

2004

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



Volume 28 Issue 38
September 17, 2004
Pages 12776-12956

Index Department
Administrative Code Div.
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017
<http://www.cyberdriveillinois.com>

Printed on recycled paper

PUBLISHED BY JESSE WHITE • SECRETARY OF STATE

TABLE OF CONTENTS

September 17, 2004 Volume 28, Issue 38

PROPOSED RULES

PUBLIC AID, ILLINOIS DEPARTMENT OF Medical Assistance Programs 89 Ill. Adm. Code 120	12776
REVENUE, ILLINOIS DEPARTMENT OF Income Tax 86 Ill. Adm. Code 100	12778
SECRETARY OF STATE, OFFICE OF THE Issuance of Licenses 92 Ill. Adm. Code 1030	12792
STUDENT ASSISTANCE COMMISSION, ILLINOIS Illinois Veteran Grant (IVG) Program 23 Ill. Adm. Code 2733	12816

ADOPTED RULES

EDUCATIONAL LABOR RELATIONS BOARD, ILLINOIS Public Information, Rulemaking, Organization and Personnel 2 Ill. Adm. Code 2675	12818
GAMING BOARD, ILLINOIS Riverboat Gambling 86 Ill. Adm. Code 3000	12824
NATURAL RESOURCES, DEPARTMENT OF Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting 17 Ill. Adm. Code 530	12835
Dove Hunting 17 Ill. Adm. Code 730	12865
Crow, Woodcock, Snipe, Rail and Teal Hunting 17 Ill. Adm. Code 740	12882
Illinois List of Endangered and Threatened Fauna 17 Ill. Adm. Code 1010	12895
Illinois List of Endangered and Threatened Flora 17 Ill. Adm. Code 1050	12904

EMERGENCY RULES

PUBLIC AID, ILLINOIS DEPARTMENT OF Medical Assistance Programs 89 Ill. Adm. Code 120	12921
STUDENT ASSISTANCE COMMISSION, ILLINOIS Illinois Veteran Grant (IVG) Program 23 Ill. Adm. Code 2733	12932

SECOND NOTICES RECEIVED

JOINT COMMITTEE ON ADMINISTRATIVE RULES Second Notices Received.....	12939
---	-------

NOTICE OF PUBLIC INFORMATION

FINANCIAL AND PROFESSIONAL REGULATION, DEPARTMENT OF
Notice of Fine Imposed Under the Residential Mortgage License
Act of 1987.....12940

ENVIRONMENTAL PROTECTION AGENCY
Listing of Derived Water Quality Criteria.....12943

LABOR, DEPARTMENT OF
Contractor Prohibited From An Award of a Contract or
Subcontract For Public Works Projects.....12951

EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS
National Alcohol and Drug Addiction Recovery Month
(Revised)
2004-241.....12952
Environmental Management Service Week
2004-246.....12952
College Savings Month
2004-247.....12953
President James J. Stukel Day
2004-248.....12953
Life Insurance Awareness Month
2004-249.....12954
Spinal Cord Injury Awareness Month
2004-250.....12955
National Prostate Cancer Month
2004-251.....12955

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Number: 120.32 Proposed Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved: This proposed amendment provides eligibility expansion for the KidCare Parent Coverage Waiver program (FamilyCare) by increasing the income eligibility standard from 90 percent to 133 percent of the Federal Poverty Level (FPL). The Department received federal approval in 2002 to increase the standard for parents up to 185 percent of the FPL. This program eligibility expansion will allow access for more families to necessary medical services. Program expansion resulting from this increase in the income eligibility standard is expected to increase gross annual costs by approximately \$66 million.
- 6) Will this rulemaking replace any emergency amendments 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 amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
120.14	New Section	May 14, 2004 (28 Ill. Reg. 6962)
120.80	Amendment	June 4, 2004 (28 Ill. Reg. 7592)
120.378	New Section	April 2, 2004 (28 Ill. Reg. 5606)
120.379	Amendment	April 2, 2004 (28 Ill. Reg. 5606)
120.387	Amendment	April 2, 2004 (28 Ill. Reg. 5606)
120.530	New Section	February 27, 2004 (28 Ill. Reg. 3685)
- 10) Statement of Statewide Policy Objective: These proposed amendments do not affect units of local government.
- 11) Time, Place, and Manner in Which Interested Persons May Comment on this Proposed Rulemaking: Any interested parties may submit comments, data, views, or arguments

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Scattoloni
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217)524-0081

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 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: July 2004

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment that appears in this issue of the *Illinois Register* on page 12921:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Number: 100.2196 Proposed Action:
New Section
- 4) Statutory Authority: 35 ILCS 5/210.5 and 5/1401(a)
- 5) A Complete Description of the Subjects and Issues Involved: Provide guidance for taxpayers seeking to claim the credit for employee child care costs under 35 ILCS 5/210.5.
- 6) Will this proposed amendment replace any emergency amendment 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>
100.9030	New Section	28 Ill. Reg. 4091, 03/05/04
100.9040	New Section	28 Ill. Reg. 4091, 03/05/04
100.9050	New Section	28 Ill. Reg. 4091, 03/05/04
100.9060	New Section	28 Ill. Reg. 4091, 03/05/04
100.9700	Amendment	28 Ill. Reg. 4509, 03/12/04
100.2185	New Section	28 Ill. Reg. 9225, 07/09/04

- 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:

Paul Caselton
Deputy General Counsel – Income Tax
Illinois Department of Revenue

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

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: The employee child care credit is allowed only to taxable corporations who provide child-care facilities for their employees, so this rulemaking has no effect on municipalities or not-for-profit corporations and should affect few, if any, small businesses.
 - 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 2004

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

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

SUBPART A: TAX IMPOSED

Section

100.2000	Introduction
100.2050	Net Income (IITA Section 202)

SUBPART B: CREDITS

Section

100.2100	Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))
100.2101	Replacement Tax Investment Credit (IITA 201(e))
100.2110	Investment Credit; Enterprise Zone (IITA 201(f))
100.2120	Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))
100.2130	Investment Credit; High Impact Business (IITA 201(h))
100.2140	Credit Against Income Tax for Replacement Tax (IITA 201(i))
100.2150	Training Expense Credit (IITA 201(j))
100.2160	Research and Development Credit (IITA 201(k))
100.2163	Environmental Remediation Credit (IITA 201(l))
100.2165	Education Expense Credit (IITA 201(m))
100.2170	Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)
100.2180	Credit for Residential Real Property Taxes (IITA 208)
100.2190	Tax Credit for Affordable Housing Donations (IITA Section 214)
100.2195	Dependent Care Assistance Program Tax Credit (IITA 210)
<u>100.2196</u>	<u>Employee Child Care Assistance Program Tax Credit (IITA Section 210.5)</u>
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
----------	--

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

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

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

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

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section

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

SUBPART F: BASE INCOME OF INDIVIDUALS

Section

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

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section

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

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

Section

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

SUBPART J: COMPENSATION

Section

- 100.3100 Compensation (IITA Section 302)
- 100.3110 State (IITA Section 302)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

100.3120 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

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

Section

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

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section

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

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)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

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

SUBPART O: COMPOSITE RETURNS

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

SUBPART P: COMBINED RETURNS

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

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

SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

Section

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

SUBPART S: INFORMATION STATEMENT

Section

100.7200	Reports for Employee (IITA Section 703)
----------	---

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

Section

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

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Section
100.9100 Notice and Demand (IITA Section 902)

SUBPART W: ASSESSMENT

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

SUBPART X: DEFICIENCIES AND OVERPAYMENTS

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

SUBPART Y: CREDITS AND REFUNDS

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

SUBPART Z: INVESTIGATIONS AND HEARINGS

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

SUBPART AA: JUDICIAL REVIEW

Section
100.9600 Administrative Review Law (IITA Section 1201)

SUBPART BB: DEFINITIONS

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

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

100.APPENDIX A Business Income Of Persons Other Than Residents

100.TABLE A Example of Unitary Business Apportionment

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

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

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;

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective October 1, 1998; amended at 22 Ill. Reg. 21623, effective December 15, 1998; amended at 23 Ill. Reg. 3808, effective March 11, 1999; amended at 24 Ill. Reg. 10593, effective July 7, 2000; amended at 24 Ill. Reg. 12068, effective July 26, 2000; emergency amendment at 24 Ill. Reg. 17585, effective November 17, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18731, effective December 11, 2000; amended at 25 Ill. Reg. 4640, effective March 15, 2001; amended at 25 Ill. Reg. 4929, effective March 23, 2001; amended at 25 Ill. Reg. 5374, effective April 2, 2001; amended at 25 Ill. Reg. 6687, effective May 9, 2001; amended at 25 Ill. Reg. 7250, effective May 25, 2001; amended at 25 Ill. Reg. 8333, effective June 22, 2001; amended at 26 Ill. Reg. 192, effective December 20, 2001; amended at 26 Ill. Reg. 1274, effective January 15, 2002; amended at 26 Ill. Reg. 9854, effective June 20, 2002; amended at 26 Ill. Reg. 13237, effective August 23, 2002; amended at 26 Ill. Reg. 15304, effective October 9, 2002; amended at 26 Ill. Reg. 17250, effective November 18, 2002; amended at 27 Ill. Reg. 13536, effective July 28, 2003; amended at 27 Ill. Reg. 18225, effective November 17, 2003; emergency amendment at 27 Ill. Reg. 18464, effective November 20, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 1378, effective January 12, 2004; amended at 28 Ill. Reg. 5694, effective March 17, 2004; amended at 28 Ill. Reg. 7125, effective April 29, 2004; amended at 28 Ill. Reg. 8881, effective June 11, 2004; amended at 28 Ill. Reg. _____, effective _____.

SUBPART B: CREDITS

Section 100.2196 Employee Child Care Assistance Program Tax Credit (ITA Section 210.5)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- a) Beginning with tax years ending on or after December 31, 2000, each corporate taxpayer is entitled to a credit against the tax imposed by subsections (a) and (b) of Section 201 of the Act in:
- 1) an amount equal to 30% of the start-up costs expended by the corporate taxpayer to provide a child care facility for the children of its employees; plus
 - 2) 5% of the annual amount paid by the corporate taxpayer in providing the child care facility for the children of its employees. (IITA Section 210.5(a))
- The 30% credit for start-up costs is allowed only for tax years ending on or before December 31, 2004. The 5% credit for annual expenses is allowed for all years ending on or after December 31, 2000 and is exempt from the sunset provisions of IITA Section 250.
- b) To receive the tax credit under IITA Section 210.5, a corporate taxpayer must either independently provide and operate a child care facility for the children of its employees or join in a partnership with one or more other corporations to jointly provide and operate a child care facility for the children of employees of the corporations in the partnership. (IITA Section 210.5(a)) Amounts paid to a child care facility that is not operated by the taxpayer or by such a partnership do not qualify for the credit. For purposes of this credit, a "child care facility" is limited to a child care facility located in Illinois. (IITA Section 210.5(c))
- c) For purposes of this credit, the term "start-up costs" qualifying for the 30% credit means the cost of planning, site-preparation, construction, renovation, or acquisition of a child care facility. (IITA Section 210.5(c)) Such costs are the capital expenditures incurred in creating a new facility or expanding an existing facility, both tangible and intangible. In the case of a capitalized asset, the 30% credit is allowed in the year the asset is placed in service in the child care facility.
- 1) Uncapitalized expenses incurred in connection with the child care facility prior to commencing operations are start-up costs. For example, salaries paid prior to the opening of the facility to the employees hired to operate the facility are start-up costs. Such expenses qualify for the 30% credit in the tax year expensed, even if the facility is not in operation by the end of the tax year.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

- 2) Capital expenditures that are expensed rather than depreciated under IRC Section 179 qualify as start-up costs in the same manner as expenditures that are actually capitalized and amortized.
- 3) In the case of property previously acquired by the taxpayer and later converted to use in the child care facility, the start-up cost shall be the adjusted basis of such property at the time of conversion, plus any capital costs of renovation or modification to make the property ready for use in the child care facility.
- 4) Any expenditure that qualifies for the federal employer-provided child care credit as an amount paid or incurred to acquire, construct, rehabilitate or expand property to be used in a new or expanded child care facility under the provisions of IRC Section 45F(c)(1)(A)(i) shall qualify for the 30% credit, even if the requirements of IRC Section 45F(c)(1)(A)(i)(II) or (III) are not met and provided that the facility is operated by the employer corporation or a partnership described in subsection (b).

EXAMPLE: An employer acquires a building to be used as a child care facility and the land on which the building is located. The cost of the building qualifies for the federal credit, but the cost of the land does not qualify because IRC Section 45F(c)(1)(A)(i)(II) provides that only depreciable property may qualify for the federal credit. The cost of both the building and the land will qualify for the credit allowed under this IITA Section 210.5.

- d) The annual amount paid by the employer qualifying for the 5% credit shall include all expenses (including depreciation and amortization) incurred in connection with the operation of the child care facility that are deducted during the taxable year. Depreciation and amortization of capitalized items and IRC Section 179 deductions qualify for the credit whenever the original expenditure qualified as a start-up cost for the 30% credit, provided that the asset continues to be used in the operation of the child care facility. In the year the facility commences operations, only expenses deductible in the period after the commencement of operations qualify for the 5% credit. Expenses of the facility deducted prior to the commencement of operations qualify only for the 30% credit as start-up costs. Any expense qualifying for the federal employer-provided child care credit under IRC Section 45F(c)(1)(A)(ii) for a tax year shall also qualify for the 5% credit in the same tax year. Any expense for which the employer claims the 5% credit authorized under this Section cannot qualify for the 5% Dependent

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENT

Care Assistance Program Credit under IITA Section 210. (See IITA Section 210.5(a).)

- e) Any credit allowed under this Section that is unused in the year the credit is earned may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year until it is used. (IITA Section 210.5(b)) Any 30% credit earned in tax years ending on or before the December 31, 2004 sunset date may be carried forward to tax years ending after that date. The credit must be applied to the earliest year for which there is a tax liability. If there are credits from more than one tax year that are available to offset a liability, then the earlier credit must be applied first. (IITA Section 210(b))
- f) A corporate taxpayer claiming the credit provided by IITA Section 210.5 needs to maintain records sufficient to document the costs associated with the provision of a child care facility and the "start-up costs" expended to provide a child care facility. Documentation must take the form of vouchers paid, cancelled checks or other proof of payment. Should the expenditure not be solely for child care, the documentation should explain how the amount allocated for child care was determined.
- If the child care provided includes care for non-employee children, the costs must be allocated between employee children and non-employee children. The method of allocation used must be reasonable and documented.
- g) The credit is allowed only to corporations subject to tax under IITA Section 201(a) and (b). Neither Subchapter S corporations nor shareholders of Subchapter S corporations are allowed to claim the credit.

(Source: Added at 28 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Admin. Code 1030
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1030.11	Amendment
1030.65	Amendment
1030.95	Amendment
1030.APPENDIX A	Amendment
1030.APPENDIX B	Amendment
- 4) Statutory Authority: 625 ILCS 5/6-105.1
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking is in response to P.A.93-0752 signed into law by the Governor on July 16, 2004. This legislative change is effective January 1, 2005 and creates Section 6-105.1 within the Illinois Vehicle Code. This Section provides that the Illinois Secretary of State's Office may issue a temporary visitor's driver's license to a foreign national who is legally residing in this country and is ineligible for a social security number. Prior to this language, any individual applying for an Illinois driver's license was required to have a social security number.
- 6) Will these proposed amendments replace any 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 on this Part? No
- 10) Statement of Statewide Policy Objectives: This proposed rulemaking is created to allow the Secretary of State's Office the ability to issue a distinctive driver's license to eligible individuals who can not obtain a social security number. This proposed rulemaking does not create or expand a State mandate under Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Office of the Secretary of State
Driver Services Department
Jo Ann Wilson, Legislative Liaison
c/o Director's Office
2701 South Dirksen Parkway
Springfield IL 62723
(217) 785-1441

- 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: July 2005

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

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

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

Section	
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License/ Temporary Visitor's Driver's License
1030.12	Driver's License Medical Advisory Board
1030.13	Denial of License or Permit
1030.15	Cite for Re-examination
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers
1030.65	Instruction Permits
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lens(es)
1030.80	Driver's License Testing/Written Test
1030.81	Endorsements
1030.82	Charter Bus Driver Endorsement Requirements
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts – Written and/or Road Tests
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary Licenses
1030.90	Requirement for Photograph and Signature of Licensee on Driver's License
1030.91	Disabled Person/Handicapped Identification Card
1030.92	Restrictions
1030.93	Restricted Local Licenses
1030.94	Duplicate or Corrected Driver's License or Instruction Permit
1030.95	Consular Licenses

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 1030.96 Restricted Commercial Driver's License
- 1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
- 1030.98 School Bus Commercial Driver's License
- 1030.100 Anatomical Gift Donor
- 1030.110 Emergency Medical Information Card
- 1030.115 Change-of-Address
- 1030.120 Issuance of a Probationary License
- 1030.130 Grounds for Cancellation of a Probationary License
- 1030.APPENDIX A Questions Asked of a Driver's License Applicant
- 1030.APPENDIX B Acceptable Identification Documents

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

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 28 Ill. Reg. _____, effective _____.

Section 1030.11 Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License

- a) For purposes of this Section, the following definitions shall apply:
- 1) "Foreign National" – A non-citizen of the United States of America who has been granted temporary, legal entry into this country by the U.S. Citizenship and Immigration Services (USCIS) and who is temporarily residing in this State and is ineligible to obtain a social security number through the Social Security Administration.
 - 2) "Temporary Visitor's Driver's License" – A license issued to a foreign national who is authorized to temporarily reside in this country allowing the operation of a motor vehicle under the laws of this State.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- ba) ~~Any~~ person who wishes to obtain a driver's license shall go to one of the Secretary of State Driver Services Facilities located throughout the state. An application form provided by the Secretary of State pursuant to Section 6-106 of the Illinois Vehicle Code [625 ILCS 5/6-106] shall be completed by the applicant. The questions contained on the application form are provided in Appendix A of this Part. The applicant shall also provide a Driver Services facility employee with acceptable forms of~~3 forms of~~ identification provided in Appendix B of this Part establishing the applicant's name, date of birth, signature for comparison, Illinois residency, and social security number~~Social Security Number~~. ~~Acceptable forms of identification are provided in Appendix B of this Part.~~
- c) Any foreign national who wishes to obtain a temporary visitor's driver's license shall go to one of the designated Secretary of State Driver Services facilities located throughout the State. An application form, provided by the Secretary of State pursuant to Section 6-106 of the Illinois Vehicle Code [625 ILCS 5/6-106], shall be completed by the applicant. The questions contained on the application form are provided in Appendix A of this Part. The applicant shall also provide a Driver Services facility employee with acceptable forms of identification provided in Appendix B of this Part to establish the applicant's name, date of birth, signature for comparison, Illinois temporary residency, and authorization of legal presence in this country. The applicant shall also provide a government-issued photo identification document and documentation from the Social Security Administration verifying ineligibility for a social security number.
- d) A temporary visitor's driver's license shall only be issued to an individual who is authorized to reside in this country for 1 or more years and has at least 6 months of his or her authorized presence remaining.
- eb) The applicant shall take the following tests as required in Section 6-109 of the Illinois Vehicle Code [625 ILCS 5/6-109]:
- 1) A vision test as provided in Sections 1030.70 and 1030.75 of this Part;
 - 2) A road test, if required, as provided in Section 1030.85 of this Part (exemptions to the road test requirement are provided in Section 1030.88 of this Part); and
 - 3) A written test, if required, as provided in Section 1030.80.
- fe) Applicants who are 16 or 17 years of age and not legally emancipated by marriage

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

shall not be issued a driver's license until the applicant has, in accordance with Section 6-107(b) of the Illinois Code [625 ILCS 5/6-107(b)]:

- 1) Held a valid instruction permit for a minimum of 3 months;
- 2) Passed an approved driver education course and submits proof of having passed the course as may be required;
- 3) Submits, on a form prepared or approved by the Secretary of State, certification by the parent of the applicant, otherwise by the guardian having custody of the applicant, or in the event there is no parent or guardian, then by another responsible adult, that the applicant has had a minimum of 25 hours of behind-the-wheel practice time and is sufficiently prepared and able to safely operate a motor vehicle. The 25 hours shall be in addition to the 6 required hours spent with a driver education instructor. The person completing the certification shall upon signing the certification swear under penalty of perjury that everything contained within the certification is true and correct.

gd) A driver's license or temporary visitor driver's license~~Finally, the~~ applicant shall have his/her photograph taken unless exempted as provided in Section 1030.90 of this Part. A driver's license shall be issued upon completion of all the requirements of this Section and Chapter 6 of the Illinois Vehicle Code [625 ILCS 5/Ch. 6].

h) A temporary visitor's driver's license shall only be issued in non-CDL class D, L or M as established in Section 1030.30 of this Part.

i) Each original temporary visitor's driver's license shall expire 3 years from the date of issuance or at the time the individual's authorization to remain in this country expires, whichever is less. Except, the temporary visitor's driver's licenses of individuals 81 years of age or older shall expire in accordance with Section 6-115(g) of the Illinois Vehicle Code [625 ILCS 5/6-115(g)].

j) Each renewal temporary visitor's driver's license shall expire no more than 3 years from the expiration date of the current license or at the time the individual's authorization to remain in this Country expires, whichever is less. Except, the licenses of individuals 81 years of age or older shall expire in accordance with Section 6-115(g) of the Illinois Vehicle Code [625 ILCS 5/6-115(g)].

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- k) The fees collected for the issuance of an original, renewal, duplicate or corrected temporary visitor's driver's license shall be in accordance with Section 6-118 of the Illinois Vehicle Code [625 ILCS 5/6-118].
- l) Any person who wishes to renew a temporary visitor's driver's license shall go to one of the designated Secretary of State Driver Services facilities located throughout the State. Renewal shall be allowed no more than 90 days prior to the expiration date of the current driver's license. An application form, provided by the Secretary of State pursuant to Section 6-106 of the Illinois Vehicle Code [625 ILCS 5/6-106], shall be completed by the applicant. The questions contained on the application form are provided in Appendix A of this Part. The applicant shall also provide a Driver Services facility employee with acceptable forms of identification provided in Appendix B of this Part to establish the applicant's name, date of birth, signature for comparison, Illinois temporary residency and authorization of legal presence and extension of his/her stay in this country. The applicant shall also provide a government-issued photo identification document and documentation from the Social Security Administration verifying ineligibility for a social security number. The applicant shall also be retested in accordance with 625 ILCS 5/6-109 of the Illinois Vehicle Code.
- m) The Secretary of State shall not send a renewal notice to the holder of a temporary visitor's driver's license.
- n) The design and contents of a temporary visitor's driver's license shall be in accordance with Section 6-110 of the Illinois Vehicle Code [625 ILCS 5/6-110] and Section 1030.90 of the Illinois Administrative Code, except it shall not contain a social security number. The license shall be distinctive in nature as to identify it as a temporary visitor's driver's license.
- o) Each temporary visitor's driver's license issued to applicants under 21 years of age shall be in accordance with Sections 6-107.3 and 6-110(e) and (e-1) of the Illinois Vehicle Code [625 ILCS 5/6-107.3 and 6-110(e) and (e-1)].

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 1030.65 Instruction Permits

- a) For purposes of this Section, the following definitions shall apply:
- 1) "Applicant" – person applying for an instruction permit.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 2) "Certificate of Completion (Blue Slip)" – a document issued by the Illinois State Board of Education or the office which regulates education in another state to students who have successfully completed their driver education course. The blue slip in Illinois is issued by the Illinois Secretary of State's Office if the student completed behind the wheel instruction at an approved commercial driving school as provided in 92 Ill. Adm. Code 1060 and Section 6-411(g) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-114(g)].
- 3) "Class D Instruction Permit" – permit to operate any single vehicle with a GVWR of 16,000 pounds or less that is not designed to transport 16 or more people or not used in the transportation of hazardous materials that would require placarding or when towing any vehicle providing the gross combination weight rating is less than 26,001 pounds.
- 4) "Class "L" Instruction Permit" – permit to operate a motor driven cycle with less than 150 cc displacement.
- 5) "Class "M" Instruction Permit" – permit to operate any motorcycle or any motor driven cycle.
- 6) "Commercial Driver Instruction Permit" – a driving permit that authorizes an individual to operate a commercial motor vehicle, as defined in 625 ILCS 5/6-500, issued pursuant to Sections 6-103, 6-105, 6-107.1 and 6-508 of the Illinois Vehicle Code [625 ILCS 5/6-103, 6-105, 6-107.1 and 6-508].
- 7) "Competent Medical Specialist" – a person licensed under Section 3 of the Medical Practice Act [225 ILCS 60/3] or similar law of another jurisdiction to practice medicine in all of its branches.
- 8) "Department" – Department of Driver Services within the Office of the Secretary of State.
- 9) "Driver Education Course" – a course of instruction in the use and operation of cars, including instruction in the safe operation of cars, rules of the road and the law of the State relating to motor vehicles, which meets the minimum requirements of the Driver Education Act [105 ILCS 5/27-24] and Section 1-103 of the Illinois Vehicle Code [625 ILCS 5/1-

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

103].

- [10\)](#) "Driver Rehabilitation Specialist" – a person who possesses an undergraduate degree in rehabilitation, education, health, safety, therapy or a related profession (or equivalent of 8 years of experience in driver rehabilitation); possesses a current Association of Driver Educators for the Disabled (ADED) Certification as a Driver Rehabilitation Specialist (consisting of successful completion of 100 clock hours of educational experience, in combination with safety and medical aspects of disabilities; a minimum of 30 clock hours must be gained from attending ADED approved courses or workshops).
- [11\)](#) "Driving Evaluation" – Assessment of an applicant's ability to safely operate a motor vehicle performed by a driver education specialist at a rehabilitation institution.
- [12\)](#) "Favorable Medical Report" – a current medical report which has been completed in its entirety which does not require additional information and/or clarification or is not medically questionable. A favorable medical report specifies a professional opinion from the competent medical specialist that the driver is medically fit to safely operate a motor vehicle.
- [13\)](#) ["Foreign National" – a non-citizen of the United States of America who has been granted temporary, legal entry into this country by the U.S. Citizenship and Immigration Services \(USCIS\) and who is temporarily residing in this State and is ineligible to obtain a social security number through the Social Security Administration.](#)
- [14\)](#) "Illinois Medical Restriction Card" – a card which specifies special limitations to a person's driving privileges as provided in Section 6-113 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-113].
- [15\)](#) "In Loco Parentis" – person who is acting in place of a minor's parent with a parent's rights, duties, and authority.
- [16\)](#) "Instruction Permit" – a driving permit issued pursuant to Sections 6-103, 6-105 and 6-107.1 of the Illinois Vehicle Code [615 ILCS 5/6-103, 6-105 and 6-107.1].

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- [17\)](#) "Medical Report" – a confidential medical questionnaire designed by the Department and approved by the Illinois Medical Advisory Board or a statement on letterhead made by a competent medical specialist containing the same information as the form designed by the Department. The medical report shall be directed to the Department and contain the date the competent medical specialist completed the report and the name, address, signature and professional license number of the competent medical specialist. The report must also contain the name, address, date of birth and driver's license number, if known, of the driver. A medical agreement as defined in Section 1030.16 of this Part, upon execution by the driver, shall be incorporated into and maintained on file with the driver's medical report.
- [18\)](#) "Minor" – a person under 18 years of age.
- [19\)](#) "Rehabilitation Institution" – any hospital, center, institute or facility engaged in a program to provide driver training for the disabled.
- [20\)](#) ["Temporary Visitor's Instruction Permit" – a driving permit issued to a foreign national pursuant to this Section and Sections 6-103, 6-105 and 6-107.1 of the Illinois Vehicle Code \[625 ILCS 5/6-103, 6-105 and 6-107.1\].](#)
- b) A person who wishes to practice driving before obtaining his/her driver's license shall obtain an instruction permit from a Secretary of State's Driver Services facility. Upon receipt of an instruction permit, the holder may operate a motor vehicle upon the highways of this State when accompanied by an adult instructor of a driver education program or when practicing with a parent, legal guardian, family member or a person in loco parentis, who is 21 years of age or more and has a license classification to operate such vehicle and at least one year of driving experience, and who is occupying a seat beside the driver.
- c) [Any foreign national wishing to practice driving before obtaining his/her driver's license shall obtain a temporary visitor's instruction permit, class D, L or M only, from one of the selected Secretary of State Driver Services facilities located throughout the State. Upon receipt of a temporary visitor's instruction permit, the holder may operate a motor vehicle upon the highways of this State when accompanied by an adult instructor of a driver education program or when practicing with a parent, legal guardian or family member of a person in loco parentis who is 21 years of age or more, has a license classification to operate such vehicle, has at least one year of driving experience, and who is occupying a](#)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

seat beside the driver.

