13827; August 22, 2008
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: The Section Heading for Section 675.10 was changed to "Chronic Wasting Disease (CWD) Season" in both the table of contents and text.

In Section 675.20(a) – language was changed to read "...or a valid ~~Chronic Wasting Disease (CWD)~~ Season Deer Permit."
- 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 remove Ogle, LaSalle, and Grundy Counties from the list of open counties for this season and to add Kane County west of State Route 47. The four "core" disease counties remain in this season and the outlying counties that have discovered only one or two deer with CWD are being offered similar hunting opportunities by being incorporated into the Late-Winter Deer Season. Kane County was added because positive deer have been identified within a few miles of its border.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Bill Richardson, General Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 675
SPECIAL WHITE-TAILED DEER SEASON FOR DISEASE CONTROL

Section

675.10	Chronic Wasting Disease (CWD) Season
675.20	CWD Deer Permit Requirements
675.30	Weapon Requirements for CWD Deer Hunting Season
675.40	CWD Deer Hunting Rules
675.50	Reporting Harvest
675.60	Rejection of Application/Revocation of Permits
675.70	Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

SOURCE: Adopted at 29 Ill. Reg. 20454, effective December 2, 2005; amended at 31 Ill. Reg. 1874, effective January 5, 2007; amended at 31 Ill. Reg. 14822, effective October 18, 2007; amended at 32 Ill. Reg. 19731, effective December 4, 2008.

Section 675.10 [Chronic Wasting Disease \(CWD\) Season](#)

- a) Season: One-half hour before sunrise on the first Friday after January 11 to ½ hour after sunset on the following Sunday. Shooting hours are ½ hour before sunrise to ½ hour after sunset. 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)).
- b) Open counties: Boone, McHenry, ~~Ogle~~, Winnebago, ~~LaSalle~~, ~~Grundy~~ and DeKalb counties [and that portion of Kane County west of State Route 47](#). Additional counties in which ~~deer with~~ CWD [foci](#) are identified subsequent to adoption of this Part shall be opened via public announcement (e.g., press release, site posting and publication in Outdoor Illinois).

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- c) Hunting outside the set season dates or without a valid permit for the area hunted is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 32 Ill. Reg. 19731, effective December 4, 2008)

Section 675.20 CWD Deer Permit Requirements

- a) Hunters must have an unfilled deer permit valid for the previous firearm, muzzleloader or youth deer season and valid for one of the open counties (Boone, McHenry, DeKalb, [Kane](#)~~Ogle~~ or Winnebago); an unfilled deer permit valid for the previous archery deer season; or a valid ~~Chronic Wasting Disease (CWD)~~ Season Deer Permit. A CWD Season Deer Permit is issued for one county or special hunt area and is valid only in the county or special hunt area stated on the permit. Unfilled firearm, muzzleloader or youth deer permits are valid only for the county for which they were originally issued, except that unfilled landowner property-only hunting firearm deer permits are valid only for the farmlands the person to whom it was issued owns, leases, or rents within the open counties/portions of counties. Unfilled archery deer permits are valid throughout all counties/portions of counties open to this special season, except that unfilled landowner property-only hunting archery deer permits are valid only for the farmlands the person to whom it was issued owns, leases, or rents within the open counties/portions of counties.
- 1) Unfilled firearm, muzzleloader or youth deer permits that were originally issued for special hunt areas are not valid during the CWD Season unless:
 - A) the hunter's name is redrawn at the daily site lottery to hunt at the same special hunt area during the CWD Season; or
 - B) the special hunt area is open to persons with a county permit and the special hunt area does not conduct a daily site lottery.
 - 2) Sites conducting a daily site lottery will be announced publicly.
- b) CWD Season Deer Permits are available over-the-counter (OTC) from participating license vendors for a fee of \$5. These permits shall be antlerless-only.

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- c) Hunters purchasing CWD Season Deer Permits must supply all necessary applicant information to the license vendor in order to properly complete the permit.
- d) Permits are not transferable. Refunds will not be granted.
- e) A \$3 service fee will be charged for replacement permits. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.
- f) Recipients of the CWD Season Deer Hunting Permit shall record their signature on the permit and must carry it on their person while hunting.
- g) Successful hunters checking in their deer at the CWD Deer Season check station who provide tissue samples to the Department for CWD testing (or who attempt to do so, in situations where deer are unsuitable for testing) are eligible to receive an additional permit (either-sex) at no charge each time they check in a deer and submit samples. These permits, which are valid for the remainder of the season, will be issued at the time of check-in by check station personnel.
- h) Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 32 Ill. Reg. 19731, effective December 4, 2008)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Late-Winter Deer Hunting Season
- 2) Code Citation: 17 Ill. Adm. Code 680
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
680.10	Amendment
680.40	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36]
- 5) Effective Date of Amendments: December 3, 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 rulemaking, 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: 32 Ill. Reg. 13832; August 22, 2008
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the 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: Amendments to this Part were made to incorporate statutory changes affecting hunting hours and to update rifle requirements.
- 16) Information and questions regarding these adopted amendments shall be directed to:

DEPARTMENT OF NATURAL RESOURCES

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Bill Richardson, General Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 680
LATE-WINTER DEER HUNTING SEASON

Section

680.10	Statewide Season
680.20	Statewide Deer Permit Requirements
680.25	Deer Permit Requirements – Free Landowner/Tenant Permits (Repealed)
680.30	Deer Permit Requirements – Group Hunt
680.40	Statewide Firearm Requirements for Late-Winter Deer Hunting
680.50	Statewide Deer Hunting Rules
680.60	Reporting Harvest
680.70	Rejection of Application/Revocation of Permits
680.80	Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

SOURCE: Adopted at 15 Ill. Reg. 13353, effective September 3, 1991; amended at 16 Ill. Reg. 15446, effective September 28, 1992; amended at 17 Ill. Reg. 18810, effective October 19, 1993; amended at 18 Ill. Reg. 15739, effective October 18, 1994; amended at 19 Ill. Reg. 15422, effective October 26, 1995; amended at 20 Ill. Reg. 10906, effective August 5, 1996; amended at 21 Ill. Reg. 9128, effective June 26, 1997; amended at 22 Ill. Reg. 14875, effective August 3, 1998; amended at 24 Ill. Reg. 8975, effective June 19, 2000; amended at 26 Ill. Reg. 13820, effective September 5, 2002; emergency amendment at 28 Ill. Reg. 1032, effective January 6, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 2197, effective January 26, 2004; amended at 28 Ill. Reg. 15503, effective November 19, 2004; amended at 29 Ill. Reg. 20462, effective December 2, 2005; amended at 30 Ill. Reg. 14508, effective August 24, 2006; amended at 31 Ill. Reg. 13180, effective August 30, 2007; amended at 32 Ill. Reg. 19736, effective December 3, 2008.

Section 680.10 Statewide Season

- a) Season: One-half hour before sunrise on the first Friday after January 11 to [½ hour after sunset](#) on the following Sunday. Shooting hours are ~~½ one-half~~ hour before sunrise to [½ hour after sunset](#). Hunting prior to ½ hour before sunrise or

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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)). ~~Hunting after sunset is a Class B misdemeanor (see 520 ILCS 5/2.24).~~

- b) For the purpose of removing surplus deer, the Department of Natural Resources (Department) shall open select counties and sites to firearm deer hunting during the Late-Winter Deer Season. The Department shall notify the public of the counties that are projected to have surplus deer populations via a public announcement. These counties also will be listed in the instructions contained in the current Late-Winter Deer Permit Application.
- c) Hunting outside the set season dates or without a valid permit for the county hunted in is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 32 Ill. Reg. 19736, effective December 3, 2008)

Section 680.40 Statewide Firearm Requirements for Late-Winter Deer Hunting

- a) The only legal firearms to take, or attempt to take, deer are:
 - 1) Shotgun, loaded with slugs only, of not larger than 10 nor smaller than 20 gauge, not capable of firing more than 3 consecutive slugs; or
 - 2) A single or double barreled muzzleloading rifle of at least .45 caliber shooting a single projectile through a barrel of at least 16 inches in length; or
 - 3) centerfire revolvers or centerfire single-shot handguns of .30 caliber or larger with a minimum barrel length of 4 inches and single-shot muzzleloading handguns (blackpowder handguns that are incapable of being loaded from the breech end) of .50 caliber or larger capable of producing at least 500 foot pounds of energy at the muzzle according to published ballistic tables of the manufacturer.
- b) Standards and specifications for legal ammunition are:
 - 1) For shotguns and muzzleloading firearms, the minimum size of the projectile shall be .44 caliber. A wad or sleeve is not considered a projectile or a part of the projectile.

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- 2) The only legal ammunition for a centerfire handgun is a bottleneck centerfire cartridge of .30 caliber or larger with a case length not exceeding 1.4 inches, or a straight-walled centerfire cartridge of .30 caliber or larger, both of which must be available with the published ballistic tables of the manufacturer showing a capability of at least 500 foot pounds of energy at the muzzle. Single-shot muzzleloading handguns must use a projectile of .44 caliber or larger with sufficient blackpowder or "blackpowder substitute" (such as Pyrodex) to produce at least 500 foot pounds of energy at the muzzle. A wad or sleeve is not considered a projectile or part of a projectile.
 - 3) Non-expanding, military-style full metal jacket bullets cannot be used to harvest white-tailed deer; only soft point or expanding bullets (including copper/copper alloy rounds designed for hunting) are legal ammunition.
- c) Standards and specifications for use of muzzleloading firearms are as follows:
- 1) A muzzleloading firearm is defined as a firearm that is incapable of being loaded from the breech end.
 - 2) Only black powder or a "black powder substitute" such as Pyrodex may be used. Modern smokeless powders (nitrocellulose-based) are an approved blackpowder substitute only in muzzleloading firearms that are specifically designed for their use.
 - 3) Only percussion ~~Percussion~~-caps, wheel lock, matchlock or flint type ignition ~~only~~ may be used, except the Connecticut Valley Arms (CVA) electronic ignition shall be legal to use.
 - 4) Removal of percussion cap or removal of prime powder from frizzen pan with frizzen open and hammer all the way down or removal of prime powder from flashpan and wheel ~~unwound~~~~un-wound~~ or removal of prime powder and match with match not lit, or removal of the battery from the CVA electronic ignition muzzleloader, shall constitute an unloaded muzzleloading firearm.
- d) Hunters using unfilled muzzleloader deer permits may only use muzzleloading rifles as specified in subsection (a)(2). Hunters using unfilled firearm deer

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permits, or Late-Winter Deer Season Permits, may use all firearms specified in subsection (a). Hunters using unfilled youth deer permits may only use shotguns or muzzleloaders as specified in subsections (a)(1) and (a)(2).

- e) It shall be unlawful to use or possess any other firearm or ammunition in the field while hunting white-tailed deer during the Late-Winter Deer Season. However, the lawful possession of firearms to take furbearing mammals and game mammals other than deer by persons other than deer hunters shall not be prohibited during the Late-Winter deer season as set in Section 680.10. Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 32 Ill. Reg. 19736, effective December 3, 2008)

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NOTICE OF ADOPTED AMENDMENTS

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

<u>Section Numbers</u> :	<u>Adopted Action</u> :
710.10	Amendment
710.25	Amendment
710.30	Amendment
710.50	Amendment
710.70	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11]
- 5) Effective Date of Amendments: December 3, 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 rulemaking, 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: 32 Ill. Reg. 14378; September 5, 2008
- 10) Has JCAR issued a Statement of Objections 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: Amendments were made to: update season dates, site specific regulations for the special hunt at Midewin National Tallgrass Prairie, clarify

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regulations pertaining to cutting surfaces, add language stating that the use of electronic arrow tracking systems using radio telemetry are illegal, add a statutory reference for crossbow standards, and update the list of open sites and site-specific regulations.

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

Bill Richardson, General Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 710
THE TAKING OF WILD TURKEYS – SPRING SEASON

Section

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

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

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

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Reg. 9389; amended at 21 Ill. Reg. 3125, effective March 3, 1997; amended at 22 Ill. Reg. 2192, effective January 2, 1998; amended at 22 Ill. Reg. 19568, effective October 23, 1998; amended at 23 Ill. Reg. 11956, effective September 21, 1999; amended at 24 Ill. Reg. 7984, effective May 24, 2000; amended at 24 Ill. Reg. 17778, effective November 27, 2000; amended at 25 Ill. Reg. 14176, effective October 22, 2001; amended at 26 Ill. Reg. 18028, effective December 6, 2002; amended at 27 Ill. Reg. 17075, effective October 22, 2003; amended at 29 Ill. Reg. 3935, effective February 24, 2005; amended at 29 Ill. Reg. 20484, effective December 2, 2005; amended at 31 Ill. Reg. 1958, effective January 16, 2007; amended at 31 Ill. Reg. 16476, effective November 28, 2007; amended at 32 Ill. Reg. 19742, effective December 3, 2008.

Section 710.10 Hunting Seasons

a) Northern Zone Season Dates:

1st Season: Monday, April ~~1314~~-Friday, April ~~17, 200918, 2008~~

2nd Season: Saturday, April ~~1819~~-Thursday, April ~~23, 200924, 2008~~

3rd Season: Friday, April ~~2425~~-Wednesday, April ~~29, 200930, 2008~~

4th Season: Thursday, ~~April 30~~~~May 1~~-Wednesday, May ~~6, 20097, 2008~~

5th Season: Thursday, May ~~78~~-Thursday, May ~~14, 200915, 2008~~

b) Southern Zone Season Dates:

1st Season: Monday, April ~~67~~-Friday, April ~~10, 200911, 2008~~

2nd Season: Saturday, April ~~1112~~-Thursday, April ~~16, 200917, 2008~~

3rd Season: Friday, April ~~1718~~-Wednesday, April ~~22, 200923, 2008~~

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4th Season: Thursday, April ~~23~~²⁴-Wednesday, April ~~29, 2009~~^{30, 2008}

5th Season: Thursday, ~~April 30~~^{May 1}-Thursday, May ~~7, 2009~~^{8, 2008}

c) Open Counties:

NORTHERN ZONE

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

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

SOUTHERN ZONE

Alexander
Bond
Clay
Clinton
Crawford

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

(Source: Amended at 32 Ill. Reg. 19742, effective December 3, 2008)

Section 710.25 Turkey Permit Requirements – Special Hunts

- a) Special hunt sites are defined as those sites that are owned or controlled by agencies/entities other than the Department, or sites at which the Department only controls a portion of the property designated for turkey hunting, which issue turkey hunting permits through the statewide lottery process. The Permit Office issues turkey hunting permits through a computerized drawing for sites listed below, in addition to the Department-owned or -managed sites listed in Section

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710.50(c).

Crab Orchard National Wildlife Refuge (check-in and check-out required at Visitor Information Center, windshield card required, area closed ½ hour after sunset to 1½ hours before sunrise, scouting allowed after noon including the afternoon of the day prior to the permitted hunting season)

Joliet Army Training Area (Will County) (check-in and check-out required at central check station; an additional turkey permit must be purchased from the Joliet Army Training Area)

Lake Shelbyville Project – U.S. Army Corps of Engineers – Moultrie County

Lake Shelbyville Project – U.S. Army Corps of Engineers – Shelby County

Midewin National Tallgrass Prairie (an additional site [hunting pass required; check-in, check-out and reporting of harvest required; access fee must be purchased from the USDA Forest Service](#))

Savanna Army Depot (Jo Daviess County)

- b) Each applicant must enclose a separate fee (check or money order) payable to the Department of Natural Resources, or the application will be returned. Applicants should not send cash with their applications. The Department will not be responsible for cash sent through the mail.

