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REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



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NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Solicitation for Charity Act
- 2) Code Citation: 14 Ill. Adm. Code 400
- 3) Section Number: 400.Appendix A, Illustration D Proposed Action: Amendment
- 4) Statutory Authority: Sections 2(h) and 4 of the Solicitation for Charity Act [225 ILCS 460/2(a) and 4]
- 5) A Complete Description of the Subjects and Issues Involved: The purposes of this rulemaking are to update the annual report form used by charitable organizations (Form AG 990-IL) and its instructions and to restate and restructure them in an effort to cut down on the mistakes and frequently asked questions.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: Neither creates nor enlarges a State mandate within the meaning of 30 ILCS 805/3b of the State Mandates Act.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: During the first notice period by writing:

Therese Harris, Chief
Charitable Trust Bureau
James R. Thompson Center, 3rd Floor
100 W. Randolph Street
Chicago IL 60601

(312) 814-2533
- 12) Initial Regulatory Flexibility Analysis:

ATTORNEY GENERAL

NOTICE OF PROPOSED AMENDMENT

- A) Types of small businesses, small municipalities and not for profit corporations affected: Not for profit corporations that are charitable organizations and required to file annual financial reports under the Solicitation for Charity Act.
 - B) Reporting, bookkeeping or other procedures required for compliance: No additional procedures are required.
 - C) Types of professional skills necessary for compliance: No additional professional skills are required.
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: The need for clarification, which arose in part as a result of the numerous inquiries received from charitable organizations filing at the end of the calendar year, was only recently established. Because around half of the 25,000 reports filed each year are due at the end of June, we were unable to include the rulemaking in a regulatory agenda and still address the issue in a timely fashion.

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

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NOTICE OF PROPOSED AMENDMENT

TITLE 14: COMMERCE
SUBTITLE B: CONSUMER PROTECTION
CHAPTER II: ATTORNEY GENERALPART 400
SOLICITATION FOR CHARITY ACT

Section	
400.10	General
400.20	Definitions
400.30	Registration
400.40	Religious Exemption
400.50	Not Subject Organizations (Repealed)
400.60	Annual Reports for Charitable Organizations
400.65	Mid-Year and Annual Reports for Professional Fund Raisers
400.70	Professional Fund Raiser Renewal
400.80	Professional Solicitor Renewal
400.85	Professional Fundraising Consultant Renewal
400.90	Public Records
400.100	Registration Not an Endorsement
400.APPENDIX A	Charitable Organization Forms
400.ILLUSTRATION A	Registration Statement and Instructions
400.ILLUSTRATION B	Financial Information Form
400.ILLUSTRATION C	Religious Organization Exemption Form
400.ILLUSTRATION D	Annual Report and Instructions
400.ILLUSTRATION E	Report of Individual Fundraising Campaign
400.APPENDIX B	Professional Fund Raiser Forms
400.ILLUSTRATION A	Registration Statement and Instructions
400.ILLUSTRATION B	List of Charities and Contracts
400.ILLUSTRATION C	Bond
400.ILLUSTRATION D	Annual Financial Report
400.ILLUSTRATION E	Report of Individual Fundraising Campaign
400.ILLUSTRATION F	Professional Solicitor Compensation Report
400.ILLUSTRATION G	Explanation of Professional Fundraising Fees
400.APPENDIX C	Professional Solicitor Forms
400.ILLUSTRATION A	Registration Statement
400.APPENDIX D	Professional Fundraising Consultant Forms
400.ILLUSTRATION A	Registration Statement

AUTHORITY: Implementing and authorized by the Solicitation for Charity Act [225 ILCS 460].

ATTORNEY GENERAL

NOTICE OF PROPOSED AMENDMENT

SOURCE: Adopted and effective November 5, 1975; amended at 2 Ill. Reg. 37, p. 185, effective September 30, 1978; amended at 6 Ill. Reg. 9616, effective August 1, 1982; codified at 7 Ill. Reg. 879; amended at 24 Ill. Reg. 14684, effective September 21, 2000; amended at 29 Ill. Reg. _____, effective _____.

