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TABLE OF CONTENTS

September 20, 2002 Volume 26, Issue 38

PROPOSED RULES

BANKS AND REAL ESTATE, OFFICE OF	
Calculation, Assessment and Collection of Periodic Fees	
38 Ill. Adm. Code 375	13732
CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF	
Pay Plan	
80 Ill. Adm. Code 310	13739
NATURAL RESOURCES, DEPARTMENT OF	
Nuisance Wildlife Control Permits	
17 Ill. Adm. Code 525	13750
Land and Water Conservation Fund (LWCF) Grant Program	
17 Ill. Adm. Code 3030	13764
POLLUTION CONTROL BOARD	
Organic Material Emission Standards and Limitations for the Chicago Area	
35 Ill. Adm. Code 218	13772
REVENUE, DEPARTMENT OF	
Income Tax	
86 Ill. Adm. Code 100	13790

ADOPTED RULES

NATURAL RESOURCES, DEPARTMENT OF	
Freedom of Information Rules	
2 Ill. Adm. Code 1051 Repealer.....	13805
Public Information, Rulemaking and Organization	
2 Ill. Adm. Code 1500 Repealer.....	13807
Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, Beaver and Woodchuck (Groundhog) Trapping	
17 Ill. Adm. Code 570	13809
White-Tailed Deer Hunting by Use of Handguns	
17 Ill. Adm. Code 680	13820
Youth Hunting Seasons	
17 Ill. Adm. Code 685	13828
Squirrel Hunting	
17 Ill. Adm. Code 690	13845
The Taking of Wild Turkeys - Fall Gun Season	
17 Ill. Adm. Code 715	13855
The Taking of Wild Turkeys - Fall Archery Season	
17 Ill. Adm. Code 720	13867
Dog Training on Department-Owned or-Managed Sites	
17 Ill. Adm. Code 950	13882

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SECOND NOTICES RECEIVED

Alcoholism and Substance Abuse Treatment and Intervention Licenses
77 Ill. Adm. Code 206013888

Senior Citizens and Disabled Persons Property Tax Relief and
Pharmaceutical Assistance Act
86 Ill. Adm. Code 53013888

Temporary Assistance for Needy Families
89 Ill. Adm. Code 11213888

General Assistance
89 Ill. Adm. Code 11413888

EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS

October 2002 as Sonography Awareness Month
02 - 456 13889

September 2002 as Sickle Cell Month
02 - 457 13889

July 12-13, 2003, as ABMPP/ABDA Days
02 - 458 13889

October 6-12, 2002, as Public Power Week
02 - 459 13890

September 15-21, 2002, as Yellow Ribbon Youth Suicide Awareness and
Prevention Week
02 - 460 13890

September 12, 2002, as Combined Federal Campaign Day
02 - 461 13891

September 27, 2002, as William Warfield Day
02 - 462 13891

August 23, 2002, as Patricia Coker Day
02 - 463 13892

September 2002 as Literacy Month
02 - 464 13892

October 2002 as Disability Employment Awareness Month
02 - 465 13893

September 27, 2002, as Alice Faye Naylor Day
02 - 466 13894

September 14, 2002, as Daughters of the American Colonists/Great
Indian-Warrior Trading Path Day
02 - 467 13894

September 13, 2002, as Jens Jensen Day
02 - 468 13895

September 15-21, 2002, as Rehabilitation Awareness Week
02 - 469 13895

August 31, 2002, as Krista Haines Day
02 – 470 13896

NOTICE OF PUBLIC INFORMATION

BANKS AND REAL ESTATE, OFFICE OF

Notice of Fine Imposed Under the Residential Mortgage License act of 1987
Commonwealth Mortgage Corporation, Hillside, Illinois.....13898

REGULATORY AGENDA

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

Pay Plan

80 Ill. Adm. Code 31013898

ISSUES INDEX I – 1

Editor’s Notes: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are (End of March, June, Sept, Dec) as follows:

Issue 41 - October 11, 2002: Data through September 30, 2002 (3rd Quarter)
Issue 3 - January 10, 2003: Data through December 31, 2002 (Annual)
Issue 15 - April 11, 2003: Data through March 31, 2003 (1st Quarter)
Issue 28 - July 11, 2003: Data through June 30, 2003 (2nd Quarter)
Issue 41 - October 10, 2003: Data through September 29, 2003 (3rd Quarter)
Issue 2 - January 9, 2004: Data through December 29, 2003 (Annual)

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. The Register will also contain the Cumulative Index and Sections Affected Indices will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are the end of March, June, Sept, Dec.

Rulemaking activity consist 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 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'

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2002 REGISTER SCHEDULE VOLUME # 26

Issue#	Copy Due by 4:30 pm	Publication Date	Issue#	Copy Due by 4:30 pm	Publication Date
Issue 1	December 26, 2001	January 04, 2002	Issue 38	September 09, 2002	September 20, 2002
Issue 2	January 01, 2002	January 11, 2002	Issue 39	September 16, 2002	September 27, 2002
Issue 3	January 07, 2002	January 18, 2002	Issue 40	September 23, 2002	October 04, 2002
Issue 4	January 14, 2002	January 25, 2002	Issue 41	September 30, 2002	October 11, 2002
Issue 5	January 22, 2002	February 01, 2002	Issue 42	October 07, 2002	October 18, 2002
Issue 6	January 28, 2002	February 08, 2002	Issue 43	October 14, 2002	October 25, 2002
Issue 7	February 04, 2002	February 15, 2002	Issue 44	October 21, 2002	November 01, 2002
Issue 8	February 11, 2002	February 22, 2002	Issue 45	October 28, 2002	November 08, 2002
Issue 9	February 19, 2002	March 01, 2002	Issue 46	November 04, 2002	November 15, 2002
Issue 10	February 25, 2002	March 08, 2002	Issue 47	November 12, 2002	November 25, 2002
Issue 11	March 04, 2002	March 15, 2002	Issue 48	November 18, 2002	November 29, 2002
Issue 12	March 11, 2002	March 22, 2002	Issue 49	November 25, 2002	December 06, 2002
Issue 13	March 18, 2002	March 29, 2002	Issue 50	December 02, 2002	December 13, 2002
Issue 14	March 25, 2002	April 05, 2002	Issue 51	December 09, 2002	December 20, 2002
Issue 15	April 01, 2002	April 12, 2002	Issue 52	December 16, 2002	December 27, 2002
Issue 16	April 08, 2002	April 19, 2002			
Issue 17	April 15, 2002	April 26, 2002			
Issue 18	April 22, 2002	May 03, 2002			
Issue 19	April 29, 2002	May 10, 2002			
Issue 20	May 06, 2002	May 17, 2002			
Issue 21	May 13, 2002	May 24, 2002			
Issue 22	May 20, 2002	May 31, 2002			
Issue 23	May 27, 2002	June 07, 2002			
Issue 24	June 03, 2002	June 14, 2002			
Issue 25	June 10, 2002	June 21, 2002			
Issue 26	June 17, 2002	June 28, 2002			
Issue 27	June 24, 2002	July 05, 2002			
Issue 28	July 01, 2002	July 12, 2002			
Issue 29	July 08, 2002	July 19, 2002			
Issue 30	July 15, 2002	July 26, 2002			
Issue 31	July 22, 2002	August 02, 2002			
Issue 32	July 29, 2002	August 09, 2002			
Issue 33	August 05, 2002	August 16, 2002			
Issue 34	August 12, 2002	August 23, 2002			
Issue 35	August 19, 2002	August 30, 2002			
Issue 36	August 26, 2002	September 06, 2002			
Issue 37	September 02, 2002	September 13, 2002			

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July 2001 - 675 - GA - 82

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Calculation, Assessment and Collection of Periodic Fees
- 2) Code Citation: 38 Ill. Adm. Code 375
- 3)

<u>Section Number</u>	<u>Proposed Action</u>
375.10	Amendment
375.20	Amendment
375.30	Amendment
375.31	Amendment
375.32	Amendment
375.33	Amendment
375.36	New
375.41	Amendment
375.70	Amendment
- 4) Statutory Authority: Implementing Section 48(3) of the Illinois Banking Act [205 ILCS 5/48(3)], Section 17 of the Foreign Banking Office Act [205 ILCS 645/17], Sections 4 and 8 of the Foreign Bank Representative Office Act [205 ILCS 650/4 and 8] and Section 5-10 of the Corporate Fiduciary Act [205 ILCS 620/5-10] and authorized by Section 48(3) of the Illinois Banking Act [205 ILCS 5/48(3)], Section 17 of the Foreign Banking Office Act [205 ILCS 645/17], Sections 4 and 8 of the Foreign Bank Representative Office Act [205 ILCS 650/4 and 8] and Section 5-1 of the Corporate Fiduciary Act [205 ILCS 620/5-1].
- 5) A complete description of the subjects and issues involved: The proposed rulemaking modifies and updates the existing regulatory fee rule that applies to Illinois state chartered banks, foreign banking offices, and foreign bank representative offices regulated by the Office of Banks and Real Estate. Certain fees are being established or increased to insure that regulatory fees for these institutions are sufficient to cover the cost of regulation and are assessed in an equitable manner. The rulemaking would increase the annual fixed fee for state banks from \$2,000 to \$2,400. It would raise the statutory EDP fee paid by state banks from 15% of a bank's call report fee to 16% of the fee. Quarterly fees paid by state banks receiving regulatory ratings in the lowest 2 categories would increase to reflect the greater regulatory effort expended on such banks. Pursuant to authority granted in PA 92-483, the proposed rulemaking increases the foreign representative office application fee from \$300 to \$700 and imposes a new examination fee to be paid by a foreign bank to help defray the cost of OBRE's regulation of foreign bank representative offices. A cross-reference for calculation of corporate fiduciary regulatory fees is corrected in Section 375.41.

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED AMENDMENTS

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending to this Part? No
- 10) Statement of Statewide Policy Objective: This rule will not affect local government.
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: Interested parties should submit written comments or views concerning the proposed rulemaking to the attention of:

Alan Anderson
Office of Banks and Real Estate
500 East Monroe Street
Springfield, Illinois 62701
(217) 782-3000

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2002

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

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED AMENDMENTS

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER II: OFFICE OF BANKS AND REAL ESTATE

PART 375

CALCULATION, ASSESSMENT AND COLLECTION OF PERIODIC FEES

Section	
375.10	Purpose
375.20	Definitions
375.30	Call Report Fees
375.31	Electronic Data Processing Fee
375.32	Assessment of 3, 4, or 5 Rated State Banks
375.33	Foreign Banking Office Minimum Quarterly Fee
375.34	Corporate Fiduciary Regulatory Fees
<u>375.36</u>	<u>Foreign Bank Representative Office Regulatory Fees</u>
375.40	Calculation of Call Report and Electronic <u>Data</u> Date -Processing Fees for Resulting State Banks
375.41	Calculation of Corporate Fiduciary Regulatory Fees for Resulting Corporate Fiduciaries
375.50	Assessment of Accrued Fees Against a Converting or Merging State Bank
375.51	Assessment of Accrued Fees Against a Corporate Fiduciary
375.60	Credits and Additional Assessments Not Applicable to Resulting National Banks
375.70	Payment by Electronic Transfer or Automatic Debit

AUTHORITY: Implementing Section 48(3) of the Illinois Banking Act [205 ILCS 5/48(3)], Section 17 of the Foreign Banking Office Act [205 ILCS 645/17], Sections 4 and 8 of the Foreign Bank Representative Office Act [205 ILCS 650/4 and 8], and Section 5-10 of the Corporate Fiduciary Act [205 ILCS 620/5-10] and authorized by Section 48(3) of the Illinois Banking Act [205 ILCS 5/48(3)], Section 17 of the Foreign Banking Office Act [205 ILCS 645/17], Sections 4 and 8 of the Foreign Bank Representative Office Act [205 ILCS 650/4 and 8], and Section 5-1 of the Corporate Fiduciary Act [205 ILCS 620/5-1].

SOURCE: Adopted at 21 Ill. Reg. 8375, effective June 29, 1997; amended at 24 Ill. Reg. 225, effective December 31, 1999; amended at 26 Ill. Reg. _____, effective _____.

Section 375.10 Purpose

This Part sets forth the manner in which the Office of Banks and Real Estate shall calculate, assess and collect Call Report Fees, Electronic Data Processing Fees, Foreign Bank Representative Office Regulatory Fees, and Corporate Fiduciary Regulatory Fees payable by

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED AMENDMENTS

state banks, foreign bank representative offices, and corporate fiduciaries pursuant to Section 48(3) of the Illinois Banking Act, Section 17 of the Foreign Banking Bank-Office Act, Section 4 of the Foreign Bank Representative Office Act, and Section 5-10 of the Corporate Fiduciary Act. Nothing in this Part is to be construed as limiting or being applicable to other fees that the Office of Banks and Real Estate may assess pursuant to the Illinois Banking Act, Foreign Banking Bank-Office Act, Foreign Bank Representative Office Act, Corporate Fiduciary Act, or other State laws or rules.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 375.20 Definitions

"Call Report Fee" means the fee to be paid to the Commissioner by each state bank pursuant to Section 48(3)(a) of the Act.

"Commissioner" means the Commissioner of the Office of Banks and Real Estate or a person authorized by the Commissioner to act in the Commissioner's stead.

"Corporate fiduciary" shall have the meaning ascribed to that term in Section 1-5.05 of the Corporate Fiduciary Act [205 ILCS 620/1-5.05].

"Corporate Fiduciary Regulatory Fee" means the fee to be paid to the Commissioner by each corporate fiduciary pursuant to Section 5-10(a) of the Corporate Fiduciary Act.

"Electronic Data Processing Fee" means the fee to be paid to the Commissioner by each state bank pursuant to Section 48(3)(a-2) of the Act.

"Foreign bank representative office" shall mean those entities subject to the Foreign Bank Representative Office Act [205 ILCS 650].

"State bank" means a banking corporation that has a banking charter issued by the Commissioner under the Act, and shall include a foreign banking office holding a certificate of authority pursuant to the Foreign Banking Office Act [205 ILCS 645].

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 375.30 Call Report Fees

Each state bank shall pay to the Commissioner a Call Report Fee which shall be paid in quarterly

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED AMENDMENTS

installments equal to one-fourth of the sum of the annual fixed fee of ~~\$2,400, \$2,000~~, plus a variable fee based on the assets shown on the quarterly statement of condition delivered to the Commissioner in accordance with Section 47 of the Illinois Banking Act [205 ILCS 5/47] for the preceding quarter according to the following schedule: ~~1746~~¢ per \$1,000 of the first \$5,000,000 of total assets; ~~1615~~¢ per \$1,000 of the next \$20,000,000 of total assets; ~~1413~~¢ per \$1,000 of the next \$75,000,000 of total assets; ~~9.59~~¢ per \$1,000 of the next \$400,000,000 of total assets; ~~7.57~~¢ per \$1,000 of the next \$500,000,000 of total assets; ~~5.55~~¢ per \$1,000 of the next \$19,000,000,000 of total assets; 2¢ per \$1,000 of the next \$30,000,000,000 of total assets; 1¢ per \$1,000 of the next \$50,000,000,000 of total assets; and .5¢ per \$1,000 of all assets in excess of \$100,000,000,000 of the state bank. The Call Report Fee shall be calculated by the Commissioner and billed to state banks for remittance at the time of the quarterly statements of condition provided for in Section 47 of the Act.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 375.31 Electronic Data Processing Fee

Each state bank shall pay to the Commissioner an Electronic Data Processing ("~~EDP~~") Fee equal to ~~16%~~ ~~15%~~ of the state bank's Call Report Fee. The EDP Fee shall be calculated by the Commissioner and billed to state banks for remittance with the Call Report Fee.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 375.32 Assessment of 3, 4, or 5 Rated State Banks

If a state bank has received a Uniform Financial Institution Rating System ("~~UFIRS~~") composite rating of 3, 4, or 5 on its last state or federal examination, the state bank's total quarterly fee shall be increased by 25% ~~for a 3 rated bank and 50% for a 4 or 5 rated bank~~ on the bank's subsequent quarter billing. This assessment shall stay in effect until the quarter following the state bank's receipt of a UFIRS composite rating of 1 or 2 at the next ~~state State~~ or federal examination.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 375.33 Foreign Banking Office Minimum Quarterly Fee

The minimum quarterly fee for a foreign banking office holding a certificate of authority pursuant to the Foreign Banking Office Act [205 ILCS 645] shall be ~~\$2,500-\$1,250~~.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED AMENDMENTS

Section 375.36 Foreign Bank Representative Office Regulatory Fees

- a) An applicant for a foreign bank representative office license shall submit a completed application, in a form prescribed by the Commissioner, along with an application fee of \$700.
- b) The Commissioner shall annually send a foreign bank representative office licensee an annual license renewal notice. The annual renewal fee shall be \$300.
- c) When the Commissioner's examination personnel conduct an examination of a foreign bank representative office, the variable exam-day fee shall be calculated at the rate of \$350 for each one-half examiner-day of work expended in performing the examination, subject to a minimum one-day charge. The variable exam-day fee shall be calculated by the Commissioner and billed to the foreign bank representative office on the last day of the calendar quarter following the calendar quarter in which the examination occurred.
- d) Payment of the fees prescribed in subsections (b) and (c) of this Section shall be due within 30 calendar days of the billing date. Any foreign bank representative office that has failed to submit any required fee within 60 calendar days after the billing date may incur an additional late fee of \$100 per day.
- e) Unless otherwise permitted by the Commissioner, payment of the application fee and annual renewal fee provided for in this Section shall be made to the Commissioner by certified check, money order, an electronic transfer of funds, or an automatic debit of an account. Certified checks or money orders shall be made payable to the Office of Banks and Real Estate.

(Source: Added at 26 Ill. Reg. _____, effective _____)

Section 375.41 Calculation of Corporate Fiduciary Regulatory Fees for Resulting Corporate Fiduciaries

When a corporate fiduciary results from a merger of one or more financial institutions into the resulting corporate fiduciary, the Corporate Fiduciary Regulatory Fee shall be calculated for the resulting corporate fiduciary in the manner set forth in Section ~~375.34~~ ~~375.32~~ of this Part. If a statutorily required examination is not performed on the resulting corporate fiduciary prior to a quarter end, the variable exam-day fee will be based on the aggregate number of exam days expended by the Commissioner in performing the most recent statutorily required examination for each corporate fiduciary involved in the merger.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 375.70 Payment by Electronic Transfer or Automatic Debit

OFFICE OF BANKS AND REAL ESTATE

NOTICE OF PROPOSED AMENDMENTS

Payment of all fees assessed by the Commissioner pursuant to Section 48(3) of the Act [205 ILCS 5/48(3)], Section 17 of the Foreign ~~Banking Bank~~-Office Act [205 ILCS 645/17], and Section 5-10 of the Corporate Fiduciary Act [205 ILCS 620/5-10] shall be made by each state bank and corporate fiduciary to the Commissioner by means of electronic transfer of funds from, or automatic debit of, an account of the state bank or corporate fiduciary, unless the Commissioner authorizes a state bank or corporate fiduciary to submit payment by some other means.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENEDMENT

310.110	Amend	26 Ill. Reg. 10094, 07/12/02
310.130	Amend	26 Ill. Reg. 10094, 07/12/02
310.230	Amend	26 Ill. Reg. 10094, 07/12/02
310.290	Amend	26 Ill. Reg. 10094, 07/12/02
310.490	Amend	26 Ill. Reg. 10094, 07/12/02
310.510	Amend	26 Ill. Reg. 10094, 07/12/02
310.530	Amend	26 Ill. Reg. 10094, 07/12/02
310.540	Amend	26 Ill. Reg. 10094, 07/12/02
Appendix B	Amend	26 Ill. Reg. 10094, 07/12/02
Appendix C	Amend	26 Ill. Reg. 10094, 07/12/02
Appendix D	Amend	26 Ill. Reg. 10094, 07/12/02
Appendix G	Amend	26 Ill. Reg. 10094, 07/12/02
Table AA	Amend	26 Ill. Reg. 13128, 09/06/02
Table AB	Amend	26 Ill. Reg. 13128, 09/06/02

10) Statement of Statewide Objective: These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code and do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Mr. Michael Murphy
 Department of Central Management Services
 Division of Technical Services
 504 William G. Stratton Building
 Springfield, Illinois 62706
 217/782-5601

12) 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

13) Regulatory Agenda on which this rulemaking was summarized: January 2002

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

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENEDMENT
TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 2002
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENEDMENT

- 310.320 Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
- 310.330 Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

Section

- 310.410 Jurisdiction
- 310.420 Objectives
- 310.430 Responsibilities
- 310.440 Merit Compensation Salary Schedule
- 310.450 Procedures for Determining Annual Merit Increases
- 310.455 Intermittent Merit Increase
- 310.456 Merit Zone (Repealed)
- 310.460 Other Pay Increases
- 310.470 Adjustment
- 310.480 Decreases in Pay
- 310.490 Other Pay Provisions
- 310.495 Broad-Band Pay Range Classes
- 310.500 Definitions
- 310.510 Conversion of Base Salary to Pay Period Units
- 310.520 Conversion of Base Salary to Daily or Hourly Equivalent
- 310.530 Implementation
- 310.540 Annual Merit Increase Guidechart for Fiscal Year 2002
- 310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

- APPENDIX A Negotiated Rates of Pay
- TABLE A HR-190 (Department of Central Management Services – State of Illinois Building – SEIU)
- TABLE AA NR-916 (Department of Natural Resources, Teamsters)
- TABLE AB VR-007 (Plant Maintenance Engineers, Operating Engineers)
- TABLE B HR-200 (Department of Labor – Chicago, Illinois – SEIU) (Repealed)
- TABLE C RC-069 (Firefighters, AFSCME) (Repealed)
- TABLE D HR-001 (Teamsters Local #726)
- TABLE E RC-020 (Teamsters Local #330)
- TABLE F RC-019 (Teamsters Local #25)
- TABLE G RC-045 (Automotive Mechanics, IFPE)
- TABLE H RC-006 (Corrections Employees, AFSCME)
- TABLE I RC-009 (Institutional Employees, AFSCME)
- TABLE J RC-014 (Clerical Employees, AFSCME)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENEDMENT

TABLE K	RC-023 (Registered Nurses, INA)
TABLE L	RC-008 (Boilermakers)
TABLE M	RC-110 (Conservation Police Lodge)
TABLE N	RC-010 (Professional Legal Unit, AFSCME)
TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
TABLE Q	RC-033 (Meat Inspectors, IFPE)
TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
TABLE S	HR-012 (Fair Employment Practices Employees, SEIU) (Repealed)
TABLE T	HR-010 (Teachers of Deaf, IFT)
TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE V	CU-500 (Corrections, Meet and Confer Employees)
TABLE W	RC-062 (Technical Employees, AFSCME)
TABLE X	RC-063 (Professional Employees, AFSCME)
TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
APPENDIX B	Schedule of Salary Grades – Monthly Rates of Pay for Fiscal Year 2002
APPENDIX C	Medical Administrator Rates for Fiscal Year 2002
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 2002
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 2002

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENEDMENT

effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENEDMENT

at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENEDMENT

1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective September 30,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENEDMENT

1998; preemptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; preemptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; preemptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; preemptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; preemptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; preemptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; preemptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; preemptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; preemptory amendment at 24 Ill. Reg. 14460, effective September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. _____, effective _____.

SUBPART B: SCHEDULE OF RATES

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENEDMENT

Section 310.280 Designated Rate

The rate of pay for a specific position or class of positions where it is deemed desirable to exclude such from the other requirements of this Pay Plan shall be only as designated by the Governor.

Department of Children & Family Services

Public Service Administrator (Pos. No. 37015-16-23-120-00-01)	<u>Annual Salary</u> 85,104
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Department of Commerce & Community Affairs

Administrative Assistant II (Pos. No. 00502-42-00-040-11-01)	<u>Annual Salary</u> 63,840 57,648
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Public Information Officer IV (Pos. No. 37004-42-00-005-10-01)	<u>Annual Salary</u> 69,792
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Public Service Administrator (Pos. No. 37015-42-35-110-10-03)	<u>Annual Salary</u> 78,612
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Public Service Administrator (Pos. No. 37015-42-35-140-20-01)	<u>Annual Salary</u> 96,360
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Department of Human Services

Administrative Assistant I (Pos. No. 00501-10-68-010-80-21)	<u>Annual Salary</u> 55,200
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Medical Administrator I, Option D (Pos. No. 26401-10-79-006-00-21)	<u>Annual Salary</u> 142,368
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Public Service Administrator (Pos. No. 37015-10-23-100-30-01)	<u>Annual Salary</u> 76,572
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Senior Public Service Administrator (Pos. No. 40070-10-65-000-00-01)	<u>Annual Salary</u> 105,475
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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENEDMENT

Senior Public Service Administrator (Pos. No. 40070-10-81-920-00-21)	<u>Annual Salary</u> 105,480
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Illinois State and Local Labor Relations Board

Private Secretary II (Pos. No. 34202-50-19-000-00-01)	<u>Annual Salary</u> 51,900
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Department of Natural Resources

Administrative Assistant II (Pos. No. 00502-12-30-000-20-01)	<u>Annual Salary</u> 50,520
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Department of Revenue

Public Service Administrator (Pos. No. 37015-25-61-140-80-01)	<u>Annual Salary</u> 76,668
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Department of State Police

Senior Public Service Administrator (Pos. No. 40070-21-10-000-00-01)	<u>Annual Salary</u> 113,580 117,828
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Senior Public Service Administrator (Pos. No. 40070-21-10-000-00-01 40070-21-40-000-00-01)	<u>Annual Salary</u> 113,580 117,828
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(Source: Amended at 26 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part : Nuisance Wildlife Control Permits
- 2) Code Citation: 17 Ill. Adm. Code 525
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
252.10	Amendment
252.20	Amendment
252.30	Amendment
EXHIBIT A	Amendment
- 4) Statutory Authority: Implementing and authorized by Section 2.37 of the Wildlife Code [520 ILCS 5/2.37]
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to update the rule with current information, including adding language classifying Nuisance Wildlife Removers with a Class A license as "industrial users", adding language and statutory citations for violations, updating the Department's address and amending the application to require applicants provide their Social Security Number.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objective: Any governmental body desiring to control Protected Species that are causing damage to property or a risk to human health or safety on lands governed, owned or managed by that governmental body must first obtain a valid Class C Nuisance Wildlife Control Permit from the Department.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
One Natural Resources Way

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

Springfield IL 62702-1271

217/782-1809

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Persons who charge a fee to control Protected Species causing damage to property or a risk to human health or safety on the land of another must obtain a Class A Permit. Persons desiring to control Protected Species causing damages to property or a risk to human health of safety on the land of another, at no charge, must obtain a Class B Nuisance Wildlife Control Permit. Not-for-profit zoos and botanical gardens desiring to control protected species that are causing damage to property or a risk to human health or safety on lands owned by that entity must obtain a valid Class B Nuisance Wildlife Control Permit. Any governmental body desiring to control Protected Species causing damage to property or a risk to human health or safety on lands governed, owned or managed by that government body must obtain a valid Class C Nuisance Wildlife Permit.
 - B) Reporting, bookkeeping or other procedures required for compliance: Permittees shall maintain records and submit an annual report to the Department.
 - C) Types of professional skills necessary for compliance: Class A Permit requirements: meet eligibility requirements, pass a written exam and complete a Hunter Safety Course. Class B Permit requirements: meet eligibility requirements, successfully complete an interview during which Department personnel determine the applicant's knowledge and complete a Hunter Safety Course. Not-for-profit zoo entities must be accredited by the American Zoological Association and a staff member in charge of nuisance wildlife control activities must meet the Class B requirements. Class C Nuisance Wildlife Control Permits shall be issued to governmental bodies upon application.
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Department did not anticipate filing amendments to this Part when the Agenda was submitted.