(Source: Amended at 32 Ill. Reg. 19742, effective December 3, 2008)

Section 710.30 Turkey Hunting Regulations

It is unlawful:

- a) to use live or electronic turkey decoys, recorded calls, dogs, or bait (an area is considered as baited during the presence of and for 10 consecutive days following the removal of the bait);
- b) to take any wild turkey except a hen with a visible beard or a gobbler (male);

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- c) to take, or attempt to take, more than three wild turkeys during the spring season, one must have a valid permit for each turkey that is taken;
- d) to use any weapon except a shotgun or bow and arrow. #4 shot is the largest and #7½ is the smallest size shot that may be legally used or possessed while turkey hunting. Archers may use a long, recurved, or compound bow with a minimum pull of 40 pounds at some point within a 28-inch draw. Minimum arrow length is 20 inches and broadheads must be used. Broadheads may have fixed or expandable [cutting surfaces](#)~~blades~~, but they must have a minimum 7/8 inch diameter when fully opened. Broadheads with fixed [cutting surfaces](#)~~blades~~ must be metal or flint-, chert-, or obsidian-knapped; broadheads with expandable [cutting surfaces](#)~~blades~~ must be metal. Any mechanical device capable of maintaining a drawn position or partially drawn position on a bow is illegal. All other bows and arrows, including electronic arrow tracking systems [using radio telemetry](#), are illegal;
- e) [to use a crossbow device, except as provided by Section 2.33 of the Wildlife Code \[520 ILCS 5/2.33\]. Crossbow standards may be found in 17 Ill. Adm. Code 760 – Disabled Hunting Method Authorizations.](#)
- f)e) to hunt except from ½ hour before sunrise to 1:00 p.m. during each day of the season;
- g)f) for any person having taken the legal limit of wild turkeys to further participate with a weapon in any hunting party for the purpose of taking additional wild turkeys;
- h)g) for any person to possess while in the field during wild turkey season any turkey permit issued to another person (permits are non-transferable);
- i)h) to transport or leave a wild turkey without first affixing the adhesive-backed turkey permit securely around the leg. Immediately upon kill and before the turkey is moved, transported or field dressed, the hunter must cut out the designated notch on the leg tag to invalidate it, and the tag must be affixed to the turkey. Successful hunters must register their harvest by 3:00 p.m. on the same calendar day as the turkey was taken by calling the toll-free telephone check-in system at 1-866-ILCHECK or by accessing the on-line check-in system at <http://dnr.state.il.us/vcheck>. Hunters must provide all information requested by

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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 on the leg tag. The leg tag must remain attached to the leg of the turkey until it is at the legal residence of the person who legally took or possessed the turkey and the turkey has been checked in. The turkey must remain whole (or field dressed) until it has been checked in;

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

(Source: Amended at 32 Ill. Reg. 19742, effective December 3, 2008)

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

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

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c) Statewide regulations shall apply for the following sites:

Anderson Lake Conservation Area (1)

Argyle Lake State Park (1)

Cache River State Natural Area (1)

Campbell Pond Wildlife Management Area

Cape Bend State Fish and Wildlife Area (1)

Carlyle Lake Wildlife Management Area

[Copperhead Hollow State Wildlife Area](#)

Cypress Pond State Natural Area (1)

Deer Pond State Natural Area (1)

Devil's Island State Fish and Wildlife Area

Dog Island Wildlife Management Area (1)

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

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

Giant City State Park (1)

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

Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Units (all hunters must obtain a free site permit)

Jubilee State Park (archery only) (1)

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Kaskaskia River State Fish and Wildlife Area (no hunting east of and within 50 yards of the defined Baldwin Lake Waterfowl Rest Area's main north-south road, within 100 yards of any house or building, or south of the Dry Lake access road; a hunter with a P-2 handicapped certification, accompanied by a non-hunting attendant, may hunt at the site's designated handicapped hunting spot within this closed area; the hunting spot will be allocated on a first come-first served basis or via a drawing, if needed, held at the site office) (1)

Kinkaid Lake Fish and Wildlife Area (1)

Mark Twain National Wildlife Refuge, Gardner Division

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

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

Nauvoo State Park (Max Rowe Unit only)

Oakford Conservation Area

[Peabody River King State Fish and Wildlife Area \(except South Subunit\)](#)
(1)

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

Ray Norbut Fish and Wildlife Area (1)

Rend Lake Project Lands and Waters except Wayne Fitzgerald State Park

Saline County Fish and Wildlife Area (1)

Sanganois Conservation Area (site issued free permit required)

Sielbeck Forest State Natural Area (1)

Skinner Farm State Habitat Area (1)

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Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area (1)

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

Weinberg-King State Park (1)

Weinberg-King State Park (Cecil White Unit)

Weinberg-King State Park (Spunky Bottoms Unit)

Wildcat Hollow State Forest (1)

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

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

Beaver Dam State Park

Big Bend State Fish and Wildlife Area (1)

Big River State Forest (1)

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

Castle Rock State Park (1)

Clinton Lake State Recreation Area

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Coffeen Lake State Fish and Wildlife Area

Crawford County Conservation Area

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

[Eagle Creek State Park \(first two seasons only\) \(1\)](#)

[Eldon Hazlet State Park](#)

Falling Down Prairie State Natural Area (1)

Ferne Clyffe Hunting Area (1)

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

Fox Ridge State Park (1)

French Bluff State Natural Area (1)

Green River State Wildlife Area (1)

Hamilton County Conservation Area

Hanover Bluff State Natural Area (1)

Harry "Babe" Woodyard State Natural Area (1)

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

Horseshoe Lake State Park (Madison County)

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

Iroquois County State Wildlife Area

Jim Edgar Panther Creek State Fish and Wildlife Area

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Johnson-Sauk Trail State Park (1)

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

Kickapoo State Park (1)

Kishwaukee River State Fish and Wildlife Area (1)

Lowden Miller State Forest (1)

Mackinaw River Fish and Wildlife Area (1)

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

Marshall Fish and Wildlife Area (1)

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

Meeker State Habitat Area

Mermet Lake State Fish and Wildlife Area (1)

Middlefork State Fish and Wildlife Management Area (1)

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

Momence Wetlands (1)

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

[Mt. Vernon Game Propagation Center](#)

Newton Lake Fish and Wildlife Area

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

Pyramid State Park (1)

Pyramid State Park – East Conant Unit

Ramsey Lake State Park (1)

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

Red Hills State Park

Red Hills State Park/Chauncey Marsh

Sahara Woods (1)

Sam Dale Lake Conservation Area (1)

Sam Parr State Park

Sand Ridge State Forest

Sandy Ford State Natural Area

Sangamon County Conservation Area

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Sanganois Conservation Area (Squirrel Timber Unit) (1)

Sangchris Lake State Park

Siloam Springs State Park (1)

Siloam Springs State Park (Buckhorn Unit) (1)

[South Shore State Park \(must have Eldon Hazlet State Park permit\)](#)

Spoon River State Forest (1)

Stephen A. Forbes State Park (1)

Tapley Woods State Natural Area (1)

Ten Mile Creek Fish and Wildlife Area

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

[Wayne Fitzgerald State Recreation Area](#)

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

Weldon Springs State Park – Piatt County Unit

Witkowsky State Wildlife Area (1)

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

(Source: Amended at 32 Ill. Reg. 19742, effective December 3, 2008)

Section 710.70 Spring Youth Turkey Hunt

a) Hunting Dates

- 1) Northern Zone: the Saturday and Sunday beginning 9 days prior to the opening date of the Northern Zone first spring turkey hunting season.

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- 2) Southern Zone: the Saturday and Sunday beginning 9 days prior to the opening date of the Southern Zone first spring turkey hunting season.
- b) Open Counties: All counties listed in Section 710.10 are open to Spring Youth Turkey Hunting.
 - c) Eligibility: The Spring Youth Turkey Hunt is open only to Illinois residents under the age of 16 on the beginning date of the designated youth hunting days. All participating youths must have completed a Department-approved Hunter Education course.
 - d) Permit Requirements – Spring Youth Turkey Hunt
 - 1) All youth hunters must have a current, valid Youth Turkey Hunt Permit (\$10). For permit application and other information write to:

Illinois Department of Natural Resources
Youth Turkey Hunt
One Natural Resources Way
P.O. Box 19227
Springfield IL 62794-9227
 - 2) Each applicant must enclose a separate fee (check or money order) payable to the Department of Natural Resources or the application will be returned. Applicants should not send cash with their applications. The Department will not be responsible for cash sent through the mail.
 - 3) Each applicant must complete the official Department Youth Wild Turkey Permit application.
 - 4) Applications will be accepted through the second Monday in February.
 - 5) The applicants must not have had their hunting privileges suspended or revoked in this State or any other state.
 - 6) If more than one application for an Illinois Youth Turkey Hunt Permit is received from the same person, all applications submitted in that name will be rejected and permits revoked.

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- 7) A \$3 service fee will be charged for replacement permits issued by the Department.
 - 8) The Youth Turkey Hunt Permit shall be valid only for the dates and counties listed on the permit. Each youth must also possess a valid Illinois hunting license [or apprentice hunting license](#) and Habitat Stamp prior to hunting, unless exempt. Hunting without a permit is a Class B misdemeanor [520 ILCS 5/2.9].
 - 9) A permit issued for the Youth Turkey Hunt will count toward the maximum number of permits (Section 710.20(j)) an individual can receive for the Spring Wild Turkey Season .
- e) Youth Turkey Hunting Regulations
- 1) Each Illinois Youth Turkey Hunt Permit holder is required to be accompanied afield by a parent/guardian or responsible adult who possesses a valid Firearm Owners Identification (FOID) Card. The accompanying adult must be present for the permit holder (youth) to hunt. The adult and/or adult caller is not allowed to hunt, but may accompany the youth hunter as a caller or observer. The supervising adult shall be criminally liable for the actions of the youth in the hunting party and shall be subject to the criminal penalties provided by law.
 - 2) All regulations prescribed by Section 710.30 of this Part apply during the Youth Turkey Hunt.
- f) The following sites will be open to holders of a valid Youth Turkey Hunt Permit for the county in which the site is located. Persons wishing to hunt one of the listed sites should contact that site prior to hunting for information about site regulations and restrictions.

Anderson Lake Fish and Wildlife Area

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

Argyle Lake State Park

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Big Bend Fish and Wildlife Area (Whiteside County)

Big River State Forest

Cache River State Natural Area

Cape Bend State Fish and Wildlife Area

Castle Rock State Park

[Copperhead Hollow State Wildlife Area](#)

Crab Orchard National Wildlife Refuge Public Hunting Area

Crawford County Conservation 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 State Natural Area (1)

Ferne Clyffe State Park – Cedar Draper State Habitat Area

Giant City State Park

Green River State Wildlife Area

Hanover Bluff State Natural Area (1)

Horseshoe Lake Conservation Area – Alexander County

Kankakee River State Park

Kaskaskia River State Fish and Wildlife Area

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Kinkaid Lake State Fish and Wildlife Area

Mackinaw River State Fish and Wildlife Area (1)

Mernet Lake State Fish and Wildlife Area

Moraine View State Park (free site permit required)

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

Momence Wetlands

Nauvoo State Park (Max Rowe Unit Only)

Newton Lake State Fish and Wildlife Area

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

(+)

Pyramid State Park

Pyramid State Park – East Conant Unit

Ray Norbut Fish and Wildlife Area

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

Rend Lake State Fish and Wildlife Area

Sam Parr State Park

Sielbeck Forest State Natural Area

Siloam Springs State Park

Siloam Springs State Park (Buckhorn Unit)

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Skinner Farm State Habitat Area

Spoon River State Forest

Trail of Tears State Forest

Ten Mile Creek State Fish and Wildlife Area

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area

Weinberg-King State Park

Weinberg-King State Park (Cecil White Unit)

Weinberg-King State Park (Scripps Unit)

Weinberg-King State Park (Spunky Bottoms Unit)

Witkowsky State Wildlife Area (1)

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

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

Clinton Lake State Recreation Area

[Coffeen Lake State Fish and Wildlife Area](#)

Crab Orchard National Wildlife Refuge (Closed Portion)

[Eldon Hazlet State Park](#)

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Ferne Clyffe State Park – Ferne Clyffe Hunting Area

Hidden Springs State Forest

Jim Edgar Panther Creek State Fish and Wildlife Area

[Lake Shelbyville Project Land \(U.S. Army Corps of Engineers managed\)
Moultrie County](#)

[Lake Shelbyville Project Land \(U.S. Army Corps of Engineers managed\)
Shelby County](#)

Sangchris Lake State Park

[South Shore State Park \(must have Eldon Hazlet State Park permit\)](#)

Weldon Springs – Piatt County Unit

(Source: Amended at 32 Ill. Reg. 19742, effective December 3, 2008)

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NOTICE OF ADOPTED RULES

- 1) Heading of the Part: Viral Hemorrhagic Septicemia (VHS)
- 2) Code Citation: 17 Ill. Adm. Code 875
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
875.10	New Section
875.20	New Section
875.30	New Section
875.40	New Section
875.50	New Section
- 4) Statutory Authority: Implementing and authorized by Sections 1-20, 1-20.5, 1-75, 1-80, 1-85, 1-105, 1-125, 1-135, 1-140, 1-145, 1-150, 1-185, 1-190, 1-210, 5-5, 5-10, 10-100, 10-105, 15-5, 15-10, 20-35, 20-70, 20-90, 20-100, 20-105, 20-125 and 25-20 of the Fish and Aquatic Life Code [515 ILCS 5/1-20, 1-20.5, 1-75, 1-80, 1-85, 1-105, 1-125, 1-135, 1-140, 1-145, 1-150, 1-185, 1-190, 1-210, 5-5, 5-10, 10-100, 10-105, 15-5, 15-10, 20-35, 20-70, 20-90, 20-100, 20-105, 20-125 and 25-20]
- 5) Effective Date of Rules: December 3, 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 rulemaking, 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: September 5, 2008; 32 Ill. Reg. 14401
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Differences between proposal and final version: The following list contains substantial changes which were made to this Part (changes made to correct spelling, grammar and punctuation errors are not listed):

The title of the Part was changed to: Viral Hemorrhagic Septicemia (VHS)

Section 875.10 – the following definitions were added:

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"Live Market" – an Illinois business in which commercially captured fish are maintained for a period of time prior to being killed and processed for consumption.

"Offal" – the whole or parts of an aquatic animal and aquatic animal products not approved for human consumption, including sludge and sieve material collected during slaughtering.

"Slaughter Facility" – an Illinois business in which commercially captured fish are immediately killed and processed for consumption.

Section 875.20(a) – added subsection (2) and relabeled subsequent subsections.

Section 875.20(a) – removed subsection (4).

Section 875.20 – added new subsection (c) and relabeled subsequent subsections.

Section 875.20(d)(3) – changed "eastern states" to "affected regions".

Section 875.30(a) – changed Section "10-110" to "10-100" in two places.

Section 875.30(b)(4) – added "live market" prior to "stocking locations".

Section 875.30(d)(1)(B) – added "if entering from outside the State of Illinois," prior to "the fish" and changed "are accompanied" to "must be accompanied".

Section 875.30(d)(2) – added subsection "(E)".

Section 875.30(d) – added subsections (6) and (7).

Section 875.50(a)(2) – added "without securing permission from Department fish health authorities, or" following "waters of the State,".

Section 875.50(a)(3) – added ", unless an FHIR is on file with the Department, or as provided in Section 875.30(d)(2), (6) and (7)" following "health authorities".

Section 875.50(a)(4) - added ", unless an FHIR is on file with the Department, or as provided in Section 875.30(d)(2), (6) and (7)" following "health authorities".

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Section 875.50 – added new subsection (b).

Section 875.50(c) – changed subsection (1) to read:

- 1) Violation of subsection (a)(1) is a Petty Offense if the value of the aquatic life is \$300 or less (see 515 ILCS 5/10-105 and 20-35), and a Class 3 felony if the value of the aquatic life is in excess of a total of \$300 with intent to profit or for commercial purposes. Possession of aquatic life valued in excess of \$600 shall be considered prima facie evidence of possession for profit or commercial purposes (see 515 ILCS 5/5-25).

Section 875.50 – added "and 20-35" at end of subsection.

The USDA is currently revising the federal VHS regulations and adoption of those regulations is anticipated on 1/9/09. If the federal regulations require any changes in the Department's program, the Department agrees to file revisions to this Part within two weeks of adoption of the federal regulations.