- d) An instruction permit issued to any foreign national shall only be in a class D, L or M as established in Section 1030.30 of this Part.
- e) The fees collected for the issuance of an original, renewal, duplicate or corrected temporary visitor's driver's license shall be in accordance with Section 6-118 of the Illinois Vehicle Code [625 ILCS 5/6-118].
- f) A minor who wishes to receive an instruction permit shall be at least 15 years old and enrolled in a driver education course. Any minor who has been enrolled in a driver education program out-of-state shall provide proof of such enrollment before he/she shall be issued an Illinois instruction permit. Proof shall consist of a letter from the minor's school on the school's letterhead or other proof deemed acceptable by the Secretary of State. The minor shall complete a driver education course if he/she wants to apply for a driver's license before he/she is 18 years of age. If the minor is 16 years of age or older and has in his/her possession a certificate of completion or the equivalent, from another state's driver education program, he/she shall be eligible to receive an Illinois driver's license upon successful completion of the vision, written and/or road tests. The equivalent for Illinois of a certificate of completion from an out-of-state driver education course shall include but is not limited to, transcripts from the out-of state attendance center indicating successful completion of the course of instruction or a letter from the state's driver's licensing authority on agency letterhead, attesting to the minor's successful completion of a driver education course approved by the office in the state which regulates education.
- g) A minor who is at least 15 years and 6 months of age may obtain an Illinois instruction permit prior to being enrolled in a driver education course provided he/she:
- 1) Submits written documentation on a form prepared or approved by the Secretary of State stating that the minor is enrolled in school and proof that the student has received a passing grade in at least 8 courses during the previous 2 semesters as required by the Driver Education Act, or submits a written waiver, pursuant to Section 6-103(1) of the Vehicle Code, from a superintendent or chief school administrator;
 - 2) Submits a written waiver on a form prepared or approved by the Secretary of State from a superintendent or chief administrator stating that, through

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

no fault of the minor, he/she will be unable to be enrolled in a driver education course until after his/her 16th birthday and the school would have no objection to the issuance of the instruction permit; and

- 3) Successfully completes the written and vision examinations administered either by an approved driver education instructor or the Secretary of State.

An Illinois instruction permit issued to a minor under this subsection (~~ge~~) may be canceled upon receipt of a report from the minor's school on the school's letterhead or other proof deemed acceptable by the Secretary of State stating that the minor has failed to enroll in a driver education course.

~~he~~) The minor who is not legally emancipated by marriage or court order shall have his/her application signed by a parent, guardian, or person in loco parentis and the driver education instructor. The minor shall then be allowed to take the vision and written exams.

~~if~~) The instruction permit shall be issued to a minor for a period of 2 years upon successful completion of the written and vision exams. If an instruction permit has expired prior to the applicant completing the road test, a second fee as established for driver's instruction permits in Section 6-118(a) of the Illinois Vehicle Code [625 ILCS 5/6-118(a)] must be submitted and the written and vision exams must be successfully completed. The applicant shall present another application to the Secretary of State signed by the parent, guardian, or person in loco parentis. The driver's education instructor shall also sign the application unless the applicant presents a certificate of completion (blue slip).

~~ig~~) Applicants who are not minors shall also be issued instruction permits by the Secretary of State. The permit shall be issued for 1 year upon successful completion of the written and vision exams.

~~kh~~) Applicants whose driving privileges have been canceled based upon receipt by the Department of a medical report indicating the applicant has a medical condition which impairs his/her ability to safely operate a motor vehicle may apply for an instruction permit. The Department shall receive a favorable medical report from a competent medical specialist describing the applicant's needs to undergo a driving evaluation with a driver rehabilitation specialist. The Department shall issue to the applicant an authorization for examination to appear at a Driver Services facility to take the written examination, vision test and submit the required fee as provided in Section 6-118 of the Illinois Vehicle Code [625 ILCS

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

5/6-118]. Upon successful completion of the written and vision tests, he/she shall be issued, if not otherwise disqualified, an instruction permit, but shall be canceled upon receipt of a written statement from a competent medical specialist that the instruction permit holder has failed to successfully complete the driving evaluation or is otherwise unable to safely operate a motor vehicle. A medical restriction card shall be issued by the Department and must be carried with the instruction permit. Upon successful completion of the driving evaluation, the rehabilitation institution and a competent medical specialist shall notify the Department. The Department shall send the applicant an authorization form instructing him/her to appear at a Driver Services facility to take the drive portion of the examination. Upon the applicant's successful completion of the drive examination, a driver license shall be issued.

- | li) An applicant must be at least 16 years old to obtain a class "L" instruction permit. He/she shall have obtained his/her blue slip at the time he/she applies for the "L" instruction permit. If he/she is at least 18 years old, a blue slip is not necessary.
- | mj) The class "M" instruction permit is issued by the Secretary of State to a person 18 years old or older for a period of 1 year. Class "M" instruction permits shall be issued for period of 2 years to persons 16 or 17 years old who has obtained his/her blue slip at the time he/she applies for the class "M" instruction permit and if they have completed a motorcycle training course approved by the Illinois Department of Transportation as provided by 92 Ill. Adm. Code 455. A certificate of completion card issued by the Illinois Department of Transportation must be furnished to the Secretary of State's Office before an instruction permit shall be issued.
- | nk) An applicant who is 17 years and 9 months of age or older may obtain an Illinois instruction permit without being enrolled in a driver education course, provided he/she has successfully completed the vision and written exams.
- | ol) Prior to renewing a commercial driver instruction permit, an applicant is required to successfully complete the appropriate CDL knowledge tests specific to that classification of permit being renewed.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

Section 1030.95 Consular Licenses

- a) For purposes of this Section, the Secretary of State shall adopt the following

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

definitions:

- 1) "Applicant" – ~~consul~~Consul, his/her family or employees applying for an Illinois driver's license.
 - 2) "Consul" – person appointed by a foreign country, not recognized by the United States Department of State, to live in the United States and conduct business on behalf of his/her government.
 - 3) "Distinctive Number" – a number listed in sequential order.
- b) A consul who wishes to obtain an Illinois driver's license shall report to a driver services facility and shall submit his/her passport for review, along with a letter on the consulate letterhead stating that he/she is an appointed consul. ~~Family members and employees of the consul shall submit to the facility a letter on consulate letterhead stating the applicant's association with the consulate.~~
 - c) The applicant shall pass a vision test, a road test, and a written test, in accordance with Sections 1030.70, 1030.80 and 1030.85.
 - d) In lieu of a social security number, a distinctive number will be assigned by the Driver Services Department Central Office in Springfield.
 - e) Statutory fees shall be charged all applicants pursuant to Section 6-118 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-118]. ~~(Ill. Rev. Stat. 1985, ch. 95½, par. 6-118.)~~
 - f) Applicants shall immediately notify the Driver Services Central Office in Springfield upon termination of his/her association with the consulate.

(Source: Amended at 28 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Section 1030.APPENDIX A Questions Asked of a Driver's License Applicant

The following questions shall appear on an application for a driver's license:

If you are applying for an Identification Card, review questions 1 and 2; for a Driver's License, review questions 1 through 7; for a Commercial Driver's License, review questions 1 through 10; [for a Temporary Visitor's Driver's License, review questions 1 through 7, 11 and 12.](#)

- 1) Is your driver's license or identification card or privilege to obtain a license or ID card suspended, revoked, canceled or refused in any state under this or any other name? (If yes, a Letter of Clearance is required.)
 - 2) Do you presently hold a valid driver's license or identification card in this or any other state?
 - 3) Is your driver's license being held by a court in lieu of bail?
 - 4) Has a court found you to have a mental disability or disease or has a court committed you to a mental health facility? (If yes, copies of related court order and/or physician's statement will be required.)
 - 5) Do you have any condition that might cause a temporary loss of consciousness? (If yes, a physician's statement and medical agreement are required.)
 - 6) Do you have any mental or physical condition that might interfere with safe driving? (If yes, a physician's statement is required and a medical agreement may be required.)
 - 7) Do you use any drugs, including prescription medication, or alcohol to an extent that they impair your driving ability? (If yes, a physician's statement is required and a medical agreement may be required.)
 - 8) Are your Commercial Driver's License privileges currently disqualified?
 - 9) Do you certify that you meet the "general qualifications of drivers outlined in 49 CFR 391.11 (2000)? If no, indicate why you are not subject to these qualifications. _____
-

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 10) Do you certify that you meet the hearing requirements outlined in 49 CFR 391.41(b)(11) (2000)?

I understand that my social security number will be disclosed to other states pursuant to the Commercial Motor Vehicle Safety Act of 1986 (49 USC 2706).

- 11) [Do you certify that you temporarily reside in Illinois and are ineligible for a social security number?](#)

- 12) [Do you certify that you are authorized by the U.S. Citizenship and Immigration Services to be legally present in this country and authorize the Secretary of State's Office to verify such information?](#)

(Source: Amended at 28 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Section 1030.APPENDIX B Acceptable Identification Documents

- a) An applicant applying for a driver's license or identification card for the first time in the State of Illinois must present one document from each of Group A, B, C, and D as outlined in subsection (~~f~~) of this Section.
- b) A foreign national applying for a temporary visitor's driver's license shall submit one document from Groups A, B and D to prove name, date of birth, temporary residency, legal presence and verification of signature. Temporary visitor's driver's license applicants are not required to present documents verifying their social security numbers. Instead, they shall submit a letter on Social Security Administration letterhead, issued within 30 days prior to the date of application for a temporary visitor's driver's license, verifying ineligibility for a social security number. Acceptance of documents not listed in Groups A, B, and D below must be approved through the Division Administrator.
- ~~cb~~) An applicant applying for either a duplicate or corrected driver's license or identification card must present one form of identification from Group A, and at least one form from either Group B, C, or D as outlined in subsection (~~f~~) of this Section. An applicant who requests a change in name, date of birth, social security number or gender must provide acceptable identification to create a link pertaining to the change between the previous information and the new information.
- d) A foreign national applying for a duplicate or corrected temporary visitor's driver's license shall submit one document from Groups A, B, and D to prove name, date of birth, temporary residency, legal presence and verification of signature. An applicant who requests a change in name, date of birth or gender must provide acceptable identification to create a link pertaining to the change between the previous information and the new information. Acceptance of documents not listed in Groups A, B, and D below must be approved through the Division Administrator.
- ~~ee~~) Applicants renewing their current Illinois driver's license or identification card need only present their current valid license or ID card. If they do not have their current driver's license or ID card, they must present one form of identification from Group A and at least one form from one of Group B, C, or D as outlined in subsection (~~f~~) of this Section.
- ~~fd~~) Documents of identification that are acceptable for the purpose of obtaining a

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

driver's license, permit and/or identification card are listed below by group.
Photocopies will not be accepted.

1) GROUP A (Written Signature)

Canceled Check (w/in 90 days)

CDTP Certification Form

Court Order

Credit Card – Major Brand

Driver Education Certificate (Blue Slip)

Government Driver's License

Government Identification Card

Illinois Driver's License – "current"

Illinois Identification Card – "current"

[U.S. Citizenship and Immigration Services \(USCIS\)](#)
~~[Immigration and Naturalization Service \(INS\)](#)~~ forms:

I-551 (Alien Registration Card)

I-688 (Temporary Resident Card)

I-688A (Employment Authorization Card)

I-688B (Employment Authorization Card)

I-766 (Employment Authorization Card)

I-94 (Arrival/Departure Record) with Valid Passport

Medicare Card – with suffix A, J, H, M, or T

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Military Driver's License – US

Military Identification Card – US

Military Service Record – DD214

Mortgage or Installment Loan Documents

Out-of-State Driver's License/ID Card – "current"

Passport – Valid US or Foreign

Social Security Card

2) GROUP B (Proof of Date of Birth)

Adoption Records

Birth Certificate

Court Order – Change of Birth Date

Official Grade/High School Transcript

Illinois Driver's License – "current"

Illinois Identification Card – "current"

[U.S. Citizenship and Immigration Services \(USCIS\)](#)~~Immigration and
Naturalization Service (INS)~~ forms:

I-551 (Alien Registration [Card](#))

[I-571 Refugee Travel Document](#)

I-688 (Temporary Resident Card)

[I-688A](#) (Employment Authorization Card)

I-688B (Employment Authorization Card)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

I-766 (Employment Authorization Card)

[I-797 Notice of Action Status Change](#)

I-94 (Arrival/Departure Record) with Valid Passport

Military Driver's License – US

Military Identification Card – US

Military Service Record – DD214

Naturalization Certificate

Passport – Valid with Complete Date of Birth

Social Security Award Letter (Primary Beneficiary Only)

3) GROUP C (Social Security Number)

Illinois Driver's License Record

Illinois Identification Card Record

Military Driver's License – US

Military Identification Card – US

Military Service Record – DD214

Social Security Award Letter (Primary Beneficiary Only)

Social Security Card – issued by Social Security Administration

4) GROUP D (Residency/Personal Data)

Examples of residency may be, but are not limited to, the following:

Utility Bill

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Vehicle Registration Card

Voter Registration Card

[ge](#)) Current forms of identification with an Illinois street address that do not appear on the list of unacceptable identification may also be used to verify residency. Any document listed in Group A, B, or C as outlined in subsection ([fe](#)) of this Section, and other forms of identification not listed as unacceptable may be used to verify personal data.

[hf](#)) For a name change, the identification must be a document that provides a link to the established DL/ID file.

[ig](#)) Group B documents, as outlined in subsection ([fd](#)) of this Section, must contain the applicant's full name and date of birth and must be verifiable. To be verifiable, it must be possible to contact the regulatory authority to confirm the authenticity of the document. Birth certificate must be the original or certified by a Board of Health or Bureau of Vital Statistics within the US or by the US State Department, US Territories, or Canada. A certified copy is a document produced by the issuing jurisdiction that has an embossed seal or an original stamped impression. Foreign birth certificates are accepted as "proof" if accompanied with any other item listed in Group B.

[jh](#)) After review of all identification presented, management has the right to accept or refuse any document.

[ki](#)) Unacceptable identification documents are:

Bond Receipt or Bond Card

Business Cards

Check Cashing Cards

Club or Fraternal Membership Cards

College or University Identification Cards

Commercially produced (non-State or unofficial) ID cards

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

Firearms Owner ID

Fishing License

Handwritten ID or Employment Cards

Hunting License

IDPA (Public Aid) Cards

Instruction Permit/Receipts

Insurance and/or Bail Bond Cards

Library Card

Temporary Driver's License

Traffic Citation (Arrest Ticket)

Verification by family members other than father, mother or legal guardian

Verification by non-family members other than high school driver education instructor or Secretary of State personnel

Video Club Membership Cards

Wallet IDs

Unlicensed Financial Institution Loan Papers

- 1) [Applicants who are unable to obtain a social security number permitting them to work in this country, but who would be eligible for a non-work social security number based on their U.S. Citizenship and Immigration Services \(USCIS\) documentation and who are otherwise eligible to obtain an Illinois driver's license, shall be required to present one of the following USCIS documents prior to taking a driver's license examination:](#)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

| [I-551 \(Alien Registration Card\)](#)

| [I-688 \(Temporary Resident Card\)](#)

| [I-94 \(Arrival/Departure Record\) with Valid Passport](#)

(Source: Amended at 28 Ill. Reg. _____, effective _____)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Illinois Veteran Grant (IVG) Program
- 2) Code Citation: 23 Ill. Adm. Code 2733
- 3) Section Number: 2733.20 Proposed Action: Amendment
- 4) Statutory Authority: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)].
- 5) A Complete Description of the Subjects and Issues Involved: This amendment modifies the Applicant Eligibility criteria set forth in Section 2733.20. The Illinois Veteran Grant provides grants covering tuition and certain fees for qualified veterans attending State universities and community colleges. Under existing administrative rules, Illinois residents who were members of a Reserve component and who were called to active duty for at least one year, or at least one day in a foreign country in a time of hostilities in that country, needed to have completed their initial enlistment contract before they were eligible to receive the Veteran Grant. In addition, members of the National Guard were not eligible for the Veteran Grant while they were active in the Guard. Both of these limitations are being withdrawn in order to provide more equitable access to educational benefits for active-duty National Guard and Reserve members consistent with those provided to military personnel in the regular component of the U.S. Armed Forces.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 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 amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this notice to:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF PROPOSED AMENDMENT

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015
(847) 948-8500
email: tbreyer@isac.org

- 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: This rulemaking was not included on either of the two most recent regulatory agendas because: the situation giving rise to the need for this amendment was not anticipated.

The full text of the Proposed Amendment is identical to the text of the Emergency Amendment which appears in this issue of the *Illinois Register* on page 12932.

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Public Information, Rulemaking, Organization and Personnel
- 2) Code Citation: 2 Ill. Adm. Code 2675
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2675.10	Amendment
2675.110	Amendment
2675.210	Amendment
2675.240	Amendment
APPENDIX A	Amendment
- 4) Statutory Authority: 115 ILCS 5/5(i); 5 ILCS 100/5-15(a)(1)
- 5) Effective Date of Amendments: September 7, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 21, 2004; 28 Ill. Reg. 7221
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: A citation error and spelling errors were corrected.
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were issued.
- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These amendments reflect the fact that hearings are now under the jurisdiction of the general counsel, rather than of the executive director. These amendments update the rule on the composition of the

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

Board. These amendments update agency addresses and a statutory citation. These amendments also update the Board's organizational chart.

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

Susan Willenborg
Illinois Educational Labor Relations Board
160 North LaSalle Street, Suite N-400
Chicago, Illinois 60601-3103

(312) 793-3288

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

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER XLVIII: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARDPART 2675
PUBLIC INFORMATION, RULEMAKING, ORGANIZATION AND PERSONNEL

SUBPART A: PUBLIC INFORMATION

Section	
2675.10	General Information
2675.20	Procedural Information
2675.30	Access to Board Materials

SUBPART B: RULEMAKING

Section	
2675.110	Procedures
2675.120	Petitions for Rulemaking

SUBPART C: ORGANIZATION

Section	
2675.210	Composition of the IELRB
2675.220	Executive Director and General Counsel
2675.230	Office of the Executive Director
2675.240	Office of the General Counsel
2675.250	Administrative Operations
2675.260	Advisory Committee

2675.APPENDIX A Illinois Educational Labor Relations Board Staff Organization Chart

AUTHORITY: Implementing Sections 5-10 and 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-10 and 5-15] and authorized by Section 5(i) of the Illinois Educational Labor Relations Act [115 ILCS 5/5(i)].

SOURCE: Adopted at 14 Ill. Reg. 4158, effective March 2, 1990; amended at 28 Ill. Reg. 12818, effective September 7, 2004.

SUBPART A: PUBLIC INFORMATION

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 2675.10 General Information

The Illinois Educational Labor Relations Board ("IELRB" or "Board") has jurisdiction of labor relations matters involving educational employees and educational employers within Illinois. The IELRB maintains offices at 320 West Washington, ~~Suite 260~~Second Floor, Springfield, Illinois 62701, (217) 782-9068, and ~~160 North LaSalle Street, Suite N-400, 20 North Wacker Drive, Suite 1000~~, Chicago, Illinois ~~60601~~60606, (312) 793-3170. General information regarding the IELRB and its activities may be obtained by writing or telephoning the IELRB at either office. Information regarding the docket of cases pending before the IELRB or pending hearings may be obtained by contacting the IELRB's General Counsel at the Chicago Office. Information regarding the docket of cases pending investigation ~~or hearing~~ may be obtained by contacting the Executive Director at the Chicago Office. The IELRB's office will be open to the public from 8:30 a.m. to 5:00 p.m. on days other than Saturdays, Sundays and legal holidays.

(Source: Amended at 28 Ill. Reg. 12818, effective September 7, 2004)

SUBPART B: RULEMAKING

Section 2675.110 Procedures

Rules of the Board are subject to the requirements of the Illinois Administrative Procedure Act [5 ILCS 100](~~Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.~~).

(Source: Amended at 28 Ill. Reg. 12818, effective September 7, 2004)

SUBPART C: ORGANIZATION

Section 2675.210 Composition of the IELRB

The IELRB is composed of a Chairman and ~~four~~two Members, all of whom are appointed by the Governor ~~to six year terms~~ with the advice and consent of the Senate. Their terms are set by Section 5 of the Act [115 ILCS 5/5].

(Source: Amended at 28 Ill. Reg. 12818, effective September 7, 2004)

Section 2675.240 Office of the General Counsel

The members of the IELRB, personally, and through the Office of the General Counsel under the general supervision and direction of the General Counsel, perform the following operations:

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

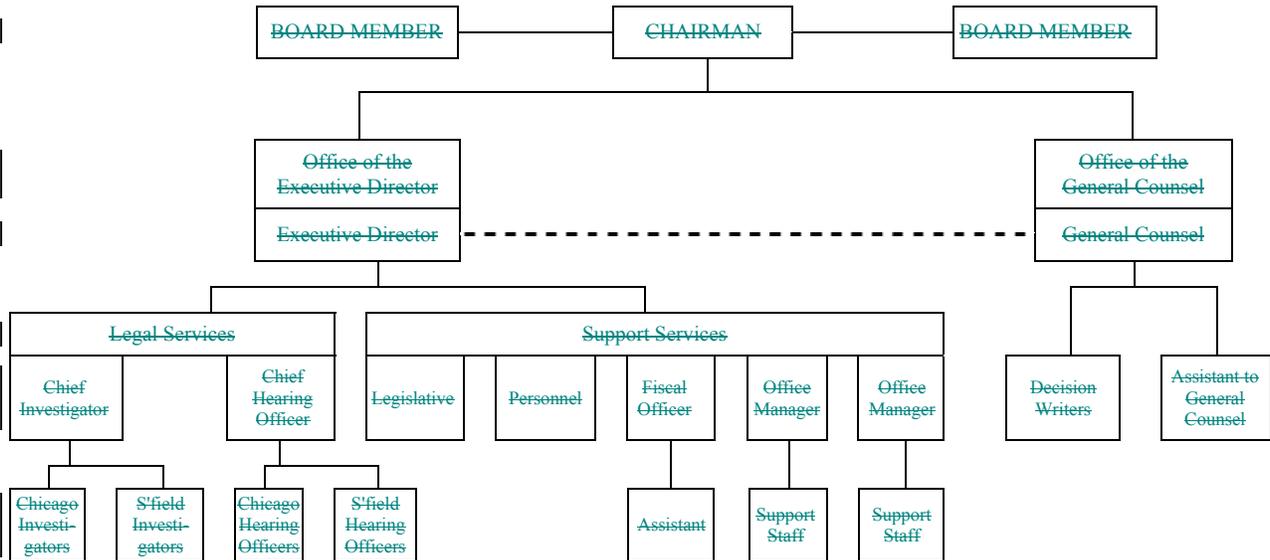
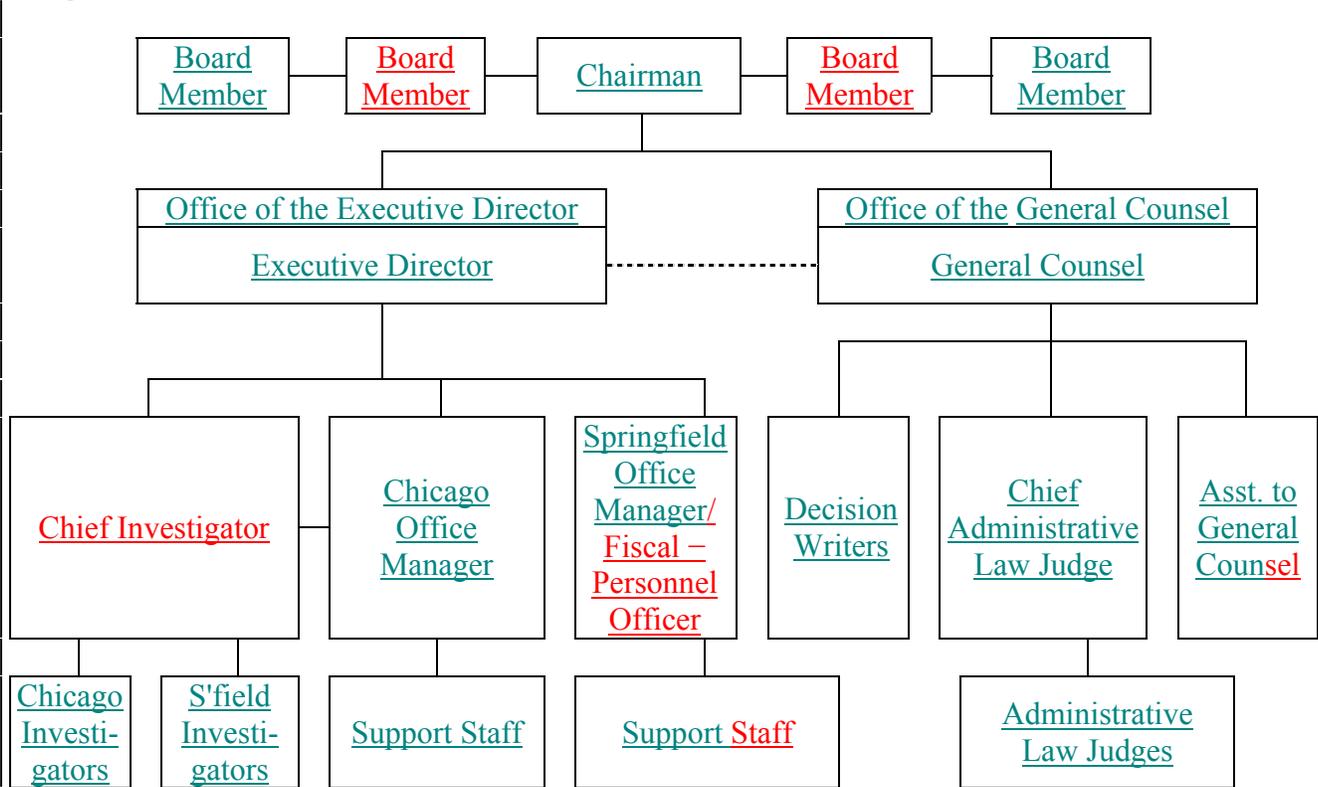
- a) Reviewing all recommended decisions of its hearing officers and Executive Director;
- b) Drafting and issuing all unfair labor practice and representation decisions of the Board;
- c) Advising the Board on legal issues which arise in the course of the Board's official duties;
- d) Assisting the Officer of the Attorney General in representing the Board in all legal matters pending in the courts;
- e) Representing the Board in legal proceedings before other agencies and courts;
- f) Conducting representation and unfair labor practice hearings;
- gf) Reviewing and revising the Board's Rules and Regulations.

(Source: Amended at 28 Ill. Reg. 12818, effective September 7, 2004)

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 2675.APPENDIX A Illinois Educational Labor Relations Board Staff Organization Chart



(Source: Amended at 28 Ill. Reg. 12818, effective September 7, 2004)

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Riverboat Gambling
- 2) Code Citation: 86 Ill. Adm. Code 3000
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
3000.244	New
3000.400	Amend
3000.425	Amend
3000.740	Amend
- 4) Statutory Authority: Riverboat Gambling Act [230 ILCS 10]
- 5) Effective date of amendments: August 31, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: April 16, 2004; 28 Ill. Reg.5949 and April 23, 2004; 28 Ill. Reg. 6288
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: IGB agreed to make several technical and clarifying changes requested by JCAR and to amend subsection 3000.740(a) mirror language in another section of the Part establishing the manner in which a petition for rehearing shall be verified.
- 12) Have all of 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 other amendments pending on this Part? No
- 15) Summary of proposed amendments: The Illinois Gaming Board's previous rule's mechanism for petitioning for removal from the Board's exclusion list provided no

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

standards by which the determination to remove is to be made. The adopted amendments provide a standard and procedures.

The Illinois Gaming Board's rules did not previously provide a mechanism for the surrender of a supplier's license. In the past, licensed suppliers desired to surrender their licenses for legitimate business purposes (e.g., they merged into another company and dissolved). The adopted amendments provide a mechanism and standards to surrender a supplier license.