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 525
NUISANCE WILDLIFE CONTROL PERMITS

Section

- 525.10 Purpose
525.20 Requirements and Application
525.30 General Provisions
525.40 Revocation and Suspension of Permits – Hearings and Appeals
EXHIBIT A Application for Nuisance Wildlife Control Permit

AUTHORITY: Implementing and authorized by Section 2.37 of the Wildlife Code [520 ILCS 5/2.37].

SOURCE: Adopted at 15 Ill. Reg. 4149, effective March 4, 1991; amended at 16 Ill. Reg. 1826, effective January 17, 1992; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 23 Ill. Reg. 3406, effective March 8, 1999; amended at 26 Ill. Reg. _____, effective _____.

Section 525.10 Purpose

This Part has been established to govern the taking, possession, transport, and disposition of Protected Species as defined by Section 2.2 of the Wildlife Code [520 ILCS 5/2.2] which are causing damage to property or a risk to human health or safety and the issuance of Nuisance Wildlife Control Permits. Drainage Districts controlling beavers under authority of the Wildlife Code [520 ILCS 5/2.37] and recipients of Nuisance Animal Removal Permits, Deer Removal Permits and Deer Population Control Permits are exempt from the provisions of this Part.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 525.20 Requirements and Application

- a) Any individual desiring to control Protected Species which are causing damage to property or a risk to human health or safety on the land of another, for a fee, must first obtain a valid Class A Nuisance Wildlife Control Permit from the Department. Taking any protected species in violation of this subsection is a Class B misdemeanor (see 520 ILCS 5/2.33, 2.33(a)). Control of white-tailed deer and migratory,

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

threatened, or endangered species is prohibited except as provided for in Section 525.30(h). Unlawful taking of white-tailed deer is a Class B misdemeanor (see 520 ILCS 5/2.24), as is unlawful taking of migratory birds (see 520 ILCS 5/2.18). Unlawful taking of an endangered species is a Class A misdemeanor (see 520 ILCS 10/9).

- b) Any person desiring to control protected Species which are causing damage to property or a risk to human health or safety on the land of another, at no charge, must first obtain a valid Class B Nuisance Wildlife Control Permit from the Department. Not-for-profit (501(c)(3)) zoos and botanical gardens desiring to control protected species that are causing damage to property or are a risk to human health or safety on lands owned by that entity must first obtain a valid Class B Nuisance Wildlife Control Permit from the Department. Control of white-tailed deer and migratory, threatened, or endangered species is prohibited except as provided for in Section 525.30(h). Unlawful taking of white-tailed deer is a Class B misdemeanor (see 520 ILCS 5/2.24), as is unlawful taking of an endangered species (see 520 ILCS 5/2.18). Unlawful taking of migratory birds is a Class B misdemeanor (see 520 ILCS 10/9).
- c) Any governmental body desiring to control Protected Species which are causing damage to property or a risk to human health or safety on lands governed, owned or managed by that governmental body must first obtain a valid Class C Nuisance Wildlife Control Permit from the Department. Control of white-tailed deer and migratory, threatened, or endangered species is prohibited except as provided for in Section 525.30(h). Unlawful taking of white-tailed deer is a Class B misdemeanor (see 520 ILCS 5/2.24), as is unlawful taking of an endangered species (see 520 ILCS 5/2.18). Unlawful taking of migratory birds is a Class B misdemeanor (see 520 ILCS 10/9).
- d) Permit Procedures
- 1) To be eligible for a Class A or Class B nuisance Wildlife Control Permit the applicant must be at least 18 years of age.
 - 2) Application for a Nuisance Wildlife Control Permit shall be made on forms provided by the Department's Division of Wildlife Program Development and Coordination Resources and shall be obtained by submitting a request to the Division.
 - 3) The Department shall issue a Class A Nuisance Wildlife Control Permit to an individual provided the applicant has:
 - A) met eligibility requirements as per this Section;
 - B) passed a written examination administered by the Department which tests the applicant's knowledge and understanding of:
 - i) this Part;
 - ii) the Wildlife Code [520 ILCS 5/2.37];
 - iii) Illinois List of Endangered and Threatened Fauna (17 Ill. Adm.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

- Code 1010);
- iv) the Illinois Dead Animal Disposal Act [225 ILCS 610];
 - v) "Specifications for the Humane Handling, Care, Treatment, and Transportation of Warmblooded Animals Other Than Dogs, Cats, Rabbits, Hamsters, Guinea Pigs, Nonhuman Primates, and Marine Mammals" (Subpart F, Subchapter A, ch. 1, Title 9 CFR, 1985) (no later editions or amendments are included);
 - vi) Disease Free Certification and Quarantine Provisions for Propagation, Release, Importation, Exportation, and Transportation of Game Mammals, Game Birds, Migratory Birds, or Exotic Wildlife (17 Ill. Adm. Code 630); and
 - vii) diseases, life cycles, habits, and habitats of common Illinois wildlife as well as methods of preventing or controlling damage and risks to human health or safety.
- C) completed a Hunter Safety Course administered by the Department or provided proof of equivalent training if guns are to be used to take or euthanize animals.
- 4) Each new applicant or person whose permit has been revoked or has expired shall be required to answer correctly at least 80% of the questions on the closed-book examination. Applicants failing the required examination may repeat the exam after 45 days. Should a second failure occur, a six-month waiting period from the date of the second exam is required. The examination sequence can be repeated no more than twice during any two-year period.
- 5) The Department shall issue a Class B Nuisance Wildlife Control Permit to an individual provided the applicant has:
- A) met eligibility requirements as per this Section;
 - B) successfully completed an interview during which a representative of the Division of Wildlife Resources has determined the applicant's knowledge of wildlife and wildlife capture techniques sufficient to render services as provided for in this Section; and
 - C) completed a Hunter Safety Course administered by the Department or provided proof of equivalent training if guns are to be used to take or euthanize animals.
- 6) The Department shall issue a Class B Nuisance Wildlife Control Permit to a not-for-profit (501(c)(3)) zoo provided that entity is accredited by the American Zoological Association and a staff member in charge of nuisance wildlife control activities complies with provisions set forth in Section 525.20(d)(5). The Department shall issue a Class B Nuisance Wildlife Control Permit to a not-for-profit (501(c)(3)) botanical garden provided that entity is a member of the American Arboreta and Botanic Garden Association and a staff member in

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

charge of nuisance wildlife control activities complies with provisions set forth in Section 525.20(d)(5). Authorization granted to not-for-profit zoos and botanical gardens is limited to properties owned by those entities and subject to refusal, revocation and/or suspension pursuant to Sections 525.20(e), 525.30(q), and 525.40.

- 7) The Department shall issue a Class C Nuisance Wildlife Control Permit to a governmental body upon application.
- e) Violation of the Illinois Endangered Species Act [520 ILCS 10], the Fish Code of 1971 [520 ILCS 5] or the Wildlife Code [520 ILCS 5] during the 3 years prior to application for a Class A or Class B Nuisance Wildlife Control Permit shall be grounds for refusal to issue said permit.
- f) Final judgment of applications shall be made by the Chief, Division of Wildlife Program Development and Coordination Resources, or his designee, based on criteria contained in subsection (d).
- g) Providing deceptive or false information on an application is a Class A misdemeanor (see 520 ILCS 5/2.38).

(Source: Amended at 26 Ill. Reg. _____, effective _____)

Section 525.30 General Provisions

- a) Nuisance Wildlife Control Permits shall be issued on an annual basis and expire January 31 of each year. Nuisance Wildlife Control Permits are not transferable. Permitted Nuisance Wildlife Control is governed solely by Sections 2.37 and 2.38 of the Wildlife Code [520 ILCS 5/2.37 and 2.38] and this Part. All other provisions of The Game Protective Regulations of the Wildlife Code [520 ILCS 5] do not apply.
- b) Under no circumstances shall a Nuisance Wildlife Control Permit be used in lieu of a scientific collector's permit or sport or commercial licenses.
- c) Permittee's method of taking fauna must be approved by the Department. Approved methods include, but are not limited to trapping and shooting. In addition,
 - 1) Only the following devices shall be used for land sets:
 - A) box traps, cage traps or traps of similar design;
 - B) EGG traps[®], D-P[®] (Dog-Proof) traps or traps of similar design with a single access opening no larger than three square inches;
 - C) cushion-hold traps with no modifications from the manufacturer's specifications other than the addition of auxiliary springs and/or swivels. "Cushion-hold trap" means an approved, commercially manufactured trap of the spring-loaded type with offset jaws designed to capture an animal by closing upon one of its limbs and that is so constructed that the edges designed to touch the animal are composed of a non-metallic

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

- substance that eliminates or mitigates injury to the trapped animal; and
- D) body-gripping traps powered by two springs and having an inside jaw spread no larger than 25 square inches may be used if set inside a residence at least four inches from any outside surface of the structure or set outdoors at least eight feet from the ground and enclosed in a tube, cylinder or open-ended box constructed of solid wood, metal or plastic such that the trigger of the trap is located at least twelve inches from any entrance to the enclosure in which it is set.
- E) Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(a)).
- 2) Body-gripping trap, cushion-hold traps, leghold traps, EGG[®] traps and D-P[®] (Dog-Proof) traps or traps of similar design, Bailey beaver traps or traps of similar design, Snead colony traps or traps of similar design, and cage traps, box traps or traps of similar design may be used for water sets. Snares that are not powered by springs or other mechanical devices shall be used for water sets only if at least one-half of the snare noose loop is located under water at all times; the noose loop diameter is not greater than 15 inches (38.1 CM); the snare is equipped with a mechanical lock, anchor swivel, and stop device to prevent the mechanical lock from closing the noose loop to a diameter of less than 2½ inches (6.4 CM); the cable diameter is not less than 5/64 inch (2.0 MM) but not greater than ? inch (3.2 MM); and the snare is not constructed of stainless steel metal cable or wire. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(a)).
- 3) It is unlawful to fail to visit and remove all animals from traps staked out, set, used, tended, placed or maintained at least once each calendar day. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(a)).
- 4) It is unlawful for any person to place, set, use, or maintain any trap or snare that is not tagged, inscribed, or otherwise identified with the permittee's name and address. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(a)).
- 5) It is unlawful for any person to place, set, use, or maintain a cushion-hold trap or leghold trap, in water, that has an inside jaw spread larger than 7½ inches (19.1 CM), or a body-gripping trap having an inside jaw spread larger than 144 square inches. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(a)).
- 6) It is unlawful for any person to place, set, use, or maintain a cushion-hold trap, on land, that has an inside jaw spread larger than 6½ inches (16.6 CM). Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(a)).
- 7) It is unlawful to use any trap with saw-toothed, serrated, spiked, or toothed jaws. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(a)).
- 8) It is unlawful to place, set, or maintain any leghold trap or cushion-hold trap within 30 feet (9.14 m) of bait placed in such a manner or position that it is not completely covered and concealed from sight, except that this shall not apply to

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

- underwater sets. Bait shall mean and include any bait composed of mammal, bird, or fish flesh, fur, hide, entrails, or feathers. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(a)).
- 9) It is unlawful to use any deadfall, pit trap, spear, gig, hook, crossbow, poison, chemical, explosive or any like device to take any Protected Species, except that commercially available gas cartridges that emit carbon monoxide or carbon dioxide as primary lethal agents may be used according to the manufacturer's specifications. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(a)).
 - 10) It is unlawful for any person, except persons permitted by law, to have or carry any gun in or on any vehicle, conveyance or aircraft, unless such gun is unloaded and enclosed in a case. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(n)).
 - 11) It is unlawful to fire a rifle, pistol, revolver, or airgun on, over or into any waters of this State, including frozen waters. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(q)).
 - 12) It is unlawful to discharge any gun along, upon, across, or from any public right-of-way or highway in this State. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(r)).
 - 13) It is unlawful to use a silencer or other device to muffle or mute the sound of the explosion or report resulting from the firing of any gun. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(s)).
 - 14) It is unlawful for any person to remove animals from or to move or disturb in any manner, the traps owned by another person without written authorization of the owner to do so. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(v)).
 - 15) It is unlawful for any person to wantonly or carelessly injure or destroy, in any manner whatsoever, any real or personal property on the land of another while engaged in activities permitted by this Section. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(x)).
 - 16) It is unlawful for any person to take any Protected Species during the gun deer hunting season in those counties open to gun deer hunting, unless he wears, when in the field, a cap and outer garment of a solid blaze orange color, with such articles of clothing displaying a minimum of 400 square inches of blaze orange material. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(ff)).
 - 17) The use of guns shall be subject to all State restrictions.
 - 18) The use of guns shall be subject to municipal restrictions unless otherwise authorized in writing by an official of the municipality.
- d) Taking of fauna on private properties by Class A and Class B permittees requires the landowner's or tenant's written permission. Class B not-for-profit permittees are

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

restricted to taking nuisance fauna only on the lands owned by the not-for-profit entity. Nothing in this Part allows the taking of wildlife on the property of another without permission from the landowner or tenant. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33(t)).

- e) Taking of fauna on State-owned or -managed lands requires written authorization from the Site Superintendent or District Wildlife Habitat Biologist. Violation is a Class B misdemeanor (see 520 ILCS 835/6).
- f) Permittees shall describe to the persons seeking services the estimated cost and type of control methods to be used to relieve the nuisance problem and/or to alleviate damage to livestock, crops, or property.
- g) The Nuisance Wildlife Control permit must be carried on the person at all times when taking or transporting fauna and be presented, upon request, to any authorized employee of the Department or any peace officer. Violation is a Class B misdemeanor (see 520 ILCS 5/2.37).
- h) The taking of white-tailed deer, endangered species, threatened species, migratory birds, or other species protected by Federal regulations is prohibited except for:
 - 1) the salvage and disposal of dead white-tailed deer in accordance with subsection (k) of this Section; ~~and~~
 - 2) the control of blackbirds, cowbirds, grackles, crows and magpies in accordance with and under authority of a standing depredation order issued by the U.S. Fish and Wildlife Service (~~Title 50, CFR, Part 21, 21.43 Subpart D, Paragraph 1989~~);
 - 3) the destruction of nests and eggs of protected species of waterfowl including wild ducks, geese and swans in accordance with the following requirements:
 - A) individuals desiring to destroy the nests and eggs of protected species of waterfowl, for a fee, must first answer correct at least 80% of questions on a written exam which tests their knowledge of methods of preventing, abating and controlling property damage and risks to human health or safety caused by protected species of waterfowl, topics specified by Section 525.20(d)(3)(B) and applicable federal regulations (50 CFR 21.41); individuals who pass the written exam and meet other requirements set forth in this Part shall be issued a certificate of authorization to destroy the nests and eggs of protected species of waterfowl;
 - B) prior to destroying the nests and eggs of protected species of waterfowl, permittees must request and obtain appropriate authorization from the U.S. Fish and Wildfish Service and written approval from the Department for each site where control work will take place; and

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

- C) methods of destroying waterfowl eggs shall be limited to addling, oiling, puncturing and freezing.
- 4) ~~the~~ If the permittee desires to control of any other migratory birds or other species protected by federal regulations ~~requires prior, the permittee must first obtain appropriate~~ authorization from the U.S. Fish and Wildlife Service and written approval from the Department for each site where control work will take place, then receive written approval from the Department prior to initiating any control methods.
- i) All fur-bearing mammals [520 ILCS 5/1.2g] and game mammals [520 ILCS 5/1.2h] that are not endangered or threatened (17 Ill. Adm. Code 1010) and are taken under authority of this Part must be released alive or euthanized except that:
- 1) striped skunks must be euthanized; and
 - 2) raccoons must be euthanized or released on the same property and within 100 yards of where they were captured, or surrendered to a licensed veterinarian who is a licensed wildlife rehabilitator for euthanasia or treatment and release. Release may only be after an observation period of at least 45 days. During observation, raccoons may be housed at any properly licensed rehabilitator. Violation is a petty offense (see 520 ILCS 5/2.37).
- All other Protected Species must be released alive or surrendered to a licensed rehabilitator. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33).
- j) Methods of euthanizing animals must be approved by the Department and include such methods as:
- 1) captive bolt, gunshot, drowning, and stunning (mechanical only);
 - 2) inhalants, including halothane, isoflurane, carbon monoxide, and carbon dioxide; and
 - 3) non-inhalants including Secobarbital/dibucaine. A Class A Nuisance Wildlife Removal Permittee is an industrial user defined in 720 ILCS 635/1.
- k) All dead animals must be transferred to a licensed renderer or disposed of in accordance with the Illinois Dead Animal Disposal Act [225 ILCS 610]. Violation is a Class C misdemeanor (see 225 ILCS 610/19).
- l) Animals, animal parts and animal by-products taken under authority of this Part may not be sold, offered for sale, bartered or shipped for the purpose of sale or barter. Violation is a Class A misdemeanor (see 520 ILCS 5/2.36).
- m) All animals released alive must be re-located into suitable habitat in the State of Illinois within 24 hours after capture. Except as provided for in subsection (i) of this Section, the release site must be located at least 10 but not more than 40 miles from the capture site unless the Department grants specific authority to release animals greater than 40 miles from the capture site and the animals are certified disease-free as provided for in 17 Ill. Adm. Code 630. Animals captured by duly appointed representatives of municipalities shall be re-located into suitable habitat less than 10

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

- miles from the capture site if this subsection would require the release of animals on lands outside their jurisdiction. Violation is a petty offense (see 520 ILCS 5/2.37).
- n) Temporary holding facilities must meet U.S. Department of Agriculture standards for animal welfare as specified in "Specifications for the Humane Handling, Care, Treatment, and Transportation of Warmblooded Animals Other Than Dogs, Cats, Rabbits, Hamsters, Guinea pigs, Nonhuman Primates, and Marine Mammals" (Subpart F, Subchapter A, ch. 1, Title 9 CFR, 1985) (no later editions or amendments are included). Violation is a petty offense (see 520 ILCS 5/2.37).
- o) Release of fauna onto public or private land requires written authorization from the site superintendent, tenant, or landowner. In the event that threatened or endangered species are involved, the release shall be directed by the Endangered and Threatened Species Conservation Program Coordinator, Division of Resource Stewardship and Protection-Natural Heritage, Department of Natural Resources, One Natural Resources Way 524 South Second Street, Springfield, Illinois 62702-1271 62701. Violation is a petty offense (see 520 ILCS 5/2.37).
- p) Permittees who rent, lend or otherwise transfer traps to clients, citizens, or other parties who are not under their direct supervision and have not obtained a Nuisance Wildlife Control Permit or a Nuisance Animal Removal Permit are responsible for any damages or violations of this Section that are perpetrated by the other party. Any animals taken by a second party must be reported by the permittee in accordance with subsection (q). Failure to comply with this Part shall result in permit suspension or revocation in accordance with Section 525.40.
- q) All permittees shall maintain records and submit an annual report to the Department showing the following information: total number of complaints received, number of complaints serviced, county of residence, name, address, and phone number of the permittee, number and kinds of animals relocated, name, address, and phone number of any site supervisor, tenant or landowner on whose property animals were released, locations where animals were released, and number and kinds of all animals euthanized. This report shall be made on or before January 20 and shall include all operations for the period from January 1 through December 31 of the previous year. All such reports and records required by this Section shall be available for inspection by any officer or authorized employee of the Department, any sheriff, deputy sheriff, or any other peace officer at any reasonable time when request is made for same. Failure to comply with the provisions of this Section shall bar the permittee from obtaining a Nuisance Wildlife Control permit for the following year.
- r) It shall be unlawful for any person to represent himself or herself falsely to be an authorized employee of the Department, or to assume to act as such without having been duly appointed and employed as such. Violation is a petty offense (see 520 ILCS 5/1.23).

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

(Source: Amended at 26 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

Section 525.EXHIBIT A Application for Nuisance Wildlife Control Permit

Part 1. Personal Data

Name

First Middle Initial Last

Date of Birth

Month Day Year

Social Security Number

Representing the following company, organization or governmental body (if applicable):

Address

Street

Phone

City State Zip Code
-
Area Code Number

Date of Birth

Month Day Year

Part 2. Type of permit applied for (check one):

- _____ Class A (Commercial)
- _____ Class B (Volunteer/Not-For-Profit Organizations*)
- _____ Class C (Governmental Bodies Only)

* Not-for-Profit Organizations must attach a copy of their Internal Revenue Service tax-exempt status determination letter and a map or legal description of their properties where wildlife will be controlled

Part 3. Work Area (Applicants for Class A and B Permits only)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

A list of permittees is distributed to District Wildlife ~~Habitat~~ Biologists and Conservation Police Officers so that they can refer complainants to permittees who service that area. Please list (in order of preference) up to four counties that you service. This list will be used strictly for referrals; your activities are not restricted to this area.

County 1

County 2

County 3

County 4

I certify that all information provided on this application is true and correct to the best of my knowledge.

Applicant's Signature

RETURN COMPLETED APPLICATIONS TO:

Illinois Department of Natural Resources
Division of Wildlife Program Development and Coordination Resources
Lincoln Tower Plaza
One Natural Resources Way 524 South Second Street
Springfield, IL 62702-1271 62701-1787

(Source: Amended at 26 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part : Land and Water Conservation Fund (LWCF) Grant Program
- 2) Code Citation: 17 Ill. Adm. Code 3030
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
3030.20	Amendment
3030.50	Amendment
- 4) Statutory Authority: Implementing and authorized by the Outdoor Recreation Resources Act [20 ILCS 860] and the Land and Water Conservation Fund Program (36 CFR 50)
- 5) A Complete Description of the Subjects and Issues Involved: Reference in the existing rule that no more than 10% of the annual LWCF apportionment can be allocated to any one project is being deleted. This is a stipulation in the State's OSLAD Act (Rule 3025) which is administered similarly and was erroneously included in Rule 3030 when it was recently updated, however, this 10% limitation is not a stipulation of federal LWCF program. Because federal LWCF allocations to Illinois are currently less than \$5.0 million annually, such a restriction is not consistent with specified grant maximums stipulated in the Rule. Copies of canceled checks are no longer required as proof of payment to seller.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objective: This is a grant program. Agencies eligible for assistance under the LWCF grant program are any unit of local government with statutory authority to acquire, develop and maintain lands for public outdoor recreation purposes. This includes, but is not limited to, counties, townships, municipalities, park districts, conservation districts and forest preserve districts.
- 11) 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:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

Stanely Yonkauski, Jr
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Provides funding assistance opportunities for, but not limited to, counties, township, municipalities, park districts, conservation districts and forest preserve districts.
 - B) Reporting, bookkeeping or other procedures required for compliance: Grant recipients must complete the project and submit billing statements verifying cost incurred before funds will be awarded.
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Department did not anticipate the necessary of filing amendments to this Part at the time the regulatory agenda was summarized.

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER g: GRANTSPART 3030
LAND AND WATER CONSERVATION FUND (LWCF) GRANT PROGRAM

Section

3030.5	Definitions
3030.10	Statutory Basis of Grant Program
3030.20	Eligibility
3030.30	General Procedures for Grant Applications and Awards
3030.40	Selection Criteria
3030.50	Compliance Requirements
3030.60	Land and Water Conservation Fund Information
APPENDIX A	Project Evaluation Criteria

AUTHORITY: Implementing and authorized by the Outdoor Recreation Resources Act [20 ILCS 860] and the Land and Water Conservation Fund Program (36 CFR 50).

SOURCE: Adopted at 2 Ill. Reg. 45, p. 176, effective November 11, 1978; codified at 5 Ill. Reg. 10671; amended at 7 Ill. Reg. 8779, effective July 15, 1983; amended at 10 Ill. Reg. 13249, effective July 30, 1986; amended at 14 Ill. Reg. 6149, effective April 17, 1990; amended at 16 Ill. Reg. 1816, effective January 17, 1992; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 26 Ill. Reg. 935, effective January 15, 2002; amended at 26 Ill. Reg. _____, effective _____.

Section 3030.20 Eligibility

- a) Agencies eligible for assistance under the LWCF grant program are any unit of local government with statutory authority to acquire, develop and maintain lands for public outdoor recreation purposes. This includes, but is not limited to, counties, townships, municipalities, park districts, conservation districts and forest ~~preserve~~ ~~perserve~~ districts.
- b) Grant assistance may be obtained for land acquisition costs (fee simple title or permanent easement, etc.) for public park and/or conservation purposes. The LWCF grant program shall operate on a reimbursement basis providing up to a maximum of 50% funding assistance on total approved project costs. Except, for jurisdictions having populations exceeding 2 million residents, maximum grant awards to any one

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

project in a given year are limited to \$750,000 for approved land acquisition projects ~~and \$400,000 for approved development (construction) projects~~. Counties serving a population exceeding 2 million residents are eligible for up to \$1.15 million in annual LWCF grant funding for approved outdoor recreation acquisition ~~and/or development~~ projects. Municipalities with a population exceeding 2 million are eligible for up to \$2.3 million in annual LWCF grant funding for approved projects. ~~However, no more than 10% of the annual LWCF appropriation can be allocated to any one project~~. Eligible projects include, but are not limited to, acquisition of land for the following:

- 1) general park purposes such as community and neighborhood parks and playfields;
 - 2) frontage on public surface waters for recreation use;
 - 3) open space/conservation purposes to protect floodplains, wetlands, natural areas, wildlife habitat and unique geologic or biologic features; and
 - 4) additions to such areas.
- c) Acquisition of land from another public agency (excluding school districts) is not eligible for LWCF grant assistance.
- d) Project costs for which reimbursement is sought cannot be incurred by the project applicant prior to grant approval notification or Department authorization. Costs incurred prior to Department approval are ineligible for grant assistance. For acquisition projects, costs are considered incurred when property deed, lease or other conveyance is accepted by the local sponsor or first payment is made on the project property or to an escrow account for the property. In addition, no purchase agreement, option, etc., or price negotiations shall be entered into without Department approval unless done in accordance with State statute.
- e) No grant awards shall be awarded for the acquisition of land that will not be available for general public outdoor recreation use.