- 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. A companion emergency rulemaking adopted at 32 Ill. Reg. 10636 expired on November 26, 2008.
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was proposed to implement regulations to slow the spread of Viral Hemorrhagic Septicemia (VHS), which can cause devastating fish kills in certain sportfish species. VHS has been spreading throughout the Great Lakes region and was recently isolated in the Illinois waters of Lake Michigan at Winthrop Harbor. Fish can be infected by direct contact with other infected fish, by consuming infected prey, or from contact with water which contains the virus. There is no vaccine for VHS, so control methods rely upon prevention techniques. It is necessary that the State of Illinois take action to decisively protect its inland waters from VHS.
- 16) Information and questions regarding these adopted rules shall be directed to:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

Bill Richardson, General Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED RULES

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 875
VIRAL HEMORRHAGIC SEPTICEMIA (VHS)

Section	
875.10	Definitions
875.20	Susceptible Species
875.30	Permits
875.40	Fish Health Inspection Reports
875.50	Unlawful Acts/Penalties

AUTHORITY: Implementing and authorized by Sections 1-20, 1-20.5, 1-75, 1-80, 1-85, 1-105, 1-125, 1-135, 1-140, 1-145, 1-150, 1-185, 1-190, 1-210, 5-5, 5-10, 10-100, 10-105, 15-5, 15-10, 20-35, 20-70, 20-90, 20-100, 20-105, 20-125 and 25-20 of the Fish and Aquatic Life Code [515 ILCS 5/1-20, 1-20.5, 1-75, 1-80, 1-85, 1-105, 1-125, 1-135, 1-140, 1-145, 1-150, 1-185, 1-190, 1-210, 5-5, 5-10, 10-100, 10-105, 15-5, 15-10, 20-35, 20-70, 20-90, 20-100, 20-105, 20-125 and 25-20].

SOURCE: Emergency rule adopted at 32 Ill. Reg. 10636, effective June 30, 2008, for a maximum of 150 days; emergency expired November 26, 2008; new Part adopted at 32 Ill. Reg. 19765, effective December 3, 2008.

Section 875.10 Definitions

"Affected Regions" – those areas designated by USDA-APHIS as Affected or At-Risk Regions. Currently, these are the U.S. states of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin and the Canadian Provinces of Ontario and Quebec.

"Aquatic Life Farm" – property containing any or a combination of levee ponds, a strip mine lake or other type of lake maintained for the exclusive purpose of rearing aquatic life for harvest and resale.

"Baitfish" – live or dead species of fish or parts of fish, excluding roe, that are used by anglers to catch or attempt to catch fish.

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"BlueBook" – Suggested Procedures for the Detection and Identification of Certain Finfish and Shellfish Pathogens, American Fisheries Society, Fish Health Section, Bethesda, Maryland (2005 Edition).

"Department" – the Illinois Department of Natural Resources.

"Farm-Raised" – any species of aquatic life that has been reared entirely in captivity on an aquatic life farm.

"Fish Health Inspection Report" or "FHIR" – official document reporting health status of inspected fish issued by a trained, qualified fish health professional in accordance with BlueBook or OIE standards.

"Live Market" – an Illinois business in which commercially captured fish are maintained for a period of time prior to being killed and processed for consumption.

"Lot" – a population of fish as defined in the BlueBook.

"Offal" – the whole or parts of an aquatic animal and aquatic animal products not approved for human consumption, including sludge and sieve material collected during slaughtering.

"OIE" – the World Organization for Animal Health.

"Private Waters" – waters of the State of Illinois that are wholly upon properties held in private ownership and contained on the land of the owner.

"Public Waters" – all other waters of the State of Illinois.

"Resident" – a person who actually resides in Illinois. For businesses, resident means at least 51% owned by Illinois residents and organized under the laws of Illinois.

"Slaughter Facility" – an Illinois business in which commercially captured fish are immediately killed and processed for consumption.

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"Specific Pathogen Free" or "SPF" – a lot of fish that have tested negative for VHS.

"VHS" or "VHSv" – Viral hemorrhagic septicemia or the VHS virus. For purposes of this Part, VHSv and VHS are considered synonymous.

"Wild-Trapped" – any species of aquatic life that has any portion of its life history not under direct control of an aquatic life farm (i.e., those that are not farm-raised).

Section 875.20 Susceptible Species

- a) For purposes of this Part, susceptible species are:
- 1) those species designated by USDA-APHIS in the Federal Order update of April 2, 2008;
 - 2) Additional species known to be carriers of VHSv that present significant risk to the aquatic resources of Illinois;
 - 3) hybrids (offspring) of listed species for which both parent species are listed; and
 - 4) all species that originate from affected regions.
- b) The current list of susceptible species from the APHIS Federal Order is as follows:

Black crappie	<i>Pomoxis nigromaculatus</i>
Bluegill	<i>Lepomis macrochirus</i>
Bluntnose minnow	<i>Pimephales notatus</i>
Brown bullhead	<i>Ictalurus nebulosus</i>
Brown trout	<i>Salmo trutta</i>
Burbot	<i>Lota lota</i>
Channel catfish	<i>Ictalurus punctatus</i>
Chinook salmon	<i>Oncorhynchus tshawytscha</i>
Emerald shiner	<i>Notropis atherinoides</i>
Freshwater drum	<i>Aplodinotus grunniens</i>
Gizzard shad	<i>Dorosoma cepedianum</i>

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Lake whitefish	<i>Coregonus clupeaformis</i>
Largemouth bass	<i>Micropterus salmoides</i>
Muskellunge	<i>Esox masquinongy</i>
Shorthead redhorse	<i>Moxostoma macrolepidotum</i>
Northern Pike	<i>Esox lucius</i>
Pumpkinseed	<i>Lepomis gibbosus</i>
Rainbow trout	<i>Onchorhynchus mykiss</i>
Rock bass	<i>Ambloplites rupestris</i>
Round goby	<i>Neogobius melanostomus</i>
Silver redhorse	<i>Moxostoma anisurum</i>
Smallmouth bass	<i>Micropterus dolomieu</i>
Spottail shiner	<i>Notropis hudsonius</i>
Trout-Perch	<i>Percopsis omiscomaycus</i>
Walleye	<i>Sander vitreus</i>
White bass	<i>Morone chrysops</i>
White perch	<i>Morone americana</i>
Yellow perch	<i>Perca flavescens</i>

- c) Additional species known to be carriers of VHSv that present significant risk to the aquatic resources of Illinois include:

Atlantic herring	<i>Clupea harengus</i>
Pacific herring	<i>Clupea pallasii</i>
Sea lamprey	<i>Petromyzon marinus</i>

- d) Examples:

- 1) Hybrid bluegill (bluegill X green sunfish) are not considered susceptible species as only one parent species is listed.
- 2) Tiger muskellunge (muskellunge X northern pike) are considered susceptible species because both parent species are listed.
- 3) All wild-trapped minnows are subject to certification standards if they originate from affected regions.
- 4) Farm-raised minnows from affected regions (defined in Section 875.10) are subject to testing.

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- 5) Farm-raised minnows from Arkansas or Missouri are not subject to testing.
- e) The official list of VHS-susceptible species as identified by the Department will be available from the Department and posted on the Department's website (<http://dnr.state.il.us>). Updates to the list of susceptible fish species will be made as necessary, and notice shall be given by issuing a press release, by publication in the official State newspaper, and by such other means as the Department determines are reasonably likely to inform the public, including notification on the Department website.

Section 875.30 Permits

- a) **Application Requirements**

Permits to import live VHS-susceptible species may be issued by the Department of Natural Resources in accordance with Sections 10-100 and 20-100 of the Fish and Aquatic Life Code [515 ILCS 5/10-100, 20-100] for persons or businesses holding an Aquaculture Permit, Aquatic Life Dealer's License or Minnow Dealer's License, or research or educational institutions for scientific purposes, under the following provisions:

 - 1) Applicants wishing to import live VHS-susceptible species must make application to the Department in writing, at the following address:

Illinois Department of Natural Resources
Region V Office
VHS-Susceptible Species Permit
11731 State Hwy. 37
Benton IL 62812
 - 2) The Department may accept applications via fax or email if time permits and it is deemed to be in the best interest of the Department to do so.
 - 3) Applications must contain the following minimum information:
 - A) name, address and telephone number of the applicant, including the business, research or educational institution;

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- B) the common and scientific name, size and total number (or pounds) of each VHS-susceptible species for which a permit is requested;
 - C) date of anticipated imports and number of shipments;
 - D) source of supply, including name, address and telephone number of the supplier; and
 - E) any other information requested by the Department (e.g., route of transportation, holding facility location, stocking locations, disposition of animals and federal permit, if required).
- b) Issuance Criteria
The Department shall consider the following in determining whether to issue a permit to import live VHS-susceptible species:
- 1) whether the request is for persons or businesses holding an Aquaculture Permit, Aquatic Life Dealer's License or Minnow Dealer's License, or research or educational institutions for scientific purposes;
 - 2) whether the supplier of the fish stocks has an acceptable Fish Health Inspection Report on file with the Department;
 - 3) for importation of minnows and species commonly used as bait, whether the supplier/importer has submitted an officially recognized management plan (Hazard Analysis and Critical Control Points (HACCP)/Best Management Practices (BMP)) to minimize transfer of exotic species and potential pathogens; and
 - 4) whether the Department approves of the live market stocking locations based upon the potential risk to the fishery resource of the State.
- c) Permit Conditions
Permits issued to import live VHS-susceptible species shall be subject to the following conditions:
- 1) All specimens approved under the permit must be imported only to the facilities, and at the location approved on the permit.

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- 2) A person in possession of VHS-susceptible species, at all times during shipment and stocking, shall allow the Department, its agents or authorized employees to inspect the shipment and pertinent records to ensure compliance with this Part.
 - 3) Permits issued under this Part shall be valid only for the time periods and under the provisions designated by the Department on the permit or accompanying letter.
 - 4) All importers shall maintain records documenting disposition of all VHS-susceptible species for a minimum of 2 years from date of disposition.
 - 5) It is unlawful for any person to violate any condition stipulated on the permit or accompanying letter issued by the Department. Violation of any special condition will result in revocation of the permit.
 - 6) Shipments found in violation of this Part shall be subject to confiscation, quarantine and/or seizure. Disposition of specimens confiscated, placed under quarantine (including conditions under which they may be sold, traded, bartered or transferred), or seized under this Part shall be as designated by the Department.
- d) Permit Exceptions
The permits required by subsection (a) do not apply to:
- 1) Any licensed veterinarian, agent of a veterinary clinic, fish pathologist, or fish health inspector recognized by the American Fisheries Society providing diagnostic services subject to all of the following conditions:
 - A) the fish are in transit to an approved research or diagnostic laboratory authorized by the Department to work with VHS;
 - B) if entering from outside the State of Illinois, the fish must be accompanied by a valid Form VS 1-27 (Permit for Movement of Restricted Animals) issued by an APHIS area office; and
 - C) effluent and carcasses shall be considered medical waste and shall be disposed of at the receiving research or diagnostic facility according to all applicable EPA and State regulatory criteria.

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- 2) Any person moving fish to a slaughter facility subject to all of the following conditions:
 - A) the fish are for human consumption;
 - B) the fish are accompanied by a valid Form VS 1-27 (Permit for Movement of Restricted Animals) issued by an APHIS area office;
 - C) the fish are being transported to a State-inspected slaughter facility that:
 - i) must discharge waste water to a municipal sewage system that includes waste water disinfection; or
 - ii) may discharge to either a non-discharging settling pond or a settling pond that disinfects according to all applicable EPA and State regulatory criteria;
 - D) offal, including carcasses, from the slaughter facility must be rendered or composted; and
 - E) VS 1-27 form only applies to fish entering the State of Illinois.
- 3) Persons involved in catch and release fishing activities in which VHS-susceptible fish will be released into the same water body where caught, except VHS-susceptible species used or intended to be used as bait.
- 4) Any shippers in interstate transport for lawful commercial purposes who do not buy, sell, barter, trade, transfer, loan or offer to do so in Illinois may transport live VHS-susceptible species across Illinois. Under no circumstances shall an interstate transporter:
 - A) transfer any VHS-susceptible species from one container to another; or
 - B) exchange or discharge water or other materials from a container containing VHS-susceptible species without first obtaining written permission from the Department.

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- 5) Persons having a Salmonid Import Permit issued in accordance with 17 Ill. Adm. Code 870, provided that:
 - A) FHIR is issued in accordance with Section 875.40(a); and
 - B) lot inspections (60 fish each) were tested according to the Standard Procedures for Aquatic Animal Health Inspections section of the BlueBook.
- 6) Any licensed commercial fisherman moving fish to a live market subject to all of the following conditions:
 - A) the fish are for human consumption;
 - B) the facility is located on the same body of water where the fish are captured;
 - C) the fish are being transported to a State-inspected live market that:
 - i) must discharge waste water to a municipal sewage system that includes waste water disinfection; or
 - ii) may discharge to either a non-discharging settling pond or a settling pond that disinfects according to all applicable EPA and State regulatory criteria; or
 - iii) may discharge maintenance water into the same water body where the aquatic life originated according to all applicable EPA and State regulatory criteria;
 - D) offal, including carcasses, from the slaughter facility must be rendered or composted.
- 7) Any licensed Commercial Roe Harvester in possession of roe-bearing species that are captured and transported under a Commercial Roe Harvest Permit as defined in 17 Ill. Adm. Code 830.13, provided no susceptible species are commingled.

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Section 875.40 Fish Health Inspection Reports

- a) Official FHIR must be issued by and received directly from one of the following:
 - 1) the state competent authority for fish health in the issuing state;
 - 2) a Department approved veterinarian offering diagnostic services for aquatic animals; or
 - 3) a Department approved laboratory for certifying lots of fish as VHS-free.
- b) It is the responsibility of the importer and/or supplier to arrange for appropriate delivery of FHIR.
- c) FHIR must contain the suppliers contact information, water supply, lot designation, original egg or fry source, age of fish, number in lot, size, pathogens tested, numbers of individuals sampled, results, and original signature of the inspector.
- d) FHIR and supporting documentation must state that fishes were sampled and tested negative for VHS virus in accordance with procedures set forth in either:
 - 1) Standard Procedures for Aquatic Animal Health Inspections section of the BlueBook; or
 - 2) the World Organization for Animal Health (OIE) Manual of Diagnostic Tests for Aquatic Animals, Fifth Edition (2006), Chapter 2.1.5, OIE, Paris, France.

Section 875.50 Unlawful Acts/Penalties

- a) It shall be unlawful to:
 - 1) import VHS-susceptible species into the State of Illinois without a VHS-Susceptible Species Permit issued by the Department;
 - 2) stock VHS-susceptible species into waters of the State without securing permission from Department fish health authorities, or unless an FHIR is on file with the Department;

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- 3) remove live VHS-susceptible species from the waters where legally taken without first securing permission from Department fish health authorities, unless an FHIR is on file with the Department, or as provided in Section 875.30(d)(2), (6) and (7);
 - 4) remove natural water from waters of the State via bait bucket, livewell, baitwell, bilge, etc., or any other method without first securing permission from Department fish health authorities, unless an FHIR is on file with the Department, or as provided in Section 875.30(d)(2), (6) and (7);
 - 5) remove any watercraft, boat, boat trailer or other equipment from waters of the State without emptying and draining any bait bucket, livewell, baitwell, bilge, etc., or any other compartment capable of holding natural waters; and
 - 6) use wild-trapped fishes as bait within the State of Illinois, other than in the waters where they were legally taken.
- b) The Department may make exceptions to the unlawful acts listed in subsection (a) in writing for special circumstances (e.g., fishing special waters via contract, import or stocking facilities in process of gaining OIE facility-level certification, etc.) based upon the potential risk to the fishery resource of the State.
- c) Violation Classifications
- 1) Violation of subsection (a)(1) is a Petty Offense if the value of the aquatic life is \$300 or less (see 515 ILCS 5/10-105 and 20-35), and a Class 3 felony if the value of the aquatic life is in excess of a total of \$300 with intent to profit or for commercial purposes. Possession of aquatic life valued in excess of \$600 shall be considered prima facie evidence of possession for profit or commercial purposes. (See 515 ILCS 5/5-25.)
 - 2) Violation of subsection (a)(2) is a Class A misdemeanor (see 515 ILCS 5/10-100(b)) and violation of subsection (a)(3), (4), (5) or (6) is a Petty Offense (see 515 ILCS 5/1-150 and 20-35).
- d) Revocation/Suspension

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- 1) Any violations of the Fish and Aquatic Life Code or administrative rules of the Department may result in revocation of licenses and permits, as well as suspension of privileges for up to five years.
- 2) Violation of any conditions of a permit issued under this Part shall result in cancellation of the permit.