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

Michael Fries
Acting Deputy Chief Counsel
Illinois Gaming Board
160 North LaSalle Street
Suite 300S
Chicago, Illinois 60601

(312) 814-4700
FAX: (312) 814-8798

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

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE
CHAPTER IV: ILLINOIS GAMING BOARDPART 3000
RIVERBOAT GAMBLING

SUBPART A: GENERAL PROVISIONS

Section	
3000.100	Definitions
3000.101	Invalidity
3000.102	Public Inquiries
3000.103	Organization of the Illinois Gaming Board
3000.104	Rulemaking Procedures
3000.105	Board Meetings
3000.110	Disciplinary Actions
3000.115	Records Retention
3000.120	Place to Submit Materials
3000.130	No Opinion or Approval of the Board
3000.140	Duty to Disclose Changes in Information
3000.141	Applicant/Licensee Disclosure of Agents
3000.150	Owner's and Supplier's Duty to Investigate
3000.155	Investigatory Proceedings
3000.160	Duty to Report Misconduct
3000.161	Communication with Other Agencies
3000.165	Participation in Games by Owners, Directors, Officers, Key Persons or Gaming Employees
3000.170	Fair Market Value of Contracts
3000.180	Weapons on Riverboat

SUBPART B: LICENSES

Section	
3000.200	Classification of Licenses
3000.210	Fees and Bonds
3000.220	Applications
3000.221	Other Required Forms
3000.222	Identification and Requirements of Key Persons
3000.223	Disclosure of Ownership and Control
3000.224	Economic Disassociation

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

3000.225	Business Entity and Personal Disclosure Filings
3000.230	Owner's Licenses
3000.231	Distributions
3000.232	Undue Economic Concentration
3000.234	Acquisition of Ownership Interest By Institutional Investors
3000.235	Transferability of Ownership Interest
3000.236	Owner's License Renewal
3000.237	Renewed Owner's Licenses, Term and Restrictions
3000.238	Appointment of Receiver for an Owner's License
3000.240	Supplier's Licenses
3000.241	Renewal of Supplier's License
3000.242	Amendment to Supplier's Product List
3000.243	Bankruptcy or Change in Ownership of Supplier
3000.244	Surrender of Supplier's License
3000.245	Occupational Licenses
3000.250	Transferability of Licenses
3000.260	Waiver of Requirements
3000.270	Certification and Registration of Electronic Gaming Devices
3000.271	Analysis of Questioned Electronic Gaming Devices
3000.272	Certification of Voucher Systems
3000.280	Registration of All Gaming Devices
3000.281	Transfer of Registration (Repealed)
3000.282	Seizure of Gaming Devices (Repealed)
3000.283	Analysis of Questioned Electronic Gaming Devices (Repealed)
3000.284	Disposal of Gaming Devices
3000.285	Certification and Registration of Voucher Validation Terminals

SUBPART C: OWNER'S INTERNAL CONTROL SYSTEM

Section	
3000.300	General Requirements – Internal Control System
3000.310	Approval of Internal Control System
3000.320	Minimum Standards for Internal Control Systems
3000.330	Review of Procedures (Repealed)
3000.340	Operating Procedures (Repealed)
3000.350	Modifications (Repealed)

SUBPART D: HEARINGS ON NOTICE OF DENIAL,
RESTRICTION OF LICENSE OR PLACEMENT ON EXCLUSION LIST

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

Section	
3000.400	Coverage of Subpart
3000.405	Requests for Hearings
3000.410	Appearances
3000.415	Discovery
3000.420	Motions for Summary Judgment
3000.424	Subpoena of Witnesses
3000.425	Proceedings
3000.430	Evidence
3000.431	Prohibition on Ex Parte Communication
3000.435	Sanctions and Penalties
3000.440	Transmittal of Record and Recommendation to the Board
3000.445	Status of Applicant for Licensure or Transfer Upon Filing Request for Hearing

SUBPART E: CRUISING

Section	
3000.500	Riverboat Cruises
3000.510	Cancelled or Disrupted Cruises

SUBPART F: CONDUCT OF GAMING

Section	
3000.600	Wagering Only with Electronic Credits , Approved Chips, Tokens and Electronic Cards
3000.602	Disposition of Unauthorized Winnings
3000.605	Authorized Games
3000.606	Gaming Positions
3000.610	Publication of Rules and Payout Ratio for Live Gaming Devices
3000.614	Tournaments, Enhanced Payouts and Give-aways
3000.615	Payout Percentage for Electronic Gaming Devices
3000.616	Cashing-In
3000.620	Submission of Chips for Review and Approval
3000.625	Chip Specifications
3000.630	Primary, Secondary and Reserve Sets of Gaming Chips
3000.631	Tournament Chips
3000.635	Issuance and Use of Tokens for Gaming
3000.636	Distribution of Coupons for Complimentary Chips, Tokens and Cash
3000.640	Exchange of Chips and Tokens
3000.645	Receipt of Gaming Chips or Tokens from Manufacturer or Distributor

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

3000.650	Inventory of Chips
3000.655	Destruction of Chips, and Tokens, <u>and Vouchers</u>
3000.660	Minimum Standards for Electronic Gaming Devices
<u>3000.661</u>	<u>Minimum Standards for Voucher Systems</u>
3000.665	Integrity of Electronic Gaming Devices
3000.666	Bill Validator Requirements
<u>3000.667</u>	<u>Integrity of Voucher Systems</u>
3000.670	Computer Monitoring Requirements of Electronic Gaming Devices
<u>3000.671</u>	<u>Computer Monitoring Requirements of Voucher Systems</u>

SUBPART G: EXCLUSION OF PERSONS

Section	
3000.700	Duty to Exclude
3000.705	Voluntary Self-Exclusion Policy
3000.710	Distribution and Availability of Exclusion Lists
3000.720	Criteria for Exclusion or Ejection and Placement on an Exclusion List
3000.725	Duty of Licensees
3000.730	Procedure for Entry of Names
3000.740	Petition for Removal from Exclusion List
3000.750	Establishment of an Self-Exclusion List
3000.751	Locations to Execute Self-Exclusion Forms
3000.755	Information Required for Placement on the Self-Exclusion List
3000.756	Stipulated Sanctions for Failure to Adhere to Voluntary Self-Exclusion
3000.760	Distribution and Availability of Confidential Self-Exclusion List
3000.770	Duties of Owner Licensees
3000.780	Request for Removal from the IGB Self-Exclusion List
3000.785	Appeal of a Notice of Denial of Removal
3000.790	Duties of the Board

SUBPART H: SURVEILLANCE AND SECURITY

Section	
3000.800	Required Surveillance Equipment
3000.810	Riverboat and Board Surveillance Room Requirements
3000.820	Segregated Telephone Communication
3000.830	Surveillance Logs
3000.840	Storage and Retrieval
3000.850	Dock Site Board Facility
3000.860	Maintenance and Testing

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

SUBPART I: LIQUOR LICENSES

Section	
3000.900	Liquor Control Commission
3000.910	Liquor Licenses
3000.920	Disciplinary Action
3000.930	Hours of Sale

SUBPART J: OWNERSHIP AND ACCOUNTING RECORDS AND PROCEDURES

Section	
3000.1000	Ownership Records
3000.1010	Accounting Records
3000.1020	Standard Financial and Statistical Records
3000.1030	Annual and Special Audits and Other Reporting Requirements
3000.1040	Accounting Controls Within the Cashier's Cage
3000.1050	Procedures for Exchange of Checks Submitted by Gaming Patrons and Granting Credit
3000.1060	Handling of Cash at Gaming Tables
3000.1070	Tips or Gratuities
3000.1071	Admission Tax and Wagering Tax
3000.1072	Cash Reserve Requirements

SUBPART K: SEIZURE AND DISCIPLINARY HEARINGS

Section	
3000.1100	Coverage of Subpart
3000.1105	Duty to Maintain Suitability
3000.1110	Board Action Against License or Licensee
3000.1115	Complaint
3000.1120	Appearances
3000.1125	Answer
3000.1126	Appointment of Hearing Officer
3000.1130	Discovery
3000.1135	Motions for Summary Disposition
3000.1139	Subpoena of Witnesses
3000.1140	Proceedings
3000.1145	Evidence
3000.1146	Prohibition of Ex Parte Communication

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 3000.1150 Sanctions and Penalties
3000.1155 Transmittal of Record and Recommendation to the Board

AUTHORITY: Implementing and authorized by the Riverboat Gambling Act [230 ILCS 10].

SOURCE: Emergency rule adopted at 15 Ill. Reg. 11252, effective August 5, 1991, for a maximum of 150 days; adopted at 15 Ill. Reg. 18263, effective December 10, 1991; amended at 16 Ill. Reg. 13310, effective August 17, 1992; amended at 17 Ill. Reg. 11510, effective July 9, 1993; amended at 20 Ill. Reg. 5814, effective April 9, 1996; amended at 20 Ill. Reg. 6280, effective April 22, 1996; emergency amendment at 20 Ill. Reg. 8051, effective June 3, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14765, effective October 31, 1996; amended at 21 Ill. Reg. 4642, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 14566, effective October 22, 1997, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 978, effective December 29, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4390, effective February 20, 1998; amended at 22 Ill. Reg. 10449, effective May 27, 1998; amended at 22 Ill. Reg. 17324, effective September 21, 1998; amended at 22 Ill. Reg. 19541, effective October 23, 1998; emergency amendment at 23 Ill. Reg. 8191, effective July 2, 1999, for a maximum of 150 days; emergency expired November 28, 1999; amended at 23 Ill. Reg. 8996, effective August 2, 1999; amended at 24 Ill. Reg. 1037, effective January 10, 2000; amended at 25 Ill. Reg. 94, effective January 8, 2001; amended at 25 Ill. Reg. 13292, effective October 5, 2001; amended at 26 Ill. Reg. 9307, effective June 14, 2002; emergency amendment at 26 Ill. Reg. 10984, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 15296, effective October 11, 2002; amended at 26 Ill. Reg. 17408, effective November 22, 2002; emergency amendment at 27 Ill. Reg. 10503, effective June 30, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 15793, effective September 29, 2003; amended at 27 Ill. Reg. 18595, effective November 25, 2003; amended at 28 Ill. Reg. 12824, effective August 31, 2004.

SUBPART B: LICENSES

Section 3000.244 Surrender of Supplier's License

- a) Except as otherwise provided in the Act and this Part, a licensed Supplier may petition the Board, in writing, for permission to surrender its Supplier's License. The petition shall contain facts setting forth good cause for the surrender of the Supplier's License.
- b) The Board may grant the petition, deny the petition or set the petition for hearing before a duly appointed Administrative Law Judge. The Board may deny a petition to surrender a Supplier's License if the petition fails to comply with any of the requirements of subsection (a) of this Section.

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

- c) If the petition to surrender a Supplier's License is set for hearing, the petitioner shall bear the burden of going forward and proving by a preponderance of the evidence that good cause exists for surrender of the Supplier's License.
- d) A licensed Supplier may not, without Board approval, surrender its license during the pendency of a disciplinary action against that licensed Supplier.
- e) The surrender of a Supplier's License does not become effective until the Board has taken final action. The surrender of a Supplier's License does not relieve the former licensed Supplier of any penalties, fines, fees, taxes or other obligations due.
- f) The Board's denial of a petition to surrender a Supplier's License is a final decision that becomes a final order on the date the Board denies the petition. Judicial review of the final order of the Board shall be conducted in accordance with the Administrative Review Law [735 ILCS 5/Art. III] pursuant to Section 17.1(b) of the Riverboat Gambling Act [230 ILCS 10/17.1(b)].

(Source: Added at 28 Ill. Reg. 12824, effective August 31, 2004)

SUBPART D: HEARINGS ON NOTICE OF DENIAL,
RESTRICTION OF LICENSE OR PLACEMENT ON EXCLUSION LIST

Section 3000.400 Coverage of Subpart

The rules contained in this Subpart shall govern all hearings requested upon issuance of a Notice of Denial or Restriction of licensure, Notice of Denial of an application for transfer of ownership interest, ~~or~~ a Notice of Placement on the Board Exclusion List, or a Petition for Removal from the Board Exclusion List. Hearings under this Subpart are de novo proceedings for the creation of an evidentiary record regarding restriction of license, the placement of an individual on an exclusion list or an applicant's suitability for licensure or transfer. A hearing under this Subpart is not an appeal of Board action.

(Source: Amended at 28 Ill. Reg. 12824, effective August 31, 2004)

Section 3000.425 Proceedings

- a) The burden of proof is at all times on the petitioner. The petitioner shall have the affirmative responsibility of establishing by clear and convincing evidence ~~either~~

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

that the petitioner is suitable for licensing or a transfer of ownership, ~~or~~ that the petitioner should not be excluded under Section 3000.720, or that the petitioner's name should be removed from the Board Exclusion List.

- b) Any testimony shall be given under oath or affirmation.
- c) Both parties may present an opening statement on the merits. Petitioner proceeds first.
- d) The petitioner shall then present its case-in-chief.
- e) Upon conclusion of the petitioner's case-in-chief, the respondent may move for a directed finding. The hearing officer may hear arguments on the motion or may grant, deny or reserve decision thereon, without argument.
- f) If no motion for directed finding is made, or if such motion is denied or decision reserved thereon, the respondent may present its case.
- g) Each party may conduct cross-examination of adverse witnesses.
- h) Upon conclusion of the respondent's case, the petitioner may present evidence in rebuttal.
- i) Both parties may present closing argument. The petitioner proceeds first, then the respondent and thereafter the petitioner may present rebuttal argument.

(Source: Amended at 28 Ill. Reg. 12824, effective August 31, 2004)

SUBPART G: EXCLUSION OF PERSONS

Section 3000.740 Petition for Removal from Exclusion List

- a) Any person who has been placed on the Board Exclusion List may, after the expiration of one year from the date of placement on the list or from the conclusion of any hearing or appeal associated with placement on the list, whichever is later, petition the Board, in writing, and request that his or her name be removed from the list. The petition shall be verified and state with specificity facts believed by the petitioner to constitute clear and convincing evidence for removal of his or her name from the list. The petition shall be notarized and shall include a certification in the following form:

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENTS

The undersigned certifies that the statements set forth in this petition are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

- b) The Board shall either deny the petition or set the petition for hearing. The Board may deny a petition for removal from the Board Exclusion List if the petition fails to comply with any of the requirements of subsection (a) of this Section or if the facts contained in the petition are the same or substantially the same facts that the petitioner set forth in a request for hearing under Section 3000.405 or previous petition for removal under this Section. In the event the Board elects to set the petition for hearing, the procedures specified in Subpart D of this Part, with the exception of Section 3000.405(a), (b), (c) and (d), shall apply.
- c) Any information, including the record of evidence and testimony, if any, used by the Board in making its original determination to exclude petitioner may be considered by the Board, provided, however, that the record shall not be reopened.
- d) The Board's denial of a petition for removal from the Exclusion List is a final decision of the Board. Judicial review of the final order of the Board shall be conducted in accordance with the Administrative Review Law [735 ILCS 5/Art. III] pursuant to Section 17.1(b) of the Riverboat Gambling Act [230 ILCS 10/17.1(b)].

~~Any person who has been placed on any Exclusion List may petition the Board in writing and request that his name be removed from this list.~~

(Source: Amended at 28 Ill. Reg. 12824, effective August 31, 2004)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting
- 2) Code Citation: 17 Ill. Adm. Code 530
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
530.70	Amendment
530.80	Amendment
530.85	New Section
530.95	New Section
530.105	Amendment
530.110	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.13, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29]
- 5) Effective date of amendments: September 1, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference, is on file in the Department of Natural Resources principal office and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: May 7, 2004; 28 Ill. Reg. 6686
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version:

Section 530.80(a)(9) – replaced "Sunday" with "Saturday".

Section 530.80(d)(4) – replaced "\$35" with "\$36".

Section 530.80(d)(7) – deleted duplicate language.

Section 530.90(b) – changed "12:00 noon" to "11:00 a.m.".

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Section 530.95(h) language was changed to read:

- "3) Statewide upland game limits at Sangchris Lake State Park and Edward R. Madigan State Park
- 4) Two pheasants of either sex, eight quail and four rabbits at Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit."

Section 530.110(b)(1) – Changed site to read "Devil's Island State Fish and Wildlife Area".

Section 530.110(b)(1) – Changed site to read "Snakeden Hollow State Fish and Wildlife area" in two locations.

The dates for the Pyramid State Park were changed to read as follows:

"Captain Unit (open only November 7, 10, 13, 17, 24, 27; December 1, 4, 12, 15, 18, 22, 26, 29; and January 1, 5., 8, 10, 12, 15".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: Amendments to this Part update State-owned or managed sites and hunting dates, clarify regulations at sites and add information concerning youth hunting regulations (currently found in 17 Ill. Adm. Code 685 – Youth Hunting Seasons).
- 16) Information and questions regarding these adopted amendments shall be directed to:
Jack Price, Legal Counsel
Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 530
COCK PHEASANT, HUNGARIAN PARTRIDGE,
BOBWHITE QUAIL, AND RABBIT HUNTING

Section

530.10	Statewide General Regulations
530.20	Statewide Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Cottontail and Swamp Rabbit Regulations
530.30	Statewide Hungarian Partridge Regulations (Repealed)
530.40	Statewide Bobwhite Quail Regulations (Repealed)
530.50	Statewide Rabbit Regulations (Repealed)
530.60	Statewide Crow Regulations (Repealed)
530.70	Permit Requirements for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites
530.80	Regulations for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites
530.85	Youth Pheasant Hunting Permit Requirements
530.90	Illinois Youth Pheasant Hunting Sites Permit Requirements (Repealed)
530.95	Youth Pheasant Hunting Regulations
530.100	Illinois Youth Pheasant Hunting Regulations (Repealed)
530.105	Regulations for Fee Hunting of Pheasant, Hungarian Partridge, Quail and Rabbit at Controlled Daily Drawing Pheasant Hunting Sites
530.110	Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites
530.115	Regulations for Hunting by Falconry Methods at Various Department-Owned or -Managed Sites
530.120	Regulations for Hunting Crow at Various Department-Owned or -Managed Sites (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.13, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

SOURCE: Adopted at 5 Ill. Reg. 8777, effective August 25, 1981; codified at 5 Ill. Reg. 10634; amended at 6 Ill. Reg. 10667, effective August 20, 1982; amended at 7 Ill. Reg. 10755, effective August 24, 1983; amended at 8 Ill. Reg. 21574, effective October 23, 1984; amended at 9 Ill.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Reg. 15846, effective October 8, 1985; amended at 10 Ill. Reg. 15579, effective September 16, 1986; emergency amendment at 10 Ill. Reg. 18822, effective October 16, 1986, for a maximum of 150 days; emergency expired March 15, 1987; amended at 11 Ill. Reg. 10546, effective May 21, 1987; amended at 12 Ill. Reg. 12016, effective July 7, 1988; amended at 13 Ill. Reg. 12796, effective July 21, 1989; emergency amendment at 13 Ill. Reg. 12985, effective July 31, 1989, for a maximum of 150 days; emergency expired December 28, 1989; amended at 13 Ill. Reg. 17348, effective October 27, 1989; amended at 14 Ill. Reg. 10775, effective June 20, 1990; emergency amendment at 14 Ill. Reg. 18324, effective October 29, 1990, for a maximum of 150 days; emergency expired March 28, 1991; amended at 15 Ill. Reg. 9924, effective June 24, 1991; emergency amendment at 15 Ill. Reg. 16124, effective October 25, 1991, for a maximum of 150 days; emergency expired March 23, 1992; amended at 15 Ill. Reg. 18138, effective December 6, 1991; amended at 16 Ill. Reg. 12470, effective July 28, 1992; amended at 16 Ill. Reg. 18951, effective December 1, 1992; amended at 17 Ill. Reg. 15534, effective September 10, 1993; amended at 18 Ill. Reg. 12628, effective August 9, 1994; amended at 19 Ill. Reg. 12615, effective August 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 12397, effective August 30, 1996; amended at 21 Ill. Reg. 9042, effective June 26, 1997; amended at 22 Ill. Reg. 14762, effective August 3, 1998; amended at 23 Ill. Reg. 9012, effective July 28, 1999; amended at 24 Ill. Reg. 12496, effective August 7, 2000; amended at 25 Ill. Reg. 11119, effective August 21, 2001; amended at 26 Ill. Reg. 16210, effective October 18, 2002; amended at 27 Ill. Reg. 15381, effective September 18, 2003; amended at 28 Ill. Reg. 12835, effective September 1, 2004.

Section 530.70 Permit Requirements for Fee Hunting of Pheasant, Quail and Rabbit at Controlled Permit Hunting Sites

- a) Applicants must contact the Department of Natural Resources¹ (Department or DNR) Springfield Permit Office or [the](#) reservation concessionaire to obtain a permit reservation. (However, for Silver Springs State Park, Ramsey Lake State Park, Horseshoe Lake State Park (Madison County) and Chain O'Lakes State Park, applicants must contact the public/private partnership area concessionaire. Should the concessionaire, for any reason, fail to operate the concession, applicants must contact DNR.) Applications for reservations will be accepted on the first Monday of August until 48 hours before the last hunt date. Methods for making reservations are available on the Department's Website at: <http://dnr.state.il.us> or from the Department's permit office. 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. Providing false information on the application is a Class A misdemeanor (see 520 ILCS

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

5/2.38).

- b) Permits will be issued until the daily quota is filled. The daily quota is determined by the formula one hunter per 10 to 80 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.
- c) For all DNR operated sites the permit is valid for the permit holder and up to three hunting partners. The hunting partners cannot hunt without the permit holder being present to hunt. Methods for changing hunting reservations and transferring permits will be provided on the Department's [Controlled Pheasant Hunting Website at: ~~LRSIDNRPermits.com and are available from the Department's Springfield Permit Office.~~](#) ~~For other information visit the Department's Website at: <http://dnr.state.il.us> or write to:~~

Illinois Department of Natural Resources
Pheasant
One Natural Resources Way
P.O. Box 19457
Springfield, Illinois 62794-9457

- d) Reservations for pheasant hunting will be issued from the reservation concessionaire or Springfield Permit Office for Des Plaines Conservation Area, Eldon Hazlet State Park (Carlyle Lake), Iroquois County Conservation Area, Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit, [Kankakee River State Park](#), Lee County Conservation Area (Green River), Moraine View State Park, Sand Ridge State Forest and Wayne Fitzgerald State Park.
- e) The Department will operate a conveyance for disabled hunters possessing a current Standing Vehicle Permit at some controlled pheasant hunting sites. Reservations for this conveyance must be made at least 2 days in advance, and shall be on a first come-first served basis. Sites where the conveyance will be available as well as dates of operation shall be provided on the Department's Controlled Pheasant Hunting Website and/or publicly announced.

(Source: Amended at 28 Ill. Reg. 12835, effective September 1, 2004)

Section 530.80 Regulations for Fee Hunting of Pheasant, Quail and Rabbit at Controlled

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Permit Hunting Sites

a) Hunting Seasons:

- 1) The following controlled pheasant hunting areas shall be closed to pheasant permit hunting on every Monday and Tuesday during the controlled hunting season and on December 25. With authorization from the Director, controlled pheasant hunting may be scheduled on Monday and Tuesday on DNR operated areas.

[Chain O'Lakes State Park](#)

Des Plaines Conservation Area

Eldon Hazlet State Park (Carlyle Lake)

[Horseshoe Lake State Park – Madison County](#)

Iroquois County Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit

[Kankakee River State Park](#)

Moraine View State Park

[Ramsey Lake State Park](#)

Sand Ridge State Forest

[Silver Springs State Park](#)

Wayne Fitzgerald State Park (Rend Lake)

- 2) The following controlled pheasant hunting areas are open to the Illinois Youth Pheasant Hunting Program only on the first Sunday of the site's controlled pheasant hunting season.

[Chain O'Lakes State Park](#)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Des Plaines Conservation Area

Eldon Hazlet State Park (Carlyle Lake)

Iroquois County Conservation Area

Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit

Lee County Conservation Area ([Green River State Wildlife Area](#))

Moraine View State Park

Sand Ridge State Forest (~~closed New Years Day~~)

Wayne Fitzgerald State Park (Rend Lake)

- 3) The controlled hunting season on Lee County Conservation Area (Green River) is November ~~7, 8, 14, 15, 22, 28, 29, 9, 10, 16, 17, 30~~ and December ~~6, 12, 13, 19, 20, 21, 8, 14, 15, 21, 22~~, Silver Springs State Park is October 18, 2003 – January 8, 2004, Horseshoe Lake State Park (Madison County) is the first hunting day following the 2003 Central Zone duck season through January 31 – ~~closed New Years Day – special hunt on Mondays and Tuesdays scheduled by announcement on the Department's Controlled Pheasant Hunting Website and/or at the site's hunter check station, Chain O'Lakes State Park is October 29 – December 7 and Ramsey Lake State Park is October 18, 2003 – January 8, 2004 – closed New Years Day – special hunt on Mondays and Tuesdays scheduled by announcement on the Department's Controlled Pheasant Hunting Website and/or at the site's check station.~~
- 4) On the following area the controlled pheasant hunting season is the Wednesday before the first Saturday of November through the seventh Sunday following; exceptions are in parentheses:

Iroquois County Conservation Area (closed during the November 3-day firearm deer season)
- 5) On the following areas the controlled pheasant hunting season is the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Wednesday before the first Saturday of November through the ninth Sunday following; exceptions are in parentheses:

Des Plaines Conservation Area (closed during the November 3-day firearm deer season)

Moraine View State Park

- 6) On the following areas the controlled pheasant hunting season is the ~~first~~ Wednesday following the first Saturday of November through the ninth Sunday following:

Eldon Hazlet State Park

Wayne Fitzgerald State Park

- 7) On the following areas the controlled pheasant hunting season is the first Saturday in November through the next following January 15; exceptions are in parentheses:

Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit (closed during the November and December firearm deer seasons)

Ramsey Lake State Park (closed New Year's Day)

Sand Ridge State Forest (closed New Year's Day)

- 8) On the following area the controlled pheasant hunting season is the Wednesday before the first Saturday in November through the sixth Sunday following:

Chain O'Lakes State Park

- 9) On the following area the controlled pheasant hunting season is the third Saturday of October through the next following January 8:

Silver Springs State Park (closed New Year's Day)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 10) On the following area the controlled pheasant hunting season is the first hunting day (Wednesday-Sunday) after the close of the central zone duck season through the next following January 31:

Horseshoe Lake State Park – Madison County (closed New Year's Day)

- 11) On the following area the controlled pheasant hunting season is the first Saturday in November through the next following January 8, exceptions are in parentheses:

Kankakee River State Park (closed New Year's Day)

- b) Hunting hours are listed below, exceptions in parentheses. Hunters with reservations are required to check in at the check station on the following sites at the listed times. Hunters with reservations that check in after the required check-in time may not be allowed to hunt if the site hunter quota has been filled.

Site Name	Check-In Times	Hunting Hours
Chain O'Lakes State Park	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
<u>Des Plaines Conservation Area</u>	<u>7:00-8:00 a.m.</u>	<u>9:00 a.m.-4:00 p.m.</u>
Eldon Hazlet State Park (Carlyle Lake)	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Horseshoe Lake State Park (Madison County)	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Iroquois County Conservation Area	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Jim Edgar Panther Creek State Fish and Wildlife Area (Controlled Unit)	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m. (Thanksgiving Day – 9:00 a.m.-1:00 p.m.)
<u>Kankakee River State Park</u>	<u>8:00-8:30 a.m.</u>	<u>9:00 a.m.-4:00 p.m.</u>

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

		<u>(Thanksgiving Day – 9:00 a.m.- 1:00 p.m.)</u>
Lee County Conservation Area <u>(Green River State Wildlife Area)</u>	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Moraine View State Park	7:00-8:00 a.m.	9:00 a.m.-4:00 p.m.
Ramsey Lake State Park	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Sand Ridge State Forest	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m. (Thanksgiving Day – 9:00 a.m.-1:00 p.m.)
Silver Springs State Park	8:00-8:30 a.m.	9:00 a.m.-4:00 p.m.
Wayne Fitzgerald State Park (Rend Lake)	7:00 a.m.-12:00 noon	9:00 a.m.-4:00 p.m.

- c) Except for Standing Vehicle Permittees hunting from the Department's disabled conveyance, during During the controlled pheasant hunting season when daily quotas are not filled, permits shall be issued: on a first come-first served basis until 12:00 Noon; except for Standing Vehicle Permittees wishing to hunt from the Department disabled conveyance. At Eagle Creek State Park, Hamilton County State Fish and Wildlife Area, Mackinaw State Fish and Wildlife Area and Wolf Creek State Park, unfilled permit quotas will be filled by drawing at 9 a.m.