(Source: Amended at 26 Ill. Re g. _____, effective _____)

Section 3030.50 Compliance Requirements

- a) The local project sponsor is required to enter into a grant project agreement with the Department for an amount agreed upon as necessary to complete the approved project, specifying the related grant reimbursement amount and program compliance regulations.
- b) Grant funds allocated by the Department to a local project sponsor under the Federal Land and Water Conservation Fund program shall be expended in accordance with all applicable federal and State statutes.
- c) Property acquired with funding assistance from the LWCF program shall be operated

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

and maintained in perpetuity for public outdoor recreation use as set forth in this Part and the LWCF Act. Property acquired with LWCF assistance may not be converted to a use other than public outdoor recreation use as provided in this Part and 36 CFR 59 (2001; no incorporation by reference in this Part includes later amendments or editions) without Department and NPS approval. Approval for property conversion will be granted in accordance with the LWCF Program (36 CFR 59).

- d) The acquisition cost or fair market value of real property acquired with LWCF assistance shall be based on an independent appraisal completed by a State licensed/certified general appraiser and submitted to the Department by the local project sponsor. The appraisals will be reviewed by the Department for acceptance and compliance with standard federal appraisal guidelines.
- e) Upon project completion, the project sponsor must submit a certified project billing request (expenditure statement) listing/verifying all property acquired and funds expended on the project for which grant reimbursement is sought, as well as required billing documentation, as follows:
 - 1) proof of good faith negotiations or fair market value offer to land seller;
 - 2) copy of property deed and title insurance policy showing ownership transferred to the local project sponsor (or Judgment Order in the case of eminent domain); and
 - 3) ~~copies of canceled checks showing~~ proof of payment to seller.
- f) Eligible Project Costs
Project costs eligible for grant assistance shall be determined upon the basis of the criteria set forth in the federal Land and Water Conservation Fund Grants-in-Aid (U.S. Department of the Interior, National Park Service "LWCF Grant Manual" Release #151, dated December 9, 1991)" and DNR's OSLAD/LWCF Local Participation Manuals.
- g) Project Termination
 - 1) The State may unilaterally rescind project agreements at any time prior to project commencement if federal funds are rescinded. After project commencement, agreements may be rescinded, modified, or amended only by mutual agreement with the local project sponsor. A project shall be deemed commenced when the local political subdivision makes any expenditure or incurs any obligation with respect to the project.
 - 2) Failure by the local project sponsor to comply with the terms of the Land and Water Conservation Fund program or to make satisfactory progress in completing the approved project per terms of the signed grant agreement shall be cause for the suspension of all of DNR's obligations under the agreement.
 - 3) Failure by the project sponsor to comply with the terms of the grant agreement shall not be cause for the suspension of all Land and Water obligations if, in the judgment of the Director, the failure was due to no fault of the local project

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

sponsor.

h) Conflict of Interests

- 1) No official or employee of the project sponsor who is authorized in his official capacity to negotiate, make, accept, or approve or to take part in such decisions regarding a contract or subcontract in connection with an approved Land and Water project shall have any financial or other personal interest in any such contract or subcontract.
- 2) No person performing services for the local project sponsor in connection with an approved Land and Water project shall have a financial or other personal interest, other than his employment or retention by that local political subdivision, in any contract or subcontract in connection with an approved Land and Water project. No officer or employee of a person retained by the local support sponsor shall have any financial or other personal interest in any real property acquired under an approved Land and Water project unless that interest is openly disclosed upon the public records of the local project sponsor, and such officer, employee or person has not participated in the acquisition for or on behalf of the local support sponsor.

i) Financial Records

The local project sponsor shall maintain legible financial accounts, documents, and records that accurately support project costs claimed for grant reimbursement, and shall make them available to the Director, NPS, the federal Department of the Interior, and to the U.S. General Accounting Office for auditing during regular business hours. The accounts, documents, and records shall be retained by the local political subdivision for five years following project termination.

j) Use of Facilities

- 1) The project sponsor shall not at any time convert any property acquired through the LWCF program to other than the public outdoor recreation uses specified in the project proposal without approval of the Department and Director of NPS (per 36 CFR 59).
- 2) The project sponsor shall operate and maintain, or cause to be operated and maintained, property or facilities acquired through the LWCF program in the manner and according to the standards set forth in the federal Land and Water Grants-in-Aid Manual.
- 3) The project sponsor may enter into a contract or agreement with responsible concessionaires to operate and/or construct facilities, for dispersing food to the public and/or any other services as may be desired by the public and the sponsoring agency for enjoyable and convenient use of the LWCF-assisted site. Any and all concession revenue in excess of the costs of operation and maintenance of the LWCF lands and/or facilities shall be used for the improvement of those lands or facilities or similar nearby public facilities. All

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

sub-leases or licenses entered into by the sponsoring agency with third persons relating to accommodations or concessions to be provided for or at the LWCF facility for benefit of the public shall be submitted to the Department, upon request, for its approval prior to the sub-lease or license being entered into or granted by the sponsoring agency.

- k) Nondiscrimination
 - 1) The local project sponsor shall not discriminate against any person on the basis of race, color, national origin, handicap or age in the use of any property or facility acquired with LWCF grant assistance.
 - 2) The local political subdivision shall comply with 36 CFR 50, promulgated by the U.S. Secretary of the Interior.
 - 3) The local political subdivision shall not discriminate against any person on the basis of residence, except to the extent that reasonable differences in admission or other fees may be maintained on the basis of residence. Reasonable differences shall mean that fees charged to non-residents cannot exceed twice the amount charged to residents. When residents are not charged, but non-residents are charged, the non-resident fee cannot exceed fees charged for residents at comparable State or local public facilities having a fee system.
- l) The local project sponsor shall permanently post an LWCF acknowledgment sign at the project site. The necessary sign will be provided by the Department or specifications for its construction will be furnished to the local project sponsor, if requested.
- m) Projects assisted with LWCF grant funds shall be implemented in accordance with all applicable federal, State and local laws, ordinances and regulations pertaining to the public expenditures.
- n) The sponsoring agency shall indemnify, protect, defend and hold harmless the Department from any and all liability, costs, damages, expenses, or claims arising under, through or by LWCF-assisted facilities.
- o) In connection with and prior to the construction, and the subsequent operation and maintenance, of LWCF-assisted facilities, the project sponsor is responsible for obtaining any and all necessary construction permit, licenses or forms of consent required by law. Failure to obtain any required permits may jeopardize approved grant funding.
- p) The Department shall have access to LWCF-assisted facilities at all times for inspection purposes to ensure the project sponsor's continued compliance with this Part.
- q) The project sponsor shall certify that it provides a drug free workplace and related employee assistance as defined and required by the Drug Free Workplace Act [30 ILCS 105].
- r) Pursuant to 775 ILCS 5/2-105(a)(4), the project sponsor shall certify that it has a

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

written sexual harassment policy that includes, at a minimum, the following information:

- 1) the illegality of sexual harassment;
- 2) the definition of sexual harassment under State law;
- 3) a description of sexual harassment, utilizing examples;
- 4) the contractor's internal complaint process, including penalties;
- 5) the legal recourse, investigation and complaint process available through the Illinois Department of Human Rights and the Human Rights Commission and directions on how to contact both; and
- 6) protection against retaliation as provided by Section 6-101 of the Illinois Human Rights Act [775 ILCS 5/6-101]. A copy of the policy shall be provided to the Department of Human Rights upon request.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Organic Material Emission Standards and Limitations for the Chicago Area
- 2) Code Citation: 35 Ill. Adm. Code 218
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
218.112	Amend
218.929	Add
- 4) Statutory Authority: 415 ILCS 5/27
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking is explained in more detail in the Board's first notice opinion and order of August 8, 2002, R02-20, available from the address in item 11 below. This rulemaking was initiated by a filing of the Horween Leather Company to change the volatile organic material control requirements as applied to a small amount of new specialty leathers that it plans to produce at its facility located at 2015 North Elston Avenue, Chicago, Illinois. The requested rule change would allow Horween Leather Company to continue to produce its existing specialty leather pursuant to existing regulations, and develop new specialty leather products in compliance with the modified regulation.

Proposed Section 218.929(a) defines the applicability of the rule that limits all exemptions and volume emission modification to Horween's leather manufacturing facility; Volatile Organic Material (VOM) emission limits for production of cementable show leather with a percent content of wax, grease, polymer, and oils between 12 and 25% by weight that cannot meet the definition of specialty leathers of 35 Ill. Adm. Code 211.6170; VOM emission limits for production of dress or performance shoe leather finished with water emulsified coating materials that cannot meet the definition of 35 Ill. Adm. Code 211.6170; and no exemption from the annual 10-ton VOM cap applicable to stains pursuant to Section 218.926(b)(2)(i).

The proposed Section also contains specific numeric limitations on emissions from the production of the new leather products with a cap on total annual emissions. Additionally, the rulemaking requires compliance with the company's approved standard operating and maintenance procedures, and includes reporting and record keeping requirements.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section 218.112(a)(26) incorporates by reference ASTM D2099-00, Standard Test Method for Dynamic Water Resistance of Shoe Upper Leather by the Maeser Water Penetration Tester, a test method that is referenced in 218.929(b)(1).

- 6) Will this proposed amendment replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objective:

The proposed amendment and addition are brought under the authority of Sections 27 of the Illinois Environmental Protection Act.

These proposed amendments neither create nor enlarge a State mandate as defined in Section 3(b) of the State Mandates Act. [30 ILCS 805/3].

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R02-20 and be addressed to:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

James R. Thompson Center
100 W. Randolph St.
Suite 11-500
Chicago IL 60601

Address all questions to William Murphy, at 312-814-6062 or murphyw@ipcb.state.il.us.

Request copies of the Board's opinion and order in Docket R02-20 from Dorothy M. Gunn, at 312-814-3620, or download from the Board's Web site at www.ipcb.state.il.us.

- 12) Initial Regulatory Flexibility Analysis:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Horween Leather Company, which is located at 2015 North Elston Avenue, Chicago, Illinois, will be the only company affected, since this is a site-specific rulemaking.

- A) Types of small businesses affected: Horween Leather Company, which manufactures specialty leathers.
 - B) Reporting, bookkeeping or other procedures required for compliance: This rulemaking proposes language that would require Horween to report and record VOM content, gallons, and pounds of coatings by each batch of leather manufactured during each month.
 - C) Types of professional skills necessary for compliance: No professional skills beyond those currently required by the rules will be required.
- 13) Regulatory agenda on which this rulemaking was summarized: July 2002

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

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER c: EMISSIONS STANDARDS AND LIMITATIONS FOR STATIONARY
SOURCES

PART 218

ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS FOR THE
CHICAGO AREA

SUBPART A: GENERAL PROVISIONS

Section

- 218.100 Introduction
- 218.101 Savings Clause
- 218.102 Abbreviations and Conversion Factors
- 218.103 Applicability
- 218.104 Definitions
- 218.105 Test Methods and Procedures
- 218.106 Compliance Dates
- 218.107 Operation of Afterburners
- 218.108 Exemptions, Variations, and Alternative Means of Control or Compliance Determinations
- 218.109 Vapor Pressure of Volatile Organic Liquids
- 218.110 Vapor Pressure of Organic Material or Solvent
- 218.111 Vapor Pressure of Volatile Organic Material
- 218.112 Incorporations by Reference
- 218.113 Compliance with Permit Conditions ~~Monitoring for Negligibly Reactive Compounds~~
- 218.114 Compliance with Permit Conditions

SUBPART B: ORGANIC EMISSIONS FROM STORAGE AND LOADING OPERATIONS

Section

- 218.119 Applicability for VOL
- 218.120 Control Requirements for Storage Containers of VOL
- 218.121 Storage Containers of VPL
- 218.122 Loading Operations
- 218.123 Petroleum Liquid Storage Tanks

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 218.124 External Floating Roofs
- 218.125 Compliance Dates
- 218.126 Compliance Plan (Repealed)
- 218.127 Testing VOL Operations
- 218.128 Monitoring VOL Operations
- 218.129 Recordkeeping and Reporting for VOL Operations

SUBPART C: ORGANIC EMISSIONS FROM MISCELLANEOUS EQUIPMENT

Section

- 218.141 Separation Operations
- 218.142 Pumps and Compressors
- 218.143 Vapor Blowdown
- 218.144 Safety Relief Valves

SUBPART E: SOLVENT CLEANING

Section

- 218.181 Solvent Cleaning in General
- 218.182 Cold Cleaning
- 218.183 Open Top Vapor Degreasing
- 218.184 Conveyorized Degreasing
- 218.185 Compliance Schedule (Repealed)
- 218.186 Test Methods

SUBPART F: COATING OPERATIONS

Section

- 218.204 Emission Limitations
- 218.205 Daily-Weighted Average Limitations
- 218.206 Solids Basis Calculation
- 218.207 Alternative Emission Limitations
- 218.208 Exemptions from Emission Limitations
- 218.209 Exemption ~~From from~~ General Rule on Use of Organic Material
- 218.210 Compliance Schedule
- 218.211 Recordkeeping and Reporting
- 218.212 Cross-Line Averaging to Establish Compliance for Coating Lines
- 218.213 Recordkeeping and Reporting for Cross-Line Averaging Participating Coating Lines
- 218.214 Changing Compliance Methods

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 218.215 Wood Furniture Coating Averaging Approach
- 218.216 Wood Furniture Coating Add-On Control Use
- 218.217 Wood Furniture Coating Work Practice Standards

SUBPART G: USE OF ORGANIC MATERIAL

Section

- 218.301 Use of Organic Material
- 218.302 Alternative Standard
- 218.303 Fuel Combustion Emission Units
- 218.304 Operations with Compliance Program

SUBPART H: PRINTING AND PUBLISHING

Section

- 218.401 Flexographic and Rotogravure Printing
- 218.402 Applicability
- 218.403 Compliance Schedule
- 218.404 Recordkeeping and Reporting
- 218.405 Lithographic Printing: Applicability
- 218.406 Provisions Applying to Heatset Web Offset Lithographic Printing Prior to March 15, 1996
- 218.407 Emission Limitations and Control Requirements for Lithographic Printing Lines On and After March 15, 1996
- 218.408 Compliance Schedule for Lithographic Printing On and After March 15, 1996
- 218.409 Testing for Lithographic Printing On and After March 15, 1996
- 218.410 Monitoring Requirements for Lithographic Printing
- 218.411 Recordkeeping and Reporting for Lithographic Printing

SUBPART Q: LEAKS FROM SYNTHETIC ORGANIC CHEMICAL AND POLYMER
MANUFACTURING PLANT

Section

- 218.421 General Requirements
- 218.422 Inspection Program Plan for Leaks
- 218.423 Inspection Program for Leaks
- 218.424 Repairing Leaks
- 218.425 Recordkeeping for Leaks
- 218.426 Report for Leaks

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 218.427 Alternative Program for Leaks
- 218.428 Open-Ended Valves
- 218.429 Standards for Control Devices
- 218.430 Compliance Date (Repealed)
- 218.431 Applicability
- 218.432 Control Requirements
- 218.433 Performance and Testing Requirements
- 218.434 Monitoring Requirements
- 218.435 Recordkeeping and Reporting Requirements
- 218.436 Compliance Date

SUBPART R: PETROLEUM REFINING AND RELATED INDUSTRIES; ASPHALT MATERIALS

Section

- 218.441 Petroleum Refinery Waste Gas Disposal
- 218.442 Vacuum Producing Systems
- 218.443 Wastewater (Oil/Water) Separator
- 218.444 Process Unit Turnarounds
- 218.445 Leaks: General Requirements
- 218.446 Monitoring Program Plan for Leaks
- 218.447 Monitoring Program for Leaks
- 218.448 Recordkeeping for Leaks
- 218.449 Reporting for Leaks
- 218.450 Alternative Program for Leaks
- 218.451 Sealing Device Requirements
- 218.452 Compliance Schedule for Leaks
- 218.453 Compliance Dates (Repealed)

SUBPART S: RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS

Section

- 218.461 Manufacture of Pneumatic Rubber Tires
- 218.462 Green Tire Spraying Operations
- 218.463 Alternative Emission Reduction Systems
- 218.464 Emission Testing
- 218.465 Compliance Dates (Repealed)
- 218.466 Compliance Plan (Repealed)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART T: PHARMACEUTICAL MANUFACTURING

Section	
218.480	Applicability
218.481	Control of Reactors, Distillation Units, Crystallizers, Centrifuges and Vacuum Dryers
218.482	Control of Air Dryers, Production Equipment Exhaust Systems and Filters
218.483	Material Storage and Transfer
218.484	In-Process Tanks
218.485	Leaks
218.486	Other Emissions Units
218.487	Testing
218.488	Monitoring for Air Pollution Control Equipment
218.489	Recordkeeping for Air Pollution Control Equipment

SUBPART V: BATCH OPERATIONS AND AIR OXIDATION PROCESSES

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

SUBPART W: AGRICULTURE

Section	
218.541	Pesticide Exception

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

SUBPART X: CONSTRUCTION

- Section
218.561 Architectural Coatings
218.562 Paving Operations
218.563 Cutback Asphalt

SUBPART Y: GASOLINE DISTRIBUTION

- Section
218.581 Bulk Gasoline Plants
218.582 Bulk Gasoline Terminals
218.583 Gasoline Dispensing Operations – Storage Tank Filling Operations
218.584 Gasoline Delivery Vessels
218.585 Gasoline Volatility Standards
218.586 Gasoline Dispensing Operations – Motor Vehicle Fueling Operations

SUBPART Z: DRY CLEANERS

- Section
218.601 Perchloroethylene Dry Cleaners
218.602 Applicability
218.603 Leaks
218.604 Compliance Dates (Repealed)
218.605 Compliance Plan (Repealed)
218.606 Exception to Compliance Plan (Repealed)
218.607 Standards for Petroleum Solvent Dry Cleaners
218.608 Operating Practices for Petroleum Solvent Dry Cleaners
218.609 Program for Inspection and Repair of Leaks
218.610 Testing and Monitoring
218.611 Applicability for Petroleum Solvent Dry Cleaners
218.612 Compliance Dates (Repealed)
218.613 Compliance Plan (Repealed)

SUBPART AA: PAINT AND INK MANUFACTURING

- Section
218.620 Applicability

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 218.621 Exemption for Waterbase Material and Heatset-Offset Ink
- 218.623 Permit Conditions (Repealed)
- 218.624 Open-Top Mills, Tanks, Vats or Vessels
- 218.625 Grinding Mills
- 218.626 Storage Tanks
- 218.628 Leaks
- 218.630 Clean Up
- 218.636 Compliance Schedule
- 218.637 Recordkeeping and Reporting

SUBPART BB: POLYSTYRENE PLANTS

Section

- 218.640 Applicability
- 218.642 Emissions Limitation at Polystyrene Plants
- 218.644 Emissions Testing

SUBPART CC: POLYESTER RESIN PRODUCT MANUFACTURING PROCESS

Section

- 218.660 Applicability
- 218.666 Control Requirements
- 218.667 Compliance Schedule
- 218.668 Testing
- 218.670 Recordkeeping and Reporting for Exempt Emission Units
- 218.672 Recordkeeping and Reporting for Subject Emission Units

SUBPART DD: AEROSOL CAN FILLING

Section

- 218.680 Applicability
- 218.686 Control Requirements
- 218.688 Testing
- 218.690 Recordkeeping and Reporting for Exempt Emission Units
- 218.692 Recordkeeping and Reporting for Subject Emission Units

SUBPART FF: BAKERY OVENS

Section

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 218.720 Applicability (Repealed)
- 218.722 Control Requirements (Repealed)
- 218.726 Testing (Repealed)
- 218.727 Monitoring (Repealed)
- 218.728 Recordkeeping and Reporting (Repealed)
- 218.729 Compliance Date (Repealed)
- 218.730 Certification (Repealed)

SUBPART GG: MARINE TERMINALS

- Section
- 218.760 Applicability
- 218.762 Control Requirements
- 218.764 Compliance Certification
- 218.766 Leaks
- 218.768 Testing and Monitoring
- 218.770 Recordkeeping and Reporting

SUBPART HH: MOTOR VEHICLE REFINISHING

- Section
- 218.780 Emission Limitations
- 218.782 Alternative Control Requirements
- 218.784 Equipment Specifications
- 218.786 Surface Preparation Materials
- 218.787 Work Practices
- 218.788 Testing
- 218.789 Monitoring and Recordkeeping for Control Devices
- 218.790 General Recordkeeping and Reporting
- 218.791 Compliance Date
- 218.792 Registration
- 218.875 Applicability of Subpart BB (Renumbered)
- 218.877 Emissions Limitation at Polystyrene Plants (Renumbered)
- 218.879 Compliance Date (Repealed)
- 218.881 Compliance Plan (Repealed)
- 218.883 Special Requirements for Compliance Plan (Repealed)
- 218.886 Emissions Testing (Renumbered)

SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT MANUFACTURING

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

PROCESSES

Section

- 218.920 Applicability
- 218.923 Permit Conditions (Repealed)
- 218.926 Control Requirements
- 218.927 Compliance Schedule
- 218.928 Testing
- 218.929 Cementable, Dress, Performance and Other Specialty Shoe Leathers

SUBPART QQ: MISCELLANEOUS FORMULATION MANUFACTURING PROCESSES

Section

- 218.940 Applicability
- 218.943 Permit Conditions (Repealed)
- 218.946 Control Requirements
- 218.947 Compliance Schedule
- 218.948 Testing

SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING PROCESSES

Section

- 218.960 Applicability
- 218.963 Permit Conditions (Repealed)
- 218.966 Control Requirements
- 218.967 Compliance Schedule
- 218.968 Testing

SUBPART TT: OTHER EMISSION UNITS

Section

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

SUBPART UU: RECORDKEEPING AND REPORTING

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section

- 218.990 Exempt Emission Units
218.991 Subject Emission Units

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

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

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

SUBPART A: GENERAL PROVISIONS

Section 218.112 Incorporations by Reference

The following materials are incorporated by reference and do not contain any subsequent additions or amendments.

- a) American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103:

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) ASTM D2879-86
 - 2) ASTM D323-82
 - 3) ASTM D86-82
 - 4) ASTM D369-69 (1971)
 - 5) ASTM D396-69
 - 6) ASTM D2880-71
 - 7) ASTM D975-68
 - 8) ASTM D3925-81 (1985)
 - 9) ASTM E300-86
 - 10) ASTM D1475-85
 - 11) ASTM D2369-87
 - 12) ASTM D3792-86
 - 13) ASTM D4017-81 (1987)
 - 14) ASTM D4457-85
 - 15) ASTM D2697-86
 - 16) ASTM D3980-87
 - 17) ASTM E180-85
 - 18) ASTM D2372-85
 - 19) ASTM D97-66
 - 20) ASTM E168-67 (1977)
 - 21) ASTM E169-87
 - 22) ASTM E260-91
 - 23) ASTM D2504-83
 - 24) ASTM D2382-83
 - 25) ASTM D323-82 (approved 1982)
 - 26) ASTM D2099-00
- b) Standard Industrial Classification Manual, published by Executive Office of the President, Office of Management and Budget, Washington, D.C., 1987.
 - c) American Petroleum Institute Bulletin 2517, "Evaporation Loss From Floating Roof Tanks", Second ed., February, 1980.
 - d) 40 CFR Part 60 (July 1, 1991) and 40 CFR 60, Appendix A, Method 24 (57 FR 30654, July 10, 1992).
 - e) 40 CFR Part 61 (July 1, 1991).
 - f) 40 CFR Part 50 (July 1, 1991).
 - g) 40 CFR Part 51 (July 1, 1991).
 - h) 40 CFR Part 52 (July 1, 1991).
 - i) 40 CFR Part 80 (July 1, 1991) and 40 CFR Part 80 Appendixes D, E, and F (July 1, 1993).
 - j) "A Guide for Surface Coating Calculation", United States Environmental Protection

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- Agency, Washington, D.C., EPA-340/1-86-016.
- k) "Procedures for Certifying Quantity of Volatile Organic Compounds Emitted by Paint, Ink and Other Coating", (revised June 1986), United States Environmental Protection Agency, Washington D.C., EPA-450/3-84-019.
 - l) "A Guide for Graphic Arts Calculations", August 1988, United States Environmental Protection Agency, Washington D.C., EPA-340/1-88-003.
 - m) "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations", December 1988, United States Environmental Protection Agency, Washington D.C., EPA-450/3-88-018.
 - n) "Control of Volatile Organic Emissions from Manufacturing of Synthesized Pharmaceutical Products", United States Environmental Protection Agency, Washington, D.C., EPA-450/2-78-029.
 - o) "Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems", Appendix B, United States Environmental Protection Agency, Washington, D.C., EPA-450/2-78-051.
 - p) "Control of Volatile Organic Compound Emissions from Large Petroleum Dry Cleaners", United States Environmental Protection Agency, Washington, D.C., EPA-450/3-82-009.
 - q) "APTI Course SI417 Controlling Volatile Organic Compound Emissions from Leaking Process Equipment", United States Environmental Protection Agency, Washington, D.C., EPA-450/2-82-015.
 - r) "Portable Instrument User's Manual for Monitoring VOC Sources", United States Environmental Protection Agency, Washington, D.C., EPA-340/1-86-015.
 - s) "Protocols for Generating Unit-Specific Emission Estimates for Equipment Leaks of VOC and VHAP", United States Environmental Protection Agency, Washington, D.C., EPA-450/3-88-010.
 - t) "Petroleum Refinery Enforcement Manual", United States Environmental Protection Agency, Washington, D.C., EPA-340/1-80-008.
 - u) "Inspection Manual for Control of Volatile Organic Emissions from Gasoline Marketing Operations: Appendix D", United States Environmental Protection Agency, Washington, D.C., EPA-340/1-80-012.
 - v) "Control of Hydrocarbons from Tank Truck Gasoline Loading Terminals: Appendix A", United States Environmental Protection Agency, Washington, D.C., EPA-450/2-77-026.
 - w) "Technical Guidance – Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities", United States Environmental Protection Agency, Washington, D.C., EPA-450/3-91-022b.
 - x) California Air Resources Board, Compliance Division. Compliance Assistance Program: Gasoline Marketing and Distribution: Gasoline Facilities Phase I & II

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- (October 1988, rev. November 1993) (CARB Manual).
- y) South Coast Air Quality Management District (SCAQMD), Applied Science & Technology Division, Laboratory Services Branch, SCAQMD Method 309-91, Determination of Static Volatile Emissions.
 - z) South Coast Air Quality Management District (SCAQMD), Applied Science & Technology Division, Laboratory Services Branch, SCAQMD Method 312-91, Determination of Percent Monomer in Polyester Resins.