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- 1) Heading of the Part: Special Wildlife Funds Grant Program
- 2) Code Citation: 17 Ill. Adm. Code 3060
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
3060.10	Amendment
3060.20	Amendment
3060.30	Amendment
3060.40	Amendment
3060.50	Amendment
3060.60	Amendment
3060.70	Amendment
3060.75	New Section
3060.80	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 805-70 of the Civil Administrative Code [20 ILCS 805/805-70]; Sections 1.28, 1.29, 1.31 and 1.32 of the Wildlife Code [520 ILCS 5/1.28, 1.29, 1.31 and 1.32]; the Habitat Endowment Act [520 ILCS 25]; and the Illinois Non-Game Wildlife Protection Act [30 ILCS 155]
- 5) Effective Date of Amendments: December 4, 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 rulemaking, including all material incorporated by reference, is on file in the Department of Natural Resources' principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: September 5, 2008; 32 Ill. Reg. 14413
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.

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- 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 incorporate statutory changes providing specific funding for grants for the maintenance of rehabilitation facilities that take care of threatened or endangered species. Language is being incorporated to add a new Section, clarify definitions and make minor changes to maintain consistency throughout the Part.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Bill Richardson, General Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER g: GRANTSPART 3060
SPECIAL WILDLIFE FUNDS GRANT PROGRAM

Section

3060.10	Overview
3060.20	Definitions
3060.30	Illinois Habitat Fund Grant Program
3060.40	State Pheasant Fund Grant Program
3060.50	State Furbearer Fund Grant Program
3060.60	State Migratory Waterfowl Stamp Fund Grant Program
3060.70	Illinois Wildlife Preservation Fund Grant Program
<u>3060.75</u>	<u>Illinois Wildlife Preservation Fund Grant Program – Maintenance of Wildlife Rehabilitation Facilities That Take Care of Threatened or Endangered Species</u>
3060.80	General Requirements

AUTHORITY: Implementing and authorized by Section 805-70 of the Civil Administrative Code [20 ILCS 805/805-70]; Sections 1.28, 1.29, 1.31 and 1.32 of the Wildlife Code [520 ILCS 5/1.28, 1.29, 1.31 and 1.32]; the Habitat Endowment Act [520 ILCS 25]; and the Illinois Non-Game Wildlife Protection Act [30 ILCS 155].

SOURCE: Adopted at 29 Ill. Reg. 4042, effective February 24, 2005; amended at 32 Ill. Reg. 19781, effective December 4, 2008.

Section 3060.10 Overview

- a) The Department of Natural Resources receives fees derived from the sale of State Habitat Stamps and State Migratory Waterfowl Stamps and through a voluntary check-off designation on State income tax return forms. These monies are deposited in several funds: Illinois Habitat Fund, State Pheasant Fund, State Furbearer Fund, State Migratory Waterfowl Stamp Fund and the Illinois Wildlife Preservation Fund. These funds are to be used by the Department in accordance with the statutes that establish the funds.
- b) The Special Wildlife Funds Grant Program provides a variety of grants from the Special Wildlife Funds to managers of land, governmental entities, researchers,

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nonprofit organizations and individuals for the purpose of enhancing game and non-game wildlife habitat; land acquisition; ~~and~~ education; and maintenance of wildlife rehabilitation facilities that take care of threatened or endangered wildlife. Special Wildlife Funds may also be used in accordance with applicable statutes for projects and activities undertaken by the Department. This Part does not limit, affect or apply to the authority of the Department to use the Special Wildlife Funds for its own projects and activities in accordance with applicable statutes.

(Source: Amended at 32 Ill. Reg. 19781, effective December 4, 2008)

Section 3060.20 Definitions

"Appropriate Not-For-Profit Organization" means a not-for-profit corporation that is organized pursuant to the General Not For Profit Corporation Act of 1986 [805 ILCS 105], is in good standing as a not-for-profit corporation and is~~organization~~ authorized to conduct affairs in Illinois with one of its purposes as stated in its Articles of Incorporation or Bylaws being the support, development, conservation or promotion of wild pheasants (State Pheasant Fund), wild waterfowl (State Migratory Waterfowl Stamp Fund) or wild fur-bearing mammals (State Furbearer Fund), ~~or~~ the management of habitat for future generations (Illinois Habitat Fund), or wildlife rehabilitation.

"Cooperator" means any landowner participating in the benefits from a Special Wildlife Funds grant. The cooperator may or may not be enrolled in a federal or State conservation program that is also ~~to be~~ receiving a benefit from a Special Wildlife Funds grant.

"Deadline" means the date stated in this Part or the next business day if the deadline date falls on a Saturday, Sunday or holiday.

"Department" means the Illinois Department of Natural Resources.

"Director" means the Director of the Department.

"Endangered Wildlife" means any species of animal classified as endangered under the Illinois Endangered Species Act [520 ILCS 10] and 17 Ill. Adm. Code 1010.

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"Enhance" means to make better in quality or value.

"Equipment" means tangible nonexpendable personal property having a useful life of more than one year and acquisition cost of \$500 or more per unit. Furthermore, a group of items costing less than \$500 each that, when combined, make up one functional unit with a combined cost of \$500 or greater, is considered one piece of equipment (e.g., burn equipment).

"Farm Program" means any State or federal program that provides financial incentives to landowners who participate in conservation programs intended to reduce erosion, guard streams and rivers, restore and establish wildlife habitat and improve air and water quality, such as the U.S. Department of Agriculture's Conservation Reserve and Wetland Reserve Programs, the Department's Conservation Reserve Enhancement Program, etc.

"Grantee" means the successful applicant for funding of a project from one of the Special Wildlife Funds.

"Habitat" means all wetlands, woodlands, grasslands and agricultural lands, natural or altered, that support or have the potential to support populations of wild animals and/or native plant resources in any or all phases of their life cycles.

"Manage" means to direct or control the use of.

"Managers of Land" means any appropriate not-for-profit organization or governmental agency that has the expertise, the equipment, adequate staff/workforce and permission from the landowner (if applicable) to develop and/or manage habitat.

"Mississippi Flyway" means the states of Minnesota, Wisconsin, Michigan, Ohio, Indiana, Illinois, Iowa, Missouri, Arkansas, Kentucky, Tennessee, Alabama, Mississippi and Louisiana and the Canadian provinces of Saskatchewan, Manitoba and Ontario.

"Non-Game Wildlife" means any wildlife species that are not commonly pursued, killed, or consumed either for sport or profit, except house sparrow, European starling, domestic pigeon and species not indigenous to the State of Illinois.

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"North American Waterfowl Management Plan" is a coordinated effort by individuals, organizations and agencies of the three countries (Canada, U.S. and Mexico) to conserve wetlands and increase waterfowl and wetland bird populations. It promotes joint ventures that are partnerships that protect, restore and enhance wetlands, uplands and riparian areas; manage habitat for waterfowl, shorebirds, non-waterfowl migratory birds and endangered species; improve water quality through watershed protection; and seek profitable agriculture and abundant wildlife.

"Person" means any individual, group, organization or entity.

"Perpetuate" means to prolong the existence of non-game wildlife and/or native plant resources through direct activities or through educating members of the general public on protection and preservation of these life forms.

"Preserve" means to maintain in safety from injury, peril or harm and to keep in perfect or unaltered condition and maintain unchanged.

"Project" means a proposal and follow-up activity for a habitat acquisition or development, including purchase, lease or other reasonable acquisition of equipment or education project as described on the application for assistance from one of the Special Wildlife Funds.

"Protect" means to keep from being damaged, attacked, stolen or injured.

"Public Access" means the right of the general public to approach, enter, exit or make use of.

"Public Use" means the right of the general public to utilize, with or without paying a fee.

"Special Wildlife Funds" means the Illinois Habitat Fund, State Pheasant Fund, State Furbearer Fund, State Migratory Waterfowl Stamp Fund or the Illinois Wildlife Preservation Fund.

["Threatened Wildlife" means any species of animal classified as threatened under the Illinois Endangered Species Act \[520 ILCS 10\] and 17 Ill. Adm. Code 1010.](#)

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"Wildlife" means any fauna living in a natural state without the direct care of man (i.e., captive, cultivated, etc.).

["Wildlife Rehabilitation Facility" means a facility that provides rehabilitation to wildlife.](#)

(Source: Amended at 32 Ill. Reg. 19781, effective December 4, 2008)

Section 3060.30 Illinois Habitat Fund Grant Program

- a) Eligibility Requirements
 - 1) Eligible recipients are limited to managers of land.
 - 2) Eligible projects are limited to those seeking to preserve, protect, acquire or manage habitat in Illinois.
- b) Application Procedures
 - 1) Grant applications for funding assistance under this program shall be submitted to the Department at One Natural Resources Way, Springfield, Illinois 62702-1271, Attention: Office of Resource Conservation. The application deadline will be August 1. Application forms and instructions are available through the Department. Applications received after the application deadline will be returned to the applicant and not considered by the Department.
 - 2) Applications shall contain all of the following required information:
 - A) the name and address of the applicant
 - B) the name of a contact person
 - C) a daytime telephone number and e-mail address (if available) for a contact person
 - D) a comprehensive project description with justification, including:
 - i) wildlife to benefit from the project

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- ii) plan for implementation
 - iii) map of project area
 - iv) amount of habitat to be established or managed, including species to be planted or eliminated
 - v) if with cooperators, plat map showing each property to be developed and a copy of a farm program contract for each committed cooperator involved in the project or estimated acreage. (Committed cooperators will be given priority over estimated acreage.)
- E) comprehensive plan for the operation and maintenance of the project, including supervision, estimated costs (including any and all fees) and storage location, if applicable
- F) a comprehensive funding/budget summary, including:
- i) actual cash contributions other than the grant amount
 - ii) documented purchase price of equipment or commodities
- G) description of plan for general public access or use (or lack thereof)
- H) signature of the applicant or authorized individual for applicant
- c) Project Evaluation and Procedures
- 1) All applications received on time and containing the information required by the application packet will be reviewed by Department staff. Incomplete applications will be returned to the applicant for completion and resubmittal. Submitting an incomplete application does not extend the application deadline beyond the designated deadline date. All complete, [eligible](#) and timely applications will be forwarded to the Illinois Habitat Fund Advisory Committee.

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- 2) The Illinois Habitat Fund Advisory Committee shall evaluate each application presented to it according to criteria such as: past grant performance of the applicant, eligibility, feasibility, adverse impacts, quality of the proposed habitat, priority of the Department, the applicant's cost-share match and the applicant's plan for general public access to and/or use of the proposed habitat development or equipment purchase. The Committee shall provide to the Director all [eligible](#) applications and a prioritized list of recommended projects deemed to be consistent with the purposes of the Illinois Habitat Fund, ~~along with any dissent from the Committee's recommendation.~~
- 3) The Director shall make the determination of what grants shall be awarded after considering the recommendations of the Illinois Habitat Fund Advisory Committee. Applicants shall be notified of the Director's decision.

(Source: Amended at 32 Ill. Reg. 19781, effective December 4, 2008)

Section 3060.40 State Pheasant Fund Grant Program

- a) Eligibility Requirements
 - 1) Eligible recipients are limited to appropriate not-for-profit organizations.
 - 2) Eligible projects are limited to projects with the purpose of wild pheasant conservation. The projects may include land acquisition, pheasant habitat improvement on public or private land, pheasant research or education of the public regarding pheasants and pheasant hunting.
- b) Application Procedures
 - 1) Grant applications for funding assistance under this program shall be submitted to the Department at One Natural Resources Way, Springfield, Illinois 62702-1271, Attention: Office of Resource Conservation. The application deadline will be August 1. Application forms and instructions are available through the Department. Applications received after the deadline will be returned to the applicant and not considered by the Department.

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- 2) Applications shall contain all of the following required information:
 - A) the name and address of the applicant
 - B) the name of a contact person
 - C) a daytime telephone number and e-mail address (if available) for a contact person
 - D) a comprehensive project description with justification, including:
 - i) plan for implementation
 - ii) map of project area
 - iii) number of acres to be improved
 - iv) amount of habitat to be established or managed, including species to be planted or eliminated
 - v) if with cooperators, plat map showing each property to be developed and copy of a farm program contract for each committed cooperator involved in the project or estimated acreage. (Committed cooperators will be given priority over estimated acreage.)
 - vi) target audience for education projects, with objectives, methodology, measurable outcomes and products resulting from the project that can be used after completion
 - E) comprehensive plan for the operation and maintenance of the project, including supervision, estimated costs (including any and all fees) and storage location, if applicable
 - F) a comprehensive funding/budget summary, including:
 - i) actual cash contributions other than the grant amount
 - ii) documented purchase price of equipment or commodities

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- G) description of plan for general public access or use (or lack thereof)
 - H) signature of the applicant or authorized individual for applicant
- c) Project Evaluation and Procedures
- 1) All applications received on time and containing the information required by the application packet will be reviewed by Department staff. Incomplete applications will be returned to the applicant for completion and resubmittal. Submitting an incomplete application does not extend the application deadline beyond the designated deadline date. All [complete, eligible and timely](#) applications will be forwarded to the State Pheasant Committee for funding recommendations.
 - 2) The State Pheasant Committee shall evaluate and prioritize each application according to the following criteria: completed application, past grant performance of the applicant, eligibility, feasibility, adverse impacts, quality of the proposed habitat, priority for the Department, the applicant's cost-share match and the applicant's plan for general public access to and/or use of the proposed habitat development or equipment purchase. The Committee shall provide to the Director all [eligible](#) applications and a prioritized list of recommended projects deemed to be consistent with the purposes of the State Pheasant Fund.
 - 3) The Director shall make the determination of what grants shall be awarded after considering the recommendations of the State Pheasant Committee. Applicants shall be notified of the Director's decision.

(Source: Amended at 32 Ill. Reg. 19781, effective December 4, 2008)

Section 3060.50 State Furbearer Fund Grant Program

- a) Eligibility Requirements
 - 1) Eligible recipients are limited to appropriate not-for-profit organizations, governmental entities, educational institutions or corporations.

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- 2) Eligible projects are limited to those that educate hunters and trappers of fur-bearing mammals within the State and the general public concerning the role that hunting and trapping has upon fur-bearing mammal management; ~~concerning~~ the laws associated with the harvesting of fur-bearing mammals; the techniques used in the hunting and trapping of fur-bearing mammals; the conservation, management and ecology of fur-bearing mammals; and the promotion of products made from wild fur-bearing mammals.
- b) Application Procedures
- 1) Grant applications for funding assistance under this program shall be submitted to the Department at One Natural Resources Way, Springfield, Illinois 62702-1271, Attention: Office of Resource Conservation. The application deadline will be March 1. Application forms and instructions are available through the Department. Applications received after the deadline will be returned to the applicant and not considered by the Department.
 - 2) Applications shall contain all of the following required information:
 - A) the name and address of the applicant
 - B) the name of a contact person
 - C) a daytime telephone number and e-mail address (if available) for a contact person
 - D) a comprehensive project description with justification, including:
 - i) furbearers to benefit from the project
 - ii) the target audience, with objectives, methodology, measurable outcomes and products resulting from the project that can be used after completion
 - E) a comprehensive funding/budget summary, including:
 - i) actual cash contributions other than the grant amount

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- ii) documented purchase price of equipment or commodities
- F) signature of the applicant or authorized individual for applicant
- c) Project Evaluation and Procedures
 - 1) All applications received on time and containing the minimum required information will be reviewed by Department staff. Incomplete applications will be returned to the applicant for completion and resubmittal. Submitting an incomplete application does not extend the application beyond the application deadline. All [complete, eligible and timely](#) applications will be forwarded to the State Furbearer Committee for funding recommendations.
 - 2) The State Furbearer Committee shall evaluate and prioritize each application according to the following criteria: completed application, past grant performance of the applicant, eligibility, feasibility, adverse impacts, priority for the Department and the applicant's cost-share match. The Committee shall provide to the Director all [eligible](#) applications and a prioritized list of recommended projects deemed to be consistent with the purposes of the State Furbearer Fund.
 - 3) The Director shall make the determination of what grants shall be awarded after considering the recommendations of the State Furbearer Committee. Applicants shall be notified of the Director's decision.