ATTORNEY GENERAL

NOTICE OF PROPOSED AMENDMENT

Section 400.APPENDIX A Charitable Organization Forms

Section 400.ILLUSTRATION D Annual Report and Instructions

For Office Use Only

Form with fields: PMT#, AMT, INIT

ILLINOIS CHARITABLE ORGANIZATION ANNUAL REPORT

Form AG990-IL

Attorney General LISA MADIGAN, JIM RYAN State of Illinois
Charitable Trust Bureau, 100 West Randolph
3rd Floor, Chicago, Illinois 60601

CO #

Report for the Fiscal Period:

Beginning / /
& Ending / /
MO DAY YR

- Make checks Payable to the Illinois Charity Bureau Fund
Copy of IRS Return
Audited Financial Statements
Copy of Form IFC
\$15.00 Annual Report Filing Fee
\$100.00 Late Report Filing Fee

Federal ID #

Are contributions to the organization tax deductible? Yes No Date Organization was created: / /

Table with columns: LEGAL NAME, MAIL ADDRESS, CITY, STATE, ZIP CODE, Year-end amounts (A-C), I. SUMMARY OF ALL REVENUE ITEMS, II. SUMMARY OF ALL EXPENDITURES, III. SUMMARY OF ALL PAID FUNDRAISER AND CONSULTANT ACTIVITIES, IV. COMPENSATION TO THE (3) HIGHEST PAID PERSONS.

ATTORNEY GENERAL

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V) NAME, TITLE	V) \$
V. CHARITABLE PROGRAM DESCRIPTION: <i>CHARITABLE PROGRAM (3 HIGHEST BY \$ EXPENDED) CODE CATEGORIES</i>	List on back side of instructions CODE
W) DESCRIPTION	W) #
X) DESCRIPTION	X) #
Y) DESCRIPTION	Y) #

ATTORNEY GENERAL

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IF THE ANSWER TO ANY OF THE FOLLOWING IS YES, ATTACH A DETAILED EXPLANATION:		YES	NO
1.	WAS THE ORGANIZATION THE SUBJECT OF ANY COURT ACTION, FINE, PENALTY OR JUDGMENT?.....		
2.	HAS THE ORGANIZATION OR A CURRENT DIRECTOR, TRUSTEE, OFFICER OR EMPLOYEE THEREOF, EVER BEEN CONVICTED BY ANY COURT OF ANY MISDEMEANOR INVOLVING THE MISUSE OR MISAPPROPRIATION OF FUNDS OR ANY FELONY?		
3.	DID THE ORGANIZATION MAKE A GRANT AWARD OR CONTRIBUTION TO ANY ORGANIZATION IN WHICH ANY OF ITS OFFICERS, DIRECTORS OR TRUSTEES OWNS AN INTEREST; OR WAS IT A PARTY TO ANY TRANSACTION IN WHICH ANY OF ITS OFFICERS, DIRECTORS OR TRUSTEES HAS A MATERIAL FINANCIAL INTEREST; OR DID ANY OFFICER, DIRECTOR OR TRUSTEE RECEIVE ANYTHING OF VALUE NOT REPORTED AS COMPENSATION?		
4.	HAS THE ORGANIZATION INVESTED IN ANY CORPORATE STOCK IN WHICH ANY OFFICER, DIRECTOR OR TRUSTEE OWNS MORE THAN 10% OF THE OUTSTANDING SHARES?		
5.	IS ANY PROPERTY OF THE ORGANIZATION HELD IN THE NAME OF OR COMMINGLED WITH THE PROPERTY OF ANY OTHER PERSON OR ORGANIZATION?.....		
6.	DID THE ORGANIZATION USE THE SERVICES OF A PROFESSIONAL FUNDRAISER? (ATTACH FORM IFC).....		
7a.	DID THE ORGANIZATION ALLOCATE THE COST OF ANY SOLICITATION MAILING, ADVERTISEMENT OR LITERATURE COSTS BETWEEN PROGRAM SERVICE AND FUNDRAISING EXPENSES?		
7b.	IF "YES", ENTER (i) THE AGGREGATE AMOUNT OF THESE JOINT COSTS \$ _____; (ii) THE AMOUNT ALLOCATED TO PROGRAM SERVICES \$ _____; (iii) THE AMOUNT ALLOCATED TO MANAGEMENT AND GENERAL \$ _____; AND (iv) THE AMOUNT ALLOCATED TO FUNDRAISING \$ _____.		
8.	DID THE ORGANIZATION EXPEND ITS RESTRICTED FUNDS FOR PURPOSES OTHER THAN RESTRICTED PURPOSES?.....		
9.	HAS THE ORGANIZATION EVER BEEN REFUSED REGISTRATION OR HAD ITS REGISTRATION OR TAX EXEMPTION SUSPENDED OR REVOKED BY ANY GOVERNMENTAL AGENCY?.....		
10.	WAS THERE OR DO YOU HAVE ANY KNOWLEDGE OF ANY KICKBACK, BRIBE, OR ANY THEFT, DEFALCATION, MISAPPROPRIATION, COMMINGLING OR MISUSE OF ORGANIZATIONAL FUNDS?		
11.	LIST THE NAME, ADDRESS AND THE ACCOUNT # OF THE FINANCIAL INSTITUTIONS WHERE THE ORGANIZATION MAINTAINS ITS THREE LARGEST ACCOUNTS: _____ _____		
12.	NAME AND TELEPHONE NUMBER OF CONTACT PERSON:		