(Source: Amended at 26 Ill. Reg. _____, effective _____)

SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT MANUFACTURING PROCESSES

Section 218.929 Cementable, Dress, Performance and Other Specialty Shoe Leathers

- a) The rule requirements of this Section apply to a leather manufacturing facility at 2015 North Elston Avenue, Chicago, Illinois. The VOM emission limits set forth in this Section shall only apply to the following types of select grade of chrome tanned, bark/polymer retanned specialty leathers:

1) Cementable Shoe Leather is leather which is:

- A) Hot stuffed without the presence of water, fat liquored or wet stuffed by direct contact with wax, grease, polymers and oils in liquefied form at elevated temperatures. The content of wax, grease, polymers and oils embedded into the leather shall be over 12 percent but less than 25 percent by weight, measured on a dry weight basis. Applicable leathers shall be determined using the equation below:

$$12\% < P < 25\%$$

Where:

$$P = \frac{W}{L} \times 100$$

P = percent content of wax, grease, polymer, and oils

W = weight of wax, grease, polymers and oils in pounds added to the leather

L = dry weight of the leather in pounds before addition of wax, greases, polymers and oils.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- B) Finished with coating materials which adhere to the leather surface that feels oily; and
- C) Used primarily for manufacture of shoes and cannot meet the definition for specialty leather pursuant to 35 Ill. Adm. Code Section 211.6170.
- 2) Dress or Performance Shoe Leather is leather which is:
 - A) Finished with coating materials containing water emulsified materials using water miscible solvent materials to protect the leather and pigmented coating; and
 - B) Used primarily in the manufacture of sewn shoes where the leather must be capable of soaking with a fine, dressy finish that cannot meet the lbs. per gallon VOM limitations set forth in Section 218.926 of this Subpart and cannot meet the definition for specialty leather pursuant to 35 Ill. Adm. Code Section 211.6170.
- 3) The requirements of this Section do not apply to the production of those specialty leathers that meet the definition of specialty leathers pursuant to 35 Ill. Adm. Code 211.6170 or to the production of leathers that can meet the control requirements of Section 218.926 of this Subpart.
- 4) The 10-ton exemption for stain pursuant to Section 218.926(b)(2)(i) of this Subpart does not apply to leathers produced pursuant to the requirements of this Section.
- b) The production of other specialty leather as defined in subsection (a) of this Section is subject to the following limitations:
 - 1) For both water resistant and non-water resistant leathers, the leather will be designated as water resistant or non-water resistant in the shipping room by using D ASTM 2099-00, as incorporated by reference in Section 218.112 of this Part.
 - 2) For non-water resistant leathers, the total VOM emissions shall not exceed 14.0 lbs VOM/1,000 square feet of leather produced on a 12-month rolling average basis.
 - 3) For water resistant leathers, the total VOM emissions shall not exceed 24.0 lbs VOM/1,000 square feet of leather produced on a 12-month rolling average basis.
 - 4) The total emissions of VOM from leathers produced pursuant to the emission limits in this Section shall not exceed 20 tons per year.
- c) The owner or operator shall comply with their approved standard operating and maintenance procedures (SOMP). The SOMP will contain the following elements:
 - 1) A procedure to minimize the volatilization of solvents during the measuring of coating proportions and/or mixing of coatings.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 2) A procedure to minimize VOM fugitive losses from the coating and solvent storage rooms. Procedures should include methods of securely sealing containers and methods to clean up accidental spills.
- 3) A procedure to minimize solvent usage or VOM losses during equipment cleanup and during transport (including the transferring of coatings from the mixing areas to the coating lines).
- d) Owner or operator shall perform the reporting and recordkeeping consistent with the requirements of Section 218.929 of this Subpart and Section 39.5 of the Act [415 ILCS 5/39.5], and shall include at a minimum the following:
 - 1) The VOM content and gallons of each coating and the total pounds of VOM of all coatings applied to each category of leather, e.g., cementable non-water resistant, dress water resistant, by batch during each month; and
 - 2) The total area of each category of leather produced during the month based on the number of items produced and the area of such items, measured or established in accordance with procedures set forth in a federally enforceable permit.
 - 3) Notwithstanding the requirements of subsections (d)(1) and (d)(2) of this Section, the Company may comply with an equivalent alternative plan for reporting and record keeping which has been approved by the Agency and the USEPA in a federally enforceable permit or as a SIP revision

(Source: Added at 26 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Numbers: 100.2490 Proposed Action: New Section
- 4) Statutory Authority: 35 ILCS 5/203(a)(2)(K); 203(b)(2)(L); 203(c)(2)(O); 203(d)(2)(M)
- 5) A Complete Description of the Subjects and Issues Involved: IITA Sections 203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), and 203(d)(2)(M) provide a subtraction modification in the computation of Illinois base income in the amount of certain dividends paid by a corporation designated a High Impact Business in Illinois and that conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone. This rulemaking provides rules for making the determinations necessary to apply the Sections cited above, including:
 - (1) whether a corporation conducts operations in a federally designated Foreign Trade Zone or Sub-Zone;
 - (2) the taxable year for which the subtraction modification may be claimed; and
 - (3) whether a distribution qualifies as a dividend eligible for the subtraction modification.
- 6) Will this proposed amendment replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>IL Register Citation</u>
100.3420	New Section	25 Ill. Reg. 13243, 10/19/01
100.3350	Amendment	26 Ill. Reg. 5353, 04/12/02
100.2210	Amendment	26 Ill. Reg. 5702, 04/19/02
100.2350	Amendment	26 Ill. Reg. 5702, 04/19/02
100.3010	Amendment	26 Ill. Reg. 5702, 04/19/02
100.3320	Repealed Section	26 Ill. Reg. 5702, 04/19/02
100.3370	Amendment	26 Ill. Reg. 5702, 04/19/02
100.5215	New Section	26 Ill. Reg. 5702, 04/19/02
100.5270	Amendment	26 Ill. Reg. 5702, 04/19/02

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

100.9700	Amendment	26 Ill. Reg. 5702, 04/19/02
100.2197	New Section	26 Ill. Reg. 5876, 04/26/02
100.3380	Amendment	26 Ill. Reg. 7015, 05/10/02
100.2480	Amendment	26 Ill. Reg. 10372, 07/12/02
100.9720	Amendment	26 Ill. Reg. 11389, 07/26/02
100.9710	Amendment	26 Ill. Reg. 12715, 08/23/02

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:
- Brian Stocker
Associate Counsel - Income Tax
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-7055
- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: This rulemaking will provide the necessary guidance to small businesses. This rulemaking may affect any small business taxpayer that receives qualifying dividends. This rulemaking generally does not affect small municipalities and not-for-profit corporations.
- B) Reporting, bookkeeping or other procedures required for compliance: No new procedures are required.
- C) Types of professional skills necessary for compliance: No new skills are required.
- 13) Regulatory Agenda on which this rulemaking was summarized: July 2002

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section

- 100.2000 Introduction
100.2050 Net Income (IITA Section 202)

SUBPART B: CREDITS

Section

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

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

Section

- 100.2200 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) – Scope

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

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

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

Section

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

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

Section

- 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 100.2480 Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))
- 100.2490 Foreign Trade Zone/High Impact Business Dividend Subtraction (IITA Sections 203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), 203(d)(2)(M))

SUBPART F: BASE INCOME OF INDIVIDUALS

Section

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

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section

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

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

Section

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

SUBPART J: COMPENSATION PAID TO NONRESIDENTS

Section

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

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

Section

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

(IITA Section 303)

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

- 100.3300 Allocation and Apportionment of Base Income (IITA Section 304)
- 100.3310 Business Income of Persons Other than Residents (IITA Section 304) - In General
- 100.3320 Business Income of Persons Other Than Residents (IITA Section 304) - Apportionment (Repealed)
- 100.3330 Business Income of Persons Other Than Residents (IITA Section 304) - Allocation
- 100.3340 Business Income of Persons Other Than Residents (IITA Section 304)
- 100.3350 Property Factor (IITA Section 304)
- 100.3360 Payroll Factor (IITA Section 304)
- 100.3370 Sales Factor (IITA Section 304)
- 100.3380 Special Rules (IITA Section 304)
- 100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))
- 100.3400 Apportionment of Business Income of Financial Organizations (IITA Section 304(c))

SUBPART M: ACCOUNTING

Section

- 100.4500 Carryovers of Tax Attributes (IITA Section 405)

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section

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

SUBPART O: COMPOSITE RETURNS

Section

- 100.5100 Composite Returns: Eligibility
- 100.5110 Composite Returns: Responsibilities of Authorized Agent

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 100.5120 Composite Returns: Individual Liability
- 100.5130 Composite Returns: Required forms and computation of Income
- 100.5140 Composite Returns: Estimated Payments
- 100.5150 Composite Returns: Tax, Penalties and Interest
- 100.5160 Composite Returns: Credit for Resident Individuals
- 100.5170 Composite Returns: Definition of a "Lloyd's Plan of Operation"

SUBPART P: COMBINED RETURNS

Section

- 100.5200 Filing of Combined Returns
- 100.5201 Definitions and Miscellaneous Provisions Relating to Combined Returns
- 100.5205 Election to File a Combined Return
- 100.5210 Procedures for Elective and Mandatory Filing of Combined Returns
- 100.5215 Filing of Separate Unitary Returns
- 100.5220 Designated Agent for the Members
- 100.5230 Combined Estimated Tax Payments
- 100.5240 Claims for Credit of Overpayments
- 100.5250 Liability for Combined Tax, Penalty and Interest
- 100.5260 Combined Amended Returns
- 100.5265 Common Taxable Year
- 100.5270 Computation of Combined Net Income and Tax
- 100.5280 Combined Return Issues Related to Audits

SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section

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

SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Section

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

SUBPART S: INFORMATION STATEMENT

Section

- 100.7200 Reports for Employee (IITA Section 703)

SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

Section

- 100.7300 Returns of Income Withheld from Wages (IITA Section 704)
- 100.7310 Quarterly Returns Filed on an Annual Basis (IITA Section 704)
- 100.7320 Time for Filing Returns (IITA Section 704)
- 100.7330 Payment of Tax Deducted and Withheld (IITA Section 704)
- 100.7340 Correction of Underwithholding or Overwithholding (IITA Section 704)

SUBPART U: COLLECTION AUTHORITY

Section

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

SUBPART V: NOTICE AND DEMAND

Section

- 100.9100 Notice and Demand (IITA Section 902)

SUBPART W: ASSESSMENT

Section

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

SUBPART X: DEFICIENCIES AND OVERPAYMENTS

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Section

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

SUBPART Y: CREDITS AND REFUNDS

Section

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

SUBPART Z: INVESTIGATIONS AND HEARINGS

Section

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

SUBPART AA: JUDICIAL REVIEW

Section

- 100.9600 Administrative Review Law (IITA Section 1201)

SUBPART BB: DEFINITIONS

Section

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

SUBPART CC: LETTER RULING PROCEDURES

Section

- 100.9800 Letter Ruling Procedures

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

APPENDIX A Business Income Of Persons Other Than Residents

TABLE A Example of Unitary Business Apportionment

TABLE B Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

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

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687, effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. _____, effective _____.

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

Section 100.2490 Foreign Trade Zone/High Impact Business Dividend Subtraction (IITA Sections 203(a)(2)(K), 203(b)(2)(L), 203(c)(2)(O), 203(d)(2)(M))

- a) Taxpayers are entitled to subtract from taxable income (adjusted gross income, in the case of an individual) an amount equal to dividends paid by a corporation that:
- 1) conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone, and
 - 2) is designated by the Department of Commerce and Community Affairs as a High Impact Business located in Illinois.
- However, only dividends not eligible for the subtraction provided in Section 100.2480 of this Part may be subtracted under this Section.
- b) A corporation conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone when any portion of its total business activity during a taxable year is operated within a federally designated Foreign Trade Zone or Sub-Zone. For the purpose of this Section, business activity within a federally designated Foreign Trade Zone or Sub-Zone shall be measured by means of the factors ordinarily applicable to the corporation under IITA Section 304(a), (b), (c) or (d); except that, in the case of a corporation ordinarily required to apportion business income under Section 304(a), such corporation shall not use the sales factor in the computation. Thus, for example, for taxable years ending on or after

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

December 31, 2000, for purposes of determining whether dividends may be subtracted under this Section, a corporation that apportions its business income under Section 304(a) using only the sales factor in accordance with Section 304(h) must still compute its property and payroll factors. In measuring the business activity of a corporation within a federally designated Foreign Trade Zone or Sub-Zone, the apportionment factors of that corporation shall be determined without regard to the factors or business activity of any other corporation and, in the case of a corporation engaged in a unitary business with any other person, the apportionment factors of that corporation shall be determined as if it were not engaged in a unitary business with such other person.

1) 304(a) Corporations. A corporation using Section 304(a) to apportion business income to Illinois shall determine the ratio of the corporation's property and payroll within a federally designated Foreign Trade Zone or Sub-Zone to the corporation's property and payroll everywhere. If the ratio so computed is greater than 0%, and the other requirements of this Section are met, the dividends paid by the corporation shall qualify for this subtraction. In the case where a corporation does not have any property or payroll within a federally designated Foreign Trade Zone or Sub-Zone, the corporation is not conducting any portion of its business operations within a federally designated Foreign Trade Zone or Sub-Zone for the purpose of this Section.

A) Example 1: In the tax year ending December 31, 1995, Taxpayer received dividends from X corporation (hereafter referred to as "X"). X, a calendar year taxpayer, manufactures and sells widgets at wholesale in Illinois and various other states. The widgets are manufactured at X's plant in Illinois, which is not located in a federally designated Foreign Trade Zone or Sub-Zone. X does not have employees who perform any services in a federally designated Foreign Trade Zone or Sub-Zone. X owns 100% of the stock of A corporation (hereafter referred to as "A"), whose sole business activity consists of the distribution of X's widgets. A's trucks take delivery of the widgets at X's plant, and then deliver the widgets to customers of X, including customers located in a federally designated Foreign Trade Zone. In determining its business income apportionable to Illinois in 1995, X used the 3-factor formula of property, payroll, and sales under IITA Section 304(a). Thus, in order to determine whether it conducts business operations in a federally designated Foreign Trade Zone or Sub-Zone, X must compute the ratio of its property and payroll in a federally designated Foreign Trade Zone or Sub-Zone to its

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

property and payroll everywhere. In making such computation, it may not use its sales factor, nor may it consider the factors or business activity of A. As a result, regardless of whether X is designated a High Impact Business located in Illinois, Taxpayer may not subtract dividends paid by X. Because X does not have any property or payroll within a federally designated Foreign Trade Zone or Sub-Zone, it is not conducting any portion of its business operations within a federally designated Foreign Trade Zone or Sub-Zone as required by this Section.

B) Example 2: The facts are the same as in Example 1, except that X rents a warehouse in which it maintains an inventory of widgets pending shipment to customers. The warehouse is located in a federally designated Foreign Trade Zone. Since the ratio of X's property and payroll within a federally designated Foreign Trade Zone or Sub-Zone to its property and payroll everywhere is greater than 0%, X conducts a portion of its business operations within a federally designated Foreign Trade Zone. Thus, Taxpayer has met the requirement under this Section that it receive dividends from a corporation that conducts business operations within a federally designated Foreign Trade Zone or Sub-Zone.

2) All Other Corporations. A corporation using a 1-factor apportionment formula under IITA Section 304(b), (c) or (d) shall determine business activity conducted within a federally designated Foreign Trade Zone or Sub-Zone by comparing business income from sources within a federally designated Foreign Trade Zone or Sub-Zone and everywhere else pursuant to its ordinarily applicable factor under Section 304(b), (c) or (d). A corporation using an alternative method of apportionment under Section 304(f) shall petition the Department for approval of an appropriate method of determining its qualification under this Section, and only upon the Department's approval shall the corporation be allowed to use a method not provided in this Section.

A) Example 3: In the tax year ending December 31, 1996, Taxpayer received dividends from Z Airlines, Inc (hereafter referred to as "Z"). Z provides interstate transportation of passengers and freight. Z's corporate headquarters is located in a federally designated Foreign Trade Zone in Illinois. Its hub is also located in Illinois, but not in a federally designated Foreign Trade Zone or Sub-Zone. Z's planes regularly arrive and depart from its hub, and regularly fly over a federally designated Foreign Trade Zone in route to various locations. Z owns 100% of the stock of B corporation

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

(hereafter referred to as "B"). B's sole business activity consists of transporting freight from Z's planes to local destinations in Illinois. B's trucks take delivery of the freight at Z's hub, and deliver the freight to Z's customers, including customers located in a federally designated Foreign Trade Sub-Zone. In 1996, B delivered within the federally designated Foreign Trade Sub-Zone at least 1 ton of freight the distance of one mile for a consideration. In determining its business income apportionable to Illinois in 1996, Z and B used the apportionment formula under IITA Section 304(d) on a combined basis. In order to determine whether it conducts business operations within a federally designated Foreign Trade Zone or Sub-Zone, Z is required to use the same apportionment formula under IITA Section 304(d) as if it were not engaged in a unitary business with B. As a result, regardless of whether Z is a High Impact Business located in Illinois, Taxpayer may not subtract dividends paid by Z. Because Z has no business income from sources within a federally designated Foreign Trade Zone or Sub-Zone applying IITA Section 304(d), no portion of Z's business operations are conducted in a federally designated Foreign Trade Zone or Sub-Zone as required by this Section.

B) Example 4: The facts are the same as in Example 1, except that Z conducts the activities of B as a division. In determining its business income apportionable to Illinois in 1997, Z used the apportionment formula under IITA Section 304(d). In order to determine whether it conducts business operations within a federally designated Foreign Trade Zone or Sub-Zone, Z must use the same formula. Since Z has business income from sources within a federally designated Foreign Trade Sub-Zone, it conducts a portion of its business operations within a federally designated Foreign Trade Zone or Sub-Zone. Thus, Taxpayer has met the requirement under this Section that it receive dividends from a corporation that conducts business operations within a federally designated Foreign Trade Zone or Sub-Zone.

c) Taxpayers are entitled to this subtraction in the taxable year in which qualifying dividends are paid by corporations. Dividends are qualifying dividends if paid by the corporation during a taxable year of the corporation with respect to which the requirements of this Section are met. Corporations paying dividends shall be deemed to have started business operations within a federally designated Foreign Trade Zone or Sub-Zone from the later of:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 1) The date the Foreign Trade Zone or Sub-Zone in which the corporation paying the dividends is located was officially federally designated;
 - 2) The date the corporation paying dividends commenced operations in the federally designated Foreign Trade Zone or Sub-Zone as a designated High Impact Business located in Illinois; or
 - 3) The effective date of the Public Act enacting this subtraction (January 1, 1986).
- d) See 20 ILCS 655/5.5 regarding designation by the Department of Commerce and Community Affairs as a High Impact Business.
- e) Limitations.
- 1) This Section allows taxpayers to subtract distributions from a corporation only to the extent:
 - A) The distributions are characterized as dividends;
 - B) The dividends are included in federal taxable income (in the case of an individual, adjusted gross income) of the taxpayer;
 - C) The dividends are not eligible for the subtraction provided in IITA Section 203(a)(2)(J), IITA Section 203(b)(2)(K), IITA Section 203(c)(2)(M), or IITA Section 203(d)(2)(K) (regarding dividends paid by a corporation that conducts all or substantially all of its operations in an Illinois Enterprise Zone or Zones); and
 - D) The taxpayer has not subtracted the dividends from federal taxable income (in the case of an individual, adjusted gross income) under any other provision of Section 203 of the IITA.
 - 2) Example 5: Taxpayer, an S corporation shareholder, receives a distribution from an S corporation designated a High Impact Business and that conducts business operations in a federally designated Foreign Trade Zone. The Taxpayer is not entitled to the subtraction modification provided under this Section since a distribution by an S corporation is generally not characterized as a dividend. See Section 1368 of the Internal Revenue Code.
 - 3) Example 6: Taxpayer, a corporation, receives a dividend from another corporation that qualifies for the 70% dividends received deduction under Section 243(a)(1) of the Internal Revenue Code. Because only 30% of the dividend is included in Taxpayer's federal taxable income, this Section allows Taxpayer to subtract only 30% of the dividend from its federal taxable income.

(Source: Added at 26 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Freedom of Information Rules
- 2) Code Citation: 2 Ill. Adm. Code 1051
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1051.10	Repealed
1051.20	Repealed
1051.30	Repealed
1051.40	Repealed
1051.50	Repealed
1051.60	Repealed
1051.70	Repealed
1051.80	Repealed
1051.90	Repealed
1051.100	Repealed
1051.110	Repealed
APPENDIX A	Repealed
APPENDIX B	Repealed
APPENDIX C	Repealed
APPENDIX D	Repealed
APPENDIX E	Repealed
APPENDIX F	Repealed
APPENDIX G	Repealed
TABLE A	Repealed
TABLE B	Repealed
TABLE C	Repealed
TABLE D	Repealed
TABLE E	Repealed
TABLE F	Repealed
TABLE G	Repealed
TABLE H	Repealed
- 4) Statutory Authority: Implementing and authorized by the Freedom of Information Act [5 ILCS 140/1] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].
- 5) Effective Date of Repealer: September 6, 2002
- 6) Does this Rulemaking Contain an Automatic Repeal Date? No
- 7) Do these amendments contain incorporations by reference? No

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED REPEALER

- 8) Date filed in Agency's Principal Office: September 6, 2002
- 9) Date Notice of Proposal Published in Illinois Register: 26 Ill. Reg. 7882, May 31, 2002
- 10) Has JCAR Issued a Statement of Objection to this Repealer: No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this Repealer replace an Emergency Amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: The Department of Mines and Minerals was merged into the Department of Natural Resources and therefore this rulemaking is being repealed because it is outdated and redundant.
- 16) Information and questions regarding this Repealer shall be directed to:

Karen Jacobs
Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
217/782-1809

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Public Information, Rulemaking and Organization
- 2) Code Citation: 2 Ill. Adm. Code 1500
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1500.10	Repealed
1500.20	Repealed
1500.30	Repealed
1500.40	Repealed
1500.50	Repealed
1500.60	Repealed
1500.70	Repealed
1500.10	Repealed
1500.20	Repealed
1500.21	Repealed
1500.220	Repealed
1500.230	Repealed
1500.240	Repealed
1500.250	Repealed
APPENDIX A	Repealed
- 4) Statutory Authority: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 3.01 of the Abandoned Mined Lands and Water Reclamation Act [20 ILCS 1920/3.01].
- 5) Effective Date of Repealer: September 6, 2002
- 6) Does this Rulemaking Contain an Automatic Repeal Date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: September 6, 2002
- 9) Date Notice of Proposal Published in Illinois Register: 26 Ill. Reg. 7906, May 31, 2002
- 10) Has JCAR Issued a Statement of Objection to this Repealer: No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED REPEALER

- 13) Will this Repealer replace an Emergency Amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Repealer: This Agency was merged into the Department of Natural Resources and therefore this rulemaking is being repealed because it is outdated and redundant.
- 16) Information and questions regarding this Repealer shall be directed to:

Cindy Bushur-Hallam
Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702-1271
217/782-1809

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, Beaver and Woodchuck (Groundhog) Trapping
- 2) Code Citation: 17 Ill. Adm. Code 570
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
570.20	Amendment
570.30	Amendment
570.35	Amendment
570.40	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].
- 5) Effective Date of Amendments: September 5, 2002
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 24, 2002, 26 Ill. Reg. 7536
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: Section 570.40(d), introductory paragraph - added "(exceptions in parentheses)" after "following sites"; added "; snares may be used for water sets" following "used for water sets" and deleted "(exceptions in parentheses)" following "water sets"

Section 570.40(d) - deleted "Pyramid State Park - East Conant Unit"
- 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 an emergency rulemaking currently in effect? No

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part is being amended to eliminate early closure of beaver trapping season in portions of Carroll, Whiteside and Rock Island Counties, to update sites in the Section on trapping regulations on Department-owned, -leased or -managed sites and to add information on penalties.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

PART 570

MUSKRAT, MINK, RACCOON, OPOSSUM, STRIPED SKUNK, WEASEL, RED FOX,
GRAY FOX, COYOTE, BADGER, BEAVER AND WOODCHUCK (GROUNDHOG)
TRAPPING

Section

570.10	Statewide Zones
570.20	Statewide Season Dates
570.30	Statewide Hours, Daily Limit and Possession Limit
570.35	Use of .22 Rimfire Rifles by Trappers During Deer Gun Season
570.40	Trapping Regulations on Department-Owned, -Leased or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].

SOURCE: Adopted at 5 Ill. Reg. 9767, effective September 17, 1981; codified at 5 Ill. Reg. 10637; amended at 6 Ill. Reg. 10709, effective August 20, 1982; amended at 7 Ill. Reg. 10778, effective August 24, 1983; amended at 8 Ill. Reg. 21589, effective October 23, 1984; amended at 9 Ill. Reg. 15864, effective October 7, 1985; amended at 10 Ill. Reg. 16644, effective September 24, 1986; amended at 12 Ill. Reg. 12034, effective July 7, 1988; emergency amendments at 12 Ill. Reg. 16261, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; amended at 13 Ill. Reg. 10589, effective June 15, 1989; amended at 14 Ill. Reg. 14775, effective September 4, 1990; amended at 14 Ill. Reg. 19854, effective December 3, 1990; amended at 15 Ill. Reg. 11586, effective August 2, 1991; amended at 16 Ill. Reg. 11069, effective June 30, 1992; amended at 17 Ill. Reg. 10785, effective July 1, 1993; amended at 17 Ill. Reg. 18796, effective October 19, 1993; amended at 18 Ill. Reg. 10077, effective June 21, 1994; amended at 19 Ill. Reg. 12640, effective August 29, 1995; amended at 20 Ill. Reg. 12351, effective August 30, 1996; amended at 21 Ill. Reg. 9070, effective June 26, 1997; amended at 22 Ill. Reg. 14809, effective August 3, 1998; amended at 23 Ill. Reg. 9055, effective July 28, 1999; amended at 24 Ill. Reg. 8929, effective June 19, 2000; amended at 25 Ill. Reg. 9887, effective July 17, 2001; amended at 26 Ill. Reg. 13809, effective Sep 5, 2002.