- 1) On a first come-first served basis until 12:00 noon at the following sites:

Des Plaines Conservation Area

Eldon Hazlet State Park

Iroquois County Conservation Area

Lee County Conservation Area (Green River)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Moraine View State ParkWayne Fitzgerald State Park

- 2) By drawing held at the conclusion of check-in time and if daily quotas remain unfilled at the conclusion of the drawing, on a first come-first served basis until 12:00 noon at the following sites:

Jim Edgar Panther Creek State Fish and Wildlife AreaKankakee River State ParkSand Ridge State Forest

- d) Hunting licenses, daily usage stamps and fees:
- 1) During the controlled pheasant hunting season, hunters are required to deposit their hunting license in the check station while hunting. Persons exempt by law from having a hunting license must deposit their Firearm Owner's Identification Card. If they are under 21 years old and do not have a card they must be accompanied by a parent, legal guardian or a person in loco parentis who has a valid card in possession.
 - 2) At the Lee County Conservation Area (Green River) and the Iroquois County Conservation Area hunters must obtain a daily usage stamp from the Department prior to hunting, except on the Sunday following Thanksgiving Day hunters under 16 are not required to obtain a stamp.
 - 3) At Des Plaines Conservation Area, Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit, Kankakee River State Park, Lee County Conservation Area (Green River), Moraine View State Park, Eldon Hazlet State Park (Carlyle Lake), Wayne Fitzgerald State Park and Sand Ridge State Forest, hunters must obtain a daily usage stamp from the Department prior to hunting, except on the Sunday following Thanksgiving Day and the Friday/Saturday between Christmas Day and New Year's Years Day hunters under 16 are not required to obtain a stamp.
 - 4) Fees in the listed amounts must be paid to the public/private partnership area concessionaire at the following sites. In the event of a weather anomaly, such as drought, the listed fees may be increased; and methods of

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

~~payment at the following sites will be publicly announced:~~

~~Chain O'Lakes State Park – not more than \$22 per hunting permit~~

~~Horseshoe Lake State Park (Madison County) and Ramsey Lake State Park – not more than \$20 for a 2 pheasant hunting permit, \$28 for a 3 pheasant hunting permit, and \$35 for a 4 pheasant hunting permit~~

~~Ramsey Lake State Park~~

~~Silver Springs State Park – not more than \$22 for a 2 pheasant hunting permit, \$28 for a 3 pheasant hunting permit, and \$36 for a 4 pheasant hunting permit~~

- e) During the controlled pheasant hunting season, hunters must wear a back patch issued by the check station.
- f) 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 when he checks in. All such game found in a hunter's possession after he has started hunting on the area shall be considered illegally taken if the hunter has not declared it prior to going into the field.
- g) All hunting must be done with shotguns or bow and arrow. Only shot shells with a shot size of No. 5 lead, tungsten-iron, tungsten-polymer, tungsten-matrix, No. 4 bismuth, No. 3 steel or tin, or smaller may be used except at Chain O' Lakes State Park, Lee County Conservation Area (Green River), Wayne Fitzgerald State Park and Eldon Hazlet State Park where only nontoxic shot approved by the U.S. Fish and Wildlife Service may be possessed and only shot shells with a shot size of No. 3 steel or tin, No. 4 bismuth, or No. 5 tungsten-iron, tungsten-polymer, tungsten-matrix or smaller may be used or in possession. Flu flu arrows only may be used or in possession by bow and arrow hunters.
- h) Non-hunters are not allowed in the field (except at special hunts publicly announced by the Department where non-hunters authorized by the Department shall be allowed in the field, and except for operators of Department conveyances of Standing Vehicle Permittees and a single dog handler for the Permittee).
- i) Hunters under 16 years of age must be accompanied by an adult hunter.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- j) Daily limits:
- 1) Two pheasants of either sex at Eldon Hazlet State Park, Iroquois County Conservation Area, Wayne Fitzgerald State Park, and the Des Plaines Conservation Area.
 - 2) Two pheasants of either sex, 8 bobwhite quail and 4 rabbits at [Kankakee River State Park](#) and Sand Ridge State Forest.
 - 3) Two pheasants of either sex, 8 bobwhite quail ([opening day through the third Sunday following first 10 days of the season only](#)) and 4 rabbits at Jim Edgar Panther Creek State Fish and Wildlife Area.
 - 4) Four pheasants of either sex at Chain O' Lakes State Park ~~and Silver Springs State Park~~; 2 pheasants of either sex may be taken per permit with a maximum of 2 permits per hunter per day.
 - 5) Four pheasants of either sex; each hunter may obtain a 2 pheasant permit with a maximum of 2 of these permits per day or a 3 or 4 pheasant permit with a maximum of one of either of these permits per day (except that on the first day of fee hunting, each hunter will also be allowed to harvest 4 quail and 2 rabbits) at Horseshoe Lake State Park (Madison County).
 - 6) Four pheasants of either sex; each hunter may obtain a 2 pheasant permit with a maximum of 2 of these permits per day or a 3 or 4 pheasant permit with a maximum of one of either of these permits per day; 8 bobwhite quail and 4 rabbits at Ramsey Lake State Park.
 - 7) Two pheasants of either sex at Moraine View State Park.
 - 8) Two cock pheasants at the Lee County Conservation Area (Green River).
 - 9) [Four pheasants of either sex; each hunter may obtain a 2 pheasant permit with a maximum of 2 of these permits per day or a 3 or 4 pheasant permit with a maximum of one of either of these permits per day at Silver Springs State Park.](#)
- k) Tagging of birds.
During the controlled pheasant hunting season, all pheasants must be affixed with

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

a Department tag before they are removed from the area during the controlled pheasant hunting season. The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.

- l) During the controlled pheasant hunting season, hunters may not leave the confines of any permit area and return to hunt on the permit area during the same day.
- m) Any person who violates any provision of this Part or 17 Ill. Adm. Code 510.10(c)(1), (4) and (6) or 510.10(d)(7) or Section 2.33(n), (x) or (z) of the Wildlife Code [520 ILCS 5/2.33(n), (x) or (z)] shall be subject to arrest and/or removal from the premises for the remainder of the controlled pheasant hunting season under applicable statutes including 720 ILCS 5/21-5, Criminal Trespass to State Supported Land. Hunters may request a hearing within ten days after the citation by written request addressed to: Legal Division, Department of Natural Resources, One Natural Resources Way, Springfield IL 62702-1271. Such hearing shall be governed by the provisions of 17 Ill. Adm. Code 2530.
- n) Violation of a site regulation is a petty offense (see 520 ILCS 5/2.6, 2.7, 2.13 or 2.27).

(Source: Amended at 28 Ill. Reg. 12835, effective September 1, 2004)

Section 530.85 Youth Pheasant Hunting Permit Requirements

- a) Applicants must contact the Department's Springfield Permit Office or the reservation concessionaire to obtain a permit reservation. Should the concessionaire, for any reason, fail to operate the concession, applicants must contact the Department. Applications for reservations will be accepted on the first Monday of August until 48 hours before the hunt date. Methods for making reservations are available on the Department's Website at: <http://dnr.state.il.us> or from the Department's Permit Office. Only applications for reservations submitted by Illinois residents will be processed during the first two weeks of the application period. Reservations will be confirmed. Providing false information on the application is a Class A misdemeanor (see 520 ILCS 5/2.38).
- b) 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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

the land at the site, the condition of the roads at the site, and the number of employees available to work at the site.

- c) Methods for transferring permits will be provided on the Department's Website at: <http://dnr.state.il.us> or write to:

Illinois Department of Natural Resources
Youth Pheasant Hunt
One Natural Resources Way
P.O. Box 19457
Springfield IL 62794-9457

- d) 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, 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).

(Source: Added at 28 Ill. Reg. 12835, effective September 1, 2004)

Section 530.95 Youth Pheasant Hunting Regulations

- a) At the following sites, the Illinois Youth Pheasant Hunt will be held on:
- 1) the Saturday preceding the opening of the statewide upland game season:
Mackinaw River State Fish and Wildlife Area
 - 2) 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)

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

Edward R. Madigan State Park

Sangchris Lake State Park

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

Horseshoe Lake State Park (Madison County)

b) Hunting hours are from 9:00 a.m. to 4:00 p.m., except at Sangchris Lake hunting hours are from 11:00 a.m. to 4:00 p.m. Hunters with reservations or permits are required to check in at the check station between 7:00 and 8:00 a.m. (between 10:00 and 10:30 a.m. at Sangchris Lake State Park).

c) 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.

d) 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 possessing the valid FOID card. The

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

supervising adult shall be criminally liable for the actions of the youth in the hunting party and shall be subject to the criminal penalties provided by law.

- e) 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.
- f) 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.
- g) 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 nontoxic 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.
- h) Daily limit.
 - 1) Two pheasants of either sex at Chain O'Lakes State Park, Des Plaines Conservation Area, Eldon Hazlet State Park, Iroquois County Conservation Area, Horseshoe Lake State Park (Madison County), Moraine View State Park, Sand Ridge State Forest, and Wayne Fitzgerald State Park.
 - 2) Two cock pheasants only at Lee County Conservation Area (Green River) and Mackinaw River State Fish and Wildlife Area.
 - 3) Statewide upland game limits at Sangchris Lake State Park and Edward R. Madigan State Park.
 - 4) Two pheasants of either sex, eight quail and four rabbits at Jim Edgar Panther Creek State Fish and Wildlife Area Controlled Unit.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- i) 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 pheasants until the pheasants are finally prepared for consumption.
- j) Violation of this Section is a petty offense (see 520 ILCS 5/2.6).

(Source: Added at 28 Ill. Reg. 12835, effective September 1, 2004)

Section 530.105 Regulations for Fee Hunting of Pheasant, Hungarian Partridge, Quail and Rabbit at Controlled Daily Drawing Pheasant Hunting Sites

- a) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) All areas are closed to fee upland game hunting Mondays and Tuesdays, Christmas Day and New Year's Day. With authorization from the Director, controlled pheasant hunting may be scheduled on Monday or Tuesday on DNR operated areas.
- c) Hunting hours are 9:00 a.m. to 4:00 p.m. ~~(except on Thanksgiving Day hunting hours are 9:00 a.m. to 1:00 p.m. at Kankakee River State Park).~~
- d) All hunting must be done with shotgun or bow and arrow. ~~At~~ Only shot shells with a shot size of No. 5 lead, tungsten-iron, tungsten-polymer, tungsten-matrix, No. 4 bismuth, No. 3 steel or tin, or smaller may be used, except at Johnson-Sauk Trail State Park where only nontoxic non-toxic shot approved by the U.S. Fish and Wildlife Service may be possessed and only shot shells with a shot size of ~~#No.~~ 3 steel or tin, ~~#No.~~ 4 bismuth, or ~~#No.~~ 5 tungsten-iron, tungsten-polymer, tungsten-matrix, or smaller may be used or in possession. Flu flu arrows only may be used or in possession by bow and arrow hunters.
- e) 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 pheasants until the pheasants are finally prepared for consumption.
- f) Hunter quota selection, daily usage stamp requirements and exemptions and hunter age requirements:
 - 1) A drawing shall be held at the site to fill hunter quotas.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 2) A daily usage stamp is required prior to hunting opening date through the day following the final game bird release.
- 3) Hunters under 16 are not required to obtain a daily usage stamp at Johnson-Sauk Trail State Park ~~and Kankakee River State Park~~ on the Sunday following Thanksgiving Day and on the ~~Friday~~~~Saturday~~ between Christmas Day and New Year's ~~Day~~~~day~~.
- 4) Hunters under 16 years of age must be accompanied by an adult hunter.
- g) When daily quotas are not filled, hunters are allowed to check in on a first come-first served basis until 12:00 noon.
- h) The Department shall publicly announce the registration time and quota to be filled.
- i) Hunters are required to deposit their hunting license in the check station while hunting. Persons exempt by law from having a hunting license must deposit their Firearm Owner's Identification Card. If they are under 21 years old and do not have a card they must be accompanied by a parent, legal guardian or a person in loco parentis who has a valid card in possession.
- j) A back patch issued at the check station must be worn while hunting.
- k) Non-hunters are not allowed in the field (except at special hunts publicly announced by the Department where non-hunters authorized by the Department shall be allowed in the field).
- l) Hunters must not leave the site without first checking out.
- m) Daily Limit:
 - Pheasant – 2 (either sex may be harvested)
 - Bobwhite Quail – 8
 - Hungarian Partridge – 2
 - Rabbit – 4
- n) Statewide regulations as provided for in this Part apply at the following Controlled Daily Drawing Pheasant Hunting sites, except as noted above and in parentheses below:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Johnson-Sauk Trail State Park

~~Kankakee River State Park (Hunters must check out within 15 minutes of the close of hunting hours; quail shall not be harvested)~~

- o) Any person who violates any provision of this Part or 17 Ill. Adm. Code 510.10(c)(1), (4) and (6) or 510.10(d)(7) or Section 2.33(n), (x) or (z) of the Wildlife Code [520 ILCS 5/2.33(n), (x) or (z)] shall be subject to arrest and/or removal from the premises for the remainder of the controlled pheasant hunting season under applicable statutes including 720 ILCS 5/21-5, Criminal Trespass to State Supported Land. Hunters may request a hearing within ten days of the citation by written request addressed to: Legal Division, Department of Natural Resources, One Natural Resources Way, Springfield IL 62702-1271. Such hearing shall be governed by the provisions of 17 Ill. Adm. Code 2530.
- p) Violation of a site regulation is a petty offense (see 520 ILCS 5/2.6, 2.7, 2.13 or 2.27).

(Source: Amended at 28 Ill. Reg. 12835, effective September 1, 2004)

Section 530.110 Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites

- a) General Site Regulations
- 1) All regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping – apply in this Section, unless this Section is more restrictive.
 - 2) Only flu flu arrows may be used by bow and arrow hunters; broadheads are not allowed.
 - 3) On sites which are indicated by (1), hunters must check in and/or sign out as provided for in 17 Ill. Adm. Code 510.
 - 4) On sites which are indicated by (2), only nontoxic shot approved by the U.S. Fish and Wildlife Service of size ~~#No.~~3 steel or ~~#No.~~5 bismuth shot or smaller may be used or possessed with a shot size of ~~#No.~~3 steel or tin, ~~#No.~~4 bismuth, ~~#No.~~5 tungsten-iron, tungsten-polymer, tungsten-matrix or smaller may be used.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 5) Site specific rules or exceptions are noted in parentheses after each site.
- b) Site Specific Regulations
- 1) Statewide regulations apply at the following sites:
 - Anderson Lake Conservation Area (1)
 - Apple River Canyon State Park – Salem and Thompson Units (rabbits only; closed during firearm deer season) (1)
 - Argyle Lake State Park (closed during firearm deer season) (1)
 - Banner Marsh State Fish and Wildlife Area (opens the day after the close of the central zone duck season) (1)
 - Big Bend State Fish and Wildlife Area (hunting for bobwhite quail will terminate at the close of legal shooting hours on December 14) (1)
 - Big River State Forest (closed during firearm deer season) (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)
 - Chain O'Lakes State Park (open Wednesday after controlled pheasant hunting season for 5 consecutive days, closed December 25; hunting hours 8 a.m. to 4 p.m.) (1)
 - Crawford County Conservation Area (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Cypress Pond State Natural Area (1)

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

Dog Island Wildlife Management Area (1)

Eagle Creek State Park (open only January 16-22)

Eldon Hazlet State Park (north of Allen Branch and west of Peppenhorst Branch only) (1)

Falling Down Prairie (1)

[FerneFerne](#) Clyffe State Park (1)

Fort de Chartres Historic Site (hunting with muzzleloading shotgun or bow and arrow only) (1)

Ft. Massac State Park (1)

Fulton County Goose Management Area (opens the day after the close of the Central Illinois Quota Zone goose season) (1)

Giant City State Park (1)

Hamilton County Conservation Area (1)

Hanover Bluff State Natural Area (1)

Horseshoe Lake Conservation Area (Alexander County) (Public Hunting Area) (1)

Horseshoe Lake Conservation Area (Controlled Hunting Area; closed prior to and during the Canada goose season) (1)

I-24 Wildlife Management Area (1)

Jubilee College State Park (opens second day of statewide season; pheasant and quail close the Sunday after Thanksgiving) (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

Kinkaid Lake Fish and Wildlife Area (1)

Marseilles State Fish and Wildlife Area (closed during the site's firearm deer season) (1)

Marshall Fish and Wildlife Area (closed during firearm deer season) (1)

Mazonia State Fish and Wildlife Area (upland season does not open until the day after the close of the site's waterfowl season; the site is closed Mondays, Tuesdays, Christmas Day and New Year's Day) (1)

Mermet Lake Fish and Wildlife Area (1)

Mississippi River Pools 16, 17, 18

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

Mississippi River Pools 21, 22, 24

Mt. Vernon Game Propagation Center (hunting from January 1 to the end of season; rabbits only) (1)

Nauvoo State Park (Max Rowe Unit only)

Oakford Conservation Area

Peabody River King State Fish and Wildlife Area (West Subunit only) (1)

Pyramid State Park (1)

Ramsey Lake State Park (8:00 a.m. to 4:00 p.m.; rabbits and quail only may be hunted on Mondays and Tuesdays during the fee

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

pheasant season) (1)

Randolph County Conservation Area (1)

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

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

Saline County Conservation Area (1)

Sam Dale Lake Conservation Area (8:00 a.m. to 4:00 p.m.) (1)

Sam Parr State Park (8:00 a.m. to 4:00 p.m.) (1)

Sangamon County Conservation Area

Shawnee National Forest, Oakwood Bottoms (2)

Sielbeck Forest Natural Area (1)

[SnakedenSnake Den Hollow State Fish and Wildlife Area \(opens the day after the close of the Central Illinois Quota zone goose season\) \(1\)](#)

[Snakeden Hollow State Fish and Wildlife Area – Ives Unit \(1\)](#)

Stephen A. Forbes State Park (8:00 a.m. to 4:00 p.m.) (1)

Tapley Woods State Natural Area (closed during firearm and muzzleloading rifle deer seasons) (1)

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Union County Conservation Area (Firing Line Management Area only) (1) (2)

Washington County Conservation Area (1)

Weinberg-King State Park (1)

Weinberg-King State Park (Cecil White Unit)

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

Wildcat Hollow State Forest

Witkowsky State Wildlife Area (rabbit only; opens after second firearm deer season) (1)

Wolf Creek State Park (open only January 16-22)

- 2) Statewide regulations apply at the following sites except that hunters must obtain a free site permit from site office; this permit must be in possession while hunting at the site. The permit must be returned, and harvest reported, by February 15 or the hunter will forfeit hunting privileges at the site for the following year:

Chauncey Marsh (obtain permit at Red Hills State Park headquarters)

Clinton Lake State Recreation Area (4:00 p.m. daily closing)

Fox Ridge State Park (4:00 p.m. daily closing)

Hidden Springs State Forest (no hunting during firearm deer season; 4:00 p.m. daily closing)

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

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

Kickapoo State Park (4:00 p.m. daily closing; closed during

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

firearm deer season)

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Area (4:00 p.m. daily closing)

Middle Fork Fish and Wildlife Area (4:00 p.m. daily closing; closed during firearm deer season)

Moraine View State Park (rabbit hunting permitted Mondays and Tuesdays during the site controlled hunting program and from Wednesday after the permit pheasant season until the end of the Northern Zone Rabbit Season. Quail and pheasant hunting are permitted Wednesday through Sunday following the permit pheasant season; 2 cock pheasants may be taken. All hunting is 8 a.m. to 4 p.m. only.)

Newton Lake Fish and Wildlife Area (closed during firearm deer season)

Pyramid State Park – Galum Unit

Sanganois State Fish and Wildlife Area

Ten Mile Creek State Fish and Wildlife Area (~~nontoxic~~[non-toxic](#) shot only on posted waterfowl rest areas)

- 3) Hunting is permitted on the following areas only on the dates listed in parentheses; or on sites indicated by (3), hunting will be permitted on the first and second day of the statewide upland game season and on each subsequent Wednesday and Saturday in November, and on each Thursday and Sunday in December, through December 24. On sites indicated by (4), hunting will be permitted on the first and second day of the statewide upland game season and on each subsequent Wednesday and Saturday in November and on each Thursday and Sunday in December, through December 24, except closed during the firearm deer seasons and open December 27 and 29. Daily hunting permits filled by drawing through DNR Permit Office. Procedures for application and drawings will be publicly announced. Illinois residents will have preference. Only one permit per person will be issued. Each permit authorizes the holder to bring the number of additional hunting partners listed in parentheses for

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

the day's hunt. The permit must be returned and harvest reported by February 15 or permit holders will forfeit hunting privileges at the sites covered in this Section for the following year:

Bradford Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Clifton Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Dublin Highlands Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners)

Eagle Creek State Park (each permit authorizes the holder to bring 3 hunting partners) (3)

Edward R. Madigan State Park (open on Mondays from the opening of upland game season until Christmas Day; each permit authorizes the holder to bring 3 hunting partners; check in required before hunting)

Freeman Mine (open every Wednesday in November and December starting with opening day of upland game season except during firearm deer season and December 24 and 25; each permit authorizes holder to bring 3 hunting partners; hunting hours 8 a.m. to 4 p.m.; daily bag limit is 2 cock pheasants, 4 quail, and 2 rabbits)

Green River State Wildlife Area (open only November 6, 10, 11, 13, 17, 24, 27, 5, 6, 8, 12, 13, 15, 19, 26 and 29 and December 8, 9, 11, 15, 16, 18, 22, 23, 10, 11, 13, 17, 18, 20, 27 and 28; each permit authorizes the holder to bring 5 hunting partners) (1) (2)

Hallsville Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Harry "Babe" Woodyard State Natural Area (each permit authorizes the holder to bring 3 hunting partners; 8 a.m. to 4 p.m. hunting hours) (4)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Herschel Workman Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Hindsboro Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Hurricane Creek Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (4)

Jim Edgar Panther Creek State Fish and Wildlife Area (Quail Management Area) (open every Tuesday and Saturday in November, December and January starting with opening day of upland game season except during firearm deer season and December 24 and 25; each permit authorizes holder to bring 3 hunting partners)

Loda Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Mackinaw State Fish and Wildlife Area (each permit authorizes the holder to bring 3 hunting partners) (4)

Manito Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Maytown Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Perdueville Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Pyramid State Park – Captain Unit (open only November 7, 10, 13, 17, 24, 27, 8, 11, 15, 19, 26, 29; December 1, 4, 12, 15, 18, 22, 26, 29, 9, 13, 17, 20, 24, 27, 31; and January 1, 5, 8, 10, 12, 15, 7, 10, 13, 15; each permit authorizes the holder to bring 23 hunting partners)

Pyramid State Park – Denmark Unit (open only November 6, 10, 13, 17, 24, 27, 8, 11, 15, 19, 26, 29; December 1, 8, 11, 15, 18, 22, 26, 29, 9, 13, 17, 20, 24, 27, 31; and January 1, 5, 8, 10, 12,

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

~~153, 7, 10, 13, 15~~; each permit authorizes the holder to bring ~~23~~ hunting partners)

Pyramid State Park – East Conant Unit (open only November ~~6, 10, 13, 17, 24, 27, 8, 11, 15, 19, 26, 29~~; December ~~1, 8, 11, 15, 18, 22, 26, 29, 9, 13, 17, 20, 27, 31~~; and January ~~1, 5, 8, 10, 12, 15, 7, 10, 13, 15~~; each permit authorizes the holder to bring ~~23~~ hunting partners)

Sand Prairie Pheasant Habitat Area (each permit authorizes the holder to bring 5 hunting partners) (3)

Sand Ridge State Forest (Sparks Pond Land and Water Reserve Area) (open on Saturdays and Tuesdays from the opening of the upland game season through the end of December except during firearm deer season; each permit authorizes holder to bring 3 hunting partners)

Sangchris Lake State Park (open every Wednesday and Saturday in November and December after the opening day of upland game season except December 24 and 25; each permit authorizes holder to bring 3 hunting partners; hunting hours ~~11:00 a.m. to 4 p.m.~~ to sunset; check in required before hunting)

Saybrook Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Sibley Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

~~Siloam Springs State Park – Buckhorn Unit (open only the first and third days of firearm deer season and every Tuesday and Saturday until close of the statewide quail season; each permit authorizes the holder to bring 3 hunting partners)~~

Siloam Springs State Park – Scripps Unit (open only the first and third days of firearm deer season and every Tuesday and Saturday until close of the statewide quail season; each permit authorizes the holder to bring 3 hunting partners)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Steward Pheasant Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Victoria Pheasant Habitat Area (each permit authorizes the holder to bring 5 hunting partners) (3)

Willow Creek Habitat Area (each permit authorizes the holder to bring 3 hunting partners) (3)

Wolf Creek State Park (each permit authorizes the holder to bring 3 hunting partners) (4)

- 4) The following sites will be open for pheasant, quail, rabbit and partridge hunting following the site's controlled pheasant hunting season; pheasants of either sex may be taken; all hen pheasants must be tagged by DNR before leaving sites; hunting hours are 8:00 a.m.-4:00 p.m.; hunting dates are noted in parentheses:

Des Plaines Conservation Area (dates are 5 days following the close of the site's permit pheasant season excluding Mondays, Tuesdays and Christmas) (1)

Eldon Hazlet State Park (controlled pheasant hunting area and for 5 consecutive days only) (1)

Iroquois County Wildlife Management Area (open Wednesday through Sunday following permit pheasant season) (1)

~~Johnson-Sauk Trail State Park (open Wednesday through Sunday following permit pheasant season) (2)~~

Kankakee River State Park (no quail hunting)

- c) Violation of a site regulation is a petty offense (see 520 ILCS 5/2.6, 2.7, 2.13 or 2.27).

(Source: Amended at 28 Ill. Reg. 12835, effective September 1, 2004)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Dove Hunting
- 2) Code Citation: 17 Ill. Adm. Code 730
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
730.10	Amendment
730.20	Amendment
730.40	New Section
- 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 1, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: May 7, 2004; 28 Ill. Reg. 6716
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposal and final version: In Section 730.20(c) – changed name of site to "Devil's Island State Fish and Wildlife Area).
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: Amendments were made to update statewide regulations, update sites open to hunting, update site specific regulations, and add a Section on Youth Dove Hunting.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

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

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

Section

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

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

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

Section 730.10 Statewide Regulations

- a) Dove regulations are in accordance with Federal Regulations, unless the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

regulations in this rule are more restrictive. (50 CFR 20.103, 1990)

- b) Season dates, daily limits and possession limits for mourning doves are in accordance with federal regulations. Collared, ringed, and turtle doves (Genus Streptopelia) shall be included in the daily limits and possession limits established for mourning doves.
- c) Hunting hours: Sunrise to sunset.
- d) Violation is a Class B misdemeanor (see 520 ILCS 5/2.18), 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)).