ALL ATTACHMENTS MUST ACCOMPANY THIS REPORT – SEE INSTRUCTIONS

UNDER PENALTY OF PERJURY, I (WE) THE UNDERSIGNED DECLARE AND CERTIFY THAT I (WE) HAVE EXAMINED THIS ANNUAL REPORT AND THE ATTACHED DOCUMENTS, INCLUDING ALL THE SCHEDULES AND STATEMENTS, AND THE FACTS THEREIN STATED ARE TRUE AND COMPLETE AND FILED WITH THE ILLINOIS ATTORNEY GENERAL FOR THE PURPOSE OF HAVING THE PEOPLE OF THE STATE OF ILLINOIS RELY THEREUPON. I HEREBY FURTHER AUTHORIZE AND AGREE TO SUBMIT MYSELF AND THE REGISTRANT HEREBY TO THE JURISDICTION OF THE STATE OF ILLINOIS.

BE SURE TO INCLUDE ALL FEES DUE:

1)	REPORTS ARE DUE WITHIN SIX MONTHS OF YOUR FISCAL YEAR END.	PRESIDENT or TRUSTEE (PRINT NAME)	SIGNATURE	DATE
2)	FOR FEES DUE, SEE INSTRUCTIONS. REPORTS WITH ASSETS OR REVENUES GREATER THAN \$15,000 MUST SUBMIT \$15.00 FILING FEE.	TREASURER or TRUSTEE (PRINT NAME)	SIGNATURE	DATE
3)	REPORTS THAT ARE LATE OR INCOMPLETE ARE SUBJECT TO A \$100 PENALTY.	PREPARER (PRINT NAME)	SIGNATURE	DATE

ATTORNEY GENERAL

NOTICE OF PROPOSED AMENDMENT

Form AG990-IL INS

**ILLINOIS CHARITABLE ORGANIZATION
– FORM AG990-IL FILING INSTRUCTIONS –**

**LISA MADIGAN
JIM RYAN
ATTORNEY GENERAL**

A COMPLETE ANNUAL FINANCIAL REPORT (AG990-IL with all required attachments and applicable fees) is due within six months after the organization's fiscal year end. A REPORT WILL NOT BE CONSIDERED FILED UNLESS IT IS COMPLETE. A COMPLETE ANNUAL FINANCIAL REPORT must include the following items:

~~As required by Illinois Law, every charity operating in Illinois, with limited exceptions, must register and file an annual financial report with the Illinois Attorney General's Office. (760 ILCS 55/1 et seq. and 225 ILCS 460/0.01 et seq.)~~

TO COMPLETE AN ANNUAL FINANCIAL REPORT FILING THE FOLLOWING ITEMS MUST BE SUBMITTED:

1. **\$15.00 Annual Filing Fee – Make make-check or money order payable to "ILLINOIS CHARITY BUREAU FUND." (No fee is required if the organization's gross revenue and assets were each less than \$15,000. See below for simplified filing for small organizations.) An annual financial report submitted without proper fees will not be considered filed.** ~~Filing without proper fees will not be accepted.~~
 - **Soliciting Organizations** are required to pay a \$15 Annual Report Filing Fee if gross contributions are greater than \$15,000 or assets are greater than \$25,000.
 - **Trust Organizations registered under the Charitable Trust Act only** are required to pay a \$15 Annual Report Filing Fee if gross revenues or assets are greater than \$25,000.
2. **Form AG990-IL – amounts on this form should be typed in black and rounded to the nearest dollar. Complete all sections and line items applicable to the organization. See 6 below for Simplified Filing Option for Small Organizations. An annual financial report submitted with an incomplete Form AG990-IL will not be considered filed. An incomplete AG990-IL will be classified as not filed.**
 - A. **CO#:** Include CO# on the Form AG990-IL. Correct any incorrect name or address information if using preprinted form and highlight any corrections.
 - B. **SIGNATURES:** The Form AG990-IL must be signed by **two** different officers (president or other authorized officer and the chief fiscal officer) or by **two**

ATTORNEY GENERAL

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trustees. One signature shall be accepted if there is only one trustee. A Form AG990-IL without required signatures is incomplete.

C. Part I, Line D: Report "contributions" as defined by the Solicitation for Charity Act. The Solicitation for Charity Act defines "contributions" to include the gross amounts of cash donations as well as gross sums paid by the public for merchandise, special events, rights or services of the organization. A Form AG990-IL that fails to report "contributions" as defined by the Solicitation for Charity Act is incomplete. (A complete definition of "contribution" under the Solicitation for Charity Act is shown on the back of these instructions.)