Section 570.20 Statewide Season Dates

- a) Muskrat, mink, raccoon, opossum, striped skunk and weasel

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Northern Zone: November 5 through the next following January 15.
- 2) Southern Zone: November 10 through the next following January 20.
- b) Red fox, gray fox, coyote and badger
Statewide: November 10 through the next following January 20.
- c) Beaver
 - 1) Northern Zone: November 5 through the next following March 31, ~~except those portions of Carroll, Whiteside, and Rock Island counties lying west of Illinois Rt. 84 from Interstate 80 north to the Jo Daviess County line will be open to beaver trapping only from November 10 through the next following January 5, inclusive.~~
 - 2) Southern Zone: November 10 through the next following March 31.
- d) Woodchuck (Groundhog)
Northern and Southern Zones: June 1 through the next following September 30.
- e) Trapping outside the set season dates is a Class B misdemeanor (see 520 ILCS 5/2.30).

(Source: Amended at 26 Ill. Reg. 13809, effective Sep 5, 2002)

Section 570.30 Statewide Hours, Daily Limit and Possession Limit

- a) Muskrat, mink, raccoon, opossum, striped skunk and weasel
 - 1) Trapping hours: November 5 in the Northern Zone and November 10 in the Southern Zone open for trapping at sunrise; January 15 in the Northern Zone and January 20 in the Southern Zone closed for trapping after sunset; otherwise, hours are unrestricted.
 - 2) Daily and possession limit: None
- b) Red fox, gray fox and coyote
 - 1) Trapping hours: November 10 open for trapping at sunrise; January 20 closed for trapping after sunset; otherwise, hours are unrestricted.
 - 2) Daily and possession limit: None
- c) Beaver
 - 1) Trapping hours: November 5 in the Northern Zone and November 10 in the Southern Zone open for trapping at sunrise; March 31 closed for trapping after sunset ~~except those portions of Carroll, Whiteside and Rock Island Counties lying west of Illinois Rt. 84 from Interstate 80 north to the Jo Daviess County line, are closed for trapping January 10 after sunset~~; otherwise, hours are unrestricted.
 - 2) Daily and possession limit: None
- d) Woodchuck (Groundhog groundhog)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Trapping hours: June 1 open for trapping at sunrise; September 30 closed for trapping after sunset; otherwise hours are unrestricted.
 - 2) Daily and possession limit: None
- e) Badger
- 1) Trapping hours: November 10 open for trapping at sunrise; January 20 closed for trapping at sunset; otherwise hours are unrestricted.
 - 2) Daily and possession limit: not to exceed two badgers per season in the northern zone and one badger per season in the southern zone. Having more badger than allowed is a Class B misdemeanor (see 520 ILCS 5/2.30).
- f) Trapping before sunrise on opening day or after sunset on closing day is a Class B misdemeanor (see 520 ILCS 5/2.30).

(Source: Amended at 26 Ill. Reg. 13809, effective Sep 5, 2002)

Section 570.35 Use of .22 Rimfire Rifles by Trappers During Deer Gun Season

Licensed trappers in possession of valid Firearm Owners Identification may use .22 rimfire rifles to kill trapped raccoon, opossum, striped skunk, red fox, gray fox, coyote and woodchuck (groundhog) during seasons established by Section 570.20, including portions of such open seasons that coincide with hunting seasons for taking white-tailed deer by use of firearms (17 Ill. Adm. Code 650.10), muzzleloading rifles (17 Ill. Adm. Code 660.10) and handguns (17 Ill. Adm. Code 680.10). Use of any other firearm to kill trapped raccoon, opossum, striped skunk, red or gray fox, coyote or woodchuck is a Class B misdemeanor (see 520 ILCS 5/2.30).

(Source: Amended at 26 Ill. Reg. 13809, effective Sep 5, 2002)

Section 570.40 Trapping Regulations on Department -Owned, -Leased or -Managed Sites

- a) General Regulations
 - 1) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
 - 2) On areas where special Department tags are required for trappers, traps without tags attached will be subject to confiscation.
 - 3) Trappers must stay within assigned areas.
 - 4) For sites where permits are required a drawing shall be held prior to the opening of the season. The date of the drawing shall be announced by the Department by public announcement and the drawing shall be held at the site. Persons participating in the drawing must have either a current or previous year trapping license. The number of permits per site shall be determined pursuant

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

to 17 Ill. Adm. Code 510.20. Permit applicants must submit name and address to the site prior to drawing. Permits must be in possession while trapping on the area.

- 5) All sites except Blanding Wildlife Area, Kinkaid Lake Fish and Wildlife Area, Mississippi River Pools 16, 17, 18, 21, 22, 24, and Rend Lake Wildlife Management Area require trappers to submit a harvest report to the site superintendent within 20 days following the close of the trapping season. Failure to report shall result in the trapper being ineligible to trap at that site for the following year.
 - 6) Body-gripping traps with a 10-inch jaw spread or larger must be totally submerged in water when set.
 - 7) Any person who violates the site specific regulations shall be guilty of a Class B Misdemeanor.
 - 8) No trapping is permitted in subimpoundments or designated waterfowl management units during duck season.
- b) Statewide regulations as provided for in this Part apply at the following sites (exceptions in parentheses):

Blanding Wildlife Area (trapping area includes the islands and associated backwater sloughs immediately upstream from Lock and Dam 12; no trapping on mainland)

Kinkaid Lake Fish and Wildlife Area

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

Pyramid State Park (water sets only)

Ray Norbut State Fish and Wildlife Area (all trapping closes December 15 in Eagle Roost Area)

Rend Lake Project Lands and Waters (water sets only)

Sielbeck Forest Natural Area (water sets only)

Siloam Springs State Park

- c) Statewide regulations as provided for in this Part apply at the following sites; in addition, a permit is required; only Egg Traps[®], D-P (Dog-Proof) Traps[®], box traps,

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

cage traps, and traps of similar design may be used for land sets (exceptions in parentheses):

Cache River State Natural Area

Carlyle Lake Lands and Waters – Corps of Engineers Managed Lands

Carlyle Lake Wildlife Management Area

Clinton Lake Recreation Area

Cypress Pond State Natural Area

Dog Island Wildlife Management Area

~~East Conant Field~~

Eldon Hazlet State Park – north of Allen Branch and west of Peppenhorst Branch only

Ferne Clyffe State Park – Cedar Draper Bluffs Hunting Area

Fort de Chartres Historic Site

Harry "Babe" Woodyard State Natural Area

Horseshoe Lake Conservation Area

I & M Canal State Park

~~Jim Edgar Panther Creek State Fish and Wildlife Area (only Egg Traps[®], D-P (Dog Proof) Traps[®], box traps, cage traps, traps of similar design, and homemade dog proof traps; homemade dog proof traps must be designed with a leg hold trap no larger than a number two size in an enclosed wood, metal or durable plastic container with a single access opening of no larger than 1 1/2 inch diameter)~~

~~Jim Edgar Panther Creek State Fish and Wildlife Area (West Open Unit)~~

Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to duck season)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Kidd Lake State Natural Area

Lake Murphysboro State Park

Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area

Mermet Lake Fish and Wildlife Area

Mississippi River Fish and Waterfowl Area (Pools 25, 26) (land sets accessed by land only allowed during duck season; water sets allowed after duck season closes)

Moraine Hills State Park (water sets only; only body-gripping traps with a jaw spread of 5 inches or less may be used; no more than two persons may enter drawing on a single card)

Peabody River King Fish and Wildlife Area (east, west, and south subunits only)

Pyramid State Park – East Conant Unit

Pyramid State Park – Galum Unit

Randolph County Conservation Area

Redwing Slough/Deer Lake State Natural Area (water sets only; only body gripping traps with a jaw spread of 5-6 inches or less may be used)

Sanganois Fish and Wildlife Area

Ten Mile Creek State Fish and Wildlife Area

Turkey Bluffs Fish and Wildlife Area

Washington County Conservation Area

- d) Statewide regulations as provided for in this Part apply at the following sites (exceptions in parentheses); in addition, a permit is required; only Egg Traps[®], D-P (Dog-Proof) Traps[®], box traps, cage traps, and traps of similar design may be used for

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

land sets; only body-gripping traps with a jaw spread of 5 inches or less, foothold traps with a jaw spread of 4½ inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; snare may be used for water sets(~~exceptions in parentheses~~):

Anderson Lake Conservation Area

Argyle Lake State Park

Banner Marsh State Fish and Wildlife Area

Beaver Dam State Park

Big Bend Fish and Wildlife Area (after the close of rabbit season foothold traps with a jaw spread of 7½ inches or less may be used for water sets)

Coffeen Lake State Fish and Wildlife Area

Coleta Ponds

Giant City State Park

Hanover Bluff – Kopper Tract

Hennepin Canal Parkway including ~~Sinnissippi~~ Mississippi Lake (trappers must register at park office; no floats may be set more than 14 days prior to the season and must be removed at the conclusion of the season; no land sets)

Horseshoe Lake State Park – Madison County

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

Jim Edgar Panther Creek State Fish and Wildlife Area (only Egg Traps[®], D-P (Dog-Proof) Traps[®], box traps, cage traps, traps of similar design, and homemade dog-proof traps; homemade dog-proof traps must be designed with a leg hold trap no larger than a number two size in an enclosed wood, metal or durable plastic container with a single access opening of no larger than 1½ inch diameter, and body-gripping traps must be completely submerged)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Johnson-Sauk Trail State Park

Lake Le-Aqua-Na State Park

Mackinaw River State Fish and Wildlife Area (water sets only)

Marshall County Fish and Wildlife Area

Morrison Rockwood State Park

Pyramid State Park – Captain Unit (no trapping on waterfowl refuge during waterfowl season; no foothold traps; body-gripping traps must be submerged)

Pyramid State Park – Denmark Unit (no trapping on waterfowl refuge during waterfowl season; no foothold traps; body-gripping traps must be submerged)

Red Hills State Park

Rice Lake Fish and Wildlife Area

Rock Cut State Park

Sam Dale Lake Conservation Area

Sangchris Lake State Park

Shabbona Lake State Park

Sparland Fish and Wildlife area

Spring Lake Conservation Area (water sets only)

Starved Rock/Matthiessen State Park

Stephen A. Forbes State Park

Trail of Tears State Forest

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Union County Conservation Area

- e) Trapping is prohibited on all other Department-owned, -leased or -managed sites except by special permit which shall be issued by the Department when it is determined that the harvest of a species would enhance the biological balance of the resource.
 - 1) All regulations shall be according to species regulations as provided for in this Part.
 - 2) Permit application information and site specific regulations shall be announced publicly by the Department through the news media by September 1 of each year.
 - 3) Site specific regulations shall be listed on the application and permit and posted at the site.
- f) Violation of site specific regulations is a Class B misdemeanor (see 520 ILCS 5/2.30).

(Source: Amended at 26 Ill. Reg. 13809, effective Sep 5, 2002)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: White-Tailed Deer Hunting By Use of Handguns
- 2) Code Citation: 17 Ill. Adm. Code 680
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
680.10	Amendment
680.20	Amendment
680.40	Amendment
680.50	Amendment
680.60	Amendment
680.70	Amendment
680.80	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: September 5, 2002
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all 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: May 24, 2002, 26 Ill. Reg. 7546
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Section 680.10(c) - changed "date" to "dates"
- 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 an emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part is being amended to define legal

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

ammunition and to add information on penalties.

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

Jack Price
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER b: FISH AND WILDLIFE

PART 680

WHITE-TAILED DEER HUNTING BY USE OF HANDGUNS

Section

680.10	Statewide Season
680.20	Statewide Deer Permit Requirements
680.30	Deer Permit Requirements – Group Hunt
680.40	Statewide Handgun Requirements for 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 Sep 5, 2002.

Section 680.10 Statewide Season

- a) Season: One-half hour before sunrise on the first Friday after January 11 to sunset on the following Sunday. Shooting hours are one-half hour before sunrise to 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)). 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 handgun deer hunting. 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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

instructions contained in the current Handgun 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 26 Ill. Reg. 13820, effective Sep 5, 2002)

Section 680.20 Statewide Deer Permit Requirements

- a) Illinois resident hunters must have a current, valid "Handgun Deer Permit" (\$15) and must be 18 years of age or older by the opening date of the handgun deer season applied for. A permit is issued for one county and is valid only in the county stated on the permit. For permit applications and other information write to:

Department of Natural Resources
(Handgun Deer Season)
Deer Permit Office
~~524 South Second Street, Room 210~~
Post Office Box 19227
Springfield IL 62794-9227

- b) Applications shall be accepted as soon as they are available through the tenth weekday in November for the Handgun Deer Season in the following January. Applications received after the tenth weekday in November shall not be included in the drawing. Permits shall be allocated in a random drawing. Permits not correctly filled out shall be rejected from the random drawing. Permits shall be issued as antlerless-only.
- c) In-person and mail-in applications shall receive equal treatment in the drawings.
- d) Each applicant must apply using the official agency Handgun Deer Permit Application, and must complete all portions of the form. No more than 6 single applications per envelope shall be accepted. Each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications to the Deer Permit Office for regular firearm, muzzleloading rifle, handgun, archery, and free or paid landowner/tenant permits.
- e) For the applicant to be eligible to receive a Handgun Deer Permit (\$15), he must be an Illinois resident, at least 18 years of age by the opening date of the handgun deer season and not have had his deer hunting privileges suspended or revoked in this State pursuant to Section 3.36 of the Wildlife Code [520 ILCS 5/3.36]. Providing false information on an application is a Class A misdemeanor (see 520 ILCS 5/2.38).
- f) Applications shall be accepted at the counter window of the permit office; however, permits shall be mailed.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- g) Recipients of the Handgun Deer Hunting Permit shall record their signature on the permit and must carry it on their person while hunting.
- h) Permits are not transferable. Refunds shall not be granted unless the Department has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.
- i) A \$3 service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there shall be no charge. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.
- j) Each applicant must enclose a separate \$15 (check or money order) payable to the Department of Natural Resources, or the application shall be returned. Applicants should not send cash with their applications. The Department shall not be responsible for cash sent through the mail.
- k) Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 26 Ill. Reg. 13820, effective Sep 5, 2002)

Section 680.40 Statewide Handgun Requirements for Deer Hunting

- a) The only legal hunting devices are centerfire 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. It shall be unlawful to take or attempt to take white-tailed deer by the use of semi-automatic handguns, blackpowder revolvers or handguns altered to allow for shoulder firing.
- b) The only legal ammunition for a centerfire handgun is a cartridge of .30 caliber or larger, that is available as a factory load with the published ballistic tables of the manufacturer showing a capability of at least 500 foot pounds of energy at the muzzle and whose case length does not exceed 1.4 inches. 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. Modern smokeless powders (nitrocellulose-based) do not qualify as "blackpowder" substitutes. A wad or sleeve is not considered a projectile or part of a projectile. 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. ~~Full metal jacket bullets cannot be used to harvest white-tailed deer.~~
- c) It shall be unlawful to use or possess any other firearm or ammunition in the field while hunting white-tailed deer during the Handgun Deer Season. (Except that the otherwise lawful possession of firearms to take furbearing mammals and game

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

mammals other than deer shall not be prohibited during the handgun deer season as set in Section 680.10.) Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 26 Ill. Reg. 13820, effective Sep 5, 2002)

Section 680.50 Statewide Deer Hunting Rules

- a) The bag limit is one antlerless deer per legally authorized antlerless-only permit. An antlerless deer is a deer without antlers or a deer having antlers less than 3 inches long.
- b) The temporary harvest tag must be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the temporary harvest tag to the deer. The temporary harvest tag must be attached to the leg of antlerless deer (<3 inch antler length, or no antlers). A permanent harvest tag will be attached to the leg of the deer upon checking at the check station. If the deer head is delivered to a taxidermist for processing, the temporary harvest tag must be removed from the leg and must remain with the head while at the taxidermist. If the carcass is taken to a meat processor, the permanent harvest tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a tanner for processing must supply the tanner with their deer permit number to verify lawful acquisition. In the absence of a permit number, the tanner may rely on the written certification of the person from whom the deer was received that the specimen was legally taken or obtained.
- c) Hunters shall not have in their possession, while in the field during the handgun deer season, any deer permit issued to another person (permits are non-transferrable).
- d) Permits shall not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Disposal of unfit deer taken shall be the responsibility of the hunter.
- e) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24), except unlawful take or possession of 2 or more deer within 90 days is a Class 4 felony, and unlawful take of 2 or more deer as single act or possession or single course of conduct is a Class 3 felony (see 520 ILCS 5/2.36(a)).

(Source: Amended at 26 Ill. Reg. 13820, effective Sep 5, 2002)

Section 680.60 Reporting Harvest

- a) Deer shall be checked in by the hunter in person within 48 hours after taking a deer

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

by handgun at the county handgun deer check station in the county for which the permit was issued or in an adjoining county.

- b) ~~Violation is a Class B misdemeanor (see 520 ILCS 5/2.24). Failure to follow this Section constitutes illegal possession of deer.~~

(Source: Amended at 26 Ill. Reg. 13820, effective Sep 5, 2002)

Section 680.70 Rejection of Application/Revocation of Permits

- a) In the event that an applicant is in violation of one of the following subsections, the application shall be held in suspension, and the application fees shall be deposited, pending a determination by the permit office of whether the violation was knowing. If the permit office determines the violation was knowing, the application shall be rejected and the fee shall be retained by the Department. The applicant may request a hearing on this decision pursuant to 17 Ill. Adm. Code 2530. Should the permit office determine that the violation was without the knowledge of the applicant, the permit office will process only the number of applications allowed by administrative rule with additional applications rejected and fees returned.
- 1) Submitting more applications in the same name or by the same person for a Handgun Deer Permit than the number of legally authorized permits. Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).
 - 2) Providing false and/or deceptive information on the deer permit application form. Violation is a Class A misdemeanor (see 520 ILCS 5/2.38).
 - 3) Submitting an application when the applicant has a license or permit currently revoked pursuant to Section 3.36 of the Wildlife Code [520 ILCS 5/3.36]. Violation is a Class A misdemeanor (see 520 ILCS 5/3.36).
 - 4) Submitting an incomplete or incorrect application.
- b) Any violation of the Wildlife Code or administrative rules of the Department, in addition to other penalties, may result in revocation of hunting licenses and permits as per 17 Ill. Adm. Code 2530.

(Source: Amended at 26 Ill. Reg. 13820, effective Sep 5, 2002)

Section 680.80 Regulations at Various Department-Owned or -Managed Sites

Sites will be opened to handgun deer hunting only if the site is announced as being open via a public announcement and/or the site is listed as being open on the handgun deer season application. Violation of a site specific regulation is a Class B misdemeanor (see 520 ILCS 5/2.24).

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 26 Ill. Reg. 13820, effective Sep 5, 2002)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Adopted Action:</u>
685.10	Amendment
685.30	Amendment
685.40	Amendment
685.50	Amendment
685.80	Amendment
685.90	Amendment
685.100	Amendment
685.110	Amendment
685.120	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.24, 2.25, 2.26 and 3.36].
- 5) Effective Date of Amendments: September 5, 2002
- 6) Do these amendments contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 24, 2002, 26 Ill. Reg. 7553
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Section 685.110(b)(1)(B), the last listing of times, changed "4:30" to "5:00"
- 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 an emergency rule currently in effect? No

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any amendments pending on this Part? None
- 15) Summary and Purpose of Rulemaking: This Part is being amended to update the Department's address, change the opening hunting hour at Horseshoe Lake (Alexander County), change the check in time and time permits are void at Union County Conservation Area, Horseshoe Lake Conservation Area (Alexander County) and Snakeden Hollow State Fish and Wildlife Area, update sites in the Youth Dove Hunting Section, and add information on penalties.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
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 685
YOUTH HUNTING SEASONS

Section

685.10	Statewide Season for White-Tailed Deer Hunting
685.20	Statewide Deer Permit Requirements
685.30	Statewide Firearm Requirements for Hunting the Youth Deer Season
685.40	Statewide Deer Hunting Rules
685.50	Reporting Harvest of Deer
685.60	Rejection of Application/Revocation of Deer Permits
685.70	Regulations at Various Department-Owned or -Managed Sites
685.80	Youth White-Tailed Deer Hunt
685.90	Heritage Youth Wild Turkey Hunt – Spring Season
685.100	Youth Pheasant Hunting
685.110	Youth Waterfowl Hunting
685.120	Youth Dove Hunting

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.24, 2.25, 2.26 and 3.36].

SOURCE: Adopted at 20 Ill. Reg. 12452, effective August 30, 1996; amended at 21 Ill. Reg. 14548, effective October 24, 1997; amended at 25 Ill. Reg. 6904, effective May 21, 2001; amended at 26 Ill. Reg. 4418, effective March 11, 2002; amended at 26 Ill. Reg. 13828, effective Sep 5, 2002.

Section 685.10 Statewide Season for White-Tailed Deer Hunting

- a) Season: One-half hour before sunrise on Saturday of the State designated Columbus Day Holiday weekend to sunset on Sunday of that weekend. Shooting hours are one-half hour before sunrise to sunset. Hunting outside the set season dates is a Class B misdemeanor (see 520 ILCS 5/2.24); hunting after sunset is a Class B misdemeanor (see 520 ILCS 5/2.24); and hunting prior to ½ hour before sunset 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 2.33(y)).
- b) The Department of Natural Resources (Department) shall open a select county or counties to harvest surplus deer via youth deer hunting using shotgun or muzzleloader.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

The Department shall notify the public which county or counties will be open via a news release.

(Source: Amended at 26 Ill. Reg. 13828, effective Sep 5, 2002)

Section 685.20 Statewide Deer Permit Requirements

- a) Illinois resident hunters must have a current, valid "Youth Deer Hunt Permit" (\$10). The Youth Deer Season is only open to Illinois residents who have not reached their 16th birthday, have completed a State-approved Hunter Education course and have a hunting license, unless exempt, by the start of the Youth Deer Season. A 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. For permit applications and other information write to:

Department of Natural Resources

Youth Deer Permit

~~One Natural Resources Way 524 South Second Street, Room 210~~

Springfield, IL ~~62702-1271 62701-1787~~

- b) Applications shall be accepted beginning August 1 and ending on the tenth weekday in August for the Youth Deer Season in October. Applications received after the tenth weekday shall not be included in the drawing. Permits shall be allocated in a random drawing. Applications not correctly filled out shall be rejected from the random drawing. Permits shall be issued as antlerless only. If more space is available than the number of applications received, remaining permits will be filled in random daily drawings.
- c) In-person and mail-in applications shall receive equal treatment in the drawings.
- d) Each applicant must apply using the official agency Youth Deer Hunt Permit Application, and must complete all portions of the form. No more than six applications per envelope shall be accepted. Each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications for regular firearm, muzzleloading rifle, archery, handgun, free or paid landowner/tenant permits, and youth deer season permits.
- e) For the applicant to be eligible to receive a Youth Deer Season Permit (\$10), applicant must be an Illinois resident and not have had his or her deer hunting privileges suspended or revoked in this State pursuant to Section 3.36 of the Wildlife Code [520 ILCS 5/3.36].
- f) Deer hunting seminars covering deer hunting safety and aspects of deer hunting will be made available to participating youths.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- g) Recipients of the Youth Deer Season Hunt Permit shall record their signature on the permit and must carry it on their person while hunting.
- h) Permits are not transferable. Refunds shall not be granted unless the Department has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.
- i) A \$3 service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail there will be no charge. Monies derived from this source will be deposited in the Wildlife and Fish Fund.
- j) Each applicant must enclose a separate \$10 check or money order payable to the Department of Natural Resources, or the application shall be returned. Applicants should not send cash with their applications. The Department shall not be responsible for cash sent through the mail.
- k) Permits issued for the Youth Deer Hunt season will not be counted in the number of gun permits a person can receive for the Firearm and Muzzleloader-Only Deer Season.
- l) Providing false information on an application is a Class A misdemeanor (see 520 ILCS 5/2.38).
- m) Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 26 Ill. Reg. 13828, effective Sep 5, 2002)

Section 685.30 Statewide Firearm Requirements for Hunting the Youth Deer Season

- a) Specifications of legal firearms and their respective legal ammunition for the Youth Deer Hunt 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;
 - 2) A single or double barreled muzzleloading firearm of at least .45 caliber shooting a single projectile through a barrel of at least sixteen inches in length;
 - 3) The minimum size of the firearm projectile shall be .44 caliber. A wad or sleeve is not considered a projectile or part of the projectile. 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.
- b) The standards and specifications for use of such muzzleloading firearms are as follows:
 - 1) A muzzleloading firearm is defined as a blackpowder 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) do not qualify as a

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

"blackpowder substitute".

- 3) Percussion caps, wheellock, matchlock or flint type ignition only may be used.
 - 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 un-wound, or removal of prime powder and match with match not lit shall constitute an unloaded muzzleloading firearm.
- c) It shall be a Class B misdemeanor (see 520 ILCS 5/2.24) ~~unlawful~~ to use or possess any type of firearm or ammunition in the field other than those specifically authorized by this rule while hunting white-tailed deer during the Youth Deer Hunting Season, but archery deer hunters in possession of a valid archery deer permit may hunt during this season provided that, in county or counties open to youth deer hunting, they wear the orange garments required of gun deer hunters. The otherwise lawful possession of firearms to take furbearing mammals and game mammals other than deer shall not be prohibited during the Youth Deer Hunting Season as set in Section 685.10.