(Source: Amended at 32 Ill. Reg. 19781, effective December 4, 2008)

Section 3060.60 State Migratory Waterfowl [Stamp](#) Fund Grant Program

- a) Eligibility Requirements
 - 1) Eligible recipients are limited to appropriate not-for-profit organizations.
 - 2) Eligible projects are limited to development of waterfowl propagation areas within the Dominion of Canada or the United States that specifically provide waterfowl for the Mississippi Flyway and projects to implement the North American Waterfowl Management Plan for the development of

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waterfowl areas within the Dominion of Canada or the United States that specifically provide waterfowl for the Mississippi Flyway.

- b) Application Procedures
 - 1) Grant applications for funding assistance under this program shall be submitted to the Department at One Natural Resources Way, Springfield, Illinois 62702-1271, Attention: Office of Resource Conservation. The application deadline will be January 1. Application forms and instructions are available through the Department. Applications received after the deadline will be returned to the applicant and not considered by the Department.
 - 2) Applications shall contain all of the following required information:
 - A) the name and address of the applicant
 - B) the name of a contact person
 - C) a daytime telephone number and e-mail address (if available) for a contact person
 - D) a comprehensive project description with justification, including:
 - i) waterfowl to benefit from the project
 - ii) plan for implementation
 - iii) map of project area
 - iv) number of acres to be improved
 - v) if with cooperators, plat map showing each property to be developed and copy of a farm program contract for each committed cooperator involved in the project or estimated acreage. (Committed cooperators will be given priority over estimated acreage.)

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- vi) evidence the project is acceptable to the appropriate governmental entity having jurisdiction over the lands and waters affected by the project
 - E) comprehensive plan for the operation and maintenance of the project, including supervision, estimated costs (including any and all fees) and storage location, if applicable
 - F) a comprehensive funding/budget summary, including:
 - i) actual cash contributions other than the grant amount
 - ii) documented purchase price of equipment or commodities
 - G) description of plan for general public access or use (or lack thereof)
 - H) signature of the applicant or authorized individual for applicant
- c) Project Evaluation and Procedures
- 1) All applications received on time and containing the minimum required information will be reviewed by Department staff. Incomplete applications will be returned to the applicant for completion and resubmittal. Submitting an incomplete application does not extend the application beyond the application deadline. All [complete, eligible and timely](#) applications will be forwarded to the State Duck Stamp Committee for funding recommendations.
 - 2) The State Duck Stamp Committee shall evaluate and prioritize each application according to the following criteria: completed application, past grant performance of the applicant, eligibility, feasibility, adverse impacts, quality of the proposed habitat, priority for the Department, the applicant's cost-share match and the applicant's plan for general public access to and/or use of the proposed habitat development or equipment purchase. The Committee shall provide to the Director all [eligible](#) applications and a prioritized list of recommended projects deemed to be consistent with the purposes of the State Migratory Waterfowl Stamp Fund.

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- 3) The Director shall make the determination of what grants shall be awarded after considering the recommendations of the State Duck Stamp Committee. Applicants shall be notified of the Director's decision.

(Source: Amended at 32 Ill. Reg. 19781, effective December 4, 2008)

Section 3060.70 Illinois Wildlife Preservation Fund Grant Program

- a) Eligibility Requirements
 - 1) Eligible recipients are limited to persons.
 - 2) Eligible projects are limited to those seeking to preserve, protect, perpetuate or enhance non-game wildlife and/or native plant resources in Illinois through research, management or education.
 - 3) Grants shall be limited to a maximum of \$2,000.
- b) Application Procedures
 - 1) Grant applications for funding assistance under this program shall be submitted to the Department at One Natural Resources Way, Springfield, Illinois 62702-1271, Attention: Office of Resource Conservation. The application deadline will be April 1. Application forms and instructions are available through the Department. Applications received after the deadline will be returned to the applicant and not considered by the Department.
 - 2) Applications shall contain all of the following required information:
 - A) the name and address of the applicant
 - B) the name of a contact person
 - C) a daytime telephone number and e-mail address (if available) for a contact person
 - D) a comprehensive project description with justification, including:

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- i) species to be preserved, protected, perpetuated or enhanced
 - ii) plan for implementation, operation and maintenance
 - iii) property location and map of property and any neighboring habitat linkage, if applicable
 - iv) number of acres to be improved, preserved or protected
 - E) a comprehensive funding/budget summary, including:
 - i) actual cash contributions other than the grant amount
 - ii) labor equity contributions
 - iii) documented price of equipment or commodities
 - F) signature of the applicant or authorized individual for applicant
- c) Project Evaluation and Procedures
- 1) All applications received on time, and containing the minimum required information will be reviewed by Department staff. Incomplete applications will be returned to the applicant for completion and resubmittal. Submitting an incomplete application does not extend the application beyond the application deadline. Department staff will select those projects that they determine best fit the purposes of the fund and prepare a prioritized list of projects recommended for funding. Staff will consider the following in making recommendations: completed application, deadline met, past grant performance of applicant, eligibility, feasibility, habitat quality on the property, adverse impacts and priority for the Department. [The staff shall provide to the Director all eligible applications and a prioritized list of recommended projects deemed to be consistent with the purposes of the Illinois Wildlife Preservation Fund.](#)
 - 2) The Director shall make the determination of what grants shall be awarded. Applicants shall be notified of the Director's decision.

(Source: Amended at 32 Ill. Reg. 19781, effective December 4, 2008)

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Section 3060.75 Illinois Wildlife Preservation Fund Grant Program – Maintenance of Wildlife Rehabilitation Facilities That Take Care of Threatened or Endangered Species

Pursuant to the Illinois Non-Game Wildlife Protection Act [30 ILCS 155/4(c)], 5% of the Illinois Wildlife Preservation Fund will be committed to or expended on grants by the Department for the maintenance of wildlife rehabilitation facilities that take care of threatened or endangered species. For purposes of calculating the 5%, the amount in the Fund is exclusive of any federal funds deposited in or credited to the Fund. The amount to be committed to or expended on grants for the maintenance of facilities that take care of threatened or endangered species shall be calculated by multiplying the total amount received through the Illinois Wildlife Preservation Fund check-off on the Illinois 1040 State income tax return during the most recent calendar year for which the total of donations has been reported by the Illinois Department of Revenue by 0.05.

a) Eligibility Requirements

- 1) Eligible recipients are limited to those persons who possess a current wildlife rehabilitation license/permit issued by the Department and who have provided care for threatened or endangered wildlife species during the 3-year period preceding the date of their application for grant funds. Those applicants who intend to use any portion of grant funds received from the Department to take care of migratory birds must also possess a current wildlife rehabilitation license/permit issued by the U.S. Fish and Wildlife Service allowing that activity.
- 2) Eligible projects are limited to those projects necessary for maintenance of facilities used to rehabilitate threatened or endangered species. Eligible uses of grant funds are limited to structural repair and maintenance of existing buildings, pens, cages and appurtenant facilities used to take care of threatened or endangered wildlife species.
- 3) Grants shall be limited to a maximum of \$2,000 to qualified, eligible applicants per year.

b) Application Procedures

- 1) Grant applications for funding assistance under this program shall be submitted to the Department at One Natural Resources Way, Springfield, Illinois 62702-1271, Attention: Office of Resource Conservation. The

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application deadline will be April 1. Application forms and instructions are available through the Department. Applications received after the deadline will be returned to the applicant and not considered by the Department.

- 2) Applications shall contain all of the following required information:
- A) the name and address of the applicant
 - B) the name of a contact person
 - C) a daytime telephone number and e-mail address (if available) for a contact person
 - D) a comprehensive project description with justification, including:
 - i) a description of the facilities, including photographs, at which the grant funds will be used
 - ii) detailed description of the eligible uses for which grant funds will be expended, including drawings and/or photographs illustrating the portions of the facilities that will be maintained with grant funds
 - iii) detailed description of the benefits to threatened or endangered wildlife species that will result from the proposed expenditure of grant funds
 - iv) property location and map of property
 - E) a comprehensive funding/budget summary, including:
 - i) actual cash contributions other than the grant amount
 - ii) labor equity contributions
 - iii) documented price of expected expenditures for the maintenance project

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- F) a list of all threatened or endangered wildlife species cared for at the facility in the 3 years preceding the application for grant funds and the percentage of the facility's total caseload comprised of threatened or endangered wildlife species during that 3 year period
 - G) a photocopy of current wildlife rehabilitation licenses/permits issued to the applicant by the Department and/or the U.S. Fish and Wildlife Service
 - H) signature of the applicant or authorized individual for applicant
- c) Project Evaluation and Procedures
- 1) All applications received on time, and containing the minimum required information, will be reviewed by Department staff. Incomplete applications will be returned to the applicant for completion and resubmittal. Submitting an incomplete application does not extend the application beyond the application deadline. Department staff will select those projects that they determine best fit the purposes of the fund and prepare a prioritized list of projects recommended for funding. Staff will consider the following in making recommendations: completed application, deadline met, past grant performance of applicant, eligibility, feasibility, adverse impacts and priority for the Department. The staff shall provide to the Director all eligible applications and a prioritized list of recommended projects deemed to be consistent with the purposes of the Illinois Wildlife Preservation Fund.
 - 2) The Director shall make the determination of what grants shall be awarded. Applicants shall be notified of the Director's decision.
 - 3) Reporting Requirements
 - A) The grantee shall provide a written Final Report (consisting of two hard copies and one CD or 3½" diskette in Word or PDF format; Macintosh format will not be accepted) to the Department no later than 30 days following the completion of the project or the ending date of the grant agreement, whichever is earlier. The Final Report shall take the form of a technical report or manuscript for publication and include all of the following required information:

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- i) grant agreement number
grantee name, address and telephone number
time-frame of the report
name and telephone number or e-mail address of grantee representative completing the report
- ii) project objective as described in the application and grant agreement
- iii) completed project description
- iv) summary of the project accomplishments (if applicable) as follows:
introduction, materials and methods, results, discussion and summary sections
deliverables of five to 10 digital images (color/black and white photos and slides are acceptable, though digital images are preferred) depicting the study species, project site, project activities, or other aspects of the project
for education of the general public, a list of wildlife and/or native plant resources (by species) that benefited from the project and how they benefited, specific audience affected, measurable outcomes achieved, and list of products resulting from the project
total project expenditures itemized to include the following: name and address of vendor, item description identifying details (if applicable), quantity purchased, date item purchased
project expenditures paid by funds other than Special Wildlife Grant Funds

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- B) Final payment will not be processed until the Final Report and payment request certification are received and approved by the Department. Failure to provide reports in a timely fashion may render the grantee ineligible to receive payments under the current award or make the grantee ineligible for future awards. Deadlines for reports may be extended for just cause when a request is submitted in writing at least two weeks prior to the deadline.

(Source: Added at 32 Ill. Reg. 19781, effective December 4, 2008)

Section 3060.80 General Requirements

- a) Grant Compliance
- 1) Agreement
- A) When a grant has been awarded, the grantee and the Director of the Department, or the Director's designee on behalf of the Department, shall execute an agreement. In order for the costs to be eligible for funding, the project must not be initiated and costs shall not be incurred prior to the time the Department approves the grant agreement application. This grant shall not be used to reimburse an applicant for any costs incurred prior to the execution of the grant agreement.
- B) The agreement shall contain substantive provisions including, but not limited to, the following:
- i) a recitation of legal authority pursuant to which the agreement is made
- ii) an identification of the project scope and schedule and the work or services to be performed or conducted by the grantee
- iii) an identification of the grant amount

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- iv) the condition and manner by which the Department shall pay the grant amount, subject at all times to annual appropriation by the General Assembly
 - v) the irrevocable promise by the grantee to pay the local match (if any) of the total project cost
 - vi) a promise by the grantee not to assign or transfer any of the rights, duties or obligations of the grantee without the written consent of the Department
 - vii) a promise by the grantee not to amend the agreement without the written consent of the Department; failure to do so will result in a cost disallowance; the project must be completed by the completion date on the notice of grant award unless a written request for an extension is submitted no later than 30 days prior to the award completion date
 - viii) a covenant that the grantee shall expend the grant award and any accrued interest only for the purposes of the project as stated in the application and approved by the Department
 - ix) a covenant that the grantee shall refrain from entering into any written or oral agreement or understanding with any party that might be construed as an obligation of the State of Illinois or the Department for the payment of any funds under the Special Wildlife Funds Grant Program
- 2) Grant funds for projects approved through the Special Wildlife Funds Grant Program may be made available for expenditure by a grantee for a period no longer than 2 years, except where such grant funds are disbursed in reimbursement of costs previously incurred by the grantee.
- 3) Acknowledgment of Funding Source
- A) The grantee shall give proper credit to the appropriate Special Wildlife Fund and coordinate with the Department on any publication, written document, news article, television and radio

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release, interview or personal presentation, if initiated by the grantee, which refers to the project.

- B) The grantee shall post a sign, include a logo or affix a decal, if practical and applicable, crediting the applicable Special Wildlife Fund. Signs, [logos](#) and decals shall be supplied by the Department. The appropriate Advisory Committee will provide guidance to the grantee for posting of signs, [logos](#) and decals on projects awarded under its Special Wildlife Fund.

4) Reporting Requirements

- A) A grantee shall provide a written Final Report to the Department no later than 30 days following the ending date of the agreement. The Final Report shall include all of the following required information:
- i) project information including:
 - grant agreement number
 - grantee name, address and telephone number
 - time-frame of the report
 - name and telephone number or e-mail address of grantee representative completing the report
 - ii) project objective as described in the application and grant agreement
 - iii) completed project description
 - iv) summary of the project accomplishments involving habitat preserved, protected, acquired, managed or improved (if applicable) through the grant, including:
 - list of wildlife and/or native plant resources (by species) that benefitted from the project and how they benefitted

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acres planted in cool season grasses, warm season grasses, forbs, legumes, shrubs, trees or other appropriate description, including whether the acres were new or replanted acres

acres sprayed or controlled through the use of herbicides

acres upon which controlled burns were undertaken

acres affected through woody vegetation and/or tree removal

acres planted, disked, mowed, sprayed, or burned, or trees/shrubs planted or removed with equipment purchased through the grant

number of cooperators involved in the project

[5 to 10 digital images depicting the study species, project site, project activities or other aspects of the project](#)

- v) summary of the project accomplishments for the education of the general public (if applicable) through the grant, including:

list of wildlife and/or native plant resources (by species) that benefitted from the project and how they benefitted

specific audience affected

measurable outcomes achieved

list of products resulting from the project

- vi) summary of the project research accomplishments (if applicable) resulting from the grant, including:

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list of wildlife and/or native plant resources (by species)
that benefitted from the research undertaken in the project
and how they benefitted

how such research can be implemented to benefit the
targeted wildlife and/or native plant resources

vii) total project expenditures itemized to include the following:

name and address of vendor

item description identifying details (if applicable) such as:

make, model, serial number of any equipment or
commodities purchased

brand name, seed species/mix

quantity purchased

date item purchased

viii) project expenditures paid by funds other than Special
Wildlife Grant Funds

ix) documentation to support summarized report including a
complete list of landowner names and full address (note if
absentee owner), acreage location and acres affected by the
project. Multiple conservation practices on the same
acreage does not multiply the acreage

B) For multiple year projects, the Department may require the grantee
to submit an Annual Progress Report for each year during which
the project is active. The Annual Progress Report shall include the
same information listed in subsection (a)(4)(A) for the Final
Report as pertains to the current year.