(Source: Amended at 28 Ill. Reg. 12865, effective September 1, 2004)

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

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Carlyle Lake Wildlife Management Area (subimpoundments only)

Chain O'Lakes State Park

Eldon Hazlet State Park

Fulton County Goose Management Area

Green River State Wildlife Area

Hennepin Canal Parkway State Park

Horseshoe Lake Conservation Area (Alexander County)

Horseshoe Lake State Park (Madison County) (#)

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

Johnson-Sauk Trail State Park

Jubilee College State Park

Kaskaskia River State Fish and Wildlife Area (designated areas)

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

Mackinaw River State Fish and Wildlife Area

Mautino State Fish and Wildlife Area

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

Mt. Vernon Game Propagation Center (hunting hours are 12 noon
to 5:00 p.m.) (#)

Peabody River King State Fish and Wildlife Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Pyramid State Park – Captain Unit

Pyramid State Park – Denmark Unit

Pyramid State Park – Galum Unit

Rend Lake Project Lands and Waters

Sand Prairie Pheasant Habitat Area

Sanganois State Fish and Wildlife Area

Sangchris Lake State Park

Shabbona Lake State Park

Snakeden Hollow State Fish and Wildlife Area/[Victoria Pheasant Habitat Area/Ives Unit](#)

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

Union County Conservation Area

- 3) On areas where hunters are required to hunt from marked or staked sites, hunters must hunt within 10 feet of the marked site.
- 4) No hunting is allowed within 100 yards of a designated dove management field except for hunters who are part of the hunter quota for that field.
- 5) At sites indicated by (#), hunters are required to check in and/or sign out as provided for in 17 Ill. Adm. Code 510.
- 6) At sites where additional regulations apply, they are noted in parentheses after the site name.
- 7) Hunting hours and hunting dates at all sites that are open during the upland game season shall coincide with hunting hours and hunting dates listed for the respective sites listed in 17 Ill. Adm. Code 530.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- c) Statewide season regulations as provided for in this rule shall apply at the following sites:

Argyle Lake State Park (season opens day after Labor Day)(#)

Cache River State Natural Area (#)

Campbell Pond Wildlife Management Area (#)

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

Chauncey Marsh (permit required; may be obtained at Red Hills State Park headquarters; permits must be returned by 15 February)

Cypress Pond State Natural Area (#)

Devil's Island State Fish and Wildlife Area

Dog Island Wildlife Management Area (#)

~~East Conant Field (permit required; must be returned by February 15)~~

Ferne Clyffe State Park (#)

Ft. de Chartres State Historic Site (muzzleloading shotgun only) (#)

Ft. Massac State Park (#)

Freeman Mine (permit required)

Horseshoe Lake Conservation Area (season closes at the end of the first statewide split season) (#)

Horseshoe Lake State Park (Madison County) Gabaret, Mosenthein, Chouteau Island Unit (site permit required)

Marshall State Fish and Wildlife Area (#)

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Mississippi River Pools 16, 17 and 18

Mississippi River Pools 21, 22, 24

Oakford Conservation Area

Red Hills State Park (#)

Rend Lake Project Lands and Waters (#)

Sahara Woods State Fish and Wildlife Area (#)

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

Sangamon County Conservation Area

Sielbeck Forest Natural Area (#)

Snakeden Hollow State Fish and Wildlife Area/Ives Unit (#)

Tapley Woods State Natural Area (#)

Ten Mile Creek State Fish and Wildlife Area (permit required; must be returned by February 15)

Trail of Tears State Forest (#)

Wildcat Hollow State Forest

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

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

Fulton County Goose Management Area (#)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Hennepin Canal State Park (#)

Iroquois County Wildlife Management Area (#)

Johnson-Sauk Trail State Park (#)

Matthiessen State Park (#)

Mautino State Fish and Wildlife Area (#)

Morrison Rockwood State Park (#)

Sanganois State Fish and Wildlife Area

~~Snakeden Hollow State Fish and Wildlife Area/Victoria Pheasant Habitat Area (#)~~

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

Anderson Lake Conservation Area (#)

Big Bend State Fish and Wildlife Area

Big River State Forest (#)

Carlyle Lake Wildlife Management Area (#)

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

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

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

Fox Ridge State Park (dove management fields only)

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Hidden Springs State Forest (dove management fields only)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closes October 14) (#)

Kinkaid State Fish and Wildlife Area (#)

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

Marseilles State Fish and Wildlife Area (after Labor Day, site is closed on Fridays, Saturdays, and Sundays through October) (#)

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

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

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

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

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

Pyramid State Park (~~all hunters must wear DNR backpatch in dove management fields only~~) (#) (4)

Pyramid State Park – Captain Unit (~~all hunters must wear DNR backpatch in dove management fields only~~; permit required; permit must be returned by February 15) (4)

Pyramid State Park – Denmark Unit (~~all hunters must wear DNR backpatch in dove management fields only~~; permit required; permit must be returned by February 15) (4)

Pyramid State Park – East Conant Unit (~~all hunters must wear DNR backpatch in dove management field only~~; permit required; permit must be

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

returned by February 15) (4)

Pyramid State Park – Galum Unit (~~all hunters must wear DNR backpatch in dove management fields only~~; permit required; permit must be returned by February 15) (4)

Randolph County State Conservation Area (#)

Ray Norbut State Fish and Wildlife Area (#)

Siloam ~~Spring~~ State Park (~~site permit required~~) (#)

Turkey Bluffs State Fish and Wildlife Area (#)

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

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

Weinberg-King State Park (#)

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

Crawford County State Fish and Wildlife Area (#)

Hamilton County State Fish and Wildlife Area (#)

I-24 Wildlife Management Area (#)

Lake Le Aqua Na State Park (#)

Mermet Lake State Fish and Wildlife Area (#)

Saline County State Fish and Wildlife Area (#)

Sam Dale Lake Conservation Area (#)

Sam Parr State Park (#)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

Jubilee College State Park (#)

Shabbona Lake State Park (#)

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

Giant City State Park (#)

Horseshoe Lake Conservation Area (Alexander County) (#)

Saline County State Fish and Wildlife Area (#)

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

Clinton Lake State Recreation Area (except dove management fields)

Fox Ridge State Park (except dove management units; shooting hours after September 3 are 12 noon to sunset)

Hidden Springs State Forest (except dove management fields)

Kickapoo State Park

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

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

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

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

Snakeden Hollow State Fish and Wildlife Area/[Victoria Pheasant Habitat Area](#)

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

Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. Applicants making reservations will be sent confirmation. Up to 6 reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted; further, persons attempting to make multiple reservations will forfeit the privilege to obtain a reservation for that season.
 - C) Each person may apply for only one area and receive one permit per season. An applicant may reapply only if his previous application was unsuccessful.
 - D) Hunting at these areas is by special permit only for the first five days of the season; thereafter, no permits are required for hunting these sites, except at Jim Edgar Panther Creek State Fish and Wildlife Area as indicated in subsection ~~(i)(4)~~(3). All permits will be issued from Springfield and not from the site, except at Panther Creek State Fish and Wildlife Area as indicated in subsection ~~(i)(4)~~(3).
 - E) Check in time for registration shall be between 9 a.m. and 11 a.m.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

each day. Openings after 11 a.m. will be filled by drawing for standbys if more hunters register than there are vacancies.

F) All hunters must wear a DNR issued backpatch.

2) Non-Permit Season Regulations

A) Non-permit season shall be September 6-30 except as indicated in parentheses.

B) Non-permit hunting hours shall be 12 noon ~~to~~- sunset except as indicated in parentheses.

C) No permits are required except as indicated in parentheses.

D) Check in and check out is required except as indicated in parentheses.

E) Hunter quotas will be filled on a first come-first served basis.

3) Sites

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

Edward R. Madigan State Park

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

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

Jim Edgar Panther Creek State Fish and Wildlife Area (for days 6 through 10 of the season, hunting hours are noon to 6:00 p.m. and hunters must check in and out at the site office; non-permit season closes with statewide dove season closing; non-permit season is governed by statewide regulations; permit required as indicated in subsection (i)(g) above for days 11 through the end of the statewide dove season; hunting hours for days 11 through the end of the statewide dove season are sunrise to sunset;

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

on the Controlled Unit only those hunters engaged in the controlled pheasant hunting program may take doves during the November portion of the dove season; on the Quail Management Unit only those hunters with Quail Management Unit Permits may take doves during the November portion of the dove season)

Kankakee River State Park

Mackinaw River State Fish and Wildlife Area (non-permit hunting hours 12 noon to 5 p.m.; each permit authorizes the holder to bring one hunting partner)

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

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

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

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

(Source: Amended at 28 Ill. Reg. 12865, effective September 1, 2004)

Section 730.40 Youth Dove Hunting

- 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)

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Lake Shelbyville-Kaskaskia and West Okaw Wildlife Management Area

Mackinaw River State Fish and Wildlife Area (only nontoxic 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 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.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 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 6 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: Added at 28 Ill. Reg. 12865, effective September 1, 2004)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Crow, Woodcock, Snipe, Rail and Teal Hunting
- 2) Code Citation: 17 Ill. Adm. Code 740
- 3) Section Number: 740.20 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987)
- 5) Effective date of amendment: September 1, 2004
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: May 7, 2004; 28 Ill. Reg. 6733
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: This Part is being amended to update statewide regulations, sites and site-specific regulations.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Jack Price, Legal Counsel

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

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

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 740
CROW, WOODCOCK, SNIPE, RAIL AND TEAL HUNTING

Section

740.10	Statewide Regulations
740.20	Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987).

SOURCE: Adopted at 5 Ill. Reg. 8896, effective August 25, 1981; codified at 5 Ill. Reg. 10645; amended at 6 Ill. Reg. 357, effective December 23, 1981; amended at 6 Ill. Reg. 9648, effective July 21, 1982; amended at 7 Ill. Reg. 8815, effective July 15, 1983; amended at 8 Ill. Reg. 16796, effective August 30, 1984; amended at 9 Ill. Reg. 11620, effective July 16, 1985; peremptory amendments at 9 Ill. Reg. 14383, effective September 5, 1985; amended at 10 Ill. Reg. 15607, effective September 16, 1986; amended at 11 Ill. Reg. 9575, effective May 5, 1987; emergency amendments at 11 Ill. Reg. 15253, effective August 28, 1987, for a maximum of 150 days; emergency expired January 25, 1988; amended at 12 Ill. Reg. 12261, effective July 15, 1988; amended at 13 Ill. Reg. 12869, effective July 21, 1989; amended at 14 Ill. Reg. 11207, effective June 29, 1990; amended at 15 Ill. Reg. 10057, effective June 24, 1991; amended at 16 Ill. Reg. 11162, effective June 30, 1992; amended at 17 Ill. Reg. 10877, effective July 1, 1993; amended at 18 Ill. Reg. 9998, effective June 21, 1994; amended at 19 Ill. Reg. 10577, effective July 1, 1995; amended at 20 Ill. Reg. 10851, effective August 5, 1996; amended at 21 Ill. Reg. 9061, effective June 26, 1997; amended at 22 Ill. Reg. 14782, effective August 3, 1998; amended at 23 Ill. Reg. 9033, effective July 28, 1999; amended at 24 Ill. Reg. 8901, effective June 19, 2000; amended at 25 Ill. Reg. 11364, effective August 14, 2001; amended at 26 Ill. Reg. 13605, effective September 3, 2002; amended at 28 Ill. Reg. 12882, effective September 1, 2004.

Section 740.20 Regulations at Various Department-Owned or -Managed Sites

- a) All the rules in 17 Ill. Adm. Code 510 apply in this Section, unless this Section is more restrictive. Violation of a site specific regulation is a petty offense (see 520 ILCS 5/2.20).
- b) Woodcock, snipe and rail hunting; statewide regulations as provided for in this

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Part shall apply at the following areas (exceptions are in parentheses):

Anderson Lake Conservation Area (closed 7 days before duck season)

Big Bend State Fish and Wildlife Area

Big River State Forest

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters – Corps of Engineers managed lands

Carlyle Lake Wildlife Management Area (sub-impoundment area closes 7 days prior to the southern zone waterfowl season)

Crawford County Conservation Area

Cypress Pond State Natural Area

Devil's Island

Dog Island Wildlife Management Area

Eldon Hazlet State Park (North of Allen Branch and west of Peppenhorst Branch only)

Ferne Clyffe State Park

Ft. de Chartres Historic Site (hunting with muzzle loading shotgun only)

Ft. Massac State Park

Giant City State Park

Hamilton County Conservation Area (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Horseshoe Lake Conservation Area (public hunting area except controlled

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

goose hunting area)

I-24 Wildlife Management Area

Iroquois County Wildlife Management Area (season closes the day before permit pheasant season; 4:00 p.m. daily closing; sign in/out required; closed to snipe hunting)

Jubilee College State Park (season coincides with Jubilee Upland season, 17 Ill. Adm. Code 530.110)

Kankakee River State Park (woodcock only; during the controlled pheasant hunting season, hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110 which pertain to Kankakee River State Park)

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

Kinkaid Lake Fish and Wildlife Area

Marseilles State Fish and Wildlife Area (woodcock only; Monday – Thursday only through October)

Mermet Lake Fish and Wildlife Area

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

Oakford Conservation Area

Peabody River King State Fish and Wildlife Area (West subunit only; woodcock only)

Pyramid State Park

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Ramsey Lake State Park (statewide hours until rabbit season begins; then 8:00 a.m. to - 4:00 p.m.)

Randolph County Conservation Area (woodcock only)

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

Red Hills State Park

Rend Lake Project Lands and Waters

Rice Lake Wildlife Area (season open during teal season only; sunrise until 1:00 p.m.)

Sahara Woods State Fish and Wildlife Area

Saline County Fish and Wildlife Area

Sam Dale Lake Conservation Area (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Sam Parr State Park (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Sand Ridge State Forest (During the controlled pheasant hunting season, hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110 which pertain to Sand Ridge State Forest)

Sielbeck Forest Natural Area

Snake Den Hollow Fish and Wildlife Area/Victoria Pheasant Habitat Area (closes September 30)

Stephen A. Forbes State Park (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Tapley Woods State Natural Area (closed during firearm deer season)

Trail of Tears State Forest

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Turkey Bluffs Fish and Wildlife Area

Union County Conservation Area (Firing Line Management Area only)

Washington County Conservation Area (woodcock only)

Weinberg-King State Park

Wildcat Hollow State Forest

- c) Woodcock, snipe and rail hunting permitted, exceptions as noted in parentheses. Hunters must obtain a permit from site office and permit must be in possession while hunting. Failure to report harvest by February 15 will result in loss of hunting privileges at that site for the following year.

Chauncey Marsh

Clinton Lake State Recreation Area (4:00 p.m. daily closing)

Fox Ridge State Park (woodcock only; 4:00 p.m. daily closing)

Harry "Babe" Woodyard State Natural Area (woodcock only; closes October 31)

Hidden Springs State Forest (4:00 p.m. daily closing)

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

Jim Edgar Panther Creek State Fish and Wildlife Area (hunters are restricted to the Open Units portion of the site during the controlled pheasant season, except those hunters who possess a valid Quality Unit or Controlled Unit permit)

Kickapoo State Park (woodcock only; 4:00 p.m. daily closing; closed during firearm deer season)

Lake Shelbyville – Eagle Creek State Park (woodcock only; 4:00 p.m. daily closing; closes opening day of site's pheasant season)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Area
(4:00 p.m. daily closing)

Middle Fork Fish and Wildlife Area (woodcock only; 4:00 p.m. daily
closing; closed during firearm deer season)

Moraine View State Park (woodcock only; 4:00 p.m. daily closing; season
closes the day before site's controlled pheasant season)

Pyramid State Park – Captain Unit (open to hunters with a quality upland
permit, daily draw waterfowl permit ~~and/or~~ site permit)

Pyramid State Park – Denmark Unit (open to hunters with a quality
upland permit, daily draw waterfowl permit ~~and/or~~ site permit)

Pyramid State Park – East Conant Unit (open to hunters with a quality
upland permit, daily draw waterfowl permit ~~and/or~~ site permit)

Pyramid State Park – Galum Unit (permit required; must be returned by
February 15)

Newton Lake Fish and Wildlife Area (woodcock only; closed during
firearm deer season)

Sanganois State Fish and Wildlife Area

Ten Mile Creek Fish and Wildlife Area (non-toxic shot only for woodcock
hunting in waterfowl rest areas)

- d) Teal hunting; statewide regulations as provided for in this Part shall apply on the following sites, except no permanent blinds allowed except as authorized in 17 Ill. Adm. Code 590.15, 590.20, 590.40 and 590.50 (exceptions are in parentheses):

Anderson Lake Conservation Area

Blanding Wildlife Area

Cache River State Natural Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters – Corps of Engineers managed lands (waters of Peppenhorst Branch and Allen Branch north of the buoys only)

Carlyle Lake Wildlife Management Area (teal hunting prohibited east of Kaskaskia River from the Cox's Bridge Access north to DNR property boundary)

Chain O'Lakes State Park (hunting ~~Hunting~~ is allowed only from numbered blind sites; the blinds need not be completed)

Chauncey Marsh (permit required)

Clinton Lake State Recreation Area (hunting in waterfowl areas East of Parnell Bridge and North of Route 54 only)

Coffeen Lake State Fish and Wildlife Area (hunters must sign in prior to hunting and sign out reporting harvest at the end of each day; hunting from staked sites only; no permanent blinds; hunting by boat access only; no cutting vegetation on site; hunting north of County Road N6th only; four hunters per blind site; no fishing north of County Road N6th during this season)

Des Plaines Conservation Area (hunting is allowed only from numbered blind sites; the blinds need not be completed)

Devil's Island

Dog Island Wildlife Management Area

Eldon Hazlet State Park – North Allen Branch Waterfowl Management Area

Ft. de Chartres Historic Site (hunting is allowed from anchored, portable boat blinds only)

Horseshoe Lake State Park (Madison County) (hunting is allowed only from numbered blind sites; blind builders must claim their blinds ½ hour before shooting time each day or blind is open to the public; blinds need

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

not be completed)

Horseshoe Lake Conservation Area – Public Hunting Area (Alexander County)

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

Kaskaskia River State Fish and Wildlife Area

Kidd Lake State Natural Area (hunters must check in and out and report harvest each day; hunter quota filled on a first come-first served basis; cutting of vegetation is prohibited)

Lake Shelbyville – Kaskaskia and West Okaw Wildlife Management Areas (site permit described in subsection (c) applies)

Lake Shelbyville – Corps of Engineers Managed Lands and Waters

Lake Sinnissippi Fish and Wildlife Area (hunting is allowed only from numbered blind sites; blind builders must claim their blinds ½ hour before shooting time each day or blind is open to the public; blinds need not be completed) Conservation Area

Marshall State Fish and Wildlife Area – all management units

Meredosia Lake

Mississippi River Fish and Waterfowl Management Area (Mississippi River Pools 25 and 26) (blind builders must claim their blinds one-half hour before shooting time or the blind is open for that day's hunt; no hunting allowed in the designated Batchtown waterfowl rest area)

Mississippi River Pools 16, 17 and 18

Mississippi River Pools 21, 22 and 24

Oakford Conservation Area

Pyramid State Park – Captain Unit (permit required; must be returned by

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

February 15; hunting not allowed in Captain Unit waterfowl rest area)

Pyramid State Park – Denmark Unit (permit required; must be returned by February 15; hunting not allowed in Denmark Unit waterfowl rest area)

Pyramid State Park – Galum Unit (permit required; must be returned by February 15)

Ray Norbut Fish and Wildlife Area

Rend Lake Project Lands and Waters

Rice Lake Fish and Wildlife Area (check in and check out required; sunrise until 1:00 p.m.)

Saline County Fish and Wildlife Area

Sanganois State Fish and Wildlife Area (permit required)

Snake Den Hollow Fish and Wildlife Area/Victoria Pheasant Habitat Area

Stephen A. Forbes State Park (walk-in hunting in the subimpoundment only)

Ten Mile Creek State Fish and Wildlife Area (permit required)

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area (public hunting area and firing line unit only)

Woodford Fish and Wildlife Area

e) Crow Hunting

- 1) Statewide regulations as provided for in this Part shall apply at the following sites (season dates in parentheses):

Anderson Lake Conservation Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Big Bend State Fish and Wildlife Area

Big River State Forest

Green River State Wildlife Area (January 1 through statewide closing)

Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Unit (mid-July through mid-August season closed; site permit required)

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

Mississippi River Pools 16, 17, 18

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

Pyramid State Park – Captain Unit (no hunting in waterfowl rest area; permit required, must be returned by February 15)

Pyramid State Park – Denmark Unit (no hunting in waterfowl rest area; permit required, must be returned by February 15)

Pyramid State Park – East Conant Unit (no hunting in waterfowl rest area; permit required, must be returned by February 15)

Pyramid State Park – Galum Unit (no hunting in waterfowl rest area; permit required, must be returned by February 15)

Ray Norbut Fish and Wildlife Area

Sanganois State Fish and Wildlife Area (July 1 through August 15; day after goose season closes through March 1; ~~nontoxic~~~~non-toxic~~ shot only; permit required)

- 2) Crow hunting permitted, exceptions as noted in parentheses. Hunters must obtain a permit from site office and permit must be in possession while hunting. Failure to report harvest by ~~March~~~~February~~ 15 will result in loss of hunting privileges at that site for the following year:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Ten Mile Creek Fish and Wildlife Area (non-toxic shot only for crow hunting in waterfowl rest areas)

- ~~3)~~ ~~Statewide regulations as provided for in this Part shall apply except hunting is permitted only during the second portion of the season at the following sites (season dates in parentheses):~~

~~Anderson Lake Conservation Area~~

~~Big Bend State Fish and Wildlife Area~~

~~Big River State Forest~~

~~Green River State Wildlife Area (January 1—statewide closing)~~

~~Stephen A. Forbes State Park~~

- ~~3)4)~~ All hunters must make a reasonable effort to retrieve downed birds. All crows must be removed from the site by the hunter.

(Source: Amended at 28 Ill. Reg. 12882, effective September 1, 2004)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Illinois List of Endangered and Threatened Fauna
- 2) Code Citation: 17 Ill. Adm. Code 1010
- 3) Section Number: 1010.30 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Section 7 of the Illinois Endangered Species Protection Act [520 ILCS 10/7]
- 5) Effective Date of Amendment: September 1, 2004
- 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 amendment, 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 7, 2004, 28 Ill. Reg. 6746
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: In Section 1010.30(j), the heading labeled "Crustaceans" was stricken.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The Illinois Endangered Species Protection Board adopted final changes to the Illinois list at its meeting on February 20, 2004. The changes to this Part are those adopted by the Board.
- 16) Information and questions regarding this adopted amendment shall be directed to:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

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

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

TITLE 17: CONSERVATION
 CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
 SUBCHAPTER c: ENDANGERED SPECIES

PART 1010
 ILLINOIS LIST OF ENDANGERED AND THREATENED FAUNA

Section

1010.10	Official List
1010.20	Definitions
1010.25	Criteria Used for Listing
1010.30	List

AUTHORITY: Implementing and authorized by Section 7 of the Illinois Endangered Species Protection Act [520 ILCS 10/7].

SOURCE: Filed December 21, 1977, effective December 31, 1977; codified at 5 Ill. Reg. 10653; amended at 8 Ill. Reg. 13705, effective July 25, 1984; amended at 13 Ill. Reg. 4179, effective March 17, 1989; amended at 16 Ill. Reg. 103, effective December 20, 1991; amended at 18 Ill. Reg. 1134, effective January 18, 1994; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 21 Ill. Reg. 3118, effective March 3, 1997; amended at 23 Ill. Reg. 5556, effective April 26, 1999; amended at 28 Ill. Reg. 12895, effective September 1, 2004.

Section 1010.30 List

a) ENDANGERED FISHES OF ILLINOIS

Northern Brook Lamprey	Ichthyomyzon fossor
Lake Sturgeon	Acipenser fulvescens
Pallid Sturgeon**	Scaphirhynchus albus
River Chub	Nocomis micropogon
Flathead Chub	Platygobio gracilis
Sturgeon Chub	Macrhybopsis gelida
Bigeye Chub	Hybopsis amblops
Pallid Shiner	Hybopsis amnis
Pugnose Shiner	Notropis anogenus
Bigeye Shiner	Notropis boops
Blacknose Shiner	Notropis heterolepis
Bluehead Shiner	Pteronotropis hubbsi

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Taillight shiner	<i>Notropis maculatus</i>
Weed Shiner	<i>Notropis texanus</i>
Cypress Minnow	<i>Hybognathus hayi</i>
Greater Redhorse	<i>Moxostoma valenciennesi</i>
Northern Madtom	<i>Noturus stigmosus</i>
Bluebreast Darter	<i>Etheostoma camurum</i>
Western Sand Darter	<i>Ammocrypta clarum</i>
Iowa Darter	Etheostoma exile
Harlequin Darter	<i>Etheostoma histrio</i>

b) THREATENED FISHES OF ILLINOIS

Least Brook Lamprey	<i>Lampetra aepyptera</i>
Cisco	<i>Coregonus artedi</i>
Gravel Chub	Erimystax x-punctatus
Ironcolor Shiner	<i>Notropis chalybaeus</i>
Blackchin Shiner	<i>Notropis heterodon</i>
River Redhorse	<i>Moxostoma carinatum</i>
Eastern Sand Darter	<i>Ammocrypta pellucidum</i>
Longnosed Sucker	<i>Catostomus catostomus</i>
Banded Killifish	<i>Fundulus diaphanus</i>
Starhead Topminnow	Fundulus dispar
Redspotted Sunfish	<i>Lepomis miniatus</i>
Bantam Sunfish	<i>Lepomis symmetricus</i>
Iowa Darter	Etheostoma exile

c) ENDANGERED AMPHIBIANS AND REPTILES OF ILLINOIS

Hellbender	<i>Cryptobranchus alleganiensis</i>
Silvery Salamander	<i>Ambystoma platineum</i>
Spotted Dusky Salamander	<i>Desmognathus conanti fuseus</i>
Alligator Snapping Turtle	Macrochelys temminckii
	Macrochelys temminckii
Illinois Mud Turtle	<i>Kinosternon flavescens</i>
Spotted Turtle	<i>Clemmys guttata</i>
River Cooter	<i>Pseudemys concinna</i>
Coachwhip	<i>Masticophis flagellum</i>
Broad-banded Watersnake	<i>Nerodia fasciata</i>
Great Plains Ratsnake	Elaphe emoryi

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Eastern Ribbon Snake	Thamnophis sauritus
Eastern Massasauga	Sistrurus catenatus

d) THREATENED AMPHIBIANS AND REPTILES OF ILLINOIS

Jefferson Salamander	Ambystoma jeffersonianum
Four-toed Salamander	Hemidactylum scutatum
Bird-voiced Treefrog	Hyla avivoca
Illinois Chorus Frog	Pseudacris streckeri
<u>Eastern Narrowmouth Toad</u>	<u>Gastrophryne carolinensis</u>
Blanding's Turtle	Emydoidea blandingii
<u>Lined Snake</u>	<u>Tropidoclonion lineatum</u>
Western Hognose Snake	Heterodon nasicus
Great Plains Rat Snake	Elaphe guttata emoryi
Mississippi Green Watersnake	Nerodia cyclopion
Flathead Snake	Tantilla gracilis
Kirtland's Snake	Clonophis kirtlandi
<u>Eastern Ribbonsnake</u>	<u>Thamnophis sauritus</u>
Timber Rattlesnake	Crotalus horridus

e) ENDANGERED BIRDS OF ILLINOIS

American Bittern	Botaurus lentiginosus
Snow Egret	Egretta thula
Little Blue Heron	Egretta caerulea
Black-crowned Night Heron	Nycticorax nycticorax
Yellow-crowned Night Heron	Nyctanassa violacea
Osprey	Pandion haliaetus
Mississippi Kite	Ictinia mississippiensis
Northern Harrier	Circus cyaneus
Swainson's Hawk	Buteo swainsoni
<u>Peregrine Falcon**</u>	<u>Falco peregrinus</u>
Greater Prairie Chicken	Tympanuchus cupido
Black Rail	Laterallus jamaicensis
King Rail	Rallus elegans
Piping Plover**	Charadrius melodus
Upland Sandpiper	Bartramia longicauda
Wilson's Phalarope	Phalaropus tricolor
Common Tern	Sterna hirundo

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Forster's Tern	<i>Sterna forsteri</i>
Least Tern**	<i>Sterna antillarum</i>
Black Tern	<i>Chlidonias niger</i>
Barn Owl	<i>Tyto alba</i>
Short-eared Owl	<i>Asio flammeus</i>
Bewick's Wren	<i>Thryomanes bewickii</i>
Swainson's Warbler	<i>Limnothlypis swainsonii</i>
Henslow's Sparrow	Ammodramus henslowii
Yellow-headed Blackbird	<i>Xanthocephalus xanthocephalus</i>

f) THREATENED BIRDS OF ILLINOIS

Pied-billed Grebe	Podilymbus podiceps
Least Bittern	<i>Ixobrychus exilis</i>
Bald Eagle	<i>Haliaeetus leucocephalus</i>
Red-shouldered Hawk	Buteo lineatus
Peregrine Falcon	Falco peregrinus
Common Moorhen	<i>Gallinula chloropus</i>
Sandhill Crane	<i>Grus canadensis</i>
Brown Creeper	Certhia americana
Loggerhead Shrike	<i>Lanius ludovicianus</i>
Cerulean Warbler	Dendroica carulea
Henslow's Sparrow	Ammodramus henslowii

g) ENDANGERED MAMMALS OF ILLINOIS

Southeastern Myotis	<i>Myotis austroriparius</i>
Gray Bat**	<i>Myotis grisescens</i>
Indiana Bat**	<i>Myotis sodalis</i>
Rafinesque's Big-eared Bat	<i>Corynorhinus rafinesquii</i>
Eastern Wood Rat	<i>Neotoma floridana</i>

h) THREATENED MAMMALS OF ILLINOIS

River Otter	Lontra canadensis
Gray/Timber Wolf	Canis lupus
Franklin's Ground Squirrel	Spermophilus franklinii
Golden Mouse	<i>Ochrotomys nuttalli</i>
Rice Rat	<i>Oryzomys palustris</i>

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

i) ENDANGERED INVERTEBRATE ANIMALS OF ILLINOIS

Snails	
Iowa Pleistocene Snail**	Discuss macclintocki
Hydrobiid Cave Snail	Fontigens antroecetes
Mussels	
Spectaclecase	Cumberlandia monodonta
Salamander Mussel	Simpsonaias ambigua
Rabbitsfoot	*Quadrula cylindrica
Orange-foot Pimpleback**	Plethobasus cooperianus
Sheepnose	Plethobasus cyphus
Clubshell**	Pleurobema clava
Ohio Pigtoe	Pleurobema cordatum
Pyramid Pigtoe	Pleurobema rubrum
Kidneyshell	Ptychobranhus fasciolaris
Fanshell**	Cyrogenia stegria
Round Hickorynut	Obvaria subrotunda
Fat Pocketbook**	Potamilus capax
Purple Lilliput	Toxolasma lividus
Rayed Bean	Villosa fabalis
Rainbow	Villosa iris
Little Spectaclecase	Villosa lienosa
Pink Mucket	Lampsilis abrupta
Wavy-rayed Lamppussle	Lampsilis fasciola
Higgins Eye** Higginsii Pearly Mussel**	Lampsilis higginsii
Snuffbox	Epioblasma triquetra
Crustaceans	
Anomalous Spring Amphipod	Crangonyx anomalus
Appalachian Valley Cave	Crangonyx antenntus
Amphipod	
Pacard's Cave Amphipod	Crangonyx packardi