(Source: Amended at 26 Ill. Reg. 13828, effective Sep 5, 2002)

Section 685.40 Statewide Deer Hunting Rules

- a) Bag limits: One antlerless deer per legally authorized permit. An antlerless deer is a deer without antlers or a deer having antlers less than 3 inches long. Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).
- b) Each hunter participating in the Youth Deer Hunt must be accompanied by a nonhunting supervisor (parent, guardian, or responsible adult) who has in his or her possession a valid Firearm Owners Identification (FOID-F.O.I.D.) Card. The nonhunting supervisor must wear the orange garments required of gun deer hunters, and must remain with the hunting youth so as to have the youth under immediate control. Each supervisor may only accompany a single youth at any given time during the hunt. The supervising adult shall be criminally liable for the actions of the youth in the hunting party, and be subject to the criminal penalties provided by law.
- c) The leg tag must be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the leg tag to the deer. The leg tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a taxidermist or tanner for processing must supply the taxidermist or tanner with their deer permit number to verify lawful acquisition. In the absence of a permit number, the taxidermist or tanner may rely on the written certification of the person from whom the deer was

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- received that the specimen was legally taken or obtained. Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).
- d) Hunters shall not have in their possession, while in the field during the Youth Deer Season, any deer permit issued to another person (permits are non-transferrable). Violation is a Class B misdemeanor (see 520 ILCS 5/2.24).
- e) Permits shall not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Disposal of unfit deer taken shall be the responsibility of the hunter.

(Source: Amended at 26 Ill. Reg. 13828, effective Sep 5, 2002)

Section 685.50 Reporting Harvest of Deer

- a) Deer shall be checked in by the hunter in person by 8:00 p.m. the same day the deer is harvested at the authorized county Youth Deer check station.
- b) Violation is a Class B misdemeanor (see 520 ILCS 5/2.24). ~~Failure to follow this Section constitutes illegal possession of deer.~~

(Source: Amended at 26 Ill. Reg. 13828, effective Sep 5, 2002)

Section 685.80 Youth White-Tailed Deer Hunt

Statewide regulations shall apply except as noted in parentheses at the following sites by special permit allocated through the regular statewide drawing. Shooting is allowed from elevated tree stands, except as noted in parentheses. Applicants must not have reached their 16th birthday, have completed a State-approved Hunter Education course and have a hunting license, unless exempt, by the start of the Youth Deer Season. Only one tree stand is allowed per person. Tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands may be set up the day before the hunt and shall be removed the day after. All tree stands must be marked with a site assigned identification number. Check-in, check-out and report of harvest is required. Violation of a site-specific regulation is a Class B misdemeanor (see 520 ILCS 5/2.24).

Crab Orchard National Wildlife Refuge (first season only)

Dixon Springs State Park

Fort Massac State Park (first season only)

Lake Le Aqua Na State Park (hunting from Department established ground blinds)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

only; first season only; permits shall be antlerless only; youth hunters may purchase a \$5 either sex permit after harvesting an antlerless deer; supervisors may hunt, but may only take antlerless deer)

(Source: Amended at 26 Ill. Reg. 13828, effective Sep 5, 2002)

Section 685.90 Heritage Youth Wild Turkey Hunt – Spring Season

- a) Turkey Permit Requirements – Heritage Youth Turkey Hunt
- 1) The Heritage Youth Wild Turkey Hunt is open only to Illinois residents under the age of 16 at the start of the Heritage Youth Wild Turkey Hunt. All participating youths must have completed a Department-approved Hunter Education course. All youth hunters must have a current, valid Heritage Youth Wild Turkey Hunt Permit (\$10). For permit application and other information write to:

Illinois Department of Natural Resources
Youth Turkey ~~524 S. Second Street, Room 210~~
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 Heritage Youth Wild Turkey Permit application.
 - 4) The season dates and open counties will be determined annually by the Director of the Illinois Department of Natural Resources. The number of permits issued will be in addition to the established county permit quotas. The dates of the application period for permits will be publicly announced annually by the Department.
 - 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 Heritage Youth Wild Turkey Hunt Permit is received from the same person, all applications submitted in that name will be rejected and permits revoked.
 - 7) A \$3 service fee will be charged for replacement permits issued by the Department.
 - 8) Each Illinois Heritage Youth Wild Turkey Hunt Permit holder is required to be

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

accompanied 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 be subject to the criminal penalties provided by law.

- 9) The Heritage Youth Wild Turkey Hunt Permit will only be valid for the dates and counties listed on the permit. Each youth must also possess a valid Illinois hunting license prior to hunting, unless exempt.
 - 10) Turkey hunting seminars covering turkey hunting safety and aspects of turkey hunting will be made available to participating youths. Hunting without a permit is a Class B misdemeanor (see 520 ILCS 5/2.9).
 - 11) Permits issued for the Heritage Youth Wild Turkey Hunt will be counted in the number of permits a person can be issued for the regular Spring Wild Turkey Season.
- b) Turkey Hunting Regulations
- It is unlawful:
- 1) to use live or electronic turkey decoys, recorded calls, dogs, or bait (an area is considered as baited during the presence of and for 10 consecutive days following the removal of the bait). Violation is a Class B misdemeanor (see 520 ILCS 5/2.9);
 - 2) to take any wild turkey except a hen with a visible beard or a gobbler (male). Violation is a Class B misdemeanor (see 520 ILCS 5/2.9);
 - 3) to take, or attempt to take, more than three wild turkeys during the spring season, and hunters must have ~~without~~ a valid permit for each turkey that is taken;
 - 4) to use any hunting device except a shotgun or bow and arrow. #4 shot is the largest and #7½ is the smallest size shot that may be legally used. Archers may use a long, recurved, or compound bow with a minimum pull of 40 pounds at some point within a 28-inch draw. Minimum arrow length is 20 inches, and broadheads must be used. Broadheads may have fixed or expandable blades, but they must be barbless and have a minimum ? inch diameter when fully opened. Broadheads with fixed blades must be metal or flint-, chert-, or obsidian-knapped; broadheads with expandable blades must be metal. Any mechanical device capable of maintaining a drawn position or partially drawn position on a bow is illegal. All other bows and arrows, including electronic arrow tracking systems, are illegal. Violation is a Class B misdemeanor (see 520 ILCS 5/2.9);
 - 5) to hunt except from ½ hour before sunrise to 1:00 p.m. during each day of the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

season. Hunting after 1 p.m. is a Class B misdemeanor (see 520 ILCS 5/2.9). Hunting prior to ½ hour before sunrise 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));

- 6) for any person having taken the legal limit of wild turkeys to further participate with a hunting device in any hunting party for the purpose of taking additional wild turkeys. Violation is a Class B misdemeanor (see 520 ILCS 5/2.9);
- 7) for any person to possess, while in the field during wild turkey season, any turkey permit issued to another person (permits are non-transferable). Violation is a Class B misdemeanor (see 520 ILCS 5/2.9);
- 8) 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 the turkey was taken by calling the toll-free telephone number provided with their turkey hunting permit. Hunters must provide all information requested by the telephone check-in system, and will be provided with a confirmation number to verify that they checked in their harvest. The confirmation number must be written by the hunter onto the leg tag. The leg tag must remain attached to the leg of the turkey until it is at the legal residence of the person who legally took or possessed the turkey and the turkey has been checked in. The turkey must remain whole (or field dressed) until it has been checked in. Violation is a Class B misdemeanor (see 520 ILCS 5/2.9); and
- 9) for any person to shoot a wild turkey while it is in a tree before 7:00 a.m. Violation is a Class B misdemeanor (see 520 ILCS 5/2.9).

(Source: Amended at 26 Ill. Reg. 13828, effective Sep 5, 2002)

Section 685.100 Youth Pheasant Hunting

- a) Permit Requirements
 - 1) Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. Only applications for reservations submitted by Illinois residents will be processed during the first two weeks of the application period. Reservations will be confirmed. Up to six reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season. There is no fee for the youth pheasant hunting permit.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 2) Only one permit per person will be issued until the daily quota is filled. The daily quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available, the condition, topography, and configuration of the land at the site, the condition of the roads at the site, and the number of employees available to work at the site.
- 3) The Springfield Permit Office cannot transfer or alter reservations to change hunting areas, dates or hunters' names. Permits cannot be transferred on the hunting areas. For other information write to:

Illinois Department of Natural Resources
Pheasant ~~524 South 2nd Street, Room 210~~
P. O. Box 19457
Springfield, Illinois 62794-9457

- 4) Reservations for the Illinois Youth Pheasant Hunt will be issued from the Springfield Permit Office for Chain O'Lakes State Park, Des Plaines Conservation Area, Edward R. Madigan State Park, Eldon Hazlet State Park (Carlyle Lake), Iroquois County Conservation Area, Lee County Conservation Area (Green River), Moraine View State Park, Wayne Fitzgerald (Rend Lake) State Park, Richland County Controlled Pheasant Hunting Area, Mackinaw River State Fish and Wildlife Area, Horseshoe Lake State Park (Madison County), Sand Ridge State Forest, Sangchris Lake State Park and Jim Edgar Panther Creek State Fish and Wildlife Area (Controlled Area).
- b) Hunting Regulations
- 1) At the following sites, the Illinois Youth Pheasant Hunt will be held on:
 - A) the Saturday preceding the opening of the statewide upland game season:

Mackinaw River State Fish and Wildlife Area

- B) the first Sunday of the site's controlled pheasant hunting season:

Chain O'Lakes State Park

Des Plaines Conservation Area

Eldon Hazlet State Park (Carlyle Lake)

Lee County Conservation Area (Green River)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Iroquois County Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit

Moraine View State Park

Sand Ridge State Forest

Wayne Fitzgerald State Park (Rend Lake)

C) the Sunday following the opening of the statewide upland game season:

Edward R. Madigan State Park

Sangchris Lake State Park

D) the second Sunday following the opening of the statewide upland game season:

Horseshoe Lake State Park (Madison County)

E) the Sunday preceding Thanksgiving Day:

Richland County Controlled Pheasant Hunting Area

- 2) Hunting hours are from 9:00 a.m. to 4:00 p.m., except at Sangchris Lake hunting hours are from 12 noon to 4:00 p.m. Hunters with reservations or permits are required to check in at the check station between 7:00 a.m. and 8:00 a.m. (between 10:00 a.m. and 10:30 a.m. at Sangchris Lake State Park).
- 3) All hunters must be between the ages of 10-15 inclusive and have a youth hunting permit. Stand-by permits will not be available except at Sangchris Lake and Edward R. Madigan State Park.
- 4) All hunters are required to deposit their hunting licenses in the check station while hunting. Each permit holder MUST be accompanied by a non-hunting supervisory adult. If the hunter does not have a valid Firearm Owner's Identification (FOID) Card, the supervisory adult is required to have a valid FOID Card. Only one supervisory adult in a hunting party is required to have a valid FOID Card if the hunters in the hunting party stay under the immediate control (accompany youth hunter at all times) of the supervisory adult

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

possessing the valid FOID Card. The supervising adult shall be criminally liable for the actions of the youth in the hunting party, and be subject to the criminal penalties provided by law.

- 5) Supervising adults are required to wear a cap and upper outer garment of solid and vivid blaze orange of a least 400 square inches. Hunters must wear a back patch issued by the check station.
- 6) Anyone who has killed game previously and has it in his possession or in his vehicle must declare it with the person in charge of the area prior to hunting on the area. All previously killed game found in a hunter's possession after he has started hunting on the area will be considered illegally taken if the hunter has not declared it prior to going into the field.
- 7) All hunting must be done with shotguns. Only shot shells with a shot size of #5 lead, tungsten-iron, tungsten-polymer, tungsten-matrix, #4 bismuth or #3 steel or tin or smaller may be used, except at Chain O' Lakes State Park, Eldon Hazlet State Park, Lee County Conservation Area (Green River) and Wayne Fitzgerald State Park where only shot shells approved as non-toxic by the U.S. Fish and Wildlife Service with a shot size of #3 steel or tin, #4 bismuth, #5 tungsten-iron, tungsten-polymer, tungsten-matrix or smaller may be used.
- 8) Daily limit.
 - A) Two pheasants of either sex at Eldon Hazlet State Park, Iroquois County Conservation Area, Des Plaines Conservation Area, Richland County Controlled Pheasant Hunting Area, Wayne Fitzgerald State Park, Horseshoe Lake State Park (Madison County) and Sand Ridge State Forest.
 - B) Two cock pheasants only at Lee County Conservation Area (Green River), ~~the~~ Moraine View State Park, Mackinaw River State Fish and Wildlife Area and Chain O' Lakes State Park.
 - C) Statewide Upland Game Limits at Sangchris Lake State Park, Edward R. Madigan State Park and Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit.
- 9) All pheasants must be affixed with a Department tag before they are removed from the area. The tag must remain on the leg of the pheasant until the pheasant is finally prepared for consumption.

10) Violation of this subsection (b) is a petty offense (see 520 ILCS 5/2.6).

(Source: Amended at 26 Ill. Re g. 13828, effective Sep 5, 2002)

Section 685.110 Youth Waterfowl Hunting

- a) Permit Requirements

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Permit reservations shall be accepted starting in September. Initial acceptance dates shall be publicly announced. Applicants must be between the ages of 10-15 inclusive on the date of the hunt.
 - 2) Only one permit per person shall be issued for the hunt on the first weekday after December 26 other than a Monday at Horseshoe Lake Conservation Area (Alexander County) and Union County Conservation Area and on the Sunday immediately preceding the first firearm deer season as set forth in 17 Ill. Adm. Code 650.10 at Donnelley/DePue State Wildlife Area (3 "i" unit), Banner Marsh State Fish and Wildlife Area and Snakeden Hollow State Fish and Wildlife Area, and on the first weekend and third Saturday of the Illinois Central Zone Waterfowl season at Donnelley State Wildlife Area.
 - 3) The permit shall be for the use of the entire blind and it shall be the responsibility of the permit holder to bring one supervising adult who may also hunt. The supervising adult shall be criminally liable for the actions of the youth in the hunting party, and be subject to the criminal penalties provided by law.
 - 4) Permit reservations and transferability.
 - A) All duplicate permit reservations shall be rejected and the hunter shall forfeit his rights to a permit. Permits are not transferable. Previous participants are ineligible to apply for a permit.
 - B) For other information write to:

Illinois Department of Natural Resources
Youth Waterfowl Hunt
~~524 S. Second Street, Room 210~~
P.O. Box 19457
Springfield, IL 62794-9457
 - 5) Permits for the Illinois Youth Waterfowl Hunt will be issued from the Springfield Permit Office.
- b) General Waterfowl Hunting Regulations at the Youth Waterfowl Hunting Areas
- 1) Hours, Permits and Stamp Charges
 - A) Hunting hours at Horseshoe Lake (Alexander County) and Union County are from legal opening until ~~12:00 noon~~~~1:00 p.m.~~ on the day of the Youth Goose Hunt. Hunting hours at Donnelley/DePue State Wildlife Area (3 "i" Unit), Banner Marsh State Fish and Wildlife Area and Snakeden Hollow State Fish and Wildlife Area are from statewide opening to 1:00 p.m. on the days of the youth waterfowl hunts.
 - B) At Union County Conservation Area, Horseshoe Lake Conservation Area (Alexander County) and Snakeden Hollow State Fish and Wildlife Area,

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

hunters with Illinois Youth Waterfowl Hunt Permit reservations are required to check in at the check station between ~~4:30~~ ~~5:00~~-a.m. and ~~5:00~~ ~~5:30~~-a.m. Permits are void after ~~5:00~~ ~~5:30~~-a.m. A drawing shall be held on the morning of the hunt to allocate blind sites.

- C) At Donnelley/DePue State Wildlife Area (3 "i" Unit) and Banner Marsh Fish and Wildlife Area, hunters with Illinois Youth Waterfowl Hunt Permit reservations are required to check in one hour before shooting time. The blinds will be allocated by drawing. For the youth hunts other than the Illinois Youth Waterfowl Hunt, hunters with permit reservations must check in at the check station no later than one hour before shooting time or the permit is void.
- D) There is no fee for the Illinois Youth Waterfowl Hunting Permit.
- 2) Hunting must be done from assigned blinds only and hunters, unless authorized, shall not move from blind to blind or leave the blind and return.
 - 3) Guns must be unloaded and encased at all times when not hunting.
 - 4) At Union County Conservation Area, Horseshoe Lake Conservation Area (Alexander County) and Snakeden Hollow State Fish and Wildlife Area, each youth shall not possess more than 25 shells. Each adult shall not possess more than 5 shells for each Canada goose allowed in the daily bag. Hunters without their guns may leave the blind to retrieve crippled waterfowl.
 - 5) Each youth and supervising adult may be accompanied by a non-hunting guide. The maximum number of people in a blind is two hunting youth, two non-hunting adults and a non-hunting guide.
 - 6) At Rend Lake, hunters participating in the youth hunt must sign in and out, no entry into subimpoundments before 4:30 a.m. and must be out of subimpoundments by 2:00 p.m.
- c) Special Hunts
If, by regulation published in the Federal Register, the U.S. Fish and Wildlife Service sets any special dates for youth-only waterfowl hunting, the Department shall, by public announcement, open those Department sites that, under the circumstances prevailing at the time, the Department believes may be opened without unduly disturbing other Department programs.
- d) Violations of this Section are Class B misdemeanors (see 520 ILCS 5/2.18), except that hunting prior to ½ hour before sunrise 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)).

(Source: Amended at 26 Ill. Reg. 13828, effective Sep 5, 2002)

Section 685.120 Youth Dove Hunting

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- a) A one-day Youth Dove Hunt will be held the first weekend day in September or Labor Day, whichever comes first, at the following sites:

Horseshoe Lake State Park (Madison County)

~~Ramsey Lake State Park~~

~~Sangchris Lake State Park~~

Silver Springs State Park

Stephen A. Forbes State Park

- b) A one-day youth/adult dove hunt will be held the first weekend day in September or Labor Day, whichever comes first, where both the youth and adult will be permitted to hunt at the following sites:

Kankakee River State Park

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Area

Mackinaw River State Fish and Wildlife Area (only non-toxic shot, as defined by the U.S. Fish and Wildlife Service in 50 CFR 20, #6 steel shot or #7½ bismuth shot or smaller may be possessed)

Mt. Vernon Game Farm

~~Ramsey Lake State Park~~

Sam Parr State Park

~~Sangchris Lake State Park~~

- c) Hunting hours are from 12:00 p.m. to 5:00 p.m. Check-in time is from 10:00 a.m. to 11:00 a.m.
- d) Hunter quota will be announced by public news release. Hunter quota is determined by the formula: one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

available; the condition, topography, and configuration of the land at the site; and the number of employees available to work at the site.

- e) All hunters must have a hunting permit and wear a back patch while hunting. Stand-by permits will be available at the site by lottery drawing if vacancies occur.
- f) Applicants must be between the ages of 10-15 inclusive, with a valid Illinois hunting license.
- g) Each youth must be accompanied by a supervising adult. If the hunter does not have a valid Firearm Owner's Identification (FOID) Card, the supervising adult is required to have a FOID Card. Only one supervising adult in a hunting party is required to have a valid FOID Card if the hunters in the hunting party stay under the immediate control (accompany youth hunters at all times) of the supervising adult possessing the valid FOID Card. All adult hunters must have a valid FOID card. The supervising adults shall be criminally liable for the actions of the youth in the hunting party, and be subject to the criminal penalties provided by law.
- h) Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. Applicants making reservations will be sent confirmation. Up to six reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season.
- i) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.18).

(Source: Amended at 26 Ill. Reg. 13828, effective Sep 5, 2002)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Squirrel Hunting
- 2) Code Citation: 17 Ill. Adm. Code 690
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
690.10	Amendment
690.20	Amendment
690.30	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5].
- 5) Effective Date of Amendments: September 5, 2002
- 6) Do these amendments contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 24, 2002, 26 Ill. Reg. 7570
- 10) Has JCAR issued a Statement of Objection to these rules? 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? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This Part was amended to add and delete sites from the Section on Regulations at Various Department-Owned or -Managed Sites and to add information on penalties.
- 16) Information and questions regarding these adopted amendments shall be directed to:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Jack Price
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 690
SQUIRREL HUNTING

Section

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

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

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

Section 690.10 Hunting Seasons

Season dates: August 1 through December 31 (except closed during firearm deer seasons, as set by 17 Ill. Adm. Code 650, in those counties open to firearm deer hunting). Hunting outside the set season dates is a petty offense (see 502 ILCS 5/2.28).

(Source: Amended at 26 Ill. Reg. 13845, effective Sep 5, 2002)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Section 690.20 Statewide Regulations

- a) Fox squirrels and gray squirrels (including their black color phase) are the only tree squirrels that may be hunted or taken.
- b) Daily limit: 5 fox and gray (including their black color phase) squirrels, singly or in combination.
- c) Possession limit: 10 fox and gray (including their black color phase) squirrels, singly or in combination, except on opening day of the season when only 5 squirrels may be in possession.
- d) Exceeding the daily limit, the possession limit, or taking of any squirrel other than fox squirrels or gray squirrels (including their black color phase) is a petty offense (see 520 ILCS 5/2.28).

(Source: Amended at 26 Ill. Reg. 13845, effective Sep 5, 2002)

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

- a) All the regulations in 17 Ill. Adm. Code 510, General Hunting and Trapping on Department-Owned or Managed Sites, apply in this Part, unless this Part is more restrictive. Violations of a site specific regulation is a petty offense (see 520 ILCS 5/2.28).
- b) Hunting with .22 caliber rimfire firearms or muzzleloading black powder rifles is allowed at those sites listed in the following subsections that are followed by a (1).
- c) Check-in, check-out and reporting of harvest is required at those sites listed in the following subsections that are followed by a (2).
- d) Statewide regulations apply at the following sites:

Anderson Lake Conservation Area (2)

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

Argyle Lake State Park (2)

Big Bend State Fish and Wildlife Area (2)

Big River State Forest (2)

Cache River State Natural Area (1) (2)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Campbell Pond Wildlife Management Area

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

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

Chain O'Lakes State Park (opens Wednesday after permit pheasant season for 5 consecutive days, except closed on Christmas Day; 8:00 a.m. to 4:00 p.m.; daily quota filled on first come-first served basis; DNR issued back patch must be worn while hunting; only shot size of No. 3 steel, No. 4 bismuth, No. 5 tungsten-iron, tungsten-matrix, tungsten-polymer or smaller may be used) (2)

Crawford County Conservation Area (1) (2)

Cypress Pond State Natural Area (1) (2)

Dog Island Wildlife Management Area (1) (2)

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

Falling Down Prairie (2)

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

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

Fort Massac State Park (2)

Hanover Bluff - Kopper Tract (2)

I-24 Wildlife Management Area (2)

~~Jim Edgar Panther Creek State Fish and Wildlife Area – West Open Unit (1) (2)~~

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during duck season) (1) (2)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Kinkaid Lake Fish and Wildlife Area (1)

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

Marseilles [State](#) Fish and Wildlife Area (Monday through Thursday only through October 31; during August, hunting allowed west of E. 2450 Road only) (2)

Marshall State Fish and Wildlife Area (2)

Mermet Lake Conservation Area (non-toxic shot only in waterfowl areas) (1) (2)

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

Mississippi River Pools 16, 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

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

Oakford Conservation Area (1)

Peabody River King State Fish and Wildlife Area (east and north subunits close, November 1) (2)

Randolph County Conservation Area (2)

Ray Norbut State Fish and Wildlife Area (closes December 15 in Eagle Roost Area) (1) (2)

Red Hills State Park (2)

Rend Lake Project Lands and Waters (1)

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Sam Dale Lake Conservation Area (2)

Sam Parr State Park (2)

Sangamon County Conservation Area (1)

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

Sielbeck Forest Natural Area (1) (2)

Stephen A. Forbes State Park (2)

Tapley Woods State Natural Area (2)

Trail of Tears State Forest (1)

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

Walnut Point Fish and Wildlife Area (2)

Washington County Conservation Area (2)

Weinberg-King State Park (1) (2)

Wildcat Hollow State Forest (1)

Witkowsky State Wildlife Area (opens after second firearm deer season) (2)

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

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

Giant City State Park (Union County only) (1)(2)

Hamilton County Conservation Area (2)

Pere Marquette State Park (2)

Pyramid State Park (2)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Siloam Springs State Park (2)

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

Johnson-Sauk Trail State Park (2)

Jubilee College State Park (2)

Kankakee River State Park (2)

Sangchris Lake State Park (2)

Silver Springs State Park (2)

Spring Lake Fish and Wildlife Area (2)

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

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

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

Coffeen Lake State Fish and Wildlife Area (statewide opening through area closed during firearm deer season; closes September 30)
~~East Conant Field (1)~~

Fox Ridge State Park (1)

Harry "Babe" Woodyard State Natural Area

Hidden Springs State Forest (.22 rimfire firearms and muzzleloading

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

blackpowder rifles prohibited until October 1) (1)

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

Hurricane Creek Habitat Area (season closes October 31)

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

Kickapoo State Park (season opens day after Labor Day)

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

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

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

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

Moraine View State Park

Newton Lake Fish and Wildlife Area (closes September 30)

Pyramid State Park – East Conant Unit (1)

Pyramid State Park – Galum Unit (1)

Ramsey Lake State Park

Sanganois State Fish and Wildlife Area (1)

Siloam Springs State Park – Buckhorm Unit (statewide opening through September 30) (1)(2)

Siloam Springs State Park – Scripps Unit (statewide opening through September 30) (1)(2)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Ten Mile Creek Fish and Wildlife Area (1)

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

Beaver Dam State Park (2)

Castle Rock State Park (2)

~~Coffeen Lake State Fish and Wildlife Area~~

Iroquois County Wildlife Management Area (1) (2)

Mackinaw State Fish and Wildlife Area (2)

Mt. Vernon Game Propagation Center (2)

~~Siloam Springs State Park—Buckhorn Unit (1) (2)~~

Woodford County Fish and Wildlife Area (2)

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

Green River State Wildlife Area (2)

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

Sand Ridge State Forest (1) (2)

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

(Source: Amended at 26 Ill. Reg. 13845, effective Sep 5, 2002)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

<u>Section Numbers</u> :	<u>Adopted Action</u> :
715.10	Amendment
715.20	Amendment
715.25	Amendment
715.30	Amendment
715.40	Amendment
- 4) Statutory Authority: : Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11]
- 5) Effective Date of Amendments: September 5, 2002
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 24, 2002, 26 Ill. Reg. 7580
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Section 715.10(a), added "dates" following "season"
- 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 an 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 are being made to open three new counties, add new sites and amend regulations; add language indicating non-

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

resident hunters shall be charged the maximum fee allowed by Section 2.11 of the Wildlife Code, thus the fee shall increase to \$125 compared to the current fee of \$75 and non-resident turkey hunters will be required to have a non-resident hunting license; and to add information on penalties.