C) Failure to provide the Final Report or Annual Progress Report as
required in subsection (a)(4)(A) may render the grantee ineligible

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to receive payments under the current award or make them ineligible for future awards. Deadlines for reports may be extended for just cause when requests are submitted in writing at least 2 weeks prior to the deadline.

5) Financial Management

- A) The grantee shall keep adequate records relating to its administration of a project, particularly relating to all incurred costs. All assets acquired through Special Wildlife Funds shall be accounted for. These records shall be available for audit by appropriate personnel of the Department and the State Auditor General. All records shall be retained in accordance with State laws.
- B) Any funds (including any interest earned) not expended or legally obligated at the completion of the project or at the end of the agreement, whichever is earlier, shall be returned to the Department within 45 days to be deposited in the applicable Special Wildlife Fund. If the purchase is initiated and documented by a written purchase order or invoice prior to the end of the term of the agreement and payment is made within 60 days, the expense is allowable.
- C) Interest earned on funds received as an advance payment shall become part of the project principal and may only be used for eligible activities.
- D) Any expenditure that does not comply with the grant agreement shall be disallowed and shall be returned to the Department for deposit into the applicable Special Wildlife Fund.

- 6) Whenever a grantee violates this Part, it shall be ineligible for further assistance for a period of 2 years.

b) Equipment

- 1) [Equipment that is eligible to be purchased with Special Wildlife Funds will be limited by the purpose of the particular grant program.](#)

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- A) [Illinois Habitat Fund Grant Program and State Pheasant Fund Grant Program](#)
Equipment that specifically establishes, [maintains or restores](#) habitat, such as native grass drills, tree planters, seeders, sprayers, tillers, disks, mowers, ~~and~~ tractors [and burn equipment is](#)are eligible to be purchased with Special Wildlife Funds. Vehicles such as trucks, all-terrain vehicles (ATVs), etc., are not eligible for Special Wildlife Funds.
- B) [State Furbearer Fund Grant Program](#)
[Equipment that specifically provides educational opportunities in an eligible project \(see Section 3060.50\(a\)\) is eligible to be purchased with Special Wildlife Funds.](#)
- C) [State Migratory Waterfowl Stamp Fund Grant Program](#)
[Equipment that specifically develops, maintains or restores waterfowl propagation areas within the Dominion of Canada or the United States that specifically provide waterfowl for the Mississippi Flyway is eligible to be purchased with Special Wildlife Funds. Vehicles such as trucks, all-terrain vehicles \(ATVs\), etc., are not eligible for Special Wildlife Funds.](#)
- D) [Illinois Wildlife Preservation Fund Grant Program](#)
[Equipment that specifically preserves, protects, perpetuates or enhances non-game wildlife and/or native plant resources through research, management or education is eligible to be purchased with Special Wildlife Funds.](#)
- E) [Illinois Wildlife Preservation Fund Grant Program – Maintenance of Wildlife Rehabilitation Facilities That Take Care of Threatened or Endangered Species](#)
[No equipment is eligible to be purchased with monies from the Maintenance of Wildlife Rehabilitation Facilities That Take Care of Threatened or Endangered Species Fund.](#)
- 2) Grantees will be responsible for the maintenance of any equipment purchased through the Special Wildlife Funds Grant Program.

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- 3) Equipment is to be kept safe and secure by the grantee.
- 4) Equipment [for habitat establishment, maintenance or restoration](#) is to be available for use by the general public ~~for habitat development and management~~.
- 5) The grantee may charge a fee for the use of [habitat establishment, maintenance or restoration](#)~~the~~ equipment. Rental fees shall not exceed \$3/acre for habitat development equipment such as native grass drills, tree planters, seeders, sprayers, tillers, disks, mowers, tractors or other planting equipment purchased with Special Wildlife Funds. Rental fees shall be disclosed with the application for funding assistance in purchasing the equipment. All monies collected as rental fees shall be used solely to maintain the equipment for which they are charged. The rental fees charged and received by the grantee shall also be disclosed on the reporting of the use of that equipment. No other fees beyond a rental fee may be charged by the grantee for use of the equipment.
- 6) The grantee shall submit an [EquipmentEmergency](#) Use Report on the use of all equipment purchased with Special Wildlife Funds. The Equipment Use Report shall include all of the following required information:
 - A) Details on the grant recipient including:
 - i) name and address of the grantee
 - ii) number of the grant agreement under which the equipment was purchased
 - iii) name and telephone number or e-mail address of the person completing the report
 - iv) time period covered by the Equipment Use Report
 - B) Details on the piece of equipment including:
 - i) equipment type, model number and serial number
 - ii) storage location address

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- iii) acre or odometer meter reading at the beginning and ending of the reporting period
 - iv) contact person name and telephone number
 - v) rental rate charged and total fees collected for the use of the equipment
 - vi) description of any equipment maintenance and total expenditures for maintenance, supported by paid invoices
- C) Detailed information on the use of the equipment, including:
- i) date equipment was used
 - ii) location of equipment use, including county, township, range and section
 - iii) landowner name and full address (note if absentee owner)
 - iv) description of how equipment was used, including:
 - management practice completed (planting, disking, mowing, herbicide application, prescribed burn)
 - for planting practices, the number of acres planted in cool season grasses, warm season grasses, forbs, legumes, shrubs or trees, or other appropriate description, including whether the acres were new or replanted acres materials planted, if applicable, including the quantity and species planted and details of seed mix contents
 - acres established, enhanced, or otherwise affected and how affected (note when multiple practices are on the same acres)

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- 7) The Equipment Use Report shall be submitted by December 31 during each of the first 5 years following the project award. The Equipment Use Report shall suffice as the Annual Progress Report required in subsection (a)(4)(B) if the equipment purchase was the only aspect of the project.
 - 8) Equipment purchased shall become the property and the responsibility of the grantee unless specified otherwise in the agreement.
 - 9) Whenever it has been determined by the grantee and the Department that equipment acquired ~~through the~~with Special Wildlife Funds ~~Grant Program assistance~~ is no longer needed for the project purpose, or that the grantee has other good cause, the equipment, with the approval of the Department, may be disposed of in accordance with one of the following methods:
 - A) Equipment may be transferred at no charge at any time with the approval of the Department to another governmental agency or not-for-profit organization to use in accordance with the original project purpose.
 - B) Equipment held more than 5 years may be retained, sold or otherwise disposed of with no further obligation to the Department.
 - C) When equipment is held less than 5 years and not transferred in accordance with subsection (b)(8)(A), the grantee shall forfeit its interest in the equipment and shall deliver the equipment to the Department.
- c) Habitat ~~Establishment, Maintenance or Restoration~~Development
- 1) On habitat ~~establishment, maintenance or restoration~~development projects ~~in which~~where other governmental or private funding programs are involved, the grantee is required to provide the following detailed information:
 - A) cooperator names and addresses and locations of the habitat affected (Township, Range, Section and County);
 - B) number of acres enhanced by the grant;

DEPARTMENT OF NATURAL RESOURCES

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- C) type of eligible conservation practice completed;
 - D) the funding amount of other cost sharing provided and the name of the cost share provider;
 - E) a copy of any farm program contract or other pertinent document identifying the amount of cost-share being provided; and
 - F) length of time committed to maintain the developed habitat area.
- 2) The grantee cannot charge fees for service or require membership to participate in the benefits of a project funded through Special Wildlife Fund grants except as specifically authorized by this Part.
 - 3) Habitat [establishment, maintenance or restoration](#)~~development~~ projects are to identify the [general plant](#) species to be planted, [such as cool season grasses, warm season grasses, forbs, legumes, shrubs or trees, or other appropriate description](#).
- d) Inspection and Auditing of Projects
 - 1) The Department shall be authorized to enter and cross properties affected by the Special Wildlife Funds grant program to inspect progress and monitor grantee compliance, in accordance with the authorities granted it through the Civil Administrative Code of Illinois [20 ILCS 805/805-530].
 - 2) The Department shall develop a standardized inspection report for use by Department personnel when inspecting any project site. The inspection report shall become part of the public record.

(Source: Amended at 32 Ill. Reg. 19781, effective December 4, 2008)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Nursing Education Scholarships
- 2) Code Citation: 77 Ill. Adm. Code 597
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
597.10	Amend
597.100	Amend
597.110	Amend
597.200	Amend
597.220	Amend
597.320	Amend
597.330	Amend
- 4) Statutory Authority: Nursing Education Scholarship Law [110 ILCS 975]
- 5) Effective Date of Rulemaking: December 5, 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) Notice of proposed amendments published in Illinois Register: 32 Ill. Reg. 7013; May 2, 2008
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: No changes were made during the first notice or public comment period. Various typographical, grammatical, and form changes were made in response to the comments from JCAR.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Rulemaking: Part 597 regulates the disbursement of scholarship awards to students pursuing degrees, diplomas or certificates in nursing. These rules are amended because of changes to the Nursing Education Scholarship Law to expand the program to graduate students and to incorporate merit requirements. Definitions were amended to incorporate the graduate degree in nursing and employment as nurse educators.

Selection criteria are amended to include the graduate degree in nursing, and the scholarship award distribution formula is adjusted to include recipients pursuing graduate degrees in nursing. Selection criteria are further amended to incorporate a merit factor, pursuant to Public Act 94-1020, effective July 11, 2006. Numbering sequences were corrected to reflect the inclusion of new criteria.

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

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

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

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

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER g: GRANTS TO DENTAL AND MEDICAL STUDENTS

PART 597
NURSING EDUCATION SCHOLARSHIPS

SUBPART A: INTRODUCTION

Section
597.10 Definitions

SUBPART B: ELIGIBILITY AND APPLICATION

Section
597.100 Eligibility
597.110 Application

SUBPART C: AWARD OF SCHOLARSHIPS

Section
597.200 Scholarship Description
597.210 Determination of Financial Need
597.220 Selection Criteria for Award of Scholarships

SUBPART D: TERMS OF PERFORMANCE

Section
597.300 Contract
597.310 Repayment of Scholarship
597.320 Forgiveness of Scholarship
597.330 Deferral of Scholarship Obligation

AUTHORITY: Implementing and authorized by the Nursing Education Scholarship Law [110 ILCS 975].

SOURCE: Adopted at 17 Ill. Reg. 13763, effective August 10, 1993; amended at 18 Ill. Reg. 17720, effective November 30, 1994; amended at 21 Ill. Reg. 4828, effective March 29, 1997;

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amended at 23 Ill. Reg. 8824, effective August 1, 1999; amended at 26 Ill. Reg. 16965, effective November 8, 2002; amended at 32 Ill. Reg. 19813, effective December 5, 2008.

SUBPART A: INTRODUCTION

Section 597.10 Definitions

"Academic year" means the period of time from September 1 of one year through August 31 of the next year or as otherwise defined by the academic institution. (Section 3(6) of the Law)-

"Accepted for admission" means a student has completed the requirements for entry into an associate degree in nursing program, associate degree in applied sciences in nursing program, hospital-based diploma in nursing program, baccalaureate degree in nursing program, graduate degree in nursing program, or certificate in practical nursing program at an approved institution, as documented by the institution. (Section 3(~~109~~) of the Law)-

"Approved institution" means a public community college, private junior college, hospital-based diploma in nursing program, or public or private college or university located in this State that has approval by the Department of Financial and Professional Regulation for an associate degree in nursing program, associate degree in applied sciences in nursing program, hospital-based diploma in nursing program, baccalaureate degree in nursing program, graduate degree in nursing program, or certificate in practical nursing program. (Section 3(3) of the Law)-

"Associate degree in nursing program" or "hospital-based diploma in nursing program" means a program offered by an approved institution and leading to an associate degree in nursing, ~~and~~ associate degree in applied sciences in nursing, or hospital-based diploma in nursing. (Section 3(7) of the Law)-

"Baccalaureate degree in nursing program" means a program offered by an approved institution and leading to a bachelor of science degree in nursing. (Section 3(4) of the Law)-

~~"Certificate in practical nursing program" means a program offered by an approved institution and leading to a Certificate in Practical Nursing.~~

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"Department" means the Illinois Department of Public Health. (Section 3(2) of the Law)-

"Enrollment" means the establishment and maintenance of an individual's status as a nursing student in an approved institution, regardless of the terms used at the institution to describe such status. (Section 3(5) of the Law)-

"Fees" means those mandatory charges, in addition to tuition, that all students enrolled in a nursing program must pay, including required course or lab fees. (Section 3(~~114~~0) of the Law)-

"Full-time nurse educator employment" means employment by an approved academic institution in Illinois to educate nursing students based on the academic institution's definition of full-time faculty status.

"Full-time nursing employment" means providing direct patient care of at least 24 hours per week for those persons working weekend shifts, or 35 hours or more per week for those working weekday shifts.

"Full-time nursing student" means a student who is enrolled in a nursing program for at least 12 credit hours per term or as otherwise determined as full-time by the academic institution. ~~school~~ (Section 3(~~124~~) of the Law)-

"Graduate degree in nursing program" means a program offered by an approved institution and leading to a master of science degree in nursing or a doctorate of philosophy or doctorate of nursing degree in nursing. (Section 3(8) of the Law)

"Hospital-based diploma in nursing program" means a program offered by an approved institution and leading to a hospital-based diploma in nursing. (Section 3(7) of the Law)-

"Law" means the Nursing Education Scholarship Law [110 ILCS 975]. (Section 3(13) of the Law)

"Licensed practical nurse" means a person who is currently licensed as a licensed practical nurse by the Department of Financial and Professional Regulation under the Nurse~~Nursing and Advanced Practice~~ Nursing-Act [225 ILCS 65]. (Section 3(~~184~~7) of the Law)-

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"Mean-Weighted Average Tuition and Fees" means the tuition and mandatory fees used for the Illinois Public Universities and Illinois Community Colleges by the Illinois Student Assistance Commission for purposes of MAP grants, multiplied by the number of full-time equivalent undergraduate students enrolled at each such institution, added together, and divided by the sum of the full-time equivalent enrollments for the previous year at each institution. This figure is calculated once per year and is used regardless of whether individual institutions adjust their tuition and mandatory fees for that same year. The Mean-Weighted Average Tuition and Fees is calculated separately for Illinois Public Universities and Illinois Community Colleges (as cited in the COLLEGE ILLINOIS! Master Agreement and Disclosure Statement).

"Monetary Award Program" or "MAP" means a grant awarded by the Illinois Student Assistance Commission (ISAC) that provides payment toward tuition and mandatory fees for Illinois residents to attend an Illinois college. Eligibility is based on financial need. The maximum award depends on legislative action and available funding each year.

"Nurse educator" means a person who is currently licensed as a registered nurse by the Department of Financial and Professional Regulation under the Nurse Practice Act, who has a graduate degree in nursing, and who is employed by an approved academic institution to educate registered nursing students, licensed practical nursing students, and registered nurses pursuing graduate degrees. (Section 3(23) of the Law)

"Nursing Education Scholarship Law" or "Law" means 110 ILCS 975.

"Nursing employment obligation" means employment in this State as a registered professional nurse or licensed practical nurse ~~in~~providing direct patient care or as a nurse educator in the case of a graduate degree in nursing program recipient for at least one year for each year of scholarship assistance received through the Nursing Education Scholarship Program~~nursing education scholarship program.~~ (Section 3(~~1413~~) of the Law):

"Part-time nursing employment" means providing direct patient care ~~for~~ between 17.5 hours and 34 hours per week.