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Illinois Cave Amphipod	<i>Gammarus acherondytes</i>
Iowa Amphipod	<i>Stygobromus iowae</i>
Indiana Crayfish	<i>Orconectes indianensis</i>
Kentucky Crayfish	<i>Orconectes kentuckiensis</i>
Oxbow Crayfish	<i>Orconectes lancifer</i>
Crayfish	<i>Orconectes placidus</i>
Isopod	<i>Caecidotea lesliei</i>
Isopod	<i>Caecidotea spatulata</i>
Dragonflies	
Hine's Emerald's Dragonfly**	<i>Somatochlora hineana</i>
Leafhoppers	
Leafhopper	<i>Paraphlepsius lupalus</i>
Butterflies and Moths	
Eryngium Stem Borer	<i>Papaipema eryngii</i>
Arogos Skipper	<i>Atrytone arogos</i>
Hoary Elfin	<i>Incisalia polios</i>
Karner Blue Butterfly**	<i>Lycaeides melissa samuelis</i>
Swamp Metalmark	<i>Calephelis muticum</i>

j) THREATENED INVERTEBRATE ANIMALS OF ILLINOIS

Mussels	
Ebonyshell	<i>Fusconaia ebena</i>
Purple Wartyback	<i>Cyclonaias tuberculata</i>
Elephant-ear	<i>Elliptio crassidens</i>
Spike	<i>Elliptio dilatata</i>
Slippershell	<i>Alasmidonta viridis</i>
Butterfly	<i>Ellipsaria lineolata</i>
Black Sandshell	<i>Ligumia recta</i>
Little Spectaclecase	Villosa lienosa

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

Crustaceans	
Bousfield's Amphipod	Gammarus bousfieldi
Dragonflies	
Elfin Skimmer	Nannothemis bella
Leafhoppers	
Redveined Prairie Leafhopper	Aflexia rubranura
Butterflies	
Cobweb Skipper	Hesperia metea
Ottoe Skipper	Hesperia ottoe
Regal Fritillary	Speyeria idalia

(Source: Amended at 28 Ill. Reg. 12895, effective September 1, 2004)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois List of Endangered and Threatened Flora
- 2) Code Citation: 17 Ill. Adm. Code 1050
- 3) Section Numbers: Adopted Action:
 1050.30 Amendment
 1050.40 Amendment
- 4) Statutory Authority: Implementing and authorized by Section 7 of the Illinois Endangered Species Protection Act [520 ILCS 10/70]
- 5) Effective date of amendments: September 1, 2004
- 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 7, 2004; 28 Ill. Reg. 6755
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In Section 1050.30, changes were made as follows:

Equisetum sylvaticum	Woodland Horsetail
Isoetes butleri	Butler's Qwillwort
Cystopteris laurentiana	Laurentian Fragile Fern
Carex canescens var. disjuncta	Silvery Sedge
Carex crawfordii	Crawford's Sedge
Carex cryptolepis	Yellow Sedge

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

<i>Carex garberi</i>	Elk Sedge
<i>Carex inops</i> subsp. <i>heliophila</i>	Plains Sedge
<i>Carex physorhyncha</i>	Bellow's Beak Sedge
<i>Carex reniformis</i>	Reniform Sedge
<i>Carex tuckermanii</i> <i>tuckermanii</i>	Tuckerman's Sedge
<i>Eleocharis olivacea</i> (<i>Eleocharis flavescens</i> var. <i>olivacea</i>)	Capitate Spikerush
<i>Dichanthelium ravenelii</i>	Ravenel's Panic Grass
<i>Glyceria arkansana</i>	Arkansas Manna Grass
<i>Torreyochloa</i> <i>Puccinellia</i> <i>pallida</i>	Pole Manna-Grass
<i>Eupatorium hyssopifolium</i> —var. <i>hyssopifolium</i>—	Hyssop-leaved Thoroughwort
<i>Quercus texana</i> <i>nuttallii</i>	Nuttall's Nuttall's Oak
<i>Phacelia gilioides</i>	Ozark Phacelia
<i>Phlox pilosa</i> subsp. subs. <i>sangamonensis</i>	Sangamon Phlox
<i>Rosa acicularis</i>	Bristly Rose
<i>Penstemon tubaeformis</i>	Tube Beards Tongue
<i>Styrax grandifolius</i> <i>grandifolia</i>	Bigleaf Snowbell Bush

In Section 1050.40, changes were made as follows:

<i>Eleocharis rostellata</i>	Baked Spike Rush
<i>Triglochin maritima</i>	Common Bog Arrowgrass Arrow Grass

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Triglochin palustris	Slender Bog Arrowgrass Arrow Grass
Dodecatheon frenchii	French's Shootingstar
Besseyia bullii Kittentails	Kitten Tails

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: The Illinois Endangered Species Protection Board adopted final changes to the Illinois list at its meeting on February 20, 2004. The changes to this Part are those adopted by the Board.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER c: ENDANGERED SPECIESPART 1050
ILLINOIS LIST OF ENDANGERED AND THREATENED FLORA

Section	
1050.10	Official List
1050.20	Definitions
1050.25	Criteria Used For Listing
1050.30	Endangered Flora of Illinois
1050.40	Threatened Flora of Illinois

AUTHORITY: Implementing and authorized by Section 7 of the Illinois Endangered Species Protection Act [520 ILCS 10/7].

SOURCE: Adopted at 4 Ill. Reg. 22, p. 209, effective May 20, 1980 unless otherwise noted; amended at 5 Ill. Reg. 10293, effective September 30, 1981; codified at 6 Ill. Reg. 2593; amended at 8 Ill. Reg. 13713, effective July 25, 1984; amended at 13 Ill. Reg. 3755, effective March 13, 1989; amended at 14 Ill. Reg. 6123, effective April 17, 1990; amended at 17 Ill. Reg. 10781, effective July 1, 1993; amended at 18 Ill. Reg. 1142, effective January 18, 1994; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 22 Ill. Reg. 21902, effective December 3, 1998; amended at 28 Ill. Reg. 12904, effective September 1, 2004.

Section 1050.30 Endangered Flora of Illinois

SCIENTIFIC NAME	COMMON NAME
PHYSICIACEAE	
<i>Phaeophyscia leana</i>	<i>Lea's Bog Lichen</i>
EQUISETACEAE	
<i>Equisetum scirpoides</i>	Dwarf Scouring Rush
<i>Equisetum sylvaticum</i>	<i>Woodland</i> Horsetail
HYMENOPHYLLACEAE	
<i>Trichomanes boschianum</i>	Filmy fern
ISOETACEAE	
<i>Isoetes butleri</i>	<i>Butler's</i> Qwillwort
LYCOPODIACEAE	
<i>Lycopodium clavatum</i>	Running Pine

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Lycopodium dendroideum	Ground Pine
Lycopodiella inundata Lycopodium inundatum	Bog Clubmoss
OPHIOGLOSSACEAE	
Botrychium campestre	Prairie Moonwort
Botrychium	
matricariifolium matricariaefolium	Daisyleaf Grape Fern
Botrychium multifidum	Northern Grape Fern
Botrychium simplex	Dwarf Grape Fern
POLYPODIACEAE	
Asplenium bradleyi	Bradley's Spleenwort
Asplenium resiliens	Black Spleenwort
Cystopteris laurentiana	Laurentian Fragile Fern
Dennstaedtia punctilobula	Hay-scented Fern
Dryopteris celsa	Log Fern
Gymnocarpium dryopteris	Oak Fern
Gymnocarpium robertianum	Scented Oak Fern
Phegopteris connectilis	Long Beech Fern
Thelypteris noveboracensis	New York Fern
Thelypteris phegopteris	Long Beech Fern
Woodsia ilvensis	Rusty Woodsia
CUPRESSACEAE	
Juniperus horizontalis	Trailing Juniper
PINACEAE	
Pinus banksiana	Jack Pine
Pinus echinata	Shortleaf Pine
Pinus resinosa	Red Pine
ALISMATACEAE	
Echinodorus tenellus	Small Burhead
Sagittaria australis longirostra	Arrowhead
ARACEAE	
Calla palustris	Water Arum
CYPERACEAE	
Bolboschoenus maritimus	Alkali Bulrush
Carex alata	Winged Sedge
Carex arkansana	Arkansas Sedge
Carex aurea	Golden Sedge
Carex brunnescens	Brownish Sedge
Carex canescens var. disjuncta	Silvery Sedge
Carex chordorrhiza	Cordroot Sedge

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Carex crawfordii	<u>Crawford's</u> Sedge
Carex cryptolepis	<u>Yellow</u> Sedge
<u>Carex cumulata</u>	<u>Sedge</u>
Carex decomposita	Cypress-knee Sedge
<u>Carex diandra</u>	<u>Sedge</u>
Carex disperma	Shortleaf Sedge
Carex echinata	Sedge
<u>Carex formosa</u>	<u>Sedge</u>
Carex garberi	<u>Elk</u> Sedge
Carex gigantea	Large Sedge
Carex <u>inops subsp.</u> heliophila	<u>Plains</u> Sedge
Carex lucorum	Sedge
Carex nigromarginata	Black-edged Sedge
Carex oligosperma	Few-seeded Sedge
Carex physorhyncha	<u>Bellow's</u> Bellows Beak Sedge
Carex reniformis	<u>Reniform</u> Sedge
Carex striatula	Lined Sedge
Carex trisperma	Three-seeded Sedge
Carex <u>tuckermanii</u> tuckermani	Tuckerman's Sedge
Cyperus lancastris	Galingale
Eleocharis olivacea <u>Eleocharis</u>	
<u>flavescens var. olivacea)</u>	<u>Capitate</u> Spikerush
Eleocharis pauciflora (<u>Eleocharis</u>	
<u>quinqueflora)</u>	Few-flowered Spikerush
Eriophorum virginicum	Rusty Cotton Grass
Fimbristylis vahlii	Vahl's Fimbristylis
Rhynchospora glomerata	Clustered Beak Rush
<u>Schoenoplectus purshianus</u>	<u>Weak Bulrush</u>
<u>Schoenoplectus smithii</u>	<u>Smith's Bulrush</u>
<u>Scirpus cespitosus</u>	<u>Tufted Bulrush</u>
Scirpus hattorianus	Bulrush
<u>Scirpus microcarpus</u>	<u>Bulrush</u>
<u>Scleria muhlenbergii</u>	<u>Muhlenberg's Nut Rush</u>
<u>Scleria pauciflora</u>	<u>Carolina Whipgrass</u>
<u>Trichophorum cespitosum</u>	<u>Tufted Bulrush</u>
<u>Scirpus paludosus</u>	<u>Alkali Bulrush</u>
<u>Scirpus purshianus</u>	<u>Weak Bulrush</u>
<u>Scirpus smithii</u>	<u>Smith's Bulrush</u>
<u>Scirpus verecundus</u>	<u>Bulrush</u>

IRIDACEAE

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

	Sisyrinchium atlanticum	Eastern Blue-eyed Grass
	Sisyrinchium montanum	Mountain Blue-eyed Grass
JUNCACEAE		
	Juncus alpinoarticulatus alpinus	Richardson's Rush
	Juncus vaseyi	Vasey's Rush
	Luzula acuminata	Hairy Woodrush
LILIACEAE		
	Camassia angusta	Wild Hyacinth
	Chamaelirium luteum	Fairy Wand
	Medeola virginiana	Indian Cucumber Root
	Polygonatum pubescens	Downy Solomon's Seal
	Stenanthium gramineum	Grass-leaved Lily
	Trillium cernuum	Nodding Trillium
	Trillium erectum	Ill-scented Trillium
	Trillium viride	Green Trillium
	Zigadenus elegans (Zigadenus	White Camass
	venenosus var. gramineus)	
	Zigadenus glaucus	White Camass
MARANTACEAE		
	Thalia dealbata	Powdery Thalia
ORCHIDACEAE		
	Calopogon oklahomensis	Oklahoma Grass Pink Orchid
	Calopogon tuberosus	Grass Pink Orchid
	Cypripedium acaule	Moccasin Flower
	Cypripedium parviflorum var.	
	makasinealeeolus var. parviflorum	Small Yellow Lady's Slipper
	Cypripedium reginae	Showy Lady's Slipper
	Hexalectris spicata	Crested Coralroot Orchid
	Isotria medeoloides*	Small Whorled Pogonia
	Isotria verticillata	Whorled Pogonia
	Platanthera ciliaris	Orange Fringed Orchid
	Platanthera clavellata	Wood Orchid
	Platanthera flava var. flava	Tuberled Orchid
	Platanthera flava var. herbiola	Tuberled Orchid
	Platanthera leucophaea*	Eastern Prairie Fringed Orchid
	Platanthera psychodes	Purple Fringed Orchid
	Pogonia ophioglossoides	Snake-mouth
	Spiranthes lucida	Yellow-lipped Ladies' Tresses
	Spiranthes romanzoffiana	Hooded Ladies' Tresses
	Spiranthes vernalis	Spring Ladies' Tresses

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

POACEAE

Ammophila breviligulata	Marram Grass
Bechmannia syzigachne	American Slough Grass
Bouteloua gracilis	Blue Grama
Calamagrostis inasperata	Bluejoint Grass
<u>Deschampsia flexuosa</u>	<u>Hairgrass</u>
<u>Dichanthelium boreale</u>	<u>Northern Panic Grass</u>
<u>Dichanthelium portoricense</u>	<u>Hemlock Panic Grass</u>
<u>Dichanthelium jorii</u>	<u>Panic Grass</u>
<u>Dichanthelium ravenelii</u>	<u>Ravenel's Panic Grass</u>
<u>Dichanthelium yadkinense</u>	<u>Panic Grass</u>
Elymus trachyeulus	Bearded Wheat Grass
Glyceria arkansana	<u>Arkansas</u> Manna Grass
Melica mutica	Two-Flowered Melic Grass
Milium effusum	Millet Grass
Panicum boreale	Northern Panic Grass
Panicum columbianum	Hemlock Panic Grass
Panicum jorii	Panic Grass
Panicum ravenelii	Panic Grass
Panicum yadkinense	Panic Grass
Paspalum dissectum	Bead Grass
Poa alsodes	Grove Bluegrass
Poa languida	Weak Bluegrass
Poa wolfii	Wolf's Bluegrass
Torreyochloa <u>Pueinellia</u> pallida	<u>Pole Manna</u> -Grass
Schizachne purpurascens	False Melic Grass

PONTERRIACEAE

Heteranthera reniformis Mud Plantain

POTAMOGETONACEAE

Potamogeton praelongus White-stemmed Pondweed
 Potamogeton pulcher Spotted Pondweed
 Potamogeton robbinsii Fern Pondweed
 Potamogeton strictifolius Stiff Pondweed

SPARGANIACEAE

Sparganium americanum American Burreed
 Sparganium ~~emersum~~chlorocarpum Green-fruited Burreed

ACANTHACEAE

Justicia ovata Water Willow

ADOXACEAE

Adoxa moschatellina Moschatel

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

AMARANTHACEAE

Iresine rhizomatosa

Bloodleaf

APIACEAE

Conioselinum chinense

Hemlock Parsley

Cynosciadium digitatum

Cynosciadium

Eryngium prostratum

Eryngo

Hydrocotyle ranunculoides

Water-pennywort

Ptilimnium nuttallii

Mock Bishop's Weed

Sanicula smalliiSouthern Sanicula

ASCLEPIADACEAE

Asclepias lanuginosa

Wooly Milkweed

Asclepias meadii*

Mead's Milkweed

Asclepias ovalifolia

Oval Milkweed

Asclepias stenophylla

Narrow-leaved Green Milkweed

Matelea decipiens

Climbing Milkweed

ASTERACEAE

Artemisia dracunculus

Dragon Wormwood

~~Bidens beckii~~~~Water Marigold~~Eupatorium hyssopifolium ~~var.~~
hyssopifolium

Hyssop-leaved Thoroughwort

Helianthus giganteus

Tall Sunflower

~~Hymenoxys herbacea*~~~~Lakeside Daisy~~Megalodonta beckiiWater Marigold

Melanthera nivea

White Melanthera

~~Nothocalais~~Mieroseris cuspidata

Prairie Dandelion

~~Rudbeckia missouriensis~~~~Missouri Orange Coneflower~~~~Silphium trifoliatum~~~~Rosinweed~~Tetraneuris herbaceaLakeside Daisy

BERBERIDACEAE

Berberis canadensis

Allegheny Barberry

BETULACEAE

Alnus incana subsp. rugosa

Speckled Alder

Betula alleghaniensis

Yellow Birch

~~Betula populifolia~~~~Gray Birch~~

BORAGINACEAE

Hackelia deflexa var. americana

Stickseed

Heliotropium tenellum

Slender Heliotrope

BRASSICACEAE

Cardamine pratensis var. palustris

Cuckoo Flower

Draba cuneifolia

Whitlow Grass

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Lesquerella ludoviciana	Silvery Bladderpod
CACTACEAE	
Opuntia fragilis	Fragile Prickly Pear
CAPPARIDACEAE	
Polanisia jamesii	James' Clammyweed
CAPRIFOLIACEAE	
Lonicera dioica var. glaucescens	Red Honeysuckle
Lonicera flava	Yellow Honeysuckle
Sambucus <u>racemosa subsp. pubens</u>	Red-berried Elder
Symphoricarpos albus var. albus	Snowberry
CARYOPHYLLACEAE	
Silene ovata	Ovate Catchfly
Silene regia	Royal Catchfly
Stellaria pubera	Great Chickweed
CELASTRACEAE	
Euonymus americanus	American Strawberry Bush
CISTACEAE	
Hudsonia tomentosa	False Heather
CLUSIACEAE	
Hypericum adpressum	Shore St. John's Wort
Hypericum kalmianum	Kalm's St. John's Wort
Triadenum virginicum	Marsh St. John's Wort
CONVOLVUACEAE	
Stylisama pickeringii	Patterson's Bindweed
CORNACEAE	
Cornus canadensis	Bunchberry
CORYLACEAE	
Corylus cornuta	Beaked Hazelnut
DROSERACEAE	
Drosera rotundifolia	Round-leaved Sundew
ELAEAGNACEAE	
Shepherdia canadensis	Buffaloberry
ERICACEAE	
Arctostaphylos uva-ursi	Bearberry
<u>Gaultheria procumbens</u>	<u>Wintergreen</u>
Vaccinium corymbosum	Highbush Blueberry
Vaccinium macrocarpon	Large Cranberry
Vaccinium oxycoccos	Small Cranberry
<u>Vaccinium stamineum</u>	<u>Deerberry</u>
EUPHORBIACEAE	

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Chamaesyce polygonifolia	Seaside Spurge
Euphorbia spathulata	Spurge
FABACEAE	
Amorpha nitens	Smooth False Indigo
Astragalus crassicus var. trichocalyx	Large Ground Plum
Astragalus distortus	Bent Milk Vetch
Astragalus tennesseensis	Tennessee Milk Vetch
Baptisia tinctoria	Yellow Wild Indigo
Cladrastis lutea (Cladrastis kentuckea)	Yellowwood
Dalea foliosa **	Leafy Prairie Clover
Galactia mohlenbrockii	Boykin's Dioclea
Lathyrus maritimus	Beach Pea
Lespedeza leptostachya*	Prairie Bush Clover
Trifolium reflexum	Buffalo Clover
FAGACEAE	
Quercus texana nuttallii	Nuttall's Nuttall's Oak
GENTIANACEAE	
Bartonia paniculata	Screwstem
Sabatia campestris	Prairie Rose Gentian
GERANIACEAE	
Geranium bicknellii	Northern Cranesbill
HYDROPHYLLACEAE	
Hydrolea uniflora	One-flowered Hydrolea
Nemophila triloba	Baby Blue-Eyes
Phacelia gilioides	Ozark Phacelia
JUGLANDACEAE	
Carya pallida	Pale Hickory
LAMIACEAE	
Pycnanthemum albescens	White Mountain Mint
Pycnanthemum torrei	Mountain Mint
Synandra hispidula	Hairy Synandra
LENTIBULARIACEAE	
Utricularia cornuta	Horned Bladderwort
Utricularia intermedia	Flat-leaved Bladderwort
Utricularia minor	Small Bladderwort
MALVACEAE	
Iliamna remota	Kankakee Mallow
Malvastrum hispidum	False Mallow
MELASTOMACEAE	

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

<u>Rhexia mariana</u>	<u>Dull Meadow Beauty</u>
MYRICACEAE	
Comptonia peregrina	Sweetfern
NYCTAGINACEAE	
Mirabilis hirsuta	Hairy Umbrella-wort
ONAGRACEAE	
Circaea alpina	Small Enchanter's Nightshade
OROBANCHACEAE	
Orobanche fasciculata	Clustered Broomrape
OXALIDACEAE	
Oxalis illinoensis	Illinois Wood Sorrel
PAPAVERACEAE	
Corydalis aurea	Golden Corydalis
Corydalis halei	Hale's Corydalis
Corydalis sempervirens	Pink Corydalis
PLANTAGINACEAE	
Plantago cordata	Heart-leaved Plantain
POLEMONIACEAE	
Phlox pilosa subsp. sangamonensis	Sangamon Phlox
POLYGALACEAE	
Polygala incarnata	Pink Milkwort
POLYGONACEAE	
Polygonum arifolium	Halbred-leaved Tearthumb
Polygonum careyi	Carey's Heartsease
PORTULACACEAE	
Talinum calycinum	Fameflower
PRIMULACEAE	
<u>Lysimachia fraseri</u>	<u>Loosestrife</u>
Lysimachia radicans	Creeping Loosestrife
Primula mistassinica	Bird's-eye Primrose
<u>Trientalis borealis</u>	<u>Star-flower</u>
PYROLACEAE	
Chimaphila maculata	Spotted Wintergreen
Chimaphila umbellata	Pipsissewa
RANUNCULACEAE	
Cimicifuga americana	American Bugbane
Cimicifuga racemosa	False Bugbane
Clematis crispa	Blue Jasmine
Clematis occidentalis	Mountain Clematis
Clematis viorna	Leatherflower

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Ranunculus cymbalaria	Seaside Crowfoot
RHAMNACEAE	
Berchemia scandens	Supple-jack
Ceanothus herbaceus <u>ovatus</u>	Redroot
Rhamnus alnifolia	Alder Buckthorn
ROSACEAE	
Amelanchier interior	Shadbush
Amelachier sanguinea	Shadbush
Filipendula rubra	Queen-of-the-Prairie
Malus angustifolia	Narrow-leaved Crabapple
Potentilla millegrana	Cinquefoil
Rosa acicularis	<u>Bristly</u> Rose
Rubus odoratus	Purple-flowering Raspberry
Rubus setosus	Bristly Blackberry
Sanguisorba canadensis	American Burnet
Sorbus americana	American Mountain Ash
Waldsteinia fragarioides	Barren Strawberry
RUBIACEAE	
Galium lanceolatum	Wild Licorice
Galium virgatum	Dwarf Bedstraw
SALICACEAE	
Populus balsamifera	Balsam Poplar
Salix serissima	Autumn Willow
Salix syrticola	Dune Willow
SAPOTACEAE	
Bumelia lanuginosa	Woolly Buckthorn
SARRACENIACEAE	
Sarracenia purpurea	Pitcher Plant
SAXIFRAGACEAE	
Ribes hirtellum	Northern Gooseberry
Saxifraga virginensis	Early Saxifrage
SCROPHULARIACEAE	
Castilleja sessiliflora	Downy Yellow Painted Cup
Collinsia violacea	Violet Collinsia
Mimulus glabratus	Yellow Monkey Flower
Penstemon brevisepalus	Short-sepaled Beard Tongue
<u>Penstemon tubaeiflorus</u>	<u>Tube Beards Tongue</u>
Penstemon grandiflorus	Large-flowered Beard Tongue
Veronica americana	American Brooklime
STYRACACEAE	

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Halesia carolina	Silverbell Tree
Styrax grandifolius <u>grandifolia</u>	Bigleaf Snowbell Bush
TILLIACEAE	
Tilia heterophylla	White Basswood
ULMACEAE	
Ulmus thomasii	Rock Elm
VALERIANACEAE	
Valeriana uliginosa	Marsh Valerian
Valerianella chenopodifolia	Corn Salad
Valerianella umbilicata	Corn Salad
VIOLACEAE	
<u>Viola blanda</u>	<u>Hairy White Violet</u>
Viola canadensis	Canada Violet
Viola incognita	Hairy White Violet
Viola primulifolia	Primrose Violet
Viola viarum	Plains Violet

(Source: Amended at 28 Ill. Reg. 12904, effective September 1,2 004)

Section 1050.40 Threatened Flora of Illinois

SCIENTIFIC NAME	COMMON NAME
<u>PHYSICIACEAE</u>	
<u>Phaeophyscia leana</u>	<u>Lea's Bog Lichen</u>
EQUISETACEAE	
Equisetum pratense	Meadow Horsetail
<u>LYCOPODIACEAE</u>	
<u>Huperzia porophila</u>	<u>Cliff Clubmoss</u>
OPHIOGLOSSACEAE	
Botrychium biternatum	Southern Grape Fern
CUPRESSACEAE	
Juniperus communis	Ground Juniper
Thuja occidentalis	Arbor Vitae
PINACEAE	
Larix laricina	Tamarack
COMMELINACEAE	
Tradescantia bracteata	Prairie Spiderwort
CYPERACEAE	
<u>Carex atlantica</u>	<u>Sedge</u>
<u>Carex aurea</u>	<u>Golden Sedge</u>

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

<u>Carex bromoides</u>	<u>Sedge</u>
Carex communis	Fibrous-rooted Sedge
Carex intumescens	Swollen Sedge
Carex oxylepis	Sharp-scaled Sedge
Carex prasina	Drooping Sedge
Carex viridula	Little Green Sedge
Carex willdenowii	Willdenow's Sedge
Carex woodii	Pretty Sedge
Cyperus grayioides	Umbrella Sedge
Eleocharis rostellata	<u>Beaked</u> Spike Rush
Rhynchospora alba	Beaked Rush
<u>Schoenoplectus</u> Scirpus hallii	Hall's Bulrush
Scirpus polyphyllus	Bulrush
<u>IRIDACEAE</u>	
<u>Sisyrinchium atlanticum</u>	<u>Eastern Blue-Eyed Grass</u>
JUNCAGINACEAE	
Triglochin maritima	Common Bog <u>Arrowgrass</u> Arrow Grass
Triglochin palustris	Slender Bog <u>Arrowgrass</u> Arrow Grass
LILIACEAE	
Erythronium mesochoreum	Prairie Trout Lily
Melanthium virginicum	Bunchflower
Tofieldia glutinosa	False Asphodel
Veratrum woodii	False Hellebore
ORCHIDACEAE	
Corallorhiza maculata	Spotted Coral-root Orchid
Cypripedium candidum	White Lady's Slipper
<u>Platanthera flava var. herbiola</u>	<u>Tuberclad Orchid</u>
<u>POACEAE</u>	
<u>Elymus trachycaulis</u>	<u>Bearded Wheat Grass</u>
POTAMOGETONACEAE	
Potamogeton gramineus	Grass-leaved Pondweed
<u>ARISTOLOCHIACEAE</u>	
Aristolochia serpentaria var. hastata	Virginia Snakeroot
ASCLEPIADACEAE	
Matelea obliqua	Climbing Milkweed
ASTERACEAE	
Aster furcatus	Forked Aster
Boltonia decurrens*	Decurrent False Aster
<u>Cirsium hillii</u>	<u>Hill's Thistle</u>
Cirsium pitcheri*	Pitcher's (Dune) Thistle

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Eupatorium incarnatum	Thoroughwort
Helianthus angustifolius	Narrow-leaved Sunflower
<u>Hymenopappus scabiosaeus</u>	<u>Old Plainsman</u>
Lactuca hirsuta	Wild Lettuce
Liatris scariosa var. nieuwlandii	Blazing Star
<u>Rudbeckia missouriensis</u>	<u>Missouri Orange Coneflower</u>
Solidago sciaphila	Cliff Goldenrod
BRASSICAEAE	
Cakile edentula	Sea Rocket
CAPRIFOLIACEAE	
Virburnum molle	Arrowwood
CARYOPHYLLACEAE	
Minuartia <u>Arenaria</u> patula	Slender Sandwort
CISTACEAE	
Lechea intermedia	Pinweed
<u>CRASSULACEAE</u>	
<u>Sedum telephioides</u>	<u>American Orpine</u>
CUCURBITACEAE	
Melothria pendula	Squirting Cucumber
DROSERACEAE	
Drosera intermedia	Narrow-leaved Sundew
ERICACEAE	
Chamaedaphne calyculata	Leatherleaf
FABACEAE	
Lathyrus ochroleucus	Pale Vetchling
<u>Tribolium reflexum</u>	<u>Buffalo Clover</u>
FAGACEAE	
Quercus phellos	Willow Oak
Quercus montana	Rock Chestnut Oak
<u>JUGLANDACEAE</u>	
<u>Carya aquatica</u>	<u>Water Hickory</u>
LAMIACEAE	
Salvia azurea subsp. pitcheri	Blue Sage
<u>LENTIBULARIACEAE</u>	
<u>Utricularia intermedia</u>	<u>Flat-Leaved Bladderwort</u>
<u>MENYANTHACEAE</u>	
<u>Menyanthes trifoliata</u>	<u>Buckbean</u>
ONAGRACEAE	
Epilobium strictum	Downy Willow Herb
Oenothera perennis	Small Sundrops

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

OROBANCHACEAE	Orobanche ludoviciana	Broomrape
<u>PORTULACACEAE</u>	<u>Talinum parviflorum</u>	<u>Small Flower-Of-An-Hour</u>
PRIMULACEAE	<u>Dodecatheon frenchii</u>	<u>French's Shooting Star</u>
	Trientalis borealis	Star-flower
RANUNCULACEAE	Cimicifuga rubifolia	Black Cohosh
	Ranunculus rhomboideus	Prairie Buttercup
ROSACEAE	<u>Amelanchier interior</u>	<u>Shadbush</u>
	Rubus pubescens	Dwarf Raspberry
	<u>Rubus schneideri</u>	<u>Bristly Blackberry</u>
<u>RUBIACEAE</u>	Galium labradoricum	Bog Bedstraw
SAXIFRAGACEAE	Sullivantia sullivantii renifolia	Sullivantia
SCROPHULARIACEAE	Agalinus skinneriana	Pale False Foxglove
	Besseyia bullii	<u>Kitten Tails</u> Kittentails
	Tomanthera auriculata	Ear-leafed Foxglove
	Veronica scutellata	Marsh Speedwell
STYRACACEAE	Styrax americana	Storax
ULMACEAE	Planera aquatica	Water Elm
URTICACEAE	Urtica chamaedryoides	Nettle
VIOLACEAE	Viola conspersa	Dog Violet

(Source: Amended at 28 Ill. Reg. 12904, effective September 1, 2004)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Medical Assistance Programs
- 2) Code Citation: 89 Ill. Adm. Code 120
- 3) Section Number: 120.32 Emergency Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Public Act 93-0841
- 5) Effective Date: September 1, 2004
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed with the Index Department: September 1, 2004
- 8) A copy of the emergency amendment, including any materials incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Reason for Emergency: This emergency amendment is being filed pursuant to the State's fiscal year 2005 budget plan. The parent assist (FamilyCare) income eligibility standard is being increased from 90 percent to 133 percent of the Federal Poverty Level. This program eligibility expansion will facilitate access for more families to necessary medical services. Emergency rulemaking is specifically authorized for the implementation of this change for fiscal year 2005 by Section 5-45 of Public Act 93-0841.
- 10) Complete Description of the Subjects and Issues Involved: This emergency amendment provides eligibility expansion for the KidCare Parent Coverage Waiver program (FamilyCare) by increasing the income eligibility standard from 90 percent to 133 percent of the Federal Poverty Level (FPL). The Department received federal approval in 2002 to increase the standard for parents up to 185 percent of the FPL. This program eligibility expansion will allow access for more families to necessary medical services. Program expansion resulting from this increase in the income eligibility standard is expected to increase gross annual costs by approximately \$66 million.
- 11) Are there any other amendments pending on this Part? Yes

Section Numbers: Proposed Action Illinois Register Citation

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

120.14	New Section	May 14, 2004 (28 Ill. Reg. 6962)
120.80	Amendment	June 4, 2004 (28 Ill. Reg. 7592)
120.378	New Section	April 2, 2004 (28 Ill. Reg. 5606)
120.379	Amendment	April 2, 2004 (28 Ill. Reg. 5606)
120.387	Amendment	April 2, 2004 (28 Ill. Reg. 5606)
120.530	New Section	February 27, 2004 (28 Ill. Reg. 3685)

12) Statement of Statewide Policy Objective: These emergency amendments neither create nor expand any state mandates affecting units of local government.