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

Jack Price
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 715

THE TAKING OF WILD TURKEYS – FALL GUN SEASON

Section

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

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

SOURCE: Adopted at 13 Ill. Reg. 14950, effective September 6, 1989; amended at 14 Ill. Reg. 12421, effective July 20, 1990; amended at 15 Ill. Reg. 11618, effective August 2, 1991; amended at 16 Ill. Reg. 11101, effective June 30, 1992; amended at 17 Ill. Reg. 10858, effective July 1, 1993; amended at 18 Ill. Reg. 10013, effective June 21, 1994; amended at 19 Ill. Reg. 11806, effective August 3, 1995; amended at 20 Ill. Reg. 10898, effective August 5, 1996; amended at 21 Ill. Reg. 9110, effective June 26, 1997; amended at 22 Ill. Reg. 14866, effective August 3, 1998; amended at 23 Ill. Reg. 9091, effective July 28, 1999; amended at 24 Ill. Reg. 8965, effective June 19, 2000; amended at 25 Ill. Reg. 11460, effective August 14, 2001; amended at 26 Ill. Reg. 13855, effective Sep 5, 2002.

Section 715.10 Hunting Season, Open Counties and Permit Quotas

- a) Season: Nine days beginning on Saturday of the Second complete 3-day weekend (Friday, Saturday, Sunday) after October 10. Hunting outside the set season dates is a Class B misdemeanor (see 520 ILCS 5/2.9).
- b) Open Counties

OPEN COUNTIES

Adams
Alexander
Brown

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Calhoun
- Carroll
- Cass
- Fulton
- Gallatin/Hardin (south of Rt. 13 only)
- Green
- Hancock
- Henderson
- Jackson
- Jasper
- Jefferson
- Jersey
- Jo Daviess
- Johnson
- Knox
- Lawrence
- Macoupin
- Madison
- Marion
- Mason
- McDonough
- Mercer
- Monroe
- Morgan
- Perry
- Pike
- Pope
- Randolph
- Richland
- Rock Island
- Saline
- Schuyler
- Scott
- Stephenson
- Union
- Wayne
- Whiteside
- Williamson
- Winnebago

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- c) Permit quotas shall be set by the Department of Natural Resources on a county or special hunt area basis.

(Source: Amended at 26 Ill. Reg. 13855, effective Sep 5, 2002)

Section 715.20 Statewide Turkey Permit Requirements

- a) To take, or attempt to take, a wild turkey, Illinois residents must first obtain a "Wild Turkey Hunting Permit" from the Department of Natural Resources for a fee of \$15. Non-resident turkey hunters shall be charged the maximum fee allowed by Section 2.11 of the Wildlife Code [520 ILCS 5/2.11] for each ~~\$75 for a wild~~ turkey hunting permit. All hunters, Residents, except those exempted by Section 3.1 of the Wildlife Code [520 ILCS 5/3.1], are required to obtain a hunting license before hunting wild turkey. Permits are issued for a specific county or area and are valid only in the county or area designated on the permit. Hunting without a valid turkey permit is a Class B misdemeanor (see 520 ILCS 5/2.9). Applications for wild turkey permits must be mailed to:

Department of Natural Resources – Turkey
~~524 S. Second Street, Room 210~~
P.O. Box 19446
Springfield, IL 62794-9446

- b) Applicants must complete all portions of the permit application form. Incomplete applications shall be rejected and fees returned. Each applicant must submit a personal check or money order for his/her individual application. Not more than 6 applications may be submitted for group hunters. Applicants submitting applications within three weeks prior to the season shall not be guaranteed receipt of permit by start of season.
- c) Applications shall be accepted from residents only from the date on which they became available through the first Monday in July. All requests must be on an official application form. Permits are not transferable and refunds shall not be granted. Permits shall be allocated in a computerized drawing to be held in Springfield. Applications received after the first Monday in July shall not be included in the drawing.
- d) Permits not issued during the first computerized drawing shall be available in a second computerized lottery drawing. Applications for this drawing will be accepted through the seventh Monday after the initial lottery deadline. Applications received after this date will not be included in the drawing. All hunters not receiving a permit in the first computerized drawing and non-residents may apply at this time for the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

available permits. Illinois residents will be given preference for permits allocated in the second lottery drawing.

- e) Permits remaining after the two lotteries will be available in a random daily drawing that begins on the fourth Monday after the second lottery deadline. All applications received on or before this date will be processed in the first daily drawing. This drawing period is open to hunters applying for their first or second permits. Hunters may obtain a maximum of two permits for the fall gun season.
- f) A \$3 service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, no charge shall be made.
- g) It shall be unlawful to:
 - 1) Submit applications before the second computerized lottery drawing for more than one permit for the same person. Violation is a Class B misdemeanor (see 520 ILCS 5/2.9);
 - 2) Apply for or receive more than two permits for the fall gun turkey season. Violation is a Class B misdemeanor (see 520 5/2.9); or
 - 3) Provide false and/or deceptive information on a permit application form. In addition to criminal charges, individuals found guilty of violating this Section shall have their application rejected, permit revoked, and fees forfeited. Violation is a Class A misdemeanor [see 520 ILCS 5/2.38].

(Source: Amended at 26 Ill. Reg. 13855, effective Sep 5, 2002)

Section 715.25 Turkey Permit Requirements – Landowner/Tenant Permits

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- d) Landowners or tenants are not required to participate in the public drawing for permits and are not counted towards the total number of permits issued for a particular county.
- e) Recipients of Landowner/Tenant permits to hunt their owned or leased property may apply for one additional county-wide permit beginning the third Monday in September from any permits remaining. Fees for this additional permit are set in Section 715.20(a) shall be \$15 for residents and \$75 for nonresidents.
- f) Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:
 - 1) Submittal of a copy of property deed;
 - 2) Submittal of a copy of contract for deed;
 - 3) Submittal of a copy of most recent real estate tax statement upon which landowner's name appears;
 - 4) Submittal of a copy of a Farm Service Agency 156EZ form; or
 - 5) Submittal of a copy of a trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a current income beneficiary of the trust.
- g) If you are applying for a tenant permit, you are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:
 - 1) A lease (not a hunting rights lease) or rental agreement, file stamped as recorded by the county clerk, covering the current year; or
 - 2) The authorized form from the Farm Service Agency.
- h) If the property is owned or rented by more than one person: Only one landowner (and immediate family) or one tenant (and immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive turkey permits.
- i) Bona fide equity shareholders of corporations or bona fide equity members of limited liability companies owning 40 or more acres of land in a county may apply for one permit to hunt the corporation or limited liability company lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county, shall be issued based on ownership of lands by corporations or limited liability companies. Lands leased to corporations or limited liability companies shall not be considered as a basis for a permit for the shareholders/members of the lessee. Lands held in trust by corporations or limited liability companies shall not be considered as a basis for a permit by the shareholders/members of the trustee. If application is made for a permit based upon lands owned by the corporation or limited liability company, a duly authorized officer of the corporation or limited liability company must sign a notarized statement authorizing the applicant to hunt on the corporate or company lands for which a permit is being requested. This statement must identify the applicant as a bona fide equity shareholder or member as defined in this subsection, identify authorization to hunt and identify that no more than 15 authorizations will be

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

requested per county for the corporation or limited liability company lands. This document must be attached to the application upon submittal to the Permit Office. The shareholder/member turkey permit shall be free to resident shareholders and the cost to nonresident shareholders shall be \$37.50.

- 1) Bona fide equity shareholder means an individual who:
 - A) purchased, for market price, publicly sold stock shares in a corporation; purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation; or is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation accurately reflecting his or her percentage of ownership; and
 - B) intends to retain the ownership of the shares of stock for at least 5 years.
 - 2) Bona fide equity member means an individual who:
 - A) became a member upon the formation of the limited liability company; or has purchased a distributional interest in a limited liability company for a value equal to the percentage of the appraised value of the limited liability company assets represented by the distributional interest in the limited liability company and subsequently becomes a member of the company pursuant to Article 30 of the Limited Liability Company Act; and
 - B) intends to retain the membership for at least 5 years.
- j) Providing false or deceptive information is a Class A misdemeanor (see 520 ILCS 5/2.38).

(Source: Amended at 26 Ill. Reg. 13855, effective Sep 5, 2002)

Section 715.30 Turkey Hunting Regulations

- a) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.9), except that hunting prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)). It is unlawful:
 - 1) to use live or electronic turkey decoys, recorded calls, dogs or bait. An area is considered as baited during the presence of and for 10 consecutive days following the removal of bait;
 - 2) to take, or attempt to take, more than one wild turkey per valid permit (either sex may be harvested);
 - 3) to use any weapon except a shotgun. #4 shot is the largest and #7½ is the smallest size shot that may be legally used;

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 4) to hunt except from ½ hour before sunrise to sunset during each day of the season;
 - 5) for any person to hunt wild turkeys without having a signed Wild Turkey Hunting Permit in possession, except that a person without a weapon may accompany a turkey hunter as a caller or observer;
 - 6) to transport a wild turkey without first affixing the adhesive-backed turkey permit securely around the leg. Leg tag must be affixed to the turkey immediately upon kill. No person shall leave a turkey that has been killed without properly attaching the turkey permit around the leg;
 - 7) for any person to shoot a wild turkey while it is in a tree before 7:00 a.m.; and
 - 8) to possess while in the field, during turkey season, any turkey permit issued to another person. (Permits are non-transferrable.)
- b) Successful hunters must register their harvest by 8:00 p.m. on the same calendar day the turkey was taken by calling the toll-free telephone check-in system, and will be provided with a confirmation number to verify that they checked in their harvest. The confirmation number must be written by the hunter onto the leg tag. The leg tag must remain attached to the leg of the turkey until it is at the legal residence of the person who legally took or possessed the turkey and the turkey has been checked in. The turkey must remain whole (or field dressed) until it has been checked in.
- c) Failure to comply with the regulations in this Part ~~is a Class B misdemeanor (see 520 ILCS 5/2.9) constitutes illegal possession of a wild turkey and is punishable by a fine and may result in license revocation and privilege suspension in accordance with 17 Ill. Adm. Code 2530—Department Revocation Procedures.~~

(Source: Amended at 26 Ill. Reg. 13855, effective Sep 5, 2002)

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

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

Jim Edgar Panther Creek State Fish and Wildlife Area (West Open Unit)

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

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

Mississippi River Pools 16, 17, 18 ~~Pool 16~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

~~Mississippi River Pool 18 (Henderson County only)~~

Mississippi River Pools 21, 22, 24

Rend Lake Project Lands (portion in Jefferson County only)

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

Argyle Lake State Park

Big River State Forest

Cache River State Natural Area (Johnson County portion only)

Cypress Pond State Natural Area

Dog Island Wildlife Management Area

Falling Down Prairie

Ferne Clyffe State Park

Fort de Chartres Historic Site (muzzleloading shotguns only)

Giant City State Park

Hanover Bluff – Kopper Tract

I-24 Wildlife Management Area

Kinkaid Lake Fish and Wildlife Area

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

Ray Norbut State Fish and Wildlife Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Saline County Conservation Area

Siloam Springs State Park

Siloam Springs State Park – Buckhorn Unit (resident hunters only; site permit required)

Tapley Woods State Natural Area

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildfish Area

Union County Conservation Area – Firing Line Management Unit Only

Weinburg-King State Park

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

Apple River Canyon State Park – Salem and Thompson Units

Jim Edgar Panther Creek State Fish and Wildlife Area

Sand Ridge State Forest

Witkowsky State Wildlife Area

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

Rock Cut State Park

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 26 Ill. Reg. 13855, effective Sep 5, 2002)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

<u>Section Numbers</u> :	<u>Adopted Action</u> :
720.10	Amendment
720.20	Amendment
720.25	Amendment
720.30	Amendment
720.40	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11]
- 5) Effective Date of Amendments: September 5, 2002
- 6) Do these amendments contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 24, 2002, 26 Ill. Reg. 7591
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Section 720.10(a) added "dates" following "season".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Amendments to this Part open additional counties to hunting; raise the non-resident permit fee to \$75; require all hunters, except

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

those exempted by Section 3.1 of the Wildlife Code, to obtain a hunting license; open new sites to hunting; amend regulations at sites; and add information on penalties.

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

Jack Price
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER b: FISH AND WILDLIFE

PART 720

THE TAKING OF WILD TURKEYS – FALL ARCHERY SEASON

Section

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

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

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

Section 720.10 Hunting Seasons and Counties Open to Hunting

- a) Season: Statewide season October 1 through the first Thursday after January 10, closed during firearm deer season, as set out in 17 Ill. Adm. Code 650. Hunting outside the set season dates is a Class B misdemeanor (see 520 ILCS 5/2.9).
- b) Open Counties:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- Adams
- Alexander
- Bond
- Boone
- Brown
- Bureau
- Calhoun
- Carroll
- Cass
- Champaign
- Christian
- Clark
- Clay
- Clinton
- Coles
- Crawford
- Cumberland
- Dekalb
- DeWitt
- Edgar
- Edwards
- Effingham
- Fayette
- Franklin
- Fulton
- Gallatin
- Greene
- Grundy
- Hamilton
- Hancock
- Hardin
- Henderson
- Henry
- Iroquois
- Jackson
- Jasper
- Jefferson
- Jersey
- Jo Daviess
- Johnson

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Kankakee

Kendall

Knox

LaSalle

Lawrence

Lee

Livingston

Logan

Macon

Macoupin

Madison

Marion

Marshall

Mason

Massac

McDonough

McHenry

McLean

Menard

Mercer

Monroe

Montgomery

Morgan

Moultrie

Ogle

Peoria

Perry

Piatt

Pike

Pope

Pulaski

Putnam

Randolph

Richland

Rock Island

Saline

Sangamon

Schuyler

Scott

Shelby

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

St. Clair
Stark
Stephenson
Tazewell
Union
Vermilion
Wabash
Warren
Washington
Wayne
White
Whiteside
Will
Williamson
Winnebago
Woodford

(Source: Amended at 26 Ill. Reg. 13867, effective Sep 5, 2002)

Section 720.20 Statewide Turkey Permit Requirements

- a) To take, or attempt to take, a wild turkey, Illinois residents must first obtain an archery "Wild Turkey Hunting Permit" for a fee of \$5. Non-resident turkey hunters shall be charged \$50 for wild turkey hunting permits. Paid archery turkey permits are only available over-the-counter (OTC) from license vendors located throughout the State. The permit will authorize the holder to hunt in any of the open counties of the State, on property where permission to hunt has been obtained from the property owner. All hunters, except those exempted by Section 3.1 of the Wildlife Code [520 ILCS 5/3.1] are required to obtain a hunting license before hunting wild turkey. Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.9).
- b) Hunters purchasing an archery turkey permit must supply all necessary applicant information to the license vendor in order to properly complete the permit.
- c) An individual may purchase a maximum of two archery turkey permits per season. Permits are not transferable and refunds will not be granted.
- d) A \$3 service fee will be charged for replacement permits issued by the Department. The procedures for obtaining a replacement license are detailed in 17 Ill. Adm. Code 2520.50. Monies from this source will be deposited in the Wildlife and Fish Fund.
- e) It shall be unlawful to:
 - 1) Purchase or attempt to purchase or receive more than two archery turkey permits. Violation is a Class B misdemeanor (see 520 ILCS 5/2.9).

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 2) Provide false and/or deceptive information to a vendor when purchasing a permit. In addition to criminal charges, individuals found guilty of violating this Section shall have their permit revoked and fees forfeited. The procedure by which an individual may appeal an application rejection, permit revocation, and the forfeiture of fees is set forth in 17 Ill. Adm. Code 2530 (Department Formal Hearings Conducted for Rulemaking and Contested Cases). Violation is a Class A misdemeanor (see 520 ILCS 5/2.38).

(Source: Amended at 26 Ill. Reg. 13867, effective Sep 5, 2002)

Section 720.25 Turkey Permit Requirements – Landowner/Tenant Permits

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 2) The authorized form from the Farm Service Agency.
- f) If the property is owned or rented by more than one person: Only one landowner (and immediate family) or one tenant (and immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family receive turkey permits.
- g) Bona fide equity shareholders of corporations or bona fide equity members of limited liability companies owning 40 or more acres of land in a county may apply for one permit to hunt the corporation or limited liability company lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county, shall be issued based on ownership of lands by corporations or limited liability companies. Lands leased to corporations or limited liability companies shall not be considered as a basis for a permit for the shareholders/members of the lessee. Lands held in trust by corporations or limited liability companies shall not be considered as a basis for a permit by the shareholders/members of the trustee. If application is made for a permit based upon lands owned by the corporation or limited liability company, a duly authorized officer of the corporation or limited liability company must sign a notarized statement authorizing the applicant to hunt on the corporate or company lands for which a permit is being requested. This statement must identify the applicant as a bona fide equity shareholder or member as defined in this subsection, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation or limited liability company lands. This document must be attached to the application upon submittal to the Permit Office. The shareholder/member turkey permit shall be free to resident shareholders/members and the cost to nonresident shareholders/members shall be \$25.
- 1) Bona fide equity shareholder means an individual who:
- A) purchased, for market price, publicly sold stock shares in a corporation; purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation; or is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation accurately reflecting his or her percentage of ownership; and
- B) intends to retain the ownership of the shares of stock for at least 5 years.
- 2) Bona fide equity member means an individual who:
- A) became a member upon the formation of the limited liability company; or has purchased a distributional interest in a limited liability company for a value equal to the percentage of the appraised value of the limited liability company assets represented by the distributional interest in the limited liability company and subsequently becomes a member of the company pursuant to Article 30 of the Limited Liability Company Act;

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

and

B) intends to retain the membership for at least 5 years.

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

(Source: Amended at 26 Ill. Reg. 13867, effective Sep 5, 2002)

Section 720.30 Turkey Hunting Regulations

- a) It is unlawful:
- 1) to use live or electronic turkey decoys, recorded calls, dogs or bait. An area is considered as baited during the presence of and for 10 consecutive days following the removal of bait;
 - 2) to take, or attempt to take, more than 1 wild turkey per valid permit during the fall archery season (either sex may be harvested);
 - 3) to use any weapon except a long, recurved or compound bow with a minimum pull of 40 pounds at some point within a 28 inch draw. Minimum arrow length is 20 inches, and broadheads must be used. Broadheads may have fixed or expandable blades, but they must be barbless and have a minimum ? inch diameter when fully opened. Broadheads with fixed blades must be metal or flint-, chert-, or obsidian-napped; broadheads with expandable blades must be metal. All other bows and arrows, including electronic arrow tracking systems, are illegal. Any mechanical device capable of maintaining a drawn or partially drawn position on a bow is illegal. Crossbows may be used as provided by 520 ILCS 5/2.33;
 - 4) for any person having taken the limit of wild turkeys to further participate with a weapon in any hunting party for the purpose of taking additional turkeys;
 - 5) for any person to hunt wild turkeys without having a signed Archery Wild Turkey Hunting Permit in possession, except that a person without a weapon may accompany a turkey hunter as a caller or observer;
 - 6) to transport or move a wild turkey without first affixing and properly sealing the adhesive-backed turkey permit securely around the leg. Leg tag must be affixed to the turkey immediately upon kill. No person shall leave any turkey that has been killed without properly attaching the turkey permit around the leg; and
 - 7) to possess, while in the field during archery turkey season, any turkey permit issued to another person.
- b) Successful hunters must register their harvest by 8:00 p.m. on the same calendar day the turkey was taken by calling the toll-free telephone check-in system, and will be provided with a confirmation number to verify that they checked in their harvest. The

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

confirmation number must be written by the hunter onto the leg tag. The leg tag must remain attached to the leg of the turkey until it is at the legal residence of the person who legally took or possessed the turkey and the turkey has been checked in. The turkey must remain whole (or field dressed) until it has been checked in.

- c) ~~Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.9). Failure to comply with the regulations in this Part constitutes illegal possession of a wild turkey and is punishable by a fine and may result in license revocation and privilege suspension in accordance with 17 Ill. Adm. Code 2530—Department Revocation Procedures.~~

(Source: Amended at 26 Ill. Reg. 13867, effective Sep 5, 2002)

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

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

- * Anderson Lake Conservation Area (1)
- Apple River Canyon State Park – Salem and Thompson Units (1)
- Argyle Lake State Park (1)
- Beaver Dam State Park (2)
- Big Bend State Fish and Wildlife Area (1)
- Big River State Forest (1)
- Cache River State Natural Area (1)
- Campbell Pond Wildlife Management Area
- Carlyle Lake Lands and Waters – Corps of Engineers Managed Lands
- Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Castle Rock State Park (1)

Chain O'Lakes State Park (closed Wednesday through Sunday of pheasant season; opens Monday prior to pheasant season and closes Tuesday following close of pheasant season; reopens December 26 through the close of regular season) (1)

Chauncey Marsh ~~(2)~~ (permit available at Red Hills State Park) (2)

Clinton Lake State Recreation Area (2)

Crawford County Conservation Area (1)

Cypress Pond State Natural Area (1)

Dixon Springs State Park (1)

Dog Island Wildlife Management Area (1)

~~East Conant Field (2)~~

Falling Down Prairie (1)

Ferne Clyffe State Park (1)

Fort de Chartres Historic Site

Fort Massac State Park (1)

* Franklin Creek State Park (1)

Giant City State Park

Green River State Wildlife Area (1)

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

Hanover Bluff – Kopper Tract (1)

Harry "Babe" Woodyard State Natural Area (2)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

* Horseshoe Lake State Park – Gabaret, Mosenthein and Chouteau Island Units
(Madison County) (2)

I-24 Wildlife Management Area (1)

Iroquois County State Wildlife Area

Jim Edgar Panther Creek State Fish and Wildlife Area (2)

~~Jim Edgar Panther Creek State Fish and Wildlife Area (West Open Unit)~~

Johnson-Sauk Trail State Park (closed Wednesday through Sunday during site's pheasant permit season) (1)

Jubilee College State Park (1)

Kaskaskia River State Fish and Wildlife Area

Kickapoo State Park (2)

Kinkaid Lake Fish and Wildlife Area

Lowden-Miller State Forest (1)

Mackinaw River State Fish and Wildlife Area (1)

Marseilles State Fish and Wildlife Area (closed each Friday, Saturday, and Sunday in October) (1)

Marshall State Fish and Wildlife Area (Duck Ranch Unit closed 7 days prior to the duck season through the close of duck season) (1) ~~(2)~~

- * Matthiessen State Park (hunting in designated areas only; must have valid archery deer permit in possession to hunt turkeys; open concurrent with site archery deer season; during the statewide firearm deer seasons, hunters must meet orange clothing requirements) (1)(2)

Mautino State Fish and Wildlife Area (2)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Mermet Lake State Fish and Wildlife Area (1)

Middle Fork State Fish and Wildlife Area (2)

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

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

Mississippi River Pools 16, 17 and 18

Mississippi River Pools 21, 22 and 24

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

Oakford Conservation Area

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

Pere Marquette State Park (1)

Pyramid State Park

Pyramid State Park – East Conant Unit (2)

* Ramsey Lake State Park (2)

* Randolph County Conservation Area

Ray Norbut State Fish and Wildlife Area (all hunting closes December 15 in Eagle Roost Area) (1)

* Red Hills State Park (1)

* Rend Lake Project Lands and Waters

Saline County Conservation Area (1)

* Sam Dale Lake Conservation Area (2)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- * Sam Parr State Park (1)
 - Sand Ridge State Forest (2)
 - Sanganois State Fish and Wildlife Area (2)
- * Shabbona Lake State Park (1)
 - Sielbeck Forest Natural Area (1)
 - Siloam Springs State Park
 - Siloam Springs State Park – Buckhorn Unit (resident hunters only) (1)(2)
 - Siloam Springs State Park – Scripps Unit (resident hunters only) (1)(2)
- * Spring Lake State Fish and Wildlife Area (2)
- * Stephen A. Forbes State Park (2)
 - Tapley Woods State Natural Area (1)
 - Ten Mile Creek Fish and Wildlife Area (2)
 - Trail of Tears State Forest
 - Turkey Bluffs State Fish and Wildlife Area
 - Union County Conservation Area (firing line unit – Statewide season, Public Hunting Area October 1 through October 31, reopens with the close of the Quota Zone goose season)
- * Washington County Conservation Area (1)
 - Weinburg-King State Park
 - Wildcat Hollow State Forest
 - Witkowsky State Wildlife Area (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 26 Ill. Reg. 13867, effective Sep 5, 2002)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Dog Training on Department-Owned or -Managed Sites
- 2) Code Citation: 17 Ill. Adm. Code 950
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
950.40	Amendment
950.60	Amendment
- 4) Statutory Authority: : Implementing and authorized by Sections 1.4, 2.30, 2.34 and 3.5 of the Wildlife Code [520 ILCS 5/1.4, 2.30, 2.34 and 3.5].
- 5) Effective Date of Amendments: September 5, 2002
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all 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: May 24, 2002, 26 Ill. Reg. 7629
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11)

<u>Differences between proposal and final version</u> : None
--
- 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 an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The dog training season at Horseshoe Lake State Park is being modified, Snakeden Hollow State Fish and Wildlife Area is being added to the list of sites providing sporting dog training and information on penalties.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

Jack Price
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER b: FISH AND WILDLIFE

PART 950

DOG TRAINING ON DEPARTMENT-OWNED OR -MANAGED SITES

Section

950.10	Statewide Regulations
950.20	Definitions
950.30	Permit Requirements
950.40	Dog Training Seasons and Regulations
950.50	Dog Training Regulations (Repealed)
950.60	Penalties, Future Rights/Appeal Procedures

AUTHORITY: Implementing and authorized by Sections 1.4, 2.30, 2.34 and 3.5 of the Wildlife Code [520 ILCS 5/1.4, 2.30, 2.34 and 3.5].

SOURCE: Amendment filed December 21, 1977; effective December 31, 1977; codified at 5 Ill. Reg. 10652; Part repealed, new Part adopted at 12 Ill. Reg. 1808, effective December 31, 1987; amended at 14 Ill. Reg. 13524, effective August 10, 1990; amended at 15 Ill. Reg. 11581, effective August 2, 1991; amended at 16 Ill. Reg. 11034, effective June 30, 1992; amended at 17 Ill. Reg. 13447, effective July 30, 1993; amended at 19 Ill. Reg. 11780, effective August 3, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 23 Ill. Reg. 8392, effective July 7, 1999; emergency amendment at 24 Ill. Reg. 14069, effective September 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 19184, effective December 18, 2000; amended at 26 Ill. Reg. 13882, effective Sep 5, 2002.