~~"Part-time nursing student" means a student who is enrolled in a nursing program for at least one third of the number of hours required per term by a school for its~~

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~~full-time students.~~

"Part-time student" means a person who is enrolled for at least one-third of the number of hours required per term by a school for its full-time students. (Section 3(15) of the Law)

"Practical Nursing Program" means a program offered by an approved institution and leading to a certificate in practical nursing. (Section 3(16) of the Law)

"Registered professional nurse" means a person who is currently licensed as a registered professional nurse by the Department of ~~Financial and~~ Professional Regulation under the ~~NurseNursing and Advanced Practice Nursing~~ Act [225 ILCS 65]. (Section 3(~~1716~~) of the Law).

"Student in good standing" means a student enrolled in a nursing program ~~maintaining~~ who maintains a cumulative grade point average equivalent to at least an academic grade of "C" ~~. or better~~. (Section 3(~~2019~~) of the Law).

"Total and permanent disability" means a physical or mental impairment, disease, or loss of a permanent nature that prevents nursing employment with or without reasonable accommodation. Proof of disability shall be a declaration from the Social Security Administration, Illinois ~~Workers' Compensation Industrial~~ Commission, Department of Defense, or an insurer authorized to transact business in Illinois who is providing disability insurance coverage to a contractor. (Section 3(~~2120~~) of the Law).

"Tuition" means the established charges of an institution of higher learning for instruction at that institution. (Section 3(~~2224~~) of the Law).

(Source: Amended at 32 Ill. Reg. 19813, effective December 5, 2008)

SUBPART B: ELIGIBILITY AND APPLICATION

Section 597.100 Eligibility

~~To~~In order to qualify for consideration, an applicant must meet the eligibility criteria outlined in Section 5 of the Law showing that the applicant:

DEPARTMENT OF PUBLIC HEALTH

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- a) *Has been a resident of this State for at least one year prior to application, and is a citizen or a lawful permanent resident alien of the United States* (Section 5(1) of the Law);
- b) *Is enrolled or accepted for admission to an Illinois school in an associate degree in nursing program, hospital-based diploma in nursing program, baccalaureate degree in nursing program, [graduate degree in nursing program](#) or certificate in practical nursing program at an approved institution* (Section 5(2) of the Law); *and*
- c) *Agrees to meet the nursing employment obligation* (see the definition of "nursing employment obligation" in Section 597.10) (Section 5(3) of the Law).

(Source: Amended at 32 Ill. Reg. 19813, effective December 5, 2008)

Section 597.110 Application

- a) Application forms are prescribed by the Department and are available at financial aid offices, ~~and~~ departments of nursing at approved schools, [the Department's web site, or as well as](#) directly from the Department [upon request](#).
- b) Incomplete applications and applications received after the [published](#) deadline will not be considered in the selection process. During the application cycle, all applicants will be notified in writing regarding the status of their applications. Corrections must be made during this time period.
- c) *Each person applying for such a scholarship shall be provided with a copy of [Section 6 of the Law](#) ~~10 ILCS 975/6~~ at the time of application.* (Section 6 of the Law)

(Source: Amended at 32 Ill. Reg. 19813, effective December 5, 2008)

SUBPART C: AWARD OF SCHOLARSHIPS

Section 597.200 Scholarship Description

- a) A full-time nursing student in good standing pursuing *an associate degree in nursing* may receive a scholarship for *up to 2 academic years*. ([Section 5 of the Law](#))

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- b) A full-time nursing student in good standing pursuing *a hospital-based diploma in nursing* may receive a scholarship for *up to 3 academic years*. ([Section 5 of the Law](#))
- c) A full-time nursing student in good standing pursuing *a baccalaureate degree in nursing* may receive a scholarship for *up to 4 academic years*. ([Section 5 of the Law](#))
- d) [A full-time nursing student in good standing pursuing a graduate degree in nursing may receive a scholarship for up to 5 academic years. \(Section 5 of the Law\)](#)
- ed) A full-time nursing student in good standing pursuing *a certificate in practical nursing* may receive a scholarship for *up to one academic year*. (Section 5 of the Law)
- fe) *Full-time* tuition and fees [awards](#) for students at approved private institutions shall not exceed the tuition and fee *charges at community colleges and universities statewide and the uniform living allowance reported in the weighted Monetary Award Program (MAP) budget* for the academic year in which the scholarship is made. ([Section 7 of the Law](#))
- gf) *Part-time* awards shall be determined by applying the proportion represented by the *part-time enrollment to full-time enrollment ratio to the average per term scholarship amount for a student in the same nursing degree category*. ([Section 7 of the Law](#))
- hg) Using information provided annually by the Illinois Student Assistance Commission, 75% of the weighted tuition and fees charged by community colleges in Illinois shall be added to the uniform living allowance reported in the weighted Monetary Award Program (MAP) budget to determine the full-time scholarship amount for students pursuing an associate degree in nursing or a hospital-based diploma in nursing at an Illinois ~~community college~~ [Community College](#). ([Section 7 of the Law](#))
- ih) Scholarship amounts for students pursuing associate degrees in nursing, ~~or~~ [baccalaureate degrees in nursing, or graduate degrees in nursing](#) at a college or university shall include 75% of the weighted tuition and fees charged by public

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universities in Illinois plus the uniform living allowance reported in the weighted ~~Monetary Award Program (MAP)~~ budget. [\(Section 7 of the Law\)](#)

- ii) Scholarship amounts for students in certificate in practical nursing programs shall include 75% of the average tuition and fees charges at all practical nursing programs plus the uniform living allowance reported in the weighted ~~Monetary Award Program (MAP)~~ budget. (Section 7 of the Law)*

(Source: Amended at 32 Ill. Reg. 19813, effective December 5, 2008)

Section 597.220 Selection Criteria for Award of Scholarships

- a) Scholarships awarded by the Department will be given to students who meet the eligibility requirements [in Section 597.100 of this Part](#) and who agree to the provisions of the contract.
- b) Recipients shall be selected on the basis of the following criteria:
- 1) ~~Renewal~~[renewal](#) recipients will receive preference;
 - 2) ~~If~~ [in any year the number of qualified applicants exceeds the number of scholarships to be awarded, the Department shall, in consultation with the Center for Nursing Advisory Board, consider the following factors in granting](#) ~~give~~ priority in awarding scholarships ~~to~~:
 - A) ~~Financial~~[students in the greatest financial need](#), as shown on a current standardized financial needs assessment form used by an approved institution, ~~of~~ ~~B)~~ [students pursuing their education on a full-time or ~~close~~~~est~~ to full-time basis.](#)
 - ~~B)~~ [A student's status as a registered nurse who is pursuing a graduate degree in nursing to pursue employment in an approved institution that educates licensed practical nurses and that educates registered nurses in undergraduate and graduate nursing programs.](#) ~~students having the fewest number of credit hours remaining to complete the degree;~~

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- CD) *A student's merit, as shown through his or her grade point average, class rank, and other academic and extracurricular activities (Section 5 of the Law), including, but not limited to:*
- i) *A cumulative grade point average (GPA) of at least 3.0 on a 4.0 scale, or*
 - ii) *Class rank in the 50th percentile or higher, or*
 - iii) *Demonstration of academic achievement by having previously earned a certificate in practical nursing, a hospital-based diploma in nursing or an associate degree in nursing.*
- ~~D)~~ ~~*students who already have a certificate in practical nursing, a hospital-based diploma in nursing or an associate degree in nursing and are pursuing a higher degree;*~~
- ~~E)~~ ~~*the recipient with the highest cumulative grade point average (GPA) as provided on a transcript or another official school form;*~~
- 3) ~~*In*~~ *the event of a tie, students having the fewest number of credit hours remaining to complete the degree will be awarded scholarships. a lottery shall be used to award scholarships.*
- c) Scholarship awards shall be distributed as follows:
- 1) ~~*At least 40%*~~ *50%* ~~*of the scholarships*~~ *scholarship* ~~*awarded shall be for recipients who are pursuing baccalaureate degrees in nursing;*~~
 - 2) *At least 30%* ~~*40%*~~ *of the scholarships awarded shall be for recipients who are pursuing associate degrees in nursing or a hospital-based diploma in nursing; and*
 - 3) *At least 20% of the scholarships awarded shall be for recipients who are pursuing a graduate degree in nursing; and 10% of the scholarships awarded shall be for recipients who are pursuing a certificate in practical nursing. (Section 5 of the Law)*

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- 4) [At least 10% of the scholarships awarded shall be for recipients who are pursuing a certificate in practical nursing. \(Section 5 of the Law\)](#)

(Source: Amended at 32 Ill. Reg. 19813, effective December 5, 2008)

SUBPART D: TERMS OF PERFORMANCE

Section 597.320 Forgiveness of Scholarship

- a) A recipient must graduate from the nursing program funded and provide a copy of the diploma or certificate that indicates the graduation date as soon as [the document#](#) is available.
- b) A recipient must be licensed as a registered professional nurse or as a licensed practical nurse in the State of Illinois and must provide a copy of the license as soon as it is available.
- c) For each full-time semester, the nursing employment obligation is 6 months of full-time employment; for each part-time semester, the nursing employment obligation is 3 months of full-time employment; for each full-time quarter/trimester, the nursing employment obligation is 4 months of full-time employment; for each part-time quarter/trimester, the nursing employment obligation is 2 months of full-time employment; for each full-time summer term, the full-time nursing employment obligation is 3 months of full-time employment; for each part-time summer term, the full-time nursing employment obligation is 1½ months of full-time employment. The total nursing employment obligation for any one academic year shall not exceed 12 months of full-time employment.
- d) *Within 12 months after graduation from an associate degree in nursing program, hospital-based diploma in nursing program, baccalaureate degree in nursing program, [graduate degree in nursing program](#), or certificate in practical nursing program, [any recipient who accepted a scholarship under Section 5 of the Act a recipient](#) shall begin meeting the required nursing employment obligation providing direct patient care [or employment as a nurse educator in the case of a recipient receiving a graduate degree in nursing](#). (Section 6 of the Law)* Employment as a "license pending" nurse does not meet the nursing employment requirements. Fulfillment of the nursing employment obligation must be completed within a time period equivalent to twice the number of months of nursing employment obligation as described in subsection (c).

DEPARTMENT OF PUBLIC HEALTH

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- e) Forms to document full-time and/or part-time nursing employment shall be sent to the recipient following graduation and licensure. Documentation forms will be forwarded periodically until the nursing employment obligation is completed, at which time the recipient will be notified and the record closed.
- f) If a recipient suffers total and permanent disability, the nursing employment obligation shall be excused and deemed satisfied. (See the definition of "total and permanent disability" in Section 597.10.)
- g) If a recipient dies or is adjudicated as incompetent, all scholarship obligations shall be excused and deemed satisfied. (See the definition of "total and permanent disability" in Section 597.10.)

(Source: Amended at 32 Ill. Reg. 19813, effective December 5, 2008)

Section 597.330 Deferment of Scholarship Obligation

- a) The nursing employment *obligation may be deferred and re-evaluated* by a review of a written request statement from the recipient *every 6 months when the failure to fulfill the nursing employment obligation results from ~~involuntarily~~^{1) Involuntarily} leaving the profession due to a decrease in the number of nurses employed in the State; or ~~when~~^{2) When} the failure to fulfill the nursing employment obligation results from total and permanent disability.*
- b) *In order to defer the continuous nursing employment obligation, a recipient must request the deferment in writing from the Department and must provide a letter from his/her physician attesting to the recipient's inability (either temporarily or permanently) to continue employment. (Section 6 of the Law).*
- c) *A recipient shall notify ~~the Department~~program staff within 30 days if the recipient spends up to 4 years in military service before or after graduation and after completion of the nursing employment obligation. (Section 6 of the Law) The time spent in military service, up to 4 years, shall be excluded from the computation of the number of months of nursing employment obligation as described in Section 597.320(c).*
- d) *A recipient shall notify ~~the Department~~program staff within 30 days after enrollment if the recipient is enrolled in an academic program leading to a*

DEPARTMENT OF PUBLIC HEALTH

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graduate degree in nursing. ([Section 6 of the Law](#)) The nursing employment obligation shall be deferred until he or she has completed a graduate degree in nursing.

- e) *If a recipient receives funding through the Nursing Education Scholarship Program for a higher degree, the nursing employment obligation shall be deferred until he or she is no longer enrolled or has graduated with the higher degree.* ([Section 6 of the Law](#))
- f) *The recipient must begin meeting the required nursing employment obligation no later than 6 months after the end of any deferment.* (Section 6 of the Law)

(Source: Amended at 32 Ill. Reg. 19813, effective December 5, 2008)

DEPARTMENT OF HUMAN RIGHTS

JANUARY 2009 REGULATORY AGENDA

a) Part (Heading and Code Citation): Rulemaking and Organization (2 Ill. Adm. Code 925).

1) Rulemaking:

A) Description: The Department intends to update its organization chart to add the Fair Housing Division and Office of the Executive Director of the Commission on Discrimination & Hate Crimes. Further, the Department will remove the Compliance Division from the organizational chart.

B) Statutory Authority: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15], and authorized by Section 7-101(A) of the Illinois Human Rights Act [775 ILCS 5/7-101(A)].

C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled or anticipated at this time.

D) Date agency anticipates First Notice: First Notice is not required for Title 2 rules.

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

F) Agency contact person for information:

David T. Rothal
Staff Attorney
Illinois Department of Human Rights – Legal Division
100 W. Randolph St., Ste. 10-100
Chicago, IL 60601

312/814-6257 or 312/263-1579 (TTY)

G) Related rulemaking and other pertinent information: None

ILLINOIS RACING BOARD

JANUARY 2009 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Hearings and Enforcement Proceedings (11 Ill. Adm. Code 204)
- 1) Rulemaking:
- A) Description: Add language to Section 204.20 making it mandatory that appeals of civil penalties of \$500 or less, the petitioner shall be required to submit to a Director's Review Conference and civil penalties greater than \$500, including suspensions and purse redistributions, the petitioner shall be given the option. New Section 204.25, Requests and Proceedings for Director's Review Conference.
- B) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].
- C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled or anticipated at this time.
- D) Date agency anticipates First Notice: Spring 2009.
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Mickey Ezzo
Illinois Racing Board
100 W. Randolph Street
Suite 7-701
Chicago, IL 60601
- 312/814-5017
- G) Related rulemaking and other pertinent information: None
- b) Part(s) (Heading and Code Citation): Medication (11 Ill. Adm. Code 603)
- 1) Rulemaking:

ILLINOIS RACING BOARD

JANUARY 2009 REGULATORY AGENDA

- A) Description: Amend requirements contained in Section 603.70 (Furosemide) to be more in step with surrounding racing jurisdictions. Amend Section 603.60 (Permitted Use of Foreign Substances and Threshold Levels) to add threshold levels for therapeutic medications approved by the Association of Racing Commissioners International.
- B) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].
- C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled or anticipated at this time.
- D) Date agency anticipates First Notice: Undetermined.
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Mickey Ezzo
Illinois Racing Board
100 W. Randolph Street
Suite 7-701
Chicago, IL 60601
- 312/814-5017
- G) Related rulemaking and other pertinent information: None

c) Part(s) (Heading and Code Citation): Licensing (11 Ill. Adm. Code 1302)

1) Rulemaking:

- A) Description: The purpose of the proposed rulemaking is to amend Section 1302.90 (Possession of Credentials) to require licensees to carry, not wear, on their person their photo ID badge.
- B) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

ILLINOIS RACING BOARD

JANUARY 2009 REGULATORY AGENDA

- C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled or anticipated at this time.
- D) Date agency anticipates First Notice: Spring 2009.
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Mickey Ezzo
Illinois Racing Board
100 W. Randolph Street
Suite 7-701
Chicago, IL 60601
- 312/814-5017
- G) Related rulemaking and other pertinent information: None
- d) Part(s) (Heading and Code Citation): Licensing of Participants (11 Ill. Adm. Code 1408)
- 1) Rulemaking:
- A) Description: The purpose of the proposed rulemaking is to amend Section 1408.60 (Possession of Credentials) to require licensees to carry, not wear, on their person their photo ID badge.
- B) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].
- C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled or anticipated at this time.
- D) Date agency anticipates First Notice: Spring 2009.
- E) Effect on small businesses, small municipalities or not for profit corporations: None

ILLINOIS RACING BOARD

JANUARY 2009 REGULATORY AGENDA

F) Agency contact person for information:

Mickey Ezzo
Illinois Racing Board
100 W. Randolph Street
Suite 7-701
Chicago, IL 60601

312/814-5017

G) Related rulemaking and other pertinent information: Nonee) Part(s) (Heading and Code Citation): General Licensee Rules (11 Ill. Adm. Code 1313)1) Rulemaking:

A) Description: The purpose of the proposed rulemaking is to amend Section 1313.70 (Horses in Paddock) to extend detention to racehorses as determined by the Stewards.

B) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled or anticipated at this time.

D) Date agency anticipates First Notice: Undetermined.

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

F) Agency contact person for information:

Mickey Ezzo
Illinois Racing Board
100 W. Randolph Street
Suite 7-701
Chicago, IL 60601

ILLINOIS RACING BOARD

JANUARY 2009 REGULATORY AGENDA

312/814-5017

G) Related rulemaking and other pertinent information: Nonef) Part(s) (Heading and Code Citation): Racing Rules (11 Ill. Adm. Code 1318)1) Rulemaking:A) Description: The purpose of the proposed rulemaking is to amend Section 1318.180 (Harness Tracks Without a Continuous Hubrail) and Section 1318.190 (Open Stretch Racing) to make technical revisions.B) Statutory Authority: Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].C) Scheduled meeting/hearing dates: No hearings or meetings have been scheduled or anticipated at this time.D) Date agency anticipates First Notice: Undetermined.E) Effect on small businesses, small municipalities or not for profit corporations: NoneF) Agency contact person for information:

Mickey Ezzo
Illinois Racing Board
100 W. Randolph Street
Suite 7-701
Chicago, IL 60601

312/814-5017

G) Related rulemaking and other pertinent information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notice was received by the Joint Committee on Administrative Rules during the period of December 1, 2008 through December 8, 2008 and has been scheduled for review by the Committee at its December 16, 2008 or January 13, 2009 meetings. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
1/14/09	<u>Department of Healthcare and Family Services, Medical Payment (89 Ill. Adm. Code 140)</u>	7/11/08 32 Ill. Reg. 9786	12/16/08
1/14/09	<u>Department of Healthcare and Family Services, Hospital Services (89 Ill. Adm. Code 148)</u>	7/11/08 32 Ill. Reg. 9789	12/16/08
1/15/09	<u>Illinois Workers' Compensation Commission, Miscellaneous (50 Ill. Adm. Code 7110)</u>	3/7/08 32 Ill. Reg. 3213	1/13/09
1/16/09	<u>Department of Central Management Services, Pay Plan (80 Ill. Adm. Code 310)</u>	9/26/08 32 Ill. Reg. 15147	1/13/09
1/16/09	<u>Department of Revenue, Income Tax (86 Ill. Adm. Code 100)</u>	10/17/08 32 Ill. Reg. 16682	1/13/09
1/16/09	<u>Secretary of State, Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill. Adm. Code 1040)</u>	7/25/08 32 Ill. Reg. 11347	1/13/09
1/16/09	<u>Secretary of State, Issuance of Licenses (92 Ill. Adm. Code 1040)</u>	9/26/08	1/13/09

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

Adm. Code 1030)

32 Ill. Reg.
15782

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

NOTICE OF AGENCY RESPONSE TO THE OBJECTION
OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill Adm. Code 140
- 3) Section Number: 140.80 Proposed Action:
Disagrees with JCAR (Refusal)
- 4) Date Originally Published in the Illinois Register: July 11, 2008; 32 Ill. Reg. 10480
- 5) JCAR Statement of Objection Published in the Illinois Register: September 5, 2008; 32 Ill. Reg. 14610
- 6) Summary of Action Taken by the Agency: The Department filed this emergency amendment pursuant to the State's budget plan for fiscal year 2009 and Senate Bill 2857, which reauthorized and made changes to the assessment on hospital providers. The bill has since been signed into law (Public Act 95-0859) by the Governor. The clear intent of the General Assembly was that, upon approval by the federal government, the hospital assessment and related payments to hospitals would be effective on July 1, 2008. The bill passed in both chambers without a dissenting vote. The Department filed the emergency rule in order to preserve that effective date.

PROCLAMATIONS

2008-445**World AIDS Day**

WHEREAS, preventing the transmission of HIV infection and stopping the spread of AIDS necessitates a worldwide effort to increase communication, education and action; and

WHEREAS, estimates from the Joint United Nations Programme on HIV/AIDS' 2008 Report on the global AIDS epidemic show that around 30.8 million adults and 2 million children were living with HIV at the end of 2007; and

WHEREAS, according to the Illinois Department of Public Health, Illinois has the seventh highest number of AIDS cases in the nation, with 30,000 reported cases of AIDS since 1981. Of those diagnosed with the disease, about 16,500 have died; and

WHEREAS, the World Health Organization has designated December 1 of each year as World AIDS Day, a day to expand and strengthen the worldwide effort to stop the spread of HIV and AIDS; and

WHEREAS, this year marks the 20th anniversary of World AIDS Day. While we have come a long way since 1988, there is still much more to be done; and

WHEREAS, the World AIDS Day 2008 slogan, – "Stop AIDS. Keep the Promise" with this year's theme "Leadership" – highlights the need for innovation, vision and perseverance in the face of the AIDS challenge. The campaign calls on all sectors of society such as families, communities and civil society organizations, as well as governments, to take the initiative and provide leadership on AIDS; and

WHEREAS, this day in Illinois is commemorated by a number of events across the state, including the dimming of the lights atop the Illinois State Capitol dome and at the James R. Thompson Center in Chicago during the evening hours to coincide with the dimming of the lights at the White House in tribute to those infected with and affected by HIV and AIDS:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 1, 2008 as **WORLD AIDS DAY** in Illinois and encourage all residents to take part in activities and observances designed to increase awareness and understanding of AIDS, to take part in AIDS prevention activities and programs, and to join in the efforts to prevent transmission of HIV and further spread of AIDS.

Issued by the Governor November 21, 2008

PROCLAMATIONS

Filed by the Secretary of State December 8, 2008

2008-446**Jon Tevini Day**

WHEREAS, Mr. Jon Anthony Tevini has been employed by the Illinois Department of Transportation since June 5, 1970; and

WHEREAS, Mr. Tevini has been responsible for the construction of hundreds of road and bridge improvements throughout central Illinois during his 38 year career, and has always conducted his duties with honor, dignity and dedication; and

WHEREAS, nearly 30 years ago Mr. Tevini coordinated and completed the construction of Structure Number 059-0023 which carries Illinois 108 over Macoupin Creek, two miles west of Carlinville, Illinois in Macoupin County; and

WHEREAS, this structure has safely carried more than thirty-two million vehicles across this body of water during the course of the past 28 years; allowing buses to carry children to school each day, emergency workers to reach victims in need, and businesses to distribute the goods and services which drive the mighty economic engine of the State of Illinois; and

WHEREAS, this structure has reached the end of its useful life; and

WHEREAS, Mr. Tevini will now coordinate and complete the replacement of this structure with the construction of a new four-span Precast Prestressed Concrete I-Beam Bridge which will require more than four million pounds of concrete and a quarter of a million pounds of steel to complete; and

WHEREAS, Mr. Tevini's long and distinguished career quietly demonstrates that the ravages of time and weather may weaken our roads and bridges, but they can never diminish the dedication and the resolve of the men and women who build them:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 10, 2008 as **JON TEVINI DAY** in recognition of Mr. Tevini for his long and distinguished career.

Issued by the Governor November 24, 2008

Filed by the Secretary of State December 8, 2008

2008-447

PROCLAMATIONS

Hope Out Loud Day

WHEREAS, formed in 1898, Off the Street Club (OTSC) is the oldest boys and girls club in the City of Chicago; and

WHEREAS, Off the Street Club serves more than 3,000 children between the ages of 4 and 18 in the Garfield Park area; and

WHEREAS, the club plays an important role by providing a safe refuge where kids can engage in a number of fun and entertaining activities, including roller-skating, playing pool, shooting hoops and baking cookies. Kids can also study and research school projects, play computer games, sing, dance and act, and work on projects in a woodshop; and

WHEREAS, each December, Off the Street Club hosts their annual holiday luncheon, which serves as the organization's largest fundraiser; and

WHEREAS, this year, on December 3, Off the Street Club will hold its annual luncheon to celebrate more than 100 years inspiring and empowering children in West Garfield Park; and

WHEREAS, this annual gathering brings together community members, business leaders and hundreds of enthusiastic volunteers to support Off the Street Club's commitment to the children of Chicago. This year's luncheon will encourage students and supporters to Hope Out Loud:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 3, 2008 as **HOPE OUT LOUD DAY** in Illinois in recognition of Off the Street Club's many accomplishments - both in providing a safe haven for an entire neighborhood and transforming the lives of individual students.

Issued by the Governor November 24, 2008

Filed by the Secretary of State December 8, 2008

2008-448**Student Council Week**

WHEREAS, Student Council is a terrific opportunity for our leaders of tomorrow; and

WHEREAS, Student Council is a hands-on experience that teaches students the fundamentals of leading. The first ingredient of leadership is establishing a vision that others share and are willing to invest their personal resources for; and

PROCLAMATIONS

WHEREAS, once a vision is established, it is important to determine how to get there, and essential to that success is communication, teamwork, and perseverance. Finding common ground, building consensus, and inspiring cooperation to achieve a goal is what leadership is all about; and

WHEREAS, the good leaders are those who know that, and the best leaders are those whose results support their vision; and

WHEREAS, Student Council is a civics lesson in motion, and in the process, members also promote school spirit, raise money for charity, and volunteer their time to community service. Indeed, Student Council is a wonderful organization that benefits students, schools, and the entire community; and

WHEREAS, this year, the 75th Annual Illinois Association of Student Councils State Convention will be held May 7-9 at the Chicago Hilton Hotel. The conference will attract students from all across the state. There, they will participate in seminars and workshops to exchange event ideas and to help them become better leaders:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim May 3-9, 2009 as **STUDENT COUNCIL WEEK** in Illinois in support of Student Council, and to encourage our future leaders attending the Illinois Association of Student Councils State Convention to share and apply what they learn there.

Issued by the Governor November 25, 2008

Filed by the Secretary of State December 8, 2008

2008-449**National Black Nurses' Day**

WHEREAS, the depth and extensiveness of the registered nursing profession meets the diverse, and emerging health care needs of the American population in a wide range of settings; and

WHEREAS, professional nursing has been demonstrated to be an indispensable component in the safety and quality care of hospitalized patients; and

WHEREAS, currently, there is a nursing shortage in the State of Illinois, as well as across the United States, and therefore it is important that we work to encourage people to take up this noble line of work; and

PROCLAMATIONS

WHEREAS, nurses have been critical to helping doctors in Illinois. Doctors are seeing three to four times the number of patients they would normally see because of the loss of their peers, and nurses provide the necessary support needed to keep their offices functioning and running smoothly; and

WHEREAS, in 1988, Congress declared the first Friday of February as a day to acknowledge all African-American nurses for their contributions to healthcare. This year, the City of Chicago's four African-American nursing associations: Chicago Chapter National Black Nurses' Association, Beta Mu Chapter of Lambda Pi Alpha Sorority, Alpha Eta Chapter of Chi Eta Phi Nursing Sorority, Inc., and Provident Hospital Nurses' Alumni Association are teaming up to celebrate the day, which falls on February 6:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim February 6, 2009 as **NATIONAL BLACK NURSES' DAY** in Illinois to promote the nursing profession, and in recognition of African-American nurses, for their commitment and dedication to the medical profession and to the well-being of patients, especially during this trying time for them and doctors.

Issued by the Governor November 25, 2008

Filed by the Secretary of State December 8, 2008

2008-450**Crossing Guard Appreciation Day**

WHEREAS, approximately 20,000 children under the age of fourteen suffer from motor vehicle-related pedestrian injuries every year, and more than half of those injuries require hospitalization; and

WHEREAS, many of these injuries could be avoided if children had proper road-safety education and did not choose to cross streets or use intersections unsupervised; and

WHEREAS, crossing guards are a dependable means of helping children to avoid unnecessary accidents and injuries; and

WHEREAS, motorists should be aware of children walking to and from school and be especially cautious in and around school zones. They also should follow the directions of all crossing guards and recognize that by doing so, road safety can be improved; and

PROCLAMATIONS

WHEREAS, crossing guards play an integral role in our communities, working hard to ensure the security of children as they walk to and from school and cross streets. In addition, they teach children to look both ways before crossing streets, as well as other essential safety rules:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby declare May 5, 2009 as **CROSSING GUARD APPRECIATION DAY** in Illinois in recognition of the services that these dedicated professionals provide to keep our citizens and their children safe.

Issued by the Governor December 1, 2008

Filed by the Secretary of State December 8, 2008

2008-451**A Day of Remembrance of the Honorable William Shaw**

WHEREAS, the Honorable William Shaw, mayor of the south suburban village of Dolton, a loyal and dedicated public servant to Illinois, passed away on Wednesday, November 26 after a four-year long battle with colon cancer. He was 71; and

WHEREAS, born on July 31, 1937, in Hope, Arkansas, Shaw moved to Chicago with his family at an early age; and

WHEREAS, Shaw showed interest in politics even as a child, but his first position as an elected public official came in 1982 when he was elected the Illinois state representative of the 34th District; and

WHEREAS, after five terms as a Representative, Shaw spent ten years in the Senate before being elected mayor of Dolton in 1997, making him the village's first African American mayor; and

WHEREAS, among his many accomplishments, particularly notable was legislation that Shaw worked on in 1984 that required Illinois public schools to teach African American history; and

WHEREAS, over the course of his life, The Honorable William Shaw made the Village of Dolton, 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

PROCLAMATIONS

WHEREAS, funeral services for The Honorable William Shaw, who is survived by his longtime companion Debra Green, three adult children, two grandchildren, his twin brother Robert, his sister Barbara Shaw-Brown, and many other relatives, will be held Thursday, December 4:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 4, 2008 as **A DAY OF REMEMBRANCE OF THE HONORABLE WILLIAM SHAW** in Illinois.

Issued by the Governor December 3, 2008

Filed by the Secretary of State December 8, 2008

2008-452**Opportunities For Change: Taking Action To End Extreme Poverty Day**

WHEREAS, no individual or family should live in poverty, yet too many men, women, and children in the United States face the daily challenges of poverty; and

WHEREAS, nearly 700,000 people in Illinois live in extreme poverty, more than a third of whom are children; and

WHEREAS, the need to focus on the challenges presented by extreme poverty has been given additional urgency by the financial crisis facing our nation, as evidenced by increased unemployment, record home foreclosures and stagnant or declining household incomes; and

WHEREAS, to that end, I signed into law this year legislation to establish the Illinois Commission on the Elimination of Poverty, tasked with reducing extreme poverty in Illinois by at least 50 percent by 2015; and

WHEREAS, to help accomplish this goal, we have partnered with the Heartland Alliance for Human Needs and Human Rights, an Illinois community-based organization that has been working on poverty and human rights issues for more than 100 years, and Northwestern University's Institute of Policy Research, an interdisciplinary public policy research institute; and

WHEREAS, together we are convening a summit, to be held on December 9-10, entitled Opportunities for Change: Taking Action to End Extreme Poverty in Illinois; and

WHEREAS, this summit will not only serve as a catalyst for achieving our ambitious poverty reduction goals and accelerating the implementation of poverty reduction

PROCLAMATIONS

strategies by educating and energizing newly-appointed Commission members, legislators, state agency directors, and community members, but will also hopefully create a model for other states to follow so that we can reduce extreme poverty throughout the country:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 9, 2008 as **OPPORTUNITIES FOR CHANGE: TAKING ACTION TO END EXTREME POVERTY DAY** in Illinois, and encourage all citizens to join in the mission of eradicating extreme poverty.

Issued by the Governor December 4, 2008

Filed by the Secretary of State December 8, 2008

ILLINOIS ADMINISTRATIVE CODE

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