13) Information and questions regarding this amendment shall be directed to:

Joanne Scattoloni
Office of the General Counsel, Rules Section
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763-0002
(217) 524-0081

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

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMSPART 120
MEDICAL ASSISTANCE PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
120.1 Incorporation by Reference

SUBPART B: ASSISTANCE STANDARDS

Section
120.10 Eligibility For Medical Assistance
120.11 MANG(P) Eligibility
120.12 Healthy Start – Medicaid Presumptive Eligibility Program For Pregnant Women
120.20 MANG(AABD) Income Standard
120.30 MANG(C) Income Standard
120.31 MANG(P) Income Standard
120.32 KidCare Parent Coverage Waiver Eligibility and Income Standard

EMERGENCY

120.40 Exceptions To Use Of MANG Income Standard
120.50 AMI Income Standard (Repealed)

SUBPART C: FINANCIAL ELIGIBILITY DETERMINATION

Section
120.60 Cases Other Than Long Term Care, Pregnant Women and Certain Children
120.61 Cases in Intermediate Care, Skilled Nursing Care and DMHDD –
MANG(AABD) and All Other Licensed Medical Facilities
120.62 Department of Mental Health and Developmental Disabilities (DMHDD)
Approved Home and Community Based Residential Settings Under 89 Ill. Adm.
Code 140.643
120.63 Department of Mental Health and Developmental Disabilities (DMHDD)
Approved Home and Community Based Residential Settings
120.64 MANG(P) Cases
120.65 Department of Mental Health and Developmental Disabilities (DMHDD)
Licensed Community – Integrated Living Arrangements

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

SUBPART D: MEDICARE PREMIUMS

Section	
120.70	Supplementary Medical Insurance Benefits (SMIB) Buy-In Program
120.72	Eligibility for Medicare Cost Sharing as a Qualified Medicare Beneficiary (QMB)
120.73	Eligibility for Medicaid Payment of Medicare Part B Premiums as a Specified Low-Income Medicare Beneficiary (SLIB)
120.74	Qualified Medicare Beneficiary (QMB) Income Standard
120.75	Specified Low-Income Medicare Beneficiary (SLIB) Income Standards
120.76	Hospital Insurance Benefits (HIB)

SUBPART E: RECIPIENT RESTRICTION PROGRAM

Section	
120.80	Recipient Restriction Program

SUBPART F: MIGRANT MEDICAL PROGRAM

Section	
120.90	Migrant Medical Program (Repealed)
120.91	Income Standards (Repealed)

SUBPART G: AID TO THE MEDICALLY INDIGENT

Section	
120.200	Elimination Of Aid To The Medically Indigent
120.208	Client Cooperation (Repealed)
120.210	Citizenship (Repealed)
120.211	Residence (Repealed)
120.212	Age (Repealed)
120.215	Relationship (Repealed)
120.216	Living Arrangement (Repealed)
120.217	Supplemental Payments (Repealed)
120.218	Institutional Status (Repealed)
120.224	Foster Care Program (Repealed)
120.225	Social Security Numbers (Repealed)
120.230	Unearned Income (Repealed)
120.235	Exempt Unearned Income (Repealed)
120.236	Education Benefits (Repealed)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

120.240	Unearned Income In-Kind (Repealed)
120.245	Earmarked Income (Repealed)
120.250	Lump Sum Payments and Income Tax Refunds (Repealed)
120.255	Protected Income (Repealed)
120.260	Earned Income (Repealed)
120.261	Budgeting Earned Income (Repealed)
120.262	Exempt Earned Income (Repealed)
120.270	Recognized Employment Expenses (Repealed)
120.271	Income From Work/Study/Training Program (Repealed)
120.272	Earned Income From Self-Employment (Repealed)
120.273	Earned Income From Roomer and Boarder (Repealed)
120.275	Earned Income In-Kind (Repealed)
120.276	Payments from the Illinois Department of Children and Family Services (Repealed)
120.280	Assets (Repealed)
120.281	Exempt Assets (Repealed)
120.282	Asset Disregards (Repealed)
120.283	Deferral of Consideration of Assets (Repealed)
120.284	Spend-down of Assets (AMI) (Repealed)
120.285	Property Transfers (Repealed)
120.290	Persons Who May Be Included in the Assistance Unit (Repealed)
120.295	Payment Levels for AMI (Repealed)

SUBPART H: MEDICAL ASSISTANCE – NO GRANT

Section	
120.308	Client Cooperation
120.309	Caretaker Relative
120.310	Citizenship
120.311	Residence
120.312	Age
120.313	Blind
120.314	Disabled
120.315	Relationship
120.316	Living Arrangements
120.317	Supplemental Payments
120.318	Institutional Status
120.319	Assignment of Rights to Medical Support and Collection of Payment
120.320	Cooperation in Establishing Paternity and Obtaining Medical Support
120.321	Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

	Medical Support
120.322	Proof of Good Cause for Failure to Cooperate in Establishing Paternity and Obtaining Medical Support
120.323	Suspension of Paternity Establishment and Obtaining Medical Support Upon Finding Good Cause
120.324	Health Insurance Premium Payment (HIPP) Program
120.325	Health Insurance Premium Payment (HIPP) Pilot Program
120.326	Foster Care Program
120.327	Social Security Numbers
120.330	Unearned Income
120.332	Budgeting Unearned Income
120.335	Exempt Unearned Income
120.336	Education Benefits
120.338	Incentive Allowance
120.340	Unearned Income In-Kind
120.342	Child Support and Spousal Maintenance Payments
120.345	Earmarked Income
120.346	Medicaid Qualifying Trusts
120.347	Treatment of Trusts
120.350	Lump Sum Payments and Income Tax Refunds
120.355	Protected Income
120.360	Earned Income
120.361	Budgeting Earned Income
120.362	Exempt Earned Income
120.363	Earned Income Disregard – MANG(C)
120.364	Earned Income Exemption
120.366	Exclusion From Earned Income Exemption
120.370	Recognized Employment Expenses
120.371	Income From Work/Study/Training Programs
120.372	Earned Income From Self-Employment
120.373	Earned Income From Roomer and Boarder
120.375	Earned Income In Kind
120.376	Payments from the Illinois Department of Children and Family Services
120.379	Provisions for the Prevention of Spousal Impoverishment
120.380	Assets
120.381	Exempt Assets
120.382	Asset Disregard
120.383	Deferral of Consideration of Assets
120.384	Spend-down of Assets (AABD MANG)
120.385	Property Transfers for Applications Filed Prior to October 1, 1989 (Repealed)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

- 120.386 Property Transfers Occurring On or Before August 10, 1993
120.387 Property Transfers Occurring On or After August 11, 1993
120.390 Persons Who May Be Included In the Assistance Unit
120.391 Individuals Under Age 18 Who Do Not Qualify For AFDC/AFDC-MANG And Children Born October 1, 1983, or Later
120.392 Pregnant Women Who Would Not Be Eligible For AFDC/AFDC-MANG If The Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
120.393 Pregnant Women And Children Under Age Eight Years Who Do Not Qualify As Mandatory Categorically Needy Demonstration Project
120.395 Payment Levels for MANG (Repealed)
120.399 Redetermination of Eligibility
120.400 Twelve Month Eligibility for Persons under Age 19

SUBPART I: SPECIAL PROGRAMS

Section

- 120.500 Health Benefits for Persons with Breast or Cervical Cancer
120.510 Health Benefits for Workers with Disabilities
120.520 SeniorCare
120.540 Illinois Healthy Women Program
120.TABLE A Value of a Life Estate and Remainder Interest
120.TABLE B Life Expectancy

AUTHORITY: Implementing Articles III, IV, V and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13].

SOURCE: Filed effective December 30, 1977; preemptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; preemptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; preemptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; preemptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; preemptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; preemptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; preemptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; preemptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; preemptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; preemptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; preemptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; preemptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; preemptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 6082; amended at 7 Ill. Reg. 8256, effective July 1, 1983; amended at 7 Ill. Reg. 8264, effective July 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16108; amended at 8 Ill. Reg. 5253, effective April 9, 1984; amended at 8 Ill. Reg. 6770, effective April 27, 1984; amended at 8 Ill. Reg. 13328, effective July 16, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17897; amended at 8 Ill. Reg. 18903, effective September 26, 1984; preemptory amendment at 8 Ill. Reg. 20706, effective October 3, 1984; amended at 8 Ill. Reg. 25053, effective December 12, 1984; emergency amendment at 9 Ill. Reg. 830, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 4515, effective March 25, 1985; amended at 9 Ill. Reg. 5346, effective April 11, 1985; amended at 9 Ill. Reg. 7153, effective May 6, 1985; amended at 9 Ill. Reg. 11346, effective July 8, 1985; amended at 9 Ill.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

Reg. 12298, effective July 25, 1985; amended at 9 Ill. Reg. 12823, effective August 9, 1985; amended at 9 Ill. Reg. 15903, effective October 4, 1985; amended at 9 Ill. Reg. 16300, effective October 10, 1985; amended at 9 Ill. Reg. 16906, effective October 18, 1985; amended at 10 Ill. Reg. 1192, effective January 10, 1986; amended at 10 Ill. Reg. 3033, effective January 23, 1986; amended at 10 Ill. Reg. 4907, effective March 7, 1986; amended at 10 Ill. Reg. 6966, effective April 16, 1986; amended at 10 Ill. Reg. 10688, effective June 3, 1986; amended at 10 Ill. Reg. 12672, effective July 14, 1986; amended at 10 Ill. Reg. 15649, effective September 19, 1986; amended at 11 Ill. Reg. 3992, effective February 23, 1987; amended at 11 Ill. Reg. 7652, effective April 15, 1987; amended at 11 Ill. Reg. 8735, effective April 20, 1987; emergency amendment at 11 Ill. Reg. 12458, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14034, effective August 14, 1987; amended at 11 Ill. Reg. 14763, effective August 26, 1987; amended at 11 Ill. Reg. 20142, effective January 1, 1988; amended at 11 Ill. Reg. 20898, effective December 14, 1987; amended at 12 Ill. Reg. 904, effective January 1, 1988; amended at 12 Ill. Reg. 3516, effective January 22, 1988; amended at 12 Ill. Reg. 6234, effective March 22, 1988; amended at 12 Ill. Reg. 8672, effective May 13, 1988; amended at 12 Ill. Reg. 9132, effective May 20, 1988; amended at 12 Ill. Reg. 11483, effective June 30, 1988; emergency amendment at 12 Ill. Reg. 11632, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 11839, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12835, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 13243, effective July 29, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17867, effective October 30, 1988; amended at 12 Ill. Reg. 19704, effective November 15, 1988; amended at 12 Ill. Reg. 20188, effective November 23, 1988; amended at 13 Ill. Reg. 116, effective January 1, 1989; amended at 13 Ill. Reg. 2081, effective February 3, 1989; amended at 13 Ill. Reg. 3908, effective March 10, 1989; emergency amendment at 13 Ill. Reg. 11929, effective June 27, 1989, for a maximum of 150 days; emergency expired November 25, 1989; emergency amendment at 13 Ill. Reg. 12137, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15404, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16586, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 17483, effective October 31, 1989; amended at 13 Ill. Reg. 17838, effective November 8, 1989; amended at 13 Ill. Reg. 18872, effective November 17, 1989; amended at 14 Ill. Reg. 760, effective January 1, 1990; emergency amendment at 14 Ill. Reg. 1494, effective January 2, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 4233, effective March 5, 1990; emergency amendment at 14 Ill. Reg. 5839, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 6372, effective April 16, 1990; amended at 14 Ill. Reg. 7637, effective May 10, 1990; amended at 14 Ill. Reg. 10396, effective June 20, 1990; amended at 14 Ill. Reg. 13227, effective August 6, 1990; amended at 14 Ill. Reg. 14814, effective September 3, 1990; amended at 14 Ill. Reg. 17004, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 348, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5302, effective April 1, 1991; amended at 15 Ill. Reg. 10101, effective June 24, 1991; amended at 15 Ill. Reg. 11973, effective August 12, 1991; amended at

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

15 Ill. Reg. 12747, effective August 16, 1991; amended at 15 Ill. Reg. 14105, effective September 11, 1991; amended at 15 Ill. Reg. 14240, effective September 23, 1991; amended at 16 Ill. Reg. 139, effective December 24, 1991; amended at 16 Ill. Reg. 1862, effective January 20, 1992; amended at 16 Ill. Reg. 10034, effective June 15, 1992; amended at 16 Ill. Reg. 11582, effective July 15, 1992; amended at 16 Ill. Reg. 17290, effective November 3, 1992; amended at 17 Ill. Reg. 1102, effective January 15, 1993; amended at 17 Ill. Reg. 6827, effective April 21, 1993; amended at 17 Ill. Reg. 10402, effective June 28, 1993; amended at 18 Ill. Reg. 2051, effective January 21, 1994; amended at 18 Ill. Reg. 5934, effective April 1, 1994; amended at 18 Ill. Reg. 8718, effective June 1, 1994; amended at 18 Ill. Reg. 11231, effective July 1, 1994; amended at 19 Ill. Reg. 2905, effective February 27, 1995; emergency amendment at 19 Ill. Reg. 9280, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 11931, effective August 11, 1995; amended at 19 Ill. Reg. 15079, effective October 17, 1995; amended at 20 Ill. Reg. 5068, effective March 20, 1996; amended at 20 Ill. Reg. 15993, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 692, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7423, effective May 31, 1997; amended at 21 Ill. Reg. 7748, effective June 9, 1997; amended at 21 Ill. Reg. 11555, effective August 1, 1997; amended at 21 Ill. Reg. 13638, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 1576, effective January 5, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 7003, effective April 1, 1998; amended at 22 Ill. Reg. 8503, effective May 1, 1998; amended at 22 Ill. Reg. 16291, effective August 28, 1998; emergency amendment at 22 Ill. Reg. 16640, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19875, effective October 30, 1998; amended at 23 Ill. Reg. 2381, effective January 22, 1999; amended at 23 Ill. Reg. 11301, effective August 27, 1999; amended at 24 Ill. Reg. 7361, effective May 1, 2000; emergency amendment at 24 Ill. Reg. 10425, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15075, effective October 1, 2000; amended at 24 Ill. Reg. 18309, effective December 1, 2000; amended at 25 Ill. Reg. 8783, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 10533, effective August 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 16098, effective December 1, 2001; amended at 26 Ill. Reg. 409, effective December 28, 2001; emergency amendment at 26 Ill. Reg. 8583, effective June 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 9843, effective June 26, 2002; emergency amendment at 26 Ill. Reg. 11029, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 15051, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16288, effective October 25, 2002; amended at 27 Ill. Reg. 4708, effective February 25, 2003; emergency amendment at 27 Ill. Reg. 10793, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18609, effective November 26, 2003; amended at 28 Ill. Reg. 4701, effective March 3, 2004; amended at 28 Ill. Reg. 6139, effective April 1, 2004; emergency amendment at 28 Ill. Reg. 6610, effective April 19, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 7152, effective May 3, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11149, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12921, effective September 1, 2004, for a maximum of 150 days.

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

SUBPART B: ASSISTANCE STANDARDS

Section 120.32 KidCare Parent Coverage Waiver Eligibility and Income Standard**EMERGENCY**

- a) A caretaker relative (see Section 120.390) who is 19 years of age or older qualifies for medical assistance when countable income is at or below the appropriate income standard and all MANG(C) eligibility requirements in this Part, with the exception of Sections 120.320 through 120.323, are met.
- b) The appropriate income standard is 13390 per cent of the Federal Poverty Income Guidelines, as published annually in the Federal Register, for the appropriate family size.
- c) If income is greater than this amount, it is compared to the MANG(C) Income Standard in Section 120.30 to determine the spenddown amount.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 12921, effective September 1, 2004, for a maximum of 150 days)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Illinois Veteran Grant (IVG) Program
- 2) Code Citation: 23 Ill. Adm. Code 2733
- 3) Section Number: Emergency Action:
2733.20 Amendment
- 14) Statutory Authority: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)].
- 15) Effective Date of Amendment: September 15, 2004
- 16) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: This emergency amendment will expire when the proposed amendment is adopted.
- 17) Date Filed with the Index Department: September 7, 2004
- 18) A copy of this emergency amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 19) Reason for Emergency: Recent hostilities in Iraq and Afghanistan have seen the mobilization of National Guard and Reserve members to serve alongside military personnel from the regular component of the U.S. Armed Forces on an unprecedented scale. The circumstances of this federal active duty faced by National Guard and Reserve members have created a situation that was not previously confronted in the IVG program, and which if left unaddressed, would leave the Guard and Reserve members at a disadvantage in obtaining educational benefits. The proposed amendments are necessary to provide equitable access to educational benefits and are consistent with recent federal initiatives to enhance education benefits for active-duty National Guard and Reserve members. As a result of recent discussions among representatives from ISAC, the Lieutenant Governor's office, the Department of Veterans' Affairs, and the Illinois National Guard, it was concluded that action is necessary at this time to avoid any further disruption to the plans of the increasing numbers of active-duty troops returning home to Illinois from service in areas of hostilities, and seeking to further their educational goals, some as early as this fall term.
- 20) A Complete Description of the Subjects and Issues Involved: This amendment modifies the Applicant Eligibility criteria set forth in Section 2733.20. The Illinois Veteran Grant provides grants covering tuition and certain fees for qualified veterans attending State

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY AMENDMENT

universities and community colleges. Under existing administrative rules, Illinois residents who were members of a Reserve component and who were called to active duty for at least one year, or at least one day in a foreign country in a time of hostilities in that country, needed to have completed their initial enlistment contract before they were eligible to receive the Veteran Grant. In addition, members of the National Guard were not eligible for the Veteran Grant while they were active in the Guard. Both of these limitations are being withdrawn in order to provide more equitable access to educational benefits for active-duty National Guard and Reserve members consistent with those provided to military personnel in the regular component of the U.S. Armed Forces.

- 21) Are there any proposed amendments to the Part pending? No
- 22) Statement of Statewide Policy Objective: This rulemaking does not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)] and does not necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 23) Information and questions regarding this emergency amendment shall be directed to:

Thomas A. Breyer
Deputy Program Officer
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, Illinois 60015
(847) 948-8500
email: tbreyer@isac.org

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2733
ILLINOIS VETERAN GRANT (IVG) PROGRAM

Section

2733.10 Summary and Purpose

2733.20 Applicant Eligibility

EMERGENCY

2733.30 Program Procedures

2733.40 Institutional Procedures

AUTHORITY: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)].

SOURCE: Emergency rule adopted at 10 Ill. Reg. 14322, effective August 20, 1986 for a maximum of 150 days; emergency expired January 16, 1987; adopted at 11 Ill. Reg. 3207, effective January 29, 1987; amended at 12 Ill. Reg. 11536, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1733 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2733 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17858; amended at 14 Ill. Reg. 10571, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 15613, effective October 11, 1991, for a maximum of 150 days; emergency expired March 9, 1992; emergency amendment at 15 Ill. Reg. 18778, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 6880, effective April 14, 1992; amended at 16 Ill. Reg. 11261, effective July 1, 1992; amended at 17 Ill. Reg. 10570, effective July 1, 1993; amended at 18 Ill. Reg. 10309, effective July 1, 1994; amended at 20 Ill. Reg. 9200, effective July 1, 1996; old Part repealed and new Part adopted at 21 Ill. Reg. 11139, effective July 18, 1997; amended at 22 Ill. Reg. 11114, effective July 1, 1998; amended at 23 Ill. Reg. 7575, effective July 1, 1999; amended at 24 Ill. Reg. 9166, effective July 1, 2000; amended at 25 Ill. Reg. 8418, effective July 1, 2001; amended at 26 Ill. Reg. 10020, effective July 1, 2002; amended at 27 Ill. Reg. 10342, effective July 1, 2003; emergency amendment at 28 Ill. Reg. 12932, effective September 15, 2004, for a maximum of 150 days.

Section 2733.20 Applicant Eligibility**EMERGENCY**

- a) A qualified applicant shall be any member of the Armed Forces of the United States who has served at least one year of active duty and whose separation from

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY AMENDMENT

such service has been characterized as honorable provided he/she:

- 1) was a:
 - A) resident of Illinois at the time of entering ~~federal active duty~~the service or within 6 months prior to entering the service; or
 - B) student at an Illinois public university or community college at the time of entering ~~federal active duty~~the service; and
- 2) established or plans to establish Illinois residency within 6 months after separation from the Armed Forces, or if married to a person in continued military service:
 - A) applied for this grant within 6 months after and including the date that the spouse was stationed within Illinois; or
 - B) established Illinois residency within 6 months after and including the date that the spouse was separated (if the spouse was stationed outside Illinois).
- b) A recipient must reside in Illinois unless the recipient is a member of the Armed Forces at the time of enrollment or is residing with a spouse in continued military service who is currently stationed outside of Illinois.
- c) Any member of the Armed Forces of the United States who has served at least one year of active duty and who meets the Illinois residency requirements of subsections (a) and (b) is a qualified applicant if his/her separation from such service was characterized as honorable. If the applicant is still in the Armed Forces, ~~he/she must have completed his/her initial active duty commitment with service characterized as honorable. Upon discharge from the Armed Forces,~~ the veteran shall be subject to verification of continued eligibility for assistance under this Part upon discharge.
- d) Any member of the Illinois National Guard or a Reserve component of the Armed Forces who otherwise meets the eligibility requirements as set forth under this Part shall be considered a qualified applicant.
- e) ~~d~~) A recipient must maintain an acceptable grade point average as determined by the institution pursuant to a published policy.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY AMENDMENT

- ~~f)e)~~ An individual is not a qualified applicant unless the individual's separation from the Armed Forces of the United States was characterized as honorable for each period of service.
- ~~g)f)~~ An individual is not a qualified applicant if the individual's active duty with the Armed Forces was for less than one year unless:
- 1) the veteran's separation from such service for medical reasons directly connected with such service was characterized as honorable; or
 - 2) the veteran's separation prior to August 11, 1967 was characterized as honorable; or
 - 3) the veteran's separation from such service, which included service in a foreign country in a time of hostilities in that country, was characterized as honorable. As used in this Section, "time of hostilities in a foreign country" means any action by the armed forces of the United States that is recognized by the issuance of a Presidential proclamation or a Presidential executive order and in which the armed forces expeditionary medal or other campaign service medals are awarded according to Presidential executive order.
- ~~h)g)~~ Members of the Reserve Officer Training Corps (ROTC) ~~and a state's National Guard~~ are not eligible for assistance under this Part.
- ~~i)h)~~ Applicants are not eligible if their only service has been attendance at a service academy.
- ~~j)i)~~ In order to establish eligibility for this grant, an individual shall submit to ISAC an application and documentation of all periods of service.
- 1) An applicant should submit a copy of his or her Certificate of Release or Discharge From Active Duty (DD Form 214) or Discharge Certificate, which can be obtained from the National Personnel Records Center or the Illinois Department of Veterans' Affairs.
 - 2) If the applicant does not have a copy of the DD Form 214, he/she should submit documentation that provides the following information: date of entry, date of separation, character of service, total active service, home or

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY AMENDMENT

place of entry into the service, and home or place of separation from the service. Such documentation must have been issued by the United States Department of Defense (DD) or the United States Department of Veterans Affairs.

- 3) If the applicant is a member of the Armed Forces at the time of application, he/she shall submit a copy of the current Enlistment/Re-enlistment Document and a letter from the commanding officer. If the veteran is on an enlistment extension, copies of all extension contracts and a letter from the commanding officer must be provided with the application. The letter from the commanding officer must indicate that the applicant is a member of the Armed Forces at the time of application, must include the veteran's home of record at the time of original enlistment, and must state the veteran's length of time in service and the expiration date of the current enlistment.
- 4) The definition of "Resident of Illinois" contained in 23 Ill. Adm. Code 2700.20 is applicable to the Illinois Veteran Grant Program although residency, for the purposes of this program, can be established in six months. If the applicant's DD Form 214 does not indicate Illinois residency when entering and/or separating from the Armed Forces, he/she may verify residency by providing one or more of the documents listed below:
 - A) Illinois driver's license issued during the relevant six month period;
 - B) Illinois high school or college transcripts demonstrating attendance during the relevant six month period;
 - C) Utility bills/rent receipts in the applicant's name for the relevant six month period;
 - D) Illinois motor vehicle registration issued during the relevant six month period;
 - E) Residential lease in the applicant's name for the relevant six month period;
 - F) Statement of benefits history from the Illinois Department of Public Aid for the relevant six month period;

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF EMERGENCY AMENDMENT

- G) Statement of benefits from the Illinois Department of Employment Security for the relevant six month period;
- H) State of Illinois identification card issued during the relevant six month period; or
- I) Letter of employment verified by certification in accordance with Illinois law (see 735 ILCS 5/1-109) and printed on company letterhead.