Section 950.40 Dog Training Seasons and Regulations

- a) Dog training is prohibited on Department sites except in designated areas.
- b) The use of horses for dog training purposes is prohibited except at the sites designated by (1).
- c) Only handguns and shotguns with blank cartridges shall be used on Department sites except shotguns with shot shells may be used only for shoot-to-retrieve training using domestic pigeons and/or captive-reared ring-necked pheasants, bobwhite quail, chukar partridge, and mallard ducks at the sites designated by (2).
 - 1) Only shot shells with a shot size of No. 6 lead, tungsten-iron, tungsten-polymer, tungsten-matrix, No. 5 bismuth, No. 4 steel or tin, or smaller shall be used for

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- shoot-to-retrieve dog training.
- 2) Individuals participating in shoot-to-retrieve dog training are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches.
 - 3) Individuals participating in shoot-to-retrieve dog training are required to wear a back patch issued at the site headquarters on the outside of the upper outer blaze orange garment.
- d) Dog training at the following sites will be open from September 1-March 31, except closed during site upland game season; additional exceptions in parenthesis:

Carlyle Lake Lands and Waters

Clinton Lake State Recreation Area

Edward R. Madigan State Park

Eldon Hazlet State Park (January 1-March 31, except north of Allen Branch open per statewide regulations)

Hamilton County Conservation Area

Hidden Springs State Forest

Horseshoe Lake State Park (closed during dove and archery deer seasons, except training is permitted on Mondays and Tuesdays during the controlled pheasant hunting season)

Iroquois County Wildlife Management Area

Jim Edgar Panther Creek State Fish and Wildlife Area (water dog training only is open all year)

Kankakee River State Park

Kaskaskia River State Fish and Wildlife Area (water dog training only is open all year) (1)

Kickapoo State Park (1)

Lake Shelbyville – Eagle Creek State Park

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Lake Shelbyville – Eagle Creek Wildlife Management Area

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Area

Marseilles State Fish and Wildlife Area (closed Friday, Saturday, and Sunday during September, October and March)

Middle Fork Fish and Wildlife Management Area (1)

Peabody River King State Fish and Wildlife Area (West and South Subunits only; water dog training only is open all year)

Saline County Conservation Area

Sam Parr State Park

Sand Ridge State Forest (during the Controlled Pheasant season, training is permitted on Mondays and Tuesdays) (1)

Sangchris Lake State Park (water dog training is open all year)

Shabbona Lake State Park (closed during archery deer season)

Silver Springs State Fish and Wildlife Area

Stephen A. Forbes State Fish and Wildlife Area

Ten Mile Creek Fish and Wildlife Area

Trail of Tears State Forest

Washington County Conservation Area

Weinberg-King State Park (1)

- e) Dog training at the following sites will be allowed throughout the year

Banner Marsh Fish and Wildlife Area (closed 7 days before through end of waterfowl season)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Des Plaines Conservation Area (closed during site's upland game season) (1)
(2)

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

Randolph County Conservation Area

Rock Cut State Park

Snakeden Hollow State Fish and Wildlife Area (closed October 1 through the Central Zone Goose Hunting Season)

(Source: Amended at 26 Ill. Reg. 13882, effective Sep 5, 2002)

Section 950.60 Penalties, Future Rights/Appeal Procedures

- a) For violation of Section 2.34 of the Wildlife Code [520 ILCS 5/2.34] or this Part, the Department will revoke an individual's Dog Training Permit, in addition to any penalties assessed by the courts. Violation of this Part is a petty offense.
- b) Individuals whose Dog Training Permits have been revoked may contest the denial of a permit according to the process delineated in 17 Ill. Adm. Code 2530.

(Source: Amended at 26 Ill. Reg. 13882, effective Sep 5, 2002)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of September 4, 2002 through September 9, 2002 and have been scheduled for review by the Committee at its October 8, 2002 meeting in Chicago. 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.

Second Notice	Agency and Rule	Start Of First Notice	JCAR Meeting
Expires			
10/19/02	<u>Department of Revenue</u> , Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act (86 Ill. Adm. Code 530)	7/12/02 26 Ill. Reg. 10384	10/8/02
10/20/02	<u>Department of Human Services</u> , Temporary Assistance for Needy Families (89 Ill. Adm. Code 112)	7/12/02 26 Ill. Reg. 10190	10/8/02
10/20/02	<u>Department of Human Services</u> , General Assistance (89 Ill. Adm. Code 114)	7/12/02 26 Ill. Reg. 10192	10/8/02
10/20/02	<u>Department of Human Services</u> , Alcoholism and Substance Abuse Treatment and Intervention Licenses (77 Ill. Adm. Code 2060)	7/12/02 26 Ill. Reg. 10173	10/8/02

PROCLAMATIONS**2002-456****October 2002 as Sonography Awareness Month**

WHEREAS, the health of all citizens is a major concern and responsibility of healthcare professionals serving the citizens of the State of Illinois; and

WHEREAS, qualified professionals who specialize in the use of diagnostic medical ultrasound to aid the physician in the diagnosis of disease, share a commitment to provide quality healthcare for the people of this state; and

WHEREAS, professionals in sonography are dedicated to the highest standards of professionalism and maintain these standards through continuing education, credentialing and a personal commitment; and

WHEREAS, October 2002 has been designated Sonography Awareness Month to focus on the use of diagnostic medical ultrasound examinations provided through the skilled and conscientious efforts of Diagnostic Medical Sonographers in the state;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2002 as *SONOGRAPHY AWARENESS MONTH* in Illinois.

Issued by the Governor September 03, 2002

Filed by the Secretary of State September 06, 2002

2002-457**September 2002 as Sickle Cell Month**

WHEREAS, Sickle Cell Anemia is a disease characterized by the red blood cells changing from round to sickle shape; and

WHEREAS, it is a painful, life-shortening disease that is currently incurable, though it can be controlled by medical treatment; and

WHEREAS, one in every 500 African-Americans born each year, including 4,000 in Illinois, are affected by it; and

WHEREAS, the Sickle Cell Disease Association of Illinois provides community education, patient services, genetic counseling and funds for research to combat this mysterious problem;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 2002 as *SICKLE CELL MONTH* in Illinois, in cooperation with efforts to raise public awareness about the needs engendered by this disease.

Issued by the Governor September 03, 2002

Filed by the Secretary of State September 06, 2002

2002-458**July 12-13, 2003, as ABMPP/ABDA Days**

WHEREAS, on July 12-13, 2003, there will be for the first time a joint medical congress of the American Board of Medical Psychotherapists and Psychodiagnosticians (AMBPP) together with the American Board of Disability Analysts (ABDA) in Chicago, Illinois; and

WHEREAS, these two organizations are among the largest continuing education and credentialing associations for healthcare and rehabilitation professionals in North America; and

WHEREAS, the State of Illinois is one of the largest membership states of these organizations in the United States;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 12-13, 2003, as *ABMPP/ABDA DAYS* in Illinois.

Issued by the Governor September 03, 2002

Filed by the Secretary of State September 06, 2002

2002-459

October 6-12, 2002, as Public Power Week

WHEREAS, the citizens of Springfield place high value on local control over community services and therefore have chosen to operate a community-owned, locally-controlled, not-for-profit electric utility and, as consumers and owners of their electric utility, have a direct say in utility operations and policies; and

WHEREAS, City Water, Light and Power provides Springfield's homes, businesses, social services, and government agencies with reliable, efficient, and cost-effective electricity while employing sound business practices designed to ensure the best possible service at not-for-profit rates; and

WHEREAS, City Water, Light and Power is a valuable community asset that contributes substantially to the well-being of the citizens of Springfield through energy-efficiency, customer service, environmental protection, economic development, and safety awareness; and

WHEREAS, City Water, Light and Power is a dependable and trustworthy institution whose local operations provide consumer protections and continues to make the Springfield community a better place in which to work and live; and

WHEREAS, City Water, Light and Power will continue to work to bring lower-cost, safe, reliable electricity to community homes and businesses just as it has since 1916, the year when the utility was created to serve all the citizens of Springfield; and

WHEREAS, City Water, Light and Power should be honored for its contributions to the community and for making its consumer-owners, policy makers, and employees more aware of its overall contributions to their well-being;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 6-12, 2002, as *PUBLIC POWER WEEK* in Illinois.

Issued by the Governor September 03, 2002

Filed by the Secretary of State September 06, 2002

2002-460

September 15-21, 2002, as Yellow Ribbon Youth Suicide Awareness and Prevention Week

WHEREAS, youth suicide is one of the most disruptive and tragic events a family and a community can experience; and

WHEREAS, suicide is one of the leading causes of death for young people between the ages of 15 and 24 in the United States, claiming over 5,000 lives a year; and

WHEREAS, public awareness of this terrible problem is the key to preventing further suffering and loss of life; and

WHEREAS, the Yellow Ribbon Suicide Prevention Program is recognized as the symbol for awareness and prevention of youth suicide by suicide prevention groups, crisis centers, schools, churches, youth centers, hospitals, counselors, teachers, parents and youth throughout the world;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, September 15-21, 2002, as *YELLOW RIBBON YOUTH SUICIDE AWARENESS AND PREVENTION WEEK* in Illinois, and do urge all citizens to work to prevent youth suicide, wear a yellow ribbon and to raise awareness and tolerance around all people affected by this tragedy.

Issued by the Governor September 03, 2002

Filed by the Secretary of State September 06, 2002

2002-461

September 12, 2002, as Combined Federal Campaign Day

WHEREAS, President John F. Kennedy formally authorized funding in the Federal service in signing Executive Order 10927; and

WHEREAS, the Combined Federal Campaign is the only authorized charitable campaign in the Federal workplace; and

WHEREAS, the Chicago Area Combined Federal Campaign has raised tens of millions of dollars for charities, thereby providing opportunities for the disadvantaged, further work on cures for diseases, environmental protection, and better lives and renewed hope for millions of people in the global community;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 12, 2002, as *COMBINED FEDERAL CAMPAIGN DAY* in Illinois.

Issued by the Governor September 03, 2002

Filed by the Secretary of State September 06, 2002

2002-462

September 27, 2002, as William Warfield Day

WHEREAS, the State of Illinois recognizes the extraordinary talents of Mr. William Warfield as both a performer and music educator; and

WHEREAS, a star in every field open to a singer's art, he has taken part in countless concerts, recitals, soloist appearances with symphony orchestras and even performances as a non-singing narrator. As America's Musical Ambassador, he has made frequent appearances in foreign countries, and six separate tours for the US Department of State; and

WHEREAS, in March 1984, Mr. Warfield was the winner of a Grammy Award in the "Spoken Word" category for outstanding narration of Aaron Copland's A Lincoln Portrait accompanied by the Eastman Philharmonic Orchestra; and

WHEREAS, as an educator he has taught at the University of Illinois, given countless master classes at institutions of higher learning and has been a professor of voice at Northwestern University since 1994; and

WHEREAS, William Warfield is most certainly "A Legend Among Us";

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 27, 2002, as WILLIAM WARFIELD DAY in Illinois.

Issued by the Governor August 13, 2002

Filed by the Secretary of State September 06, 2002

2002-463

August 23, 2002, as Patricia Coker Day

WHEREAS, Patricia Coker has been called to eternal life by the Wisdom of God at the age of 60 on August 14, 2002, in Toledo Hospital; and

WHEREAS, the Governor and the Illinois General Assembly have been informed of her passing by former Illinois House Representative Jerry Washington; and

WHEREAS, a native of Toledo, Ohio, Patricia Coker had resided in Toledo's community for 60 years; and

WHEREAS, Patricia Coker was educated in Toledo's Public School System where she graduated from Libbey High School. She furthered her education by attending Toledo University where she earned an Associate degree; and

WHEREAS, Patricia Coker was employed by Lucas County and Family Services for 32 years; and

WHEREAS, Patricia Coker was an active member of Bethel Apostolic Church for 30 years. During her last four years, she was a member of the Church of New Beginnings where she served as a Sunday school teacher, led praise and worship, sang in the choir utilizing her singing gift and wrote the welcome song for the Church of New Beginnings; and

WHEREAS, Patricia Coker was a close and dear relative of former Representative Washington, who was elected to serve in the 84th session of the Illinois House in 1985; and

WHEREAS, Jerry Washington served one term in the Illinois House and now serves as an elected Local School Council member at Englewood Technical Preparatory Academy since the 1989 Illinois School Reform Act was passed by the Illinois General Assembly; and

WHEREAS, all who knew Patricia Coker considered her a bright beacon of holiness and thoughtfulness toward others; and

WHEREAS, Patricia Coker leaves to cherish her memory a husband of 40 years, Stephen Coker; two sons, Stephen Jr. and Gregory; three daughters, Dana, Melony and Monica; 12 grandchildren; one brother, Clay White Jr.; six sisters, Bessy, Myrtle, Susanne, Eloise, Josalyn and Barbara; a mother-in-law, Minerva Coker; eight brothers-in-law; two sisters-in-law and a host of nieces, nephews and other relatives;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 23, 2002, as *PATRICIA COKER DAY* in Illinois, for her grace filled life, and do extend condolence to her family.

Issued by the Governor August 13, 2002

Filed by the Secretary of State September 06, 2002

2002-464

September 2002 as Literacy Month

WHEREAS, literacy is a priority in Illinois; and

WHEREAS, the Illinois Office on Literacy and the Governor's Advisory Council on Literacy were created to focus on the goal of making Illinois a state of readers; and

WHEREAS, literacy is the key to life-long self-sufficiency, prosperity and enjoyment for all; and

WHEREAS, the Illinois Reads initiative, launched on September 12, 2000, has coordinated and improved literacy policies and programs as well as existing services and state level partnerships; and

WHEREAS, Illinois families and educators have much to be proud of in their current efforts to ensure universal literacy throughout the state; and

WHEREAS, in 2001 over 180,000 adults received over 5.5 million hours of literacy instruction; and

WHEREAS, the Illinois Community College Board reports that more than 180,000 students enroll annually in Adult Education and Family Literacy programs statewide; and

WHEREAS, the Building Summer Bridges program through Illinois Reads has provided new learning experiences to children at risk of academic failure and encouraged them to improve their reading skills, and that 60 percent of students tested improved at least one grade level; and

WHEREAS, 90,000 Illinois Reading Kits have been distributed to schools and child care providers throughout the state; and

WHEREAS, the Illinois Reading Passport program, held at the Illinois State Fair, distributed over 31,000 books to Illinois children; and

WHEREAS, Illinois was designated as the first Five-Star Literacy Program Award winner by the International Reading Association for the adoption and implementation of policies to support literacy instruction;

THEREFORE I, George H. Ryan, Governor of the State of Illinois, proclaim September 2002 as LITERACY MONTH in Illinois.

Issued by the Governor August 13, 2002

Filed by the Secretary of State September 06, 2002

2002-465**October 2002 as Disability Employment Awareness Month**

WHEREAS, Illinoisans with disabilities have an unemployment rate of nearly 70 percent in spite of the Americans with Disabilities Act; and

WHEREAS, the U.S. Census Bureau estimates that there are more than 800,000 individuals with disabilities in the state who are of working age; and

WHEREAS, approximately 7 out of 10 unemployed working-age citizens with disabilities indicate that they would prefer to work; and

WHEREAS, citizens with disabilities live in poverty at a rate roughly three times the state average; and

WHEREAS, the Illinois Department of Human Services, Office of Rehabilitation

Services has helped approximately 8,000 individuals find quality employment last year; and

WHEREAS, the Department has a goal of doubling the number of people they help in obtaining employment by June 30, 2003; and

WHEREAS, people with disabilities are dedicated, skilled employees who are a positive influence in the workforce; and

WHEREAS, there are numerous tax incentives for Illinois employers to hire and provide accommodations to qualified workers with disabilities; and

WHEREAS, the Illinois Department of Human Services, Office of Rehabilitation Services is holding numerous statewide events to promote the employment of citizens with disabilities and to thank employers who have excelled in employing workers with disabilities;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 2002 as *DISABILITY EMPLOYMENT AWARENESS MONTH* in Illinois.

Issued by the Governor August 13, 2002

Filed by the Secretary of State September 06, 2002

2002-466

September 27, 2002, as Alice Faye Naylor Day

WHEREAS, Alice Faye Washington-Naylor was born in Crowville, Louisiana, on September 25, 1941; and

WHEREAS, after completing her education from Grambling State University, Alice left Louisiana in 1967 to teach in Chicago; and

WHEREAS, Alice has taught in the Chicago Public School District for the past 35 years, of which 30 years have been spent at the Wendell E. Green Middle School; and

WHEREAS, Alice has received numerous awards for excellent teaching ability including several Teacher of the Month awards and Teacher of the Year in District #299; and

WHEREAS, Alice is retiring after three and a half decades of service on September 27, 2002;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 27, 2002, as ALICE FAYE NAYLOR DAY in Illinois.

Issued by the Governor August 13, 2002

Filed by the Secretary of State September 06, 2002

2002-467

September 14, 2002, as Daughters of the American Colonists/Great Indian-Warrior Trading Path Day

WHEREAS, on September 14, 2002, an historic marker will be unveiled at the Winnebago County Forrest Preserve at Macktown, Illinois, by the National Society Daughters of the American Colonists; and

WHEREAS, the Society, totaling more than 12,000 members, has from its incorporation in 1921 a continuing commitment to erect memorials commemorating the history and deeds of American colonists and those whose lives were intertwined with those of the nation's earliest

settlers; and

WHEREAS, the Society has chosen for its 2002-03 project the marking of the Great Indian Warrior/Trading Path in all 48 states in which the Daughters of the American Colonists is represented; and

WHEREAS, Macktown, the first multi-ethnic town settled in northern Illinois, was heavily engaged in trading with Indian tribes in the area; and

WHEREAS, through historical research it has been proven that the Indian trail south and southeast of Macktown connected with the Great Indian/Trading Path in the eastern part of the nation;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 14, 2002, as *DAUGHTERS OF THE AMERICAN COLONISTS/GREAT INDIAN-WARRIOR TRADING PATH DAY* in Illinois.

Issued by the Governor August 29, 2002

Filed by the Secretary of State September 06,2002

2002-468

September 13, 2002, as Jens Jensen Day

WHEREAS, Jens Jensen was born September 13, 1860, in Denmark and emigrated to Chicago in 1886; and

WHEREAS, September 13, 1999, the Danish American Cultural Foundation celebrates the 142nd anniversary of his birth; and

WHEREAS, Jens Jensen made a lasting contributions to Illinois culture through his service to Chicago's park system by celebrating the natural beauty of the prairie in his landscape design; and

WHEREAS, he served as Superintendent of Chicago's Union, Garfield, Humboldt and West Park Districts for more than 20 years; and

WHEREAS, as Superintendent of the Chicago West Park District, Jens Jensen designed the elaborate system of wide, tree-shaded boulevards and laid out 35 parklands composing more than 1,000 acres; and

WHEREAS, Mr. Jensen conceived and built the Chicago Landmark Garfield Park Conservatory, and he designed and built Columbus Park which is widely recognized as the finest example of prairie landscape architecture in the United States; and

WHEREAS, during the 60-year span of his career, Mr. Jensen, the Dean of American Landscape Architecture, designed in excess of 1,000 municipal and private properties and pioneered environmental consciousness;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 13, 2002, as *JENS JENSEN DAY* in Illinois.

Issued by the Governor August 29, 2002

Filed by the Secretary of State September 06,2002

2002-469

September 15-21, 2002, as Rehabilitation Awareness Week

WHEREAS, Marianjoy Rehabilitation Hospital has been providing rehabilitation care to people in the Chicagoland community for 30 years and continues to be a valuable resource to these communities; and

WHEREAS, rehabilitation services are a vital component in modern health care; and

WHEREAS, health care employees such as physicians, nurses, physical and occupational therapists, social services personnel, administrators, support staff, volunteers and others involved in providing rehabilitation services are an integral part of the health care team; and

WHEREAS, these individuals' hard work and dedication help people recover from illness or injury and improve the quality of life in the community; and

WHEREAS, Marianjoy Rehabilitation Hospital salutes rehabilitative care personnel and the important role they play in maintaining the Chicagoland area as a healthy and productive community;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 15-21, 2002, as REHABILITATION AWARENESS WEEK in Illinois.

Issued by the Governor September 29, 2002

Filed by the Secretary of State September 06, 2002

2002-470

August 31, 2002, as Krista Haines Day

WHEREAS, Krista K. Haines was born on March 11, 1964, and spent the formative years of her life in Macoupin County, and specifically in an alternate dimension known as Virden; and used her talents, charm and effective communication skills to advance through a variety of positions in retail, bookkeeping and management, including a "shady" operation called "Tans by Endless Summer"; and

WHEREAS, Krista Haines began life as a state employee in 1985 with the Illinois Department of Revenue in Springfield, advancing through the ranks until 1991 when family obligations whisked her away to the capital of Southern Wisconsin, Rockford, Illinois; and

WHEREAS, Krista Haines rejoined the workforce in 1996, eventually landing with the Secretary of State's Belvidere facility in 1998 until family obligations brought her back to Central Illinois, where she started work in the Governor's Office of Citizens Assistance fielding the complaints and compliments (yeah, right) of concerned citizens; and

WHEREAS, Krista Haines, while at GOCA, coined the classic phrase, "Susan, which citizen I assist is my business," and performed her assigned tasks so well that she came under the intense scrutiny of the Governor's Executive Office; and

WHEREAS, Krista Haines made the big jump to the Governor's Communications Office in 2000, assisting nobly in the uphill battle to preserve and defend the Governor's honor and legacy; and

WHEREAS, Krista Haines, in short order, became the "go-to girl" not only in Communications, but in the press office, cleaning up after everyone and making sure that all little details were righted; and

WHEREAS, Krista Haines would, twice a day (sometimes more) take it upon herself to personally "check the weather" with her sidekick Hillary so that her fellow workers could keep their feet dry and their heads warm, as well as advising numerous rookies about the arts and

sciences of the press office including Amanda, Tyson, John, Marilyn and, of course, Emily; and

WHEREAS, Krista Haines' devotion to her job and responsibilities is surpassed only by her love for her family, especially her sons Michael and Steven, as well as her parents, siblings and nieces and nephews; and

WHEREAS, Krista Haines is leaving the Governor's Office for the safe harbor of the Illinois Department of Transportation and she will be missed by all of us, especially Dave, Dennis, Ray, Matt and Karen;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim Saturday, August 31, 2002, as *KRISTA HAINES DAY* in Illinois and encourage all who meet Krista to congratulate her on her new position and on a job well done in the Governor's Office.

Issued by the Governor September 29, 2002

Filed by the Secretary of State September 06, 2002

OFFICE OF BANKS AND REAL ESTATE**NOTICE OF PUBLIC INFORMATION****NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987**

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act"), 205 ILCS 635/4-5(h) (2000), notice is hereby given that the Commissioner of the Office of Banks and Real Estate of the State of Illinois has issued a fine of \$1,500 against Commonwealth Mortgage Corporation, License No. 0004 of Hillside, Illinois a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective August 28, 2002.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JULY 2002 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Pay Plan, 80 Ill. Adm. Code 310

1) Rulemaking(s):

A) Description:

Projected amendments to the Department of Central Management Services' Pay Plan will include revisions to the following sections:

In Section 310.230, Part-time Daily or Hourly Special Services Rate, the daily and hourly rates for the Account Technician II, Office Aide, Office Assistant, Office Associate, Office Clerk and Revenue Tax Specialist will be upgraded to be parallel with the monthly maximum salaries for those titles negotiated for January, 2003.

In Section 310.280, Designated Rate, the revisions to this section will reflect changes in salaries, the addition of new positions and deletion of positions no longer being utilized under this section as approved by the Governor.

Revisions are anticipated for the Collective Bargaining Tables as changes occur to the Classification and Pay Plan.

In Table L, RC-008 (Boilermakers), the salary range for the Boiler Safety Specialist will be upgraded for September, 2002.

In Section 310. Appendix G, Broad-Band Pay Range Classes Salary Schedule, the Health Information Services Administrator title will be added to this schedule with the monthly salary of \$2,571 - \$5,125 at the request of the Department of Human Services.

Other amendments will likely be necessary although this cannot be projected at this time.

B) Statutory Authority:

Authorized by Section 8a(2) of the Personnel Code [20 ILCS 415/8 and 8a].

C) Schedule of date(s) for hearings, meetings, or other opportunities for public participation:

Specific criticisms, suggestions and/or comments can be forwarded to the Department

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

JULY 2002 REGULATORY AGENDA

of Central Management Services in writing by interested persons during the First Notice Period of the Pay Plan amendments.

D) Date(s) agency anticipates First Notice(s):

Amendments to Section 310.280, Designated Rate, will be filed as changes are made by the Governor throughout the year.

Peremptory amendments on new Collective Bargaining Agreements will be filed as negotiations are completed.

Amendment to Section 310. Appendix A, Table L, RC-008 (Boilermakers) will be filed when the contracts are received for Local #1-Chicago, #60-Morton and #363-Belleville.

The Health Information Services Administrator will be added to the Broad-Band Pay Range Classes Salary Schedule (Appendix G) when the new classification is approved by the Illinois Civil Service Commission.

The other projected amendments are anticipated to be filed at a later date.

E) Affect on small businesses, small municipalities or not for profit corporations:

These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code under the Governor. They do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.

F) Agency contact person for information:

Name: Mr. Michael Murphy
Address: Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, Illinois 62706
Telephone: (217) 782-5601

G) Related rulemakings and other pertinent information:

Other amendments may be necessary based on emergent issues regarding State employee salary rates and policies.

ILLINOIS ADMINISTRATIVE CODE

Issue Index

Rules acted upon in Volume 26, Issue 38 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquires about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

PROPOSED RULES

38 - 375	13732
80 - 310	13739
17 - 525	13750
17 - 3030	13764
35 - 218	13772
86 - 100	13790

ADOPTED RULES

2 - 1051 Repealer.....	13805
2 - 1500 Repealer.....	13807
17 - 570	13809
17 - 680	13820
17 - 685	13828
17 - 690	13845
17 - 715	13855
17 - 720	13867
17 - 950	13882

JOINT COMMITTEE ON ADMINISTRATIVE RULES

86 - 530	13888
89 - 112	13888
89 - 114	13888
77 - 2060	13888

EXECUTIVE ORDERS AND PROCLAMATIONS

02 - 458	13889
02 - 457	13889
02 - 456	13889
02 - 460	13890
02 - 459	13890
02 - 462	13891
02 - 461	13891
02 - 463	13892
02 - 464	13892
02 - 465	13893
02 - 466	13894
02 - 467	13894
02 - 468	13895
02 - 469	13895
02 - 470	13896

REGULATORY AGENDA

80 - 310	13898
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