(Source: Amended by emergency rulemaking at 28 Ill. Reg. 12733, effective September 15, 2004, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICE RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of September 1, 2004 through September 6, 2004 and have been scheduled for review by the Committee at its October 12, 2004 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.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
10/14/04	<u>Department of Financial and Professional Regulation Division of Banks and Real Estate, Electronic Fund Transfers (38 Ill. Adm. Code 315)</u>	7/16/04 28 Ill. Reg. 9804	10/12/04
10/16/04	<u>Department of Commerce and Economic Opportunity, Brownfields Site Restoration Program (35 Ill. Adm. Code 1740)</u>	2/20/04 28 Ill. Reg. 2927	10/12/04
10/16/04	<u>Department of Public Health, Illinois Plumbing Code (77 Ill. Adm. Code 890)</u>	4/9/04 28 Ill. Reg. 5844	10/12/04
10/21/04	<u>Department of Revenue, Property Tax Code (86 Ill. Adm. Code 110)</u>	7/9/04 28 Ill. Reg. 9237	10/12/04

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PENALTY FEE 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)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a penalty fee of \$2,100.00 against American Mortgage Group, Inc., MB.0004519, of Belleville, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective August 27, 2004. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PENALTY FEE RESCINDED 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)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks Office of Banks and Real Estate of the State of Illinois has rescinded the penalty fee of \$1,350.00 against Burnet Home Loans, MB.0006298 of Mount Laurel, New Jersey, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective August 30, 2004. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PENALTY FEE RESCINDED 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)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks Office of Banks and Real Estate of the State of Illinois has rescinded the fine of \$500.00 against PinPoint Mortgage, Inc., MB.0006344 of Shorewood, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective August 30, 2004. For further reference link to: <http://www.obre.state.il.us/>

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Pursuant to 35 Ill. Adm. Code 302.595 and 302.669, the following water quality criteria have been derived as listed. This listing updates revisions to existing criteria for the period May 1, 2004 through July 31, 2004. The Illinois Environmental Protection Agency now maintains a list of derived water quality criteria on its website at <http://www.epa.state.il.us/water/water-quality-standards/water-quality-criteria.html>.

A cumulative listing of criteria as of July 31, 1993 was published in 17 Ill. Reg. 18904, October 29, 1993. Listings of waterbodies for which water quality criteria were used during subsequent three month periods were published in 18 Ill. Reg. 318, January 7, 1994; 18 Ill. Reg. 4457, March 18, 1994; 18 Ill. Reg. 8734, June 10, 1994; 18 Ill. Reg. 14166, September 9, 1994; 18 Ill. Reg. 17770, December 9, 1994; 19 Ill. Reg. 3563, March 17, 1995; 19 Ill. Reg. 7270, May 26, 1995; 19 Ill. Reg. 12527, September 1, 1995; 20 Ill. Reg. 649, January 5, 1996; 20 Ill. Reg. 4829, March 22, 1996; 20 Ill. Reg. 7549, May 30, 1996; 20 Ill. Reg. 12278, September 6, 1996; 20 Ill. Reg. 15619, December 6, 1996; 21 Ill. Reg. 3761, March 21, 1997; 21 Ill. Reg. 7554, June 13, 1997; 21 Ill. Reg. 12695, September 12, 1997; 21 Ill. Reg. 16193, December 12, 1997; 22 Ill. Reg. 5131, March 13, 1998; 22 Ill. Reg. 10689, June 12, 1998; 22 Ill. Reg. 16376, September 11, 1998; 22 Ill. Reg. 22423, December 28, 1998; 23 Ill. Reg. 3102, March 12, 1999; 23 Ill. Reg. 6979, June 11, 1999; 23 Ill. Reg. 11774, September 24, 1999; 23 Ill. Reg. 14772, December 27, 1999; 24 Ill. Reg. 4251, March 17, 2000; 24 Ill. Reg. 8146, June 9, 2000; 24 Ill. Reg. 14428, September 29, 2000; 25 Ill. Reg. 270, January 5, 2001; 25 Ill. Reg. 4049, March 16, 2001; 25 Ill. Reg. 7367, June 8, 2001; 25 Ill. Reg. 12186, September 21, 2001; 25 Ill. Reg. 16175, December 14, 2001; 26 Ill. Reg. 4974, March 29, 2002; 26 Ill. Reg. 13370, September 6, 2002; 27 Ill. Reg. 1736, January 31, 2003; 27 Ill. Reg. 7350, April 18, 2003; 27 Ill. Reg. 17128, November 7, 2003; 28 Ill. Reg. 5038, March 19, 2004; and 28 Ill. Reg. 8363, June 11, 2004.

Chemical: Acenaphthene	CAS #83-32-9
Acute criterion: 120 ug/l	Chronic criterion: 62 ug/l
Date criteria derived: November 14, 1991; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Acenaphthylene	CAS # 208-96-8
Acute criterion: 190 ug/L	Chronic criterion: 15 ug/L
Date criteria derived: March 1, 1998	
Applicable waterbodies Not used during this period.	
Chemical: Acetone	CAS #67-64-1
Acute criterion: 1,500 mg/l	Chronic criterion: 120 mg/l
Date criteria derived: May 25, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Acetonitrile	CAS #75-05-8

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Acute criterion: 380 mg/l	Chronic criterion: 30 mg/l
Date criteria derived: December 7, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Acrylonitrile	CAS #107-13-4
Acute criterion: 910 ug/l	Chronic criterion: 73 ug/l
Human health criterion (HNC): 0.21 ug/l	
Date criteria derived: November 13, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: Anthracene	CAS #120-12-7
Human health criterion (HTC): 35 mg/l	
Date criteria derived: August 18, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Benzo(a)anthracene	CAS #56-55-3
Human health criterion (HNC): 0.16 ug/l	
Date criteria derived: August 10, 1993; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Benzo(a)pyrene	CAS #50-32-8
Human health criterion (HNC): 0.016 ug/l	
Date criteria derived: August 10, 1993; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Benzo(b)fluoranthene	CAS # 205-99-2
Human health criterion (HNC): 0.16 ug/l	
Date criteria derived: August 10, 1993; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Benzo(k)fluoranthene	CAS #207-08-9
Human health criterion (HNC): 1.6 ug/l	
Date criteria derived: August 10, 1993; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: Carbon tetrachloride	CAS #56-23-5
Acute criterion: 3,500 ug/l	Chronic criterion: 280 ug/l
Human health criterion (HNC): 1.4 ug/l	
Date criteria derived: June 18, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Chlorobenzene	CAS #108-90-7
Acute criterion: 990 ug/l	Chronic criterion: 79 ug/l
Date criteria derived: December 11, 1991	

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Applicable waterbodies: Not used during this period.	
Chemical: Chloroform	CAS #67-66-3
Acute criterion: 1,900 ug/l	Chronic criterion: 150 ug/l
Human health criterion (HNC): 130 ug/l	
Date criteria derived: October 26, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Chrysene	CAS #218-01-9
Human health criterion (HNC): 16 ug/l	
Date criteria derived: August 10, 1993; revised February 1999	
Applicable waterbodies: Not used during this period.	
Chemical: 1,2-dichlorobenzene	CAS #95-50-1
Acute criterion: 210 ug/l	Chronic criterion: 17 ug/l
Date criteria derived: December 1, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: 1,3-dichlorobenzene	CAS #541-73-1
Acute criterion: 500 ug/l	Chronic criterion: 200 ug/l
Date criteria derived: July 31, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: 1,2-dichloroethane	CAS #107-06-2
Acute criterion: 25 mg/l	Chronic criterion: 4.5 mg/l
Human health criterion (HNC): 23 ug/l	
Date criteria derived: March 19, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: 1,1-dichloroethylene	CAS #75-35-4
Acute criterion: 3,000 ug/l	Chronic criterion: 240 ug/l
Human health criterion (HNC): 0.95 ug/l	
Date criteria derived: March 20, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: 2,4-dichlorophenol	CAS #120-83-2
Acute criterion: 630 ug/l	Chronic criterion: 83 ug/l
Date criteria derived: November 14, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: 1,2-dichloropropane	CAS #78-87-5
Acute criterion: 4,800 ug/l	Chronic criterion: 380 ug/l
Date criteria derived: December 7, 1993	
Applicable waterbodies: Not used during this period.	

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: 1,3-dichloropropylene	CAS #542-75-6
Acute criterion: 99 ug/l	Chronic criterion: 7.9 ug/l
Date criteria derived: November 13, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: 2,4-dimethyl phenol	CAS #105-67-9
Acute criterion: 740 ug/l	Chronic criterion: 220 ug/l
Date criteria derived: October 26, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: 4,6-dinitro-o-cresol = 2-methyl-4,6-dinitrophenol	CAS #534-52-1
Acute criterion: 29 ug/l	Chronic criterion: 2.3 ug/l
Date criteria derived: November 14, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: 2,4-dinitrophenol	CAS #51-28-5
Acute criterion: 85 ug/l	Chronic criterion: 4.1 ug/l
Date criteria derived: December 1, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: 2,6-dinitrotoluene	CAS #606-20-2
Acute criterion: 1,900 ug/l	Chronic criterion: 150 ug/l
Date criteria derived: February 14, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Diquat	CAS #85-00-7
Acute criterion: 990 ug/l	Chronic criterion: 80 ug/l
Date criteria derived: January 30, 1996	
Applicable waterbodies: Not used during this period.	
Chemical: Ethyl mercaptan (ethanethiol)	CAS #75-08-1
Acute criterion: 17 ug/l	Chronic criterion: 2 ug/l
Date criteria derived: April 8, 2002	
Applicable waterbodies: Not used during this period.	
Chemical: Fluoranthene	CAS #206-44-0
Human health criterion (HTC): 120 ug/l	
Date criteria derived: August 10, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Formaldehyde	CAS #50-00-0
Acute criterion: 4.9 mg/l	Chronic criterion: 0.39 mg/l
Date criteria derived: January 19, 1993	
Applicable waterbodies: Not used during this period.	

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: Hexachlorobenzene	CAS #118-74-1
Human health criterion (HNC): 0.00025 ug/l	
Date criteria derived: November 15, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: Hexachlorobutadiene	CAS #87-68-3
Acute criterion: 35 ug/l	Chronic criterion: 2.8 ug/l
Date criteria derived: March 23, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Hexachloroethane	CAS #67-72-1
Acute criterion: 380 ug/l	Chronic criterion: 31 ug/l
Human health criterion (HNC): 2.9 ug/l	
Date criteria derived: November 15, 1991	
Applicable waterbodies: Not used during this period.	
Chemical: n-Hexane	CAS #110-54-3
Acute criterion: 250 ug/l	Chronic criterion: 20 ug/l
Date criteria derived: April 8, 2002	
Applicable waterbodies: Not used during this period.	
Chemical: Isobutyl alcohol = 2-methyl-1-propanol	CAS #78-83-1
Acute criterion: 430 mg/l	Chronic criterion: 35 mg/l
Date criteria derived: December 1, 1993	
Applicable waterbodies: Not used during this period.	
Chemical: Methylene chloride	CAS #75-09-2
Acute criterion: 17 mg/l	Chronic criterion: 1.4 mg/l
Human health criterion (HNC): 340 ug/l	
Date criteria derived: January 21, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: Methyl ethyl ketone	CAS #78-93-3
Acute criterion: 320 mg/l	Chronic criterion: 26 mg/l
Date criteria derived: July 1, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: 4-methyl-2-pentanone	CAS #108-10-1
Acute criterion: 46 mg/l	Chronic criterion: 1.4 mg/l
Date criteria derived: January 13, 1992	
Applicable waterbodies: Not used during this period.	
Chemical: 2-methyl phenol	CAS #95-48-7
Acute criterion: 4.7 mg/l	Chronic criterion: 0.37 mg/l

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Date criteria derived: November 8, 1993 Applicable waterbodies: Not used during this period.	
Chemical: 4-methyl phenol Acute criterion: 670 ug/l Date criteria derived: January 13, 1992 Applicable waterbodies: Not used during this period.	CAS #106-44-5 Chronic criterion: 120 ug/l
Chemical: methyl tert-butyl ether (MTBE) Acute criterion: 67 mg/l Date criteria derived: September 18, 1997 Applicable waterbodies: Not used during this period.	
Chemical: Naphthalene Acute criterion: 510 ug/l Date criteria derived: November 7, 1991; revised February 1999 Applicable waterbodies: Not used during this period.	
Chemical: 4-nitroaniline Acute criterion: 1.5 mg/l Date criteria derived: May 5, 1996 Applicable waterbodies: Not used during this period.	
Chemical: Nitrobenzene Acute criterion: 15 mg/l Human health criterion (HTC): 0.52 mg/l Date criteria derived: February 14, 1992; revised February 1999 Applicable waterbodies: Not used during this period.	
Chemical: Pentachlorophenol Acute criterion: 20 ug/l Date criteria derived: national criterion at pH of 7.8, September 1986 Applicable waterbodies: Not used during this period.	
Chemical: Phenanthrene Acute criterion: 46 ug/l Date criteria derived: October 26, 1992 Applicable waterbodies: Not used during this period.	
Chemical: Propylene Acute criterion: 4.0 mg/l Date criteria derived: April 8, 2002 Applicable waterbodies: Not used during this period.	
Chemical: Pyrene CAS #120-00-0	

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Human health criterion (HTC): 3.5 mg/l Date criteria derived: December 22, 1992 Applicable waterbodies: Not used during this period.	
Chemical: Tetrachloroethylene Acute criterion: 1,200 ug/l Date criteria derived: March 23, 1992 Applicable waterbodies: Not used during this period.	CAS #127-18-4 Chronic criterion: 150 ug/l
Chemical: Tetrahydrofuran Acute criterion: 220 mg/l Date criteria derived: March 16, 1992 Applicable waterbodies: Not used during this period.	CAS #109-99-9 Chronic criterion: 17 mg/l
Chemical: 1,2,4-trichlorobenzene Acute criterion: 370 ug/l Date criteria derived: December 14, 1993; revised February 1999 Applicable waterbodies: Not used during this period.	CAS #120-82-1 Chronic criterion: 72 ug/l
Chemical: 1,1,1-trichloroethane Acute criterion: 4,900 ug/l Date criteria derived: October 26, 1992 Applicable waterbodies: Not used during this period.	CAS #71-55-6 Chronic criterion: 390 ug/l
Chemical: 1,1,2-trichloroethane Acute criterion: 19 mg/l Human health criterion (HNC): 12 ug/l Date criteria derived: December 13, 1993; revised February 1999 Applicable waterbodies: Not used during this period.	CAS #79-00-5 Chronic criterion: 4.4 mg/l
Chemical: Trichloroethylene Acute criterion: 12,000 ug/l Human health criterion (HNC): 25 ug/l Date criteria derived: October 23, 1992 Applicable waterbodies: Not used during this period.	CAS #79-01-6 Chronic criterion: 940 ug/l

For additional information concerning these criteria or the derivation process used in generating them, please contact:

Bob Mosher
Illinois Environmental Protection Agency
Division of Water Pollution Control

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-3362

DEPARTMENT OF LABOR

NOTICE OF PUBLIC INFORMATION

CONTRACTOR PROHIBITED FROM AN AWARD
OF A CONTRACT OR SUBCONTRACT
FOR PUBLIC WORKS PROJECTS

Pursuant to the findings in Re: W.J. Farms, Inc., IDOL File No. 2001-PW-TD07-0751, the Director of the Department of Labor gives notice that [W.J. Farms, Inc.], its member(s), officer(s), manager(s), agent(s), and all persons acting in W.J. Farms, Inc.'s interest and/or on W.J. Farms, Inc.'s behalf, and any business entity, including, but not limited to, any firm, corporation, partnership or association in which W.J. Farms, Inc., its member(s), officer(s), manager(s), agent(s), and all other persons acting in W.J. Farms, Inc.'s interest and/or on W.J. Farms, Inc.'s behalf have an interest, pecuniary or otherwise, is(are) prohibited from bidding, accepting or working on any contract or subcontract for a public works project covered by the Prevailing Wage Act, 820 ILCS 130/0.01-12 (2001), commencing July 1, 2004 and continuing through July 1, 2006.

Copies of the Prevailing Wage Act are available on the internet at <http://www.legis.state.il.us/ilcs/ch820/ch820act130.htm>, and at the:

Illinois Department of Labor
Conciliation and Mediation Division
One West Old State Capital Plaza, Room 300
Springfield, Illinois 62701-1217

PROCLAMATIONS

2004-241 (Revised)**National Alcohol and Drug Addiction Recovery Month**

WHEREAS, substance abuse is a treatable disease and treatment of addiction is as successful as the treatment of other chronic diseases such as diabetes, hypertension, and asthma; and

WHEREAS, substance abuse, and its co-existing mental and physical disorders, are major public health problems that affect millions of Americans of every age, race and ethnic background, in all communities; and

WHEREAS, alcohol and drug use disorders have enormous medical, societal and economic costs, with a significant negative impact on families, often resulting in increased conflict, emotional and physical abuse, stress, and financial strife; and

WHEREAS, in 2002, an estimated 22 million Americans met the criteria for substance dependence or abuse. In that same year, only 10.3 percent of Americans 12 and older who needed treatment for an alcohol or drug use disorder actually received treatment; and

WHEREAS, the primary reason that most of those afflicted did not receive treatment is that they incorrectly believed that treatment was not necessary; and

WHEREAS, those who do realize that they need treatment often face various barriers to recovery. These barriers include the cost of treatment, stigma associated with substance abuse problems, inadequate facilities, and simply a lack of information about treatment options; and

WHEREAS, the Department of Human Services/Division of Alcoholism and Substance Abuse celebrates September 2004 as National Alcohol and Drug Recovery Month; and

WHEREAS, the theme of this year's Recovery Month, "Join the Voices for Recovery...NOW!" aims to celebrate the lives of those who have successfully recovered from substance addictions, proving that proper treatment can lead to normal, healthy, and productive lives:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2004 as NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH in Illinois, and call on all citizens to celebrate the lives of those who have successfully recovered, while encouraging those struggling with substance abuse to seek treatment.

Issued by the Governor August 31, 2004.

Filed by the Secretary of State September 1, 2004.

2004-246**Environmental Management Service Week**

WHEREAS, Environmental Management Service is celebrating 50 years of providing quality services in Veterans Affairs (VA) health care; and

WHEREAS, the vision of Environmental Management Service is to be the environmental conscience of the Department of Veterans Affairs, Veterans Health Administration, continuing to serve the original vision of the VA, "Putting Veterans First;" and

WHEREAS, Environmental Management Service provides many different kinds of services to those in the VA community. The department is there to insure the provision of a safe,

PROCLAMATIONS

sanitary and healing healthcare environment for those who have served, and for those who in turn, serve them; and

WHEREAS, Environmental Management Service continues to provide vital assistance to VA hospitals, and to the healthcare industry as a whole:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 12-18, 2004 as ENVIRONMENTAL MANAGEMENT SERVICE WEEK in Illinois, and encourage citizens to appreciate the value of serving others.

Issued by the Governor August 27, 2004.

Filed by the Secretary of State August 31, 2004.

2004-247**College Savings Month**

WHEREAS, parents who begin to prepare for the costs of college education early in their children's lives, are able to manage their finances more efficiently when the time comes for their children to attend college; and

WHEREAS, the cost of higher education continues to rise, outpacing the rate of inflation. Parents who participate in college savings plans will ensure that their children are able to attend college and work toward achieving their goals; and

WHEREAS, government officials should encourage citizens to save for the future rather than borrow against the future. This will ease the financial burden on everyone in the State and help to reduce the number of young adults with student loan debt; and

WHEREAS, Section 529 plans have become the most popular way to save money for college. There are two kinds of plans – prepaid tuition plans and college savings plans; and

WHEREAS, the State of Illinois currently administers both types of plans. "College Illinois! Prepaid Tuition Program" allows parents to lock in current tuition rates at in-State public colleges, while "Bright Star Savings" lets parents save money as well as accrue interest on their savings through certificates of deposit or money market ventures:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2004 as COLLEGE SAVINGS MONTH in Illinois, and encourage parents to take an active interest in their child's education and begin to save for the future.

Issued by the Governor August 27, 2004.

Filed by the Secretary of State August 31, 2004.

2004-248**President James J. Stukel Day**

WHEREAS, Dr. James J. Stukel has dedicated his life and career to the students and faculty of the University of Illinois. He has served the University for over 40 years, culminating with his appointment to the role of President in 1995; and

WHEREAS, President Stukel began his career in education as a teaching assistant while working toward his master's degree in engineering at the Urbana-Champaign campus. Upon

PROCLAMATIONS

receiving his Doctorate, he became an assistant professor in the engineering department, and in the coming years, President Stukel worked his way up the ranks of faculty and administrative positions; and

WHEREAS, throughout his presidency, President Stukel was successful in accomplishing many of the goals that he set forth through the various programs that he instituted. Among his achievements, he enriched undergraduate education, strengthened the University's ties to the citizens of Illinois, and generally enhanced the overall quality of University life; and

WHEREAS, also during his tenure, President Stukel fought to keep all programs at the University functioning at their best, despite economic downturns and budget constraints; and

WHEREAS, President Stukel retains extensive institutional knowledge of the University. Having worked as the Executive Vice Chancellor and the Vice Chancellor for Academic Affairs at the Chicago campus, he was instrumental in creating a forum where the faculty and staff could voice their issues and concerns; and

WHEREAS, President Stukel has had 90 publications in varying academic journals over the span of his career. He has also been awarded numerous honorary degrees from several institutions; and

WHEREAS, President Stukel was the Chairman of the Board of Directors for the National Association of State Universities and Land-Grant Colleges (NASULGC), which is considered as a distinguished honor among University presidents and faculty; and

WHEREAS, President Stukel is retiring this year, and it is fitting that we, as a State, take the time to recognize his many years of commitment to the University of Illinois, and to the quality of education all throughout the State:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 10, 2004 as PRESIDENT JAMES J. STUKEL DAY in Illinois, and encourage all citizens to join in celebrating the terrific career of this devoted educator.

Issued by the Governor August 30, 2004.

Filed by the Secretary of State August 31, 2004.

2004-249**Life Insurance Awareness Month**

WHEREAS, life insurance provides families and loved ones of deceased individuals with monetary compensation to help them emotionally and financially deal with their losses; and

WHEREAS, ownership of life insurance has been declining for decades because many people feel they cannot afford it. A recent study of widows and widowers whose spouses suffered untimely deaths found that one in four wished their spouse had better coverage; and

WHEREAS, life insurance professionals provide a valuable service to the community by counseling individuals in financial matters, preparing them for retirement, and helping them plan their estates; and

WHEREAS, insurance professionals are trusted financial advisors and important contributors to the economic and social stability of their communities; and

PROCLAMATIONS

WHEREAS, the Illinois Association of Insurance and Financial Advisors (IAIFA) in partnership with the National Association of Insurance and Financial Advisors (NAIFA), are promoting Life Insurance Awareness Month to encourage citizens to purchase a life insurance package that will benefit them and their families the most; and

WHEREAS, the IAIFA is hosting several events through the month of September such as the South Cook Financial Services Expo, which will help the IAIFA make its presence known throughout the state and help to educate people about the importance of life insurance:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2004 as LIFE INSURANCE AWARENESS MONTH in Illinois, and encourage citizens to learn about life insurance and its benefits.

Issued by the Governor August 30, 2004.

Filed by the Secretary of State August 31, 2004.

2004-250**Spinal Cord Injury Awareness Month**

WHEREAS, currently, there are approximately 245,000 Americans living with acute spinal cord injury (SCI); and

WHEREAS, 11,000 new cases of spinal cord injury occur in the U.S. every year; and

WHEREAS, motor vehicle crashes are the leading cause of spinal cord injuries, followed by hard falls. The instances of motor vehicle crashes, as a cause of SCI, has declined in recent years, while those who get SCI as a result of hard falls has steadily risen since 1973; and

WHEREAS, over 50 percent of spinal cord injuries occur in people between the ages of 16 and 30. The average age at injury is 32 years and it has steadily increased over time; and

WHEREAS, the search for a cure for spinal cord injuries has become of great importance over the last 30 years. The support for finding a cure, as well as informing citizens about the disease, are the most important aspects of the campaign for a cure:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2004 as SPINAL CORD INJURY AWARENESS MONTH in Illinois, and encourage all citizens to become cognizant of this debilitating condition.

Issued by the Governor August 30, 2004.

Filed by the Secretary of State August 31, 2004.

2004-251**National Prostate Cancer Awareness Month**

WHEREAS, prostate cancer is the most common cancer and the second leading cause of cancer death among American men. In 2003, there were 220,900 new cases and 28,900 deaths; and

WHEREAS, prostate cancer develops in the prostate gland of a man. Although the cancer usually grows slowly, if it goes undetected, it can quickly spread to other parts of the body; and

PROCLAMATIONS

WHEREAS, currently, 70 percent of all prostate cancer diagnoses are in men over the age of 65. African-American men are twice as likely to die from the disease as Caucasian men; and

WHEREAS, although there are no regular symptoms to watch for, some signs indicating problems with the prostate gland include frequent or weak and painful urination; and

WHEREAS, when a man reaches the age of 50 (45 if they have increased risk factors) they should begin annual screenings to increase the chances of finding prostate cancer before it spreads. Early detection offers the greatest opportunity for recovery; and

WHEREAS, prostate cancer screening, combined with clinical examinations and self-exams are the best ways to detect prostate cancer in its early stages; and

WHEREAS, the survival rate for prostate cancer cases that were detected in the early stages is 100 percent after 5 years; and

WHEREAS, researchers are looking into the possibility of creating a vaccine for increasing the body's immunity to prostate cancer cells. In addition, there are studies being conducted to evaluate the effectiveness of eating certain foods such as tomatoes and soybeans as preventative measures. In general, eating a low-fat diet and enjoying regular physical activity are ways that men can reduce their risk of developing prostate cancer; and

WHEREAS, September has been designated as a month to raise public awareness among all men about the importance of a healthy lifestyle and of preventative health practices that can result in the early detection and treatment of prostate cancer:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim September 2004 as NATIONAL PROSTATE CANCER MONTH in Illinois and urge all men to educate themselves about this deadly disease and what they can do to prevent it from negatively affecting their lives.

Issued by the Governor August 30, 2004.

Filed by the Secretary of State August 31, 2004.

ILLINOIS ADMINISTRATIVE CODE

Issue Index - With Effective Dates

Rules acted upon in Volume 28, 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

89 - 120	12776
86 - 100	12778
92 - 1030	12792
23 - 2733	12816

ADOPTED RULES

2 - 2675	09/07/2004.....	12818
86 - 3000	08/31/2004.....	12824
17 - 530	09/01/2004.....	12835
17 - 730	09/01/2004.....	12865
17 - 740	09/01/2004.....	12882
17 - 1010	09/01/2004.....	12895
17 - 1050	09/01/2004.....	12904

EMERGENCY RULES

89 - 120	09/01/2004.....	12921
23 - 2733	09/15/2004.....	12932

EXECUTIVE ORDERS AND PROCLAMATIONS

04 - 246	08/27/2004.....	12952
04 - 241	08/31/2004.....	12952
04 - 248	08/30/2004.....	12953
04 - 247	08/27/2004.....	12953
04 - 249	08/30/2004.....	12954
04 - 251	08/30/2004.....	12955
04 - 250	08/30/2004.....	12955

ORDER FORM

<input type="checkbox"/> Subscription to the Illinois Register (52 Issues) <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Subscription to the Administrative Code on CD-ROM <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Electronic Version of the Illinois Register (E-mail Address Required) <input type="checkbox"/> New <input type="checkbox"/> Renewal	\$290.00 (annually)
<input type="checkbox"/> Back Issues of the Illinois Register (Current Year Only) Volume # _____ Issue# _____ Date _____	\$ 10.00 (each)
<input type="checkbox"/> Microfiche sets of the Illinois Register 1977 – 2001 Specify Year(s) _____	\$ 200.00 (per set)
<input type="checkbox"/> Cumulative/Sections Affected Indices 1990 - 2003 Specify Year(s) _____	\$ 5.00 (per set)
(Processing fee for credit cards purchases, if applicable.) \$ 1.50 TOTAL AMOUNT OF ORDER \$ _____	

Check Make Checks Payable To: **Secretary of State**

<input type="checkbox"/> VISA <input type="checkbox"/> Master Card <input type="checkbox"/> Discover (There is a \$1.50 processing fee for credit card purchases.)
Card #: _____ Expiration Date: _____
Signature: _____

Send Payment To: Secretary of State
 Department of Index
 Administrative Code Division
 111 E. Monroe
 Springfield, IL 62756

Fax Order To: (217) 524-0308

Name:	Attention:	ID #:
Address:		
City:	State:	Zip Code:
Phone:	Fax:	E-Mail:

Published by **JESSE WHITE** • Secretary of State
www.cyberdriveillinois.com