D.A. Part II, Line J1: Report all program costs associated with a combined fund-raising appeal to the extent such was allocated to Charitable Program Service Expense and entered on line J as Charitable Program Service Expense. The amount should equal the amount reported on the back of the AG990-IL form, questions 7b(ii). You must have and maintain the documentation to support the allocations made.

E.B. Part III, Line S: List all fees paid to all fundraising consultants during the year. Attach a list of these consultants listing the name and address of the consultant Consultant and the total of all fees paid.

F. Part V, Lines W, X, Y Program Service Codes: Select up to three codes from those on the back of these instructions that best describe the program services for which the organization spent funds.

3. IRS Return or Report — (IRS form 990 (excluding Schedule B), 990EZ (excluding Schedule B), 990PF, 1041, 1120 or other, must be attached if required by the IRS)—submit a copy of the Federal Return you filed. If the organization you did not file a federal return Federal Return or report and Report, explain why. Attach — attach explanation. An annual financial report submitted without the required federal return or report is incomplete.

4. Audited Financial Statements must be attached by a public charity—are required if gross contributions exceeded \$150,000 or if the public charity raised contributions in excess of \$25,000 through the services of organization—used a paid professional fundraiser. The Solicitation for Charity Act defines contributions to which raised contributions in excess of \$25,000. Contributions include the gross amounts of cash donations as well as gross sums paid by the public for merchandise, special events, rights or services of the organization, as well as cash donations. (A complete definition of "contribution" under the Solicitation for Charity Act is shown on the back of these

ATTORNEY GENERAL

NOTICE OF PROPOSED AMENDMENT

instructions.) ~~An annual financial report without required audited financial statements is incomplete.~~

5. **Form IFC —~~Attorney General~~ Report of Individual Fundraising Campaign** – If the organization used a paid professional fund-raiser, a separate Form IFC campaign report form—is required for each campaign, and each must be signed by ~~both~~both the professional fund-raiser ~~and~~and an officer or director of the organization. An annual financial report without the required Form IFC is incomplete.

6. **Simplified Filing Option for Small Organizations:**

- **Soliciting Organizations** with gross contributions and assets of \$25,000 or less during the fiscal year may file an AG990-IL with all required signatures, disclosing only total revenue, total expenditures, and assets at the fiscal year end (Lines A, G and O of the AG990-IL). A \$15 annual report filing fee is due only if gross contributions were more than \$15,000.
- **Trust Organizations registered solely under the Charitable Trust Act** with gross revenue and assets of \$25,000 or less during the fiscal year may file an AG990-IL with all required signatures, disclosing only total revenue, total expenditures, and assets at the fiscal year end (Lines A, G and O of the AG990-IL). A \$15 annual report filing fee is not due.

60 DAY EXTENSION and LATE REPORT FILING FEES; ADDITIONAL INSTRUCTIONS:

- 4.▪ A 60 day extension will be granted only upon the filing of a written request with the Attorney General prior to the report due date.
- If a proper and complete annual report (AG990-IL with all required attachments and applicable fees) or a written extension request is not received prior to the due date, a \$100 late report filing fee (checks payable to the "Illinois Charity Bureau Fund") is required by Illinois law. The report cannot be accepted and will not be considered filed if it is late and the late fee is not paid.

Submit the complete annual financial report (AG990-IL with all required attachments and applicable fees) or written extension request to:

CO#: Include CO# on reports and all correspondence. Upon registration a charitable organization number was assigned (CO# 01-XXX, XXX), if not printed on the form, please

ATTORNEY GENERAL

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~~insert your CO# on the top of the first page of the AG990 IL. Correct any preprinted name or address information that is incorrect or out of date.~~

~~2. PROGRAM SERVICE CODES: Select up to three codes from those on back of these instructions which best describe the program service(s) for which the organization spent funds. Enter description(s) and code number(s) in Part V of the AG990 IL.~~

~~3. SIGNATURES: The signatures of two different officers (president or other authorized officer and the chief fiscal officer) or of two trustees are required on the back side of the AG990 IL. One signature shall be accepted if there is only one officer or trustee.~~

~~4. DUE DATE: The annual financial report and fee are due within six months of the organization's fiscal or calendar year end. A sixty day extension of the due date can be requested. The extension request must be in writing and received by our office prior to the due date.~~

~~5. LATE REPORT FILING FEE: If a proper and complete annual report along with all fees and attachments is not received prior to the due date, a \$100.00 late report filing fee (checks payable to "Illinois Charity Bureau Fund") is required by Illinois law. The report cannot be accepted and will not be considered filed if it is late and the late fee is not paid.~~

~~6. File the original AG990 IL, one copy of the attachments, and applicable fees with the:~~

OFFICE OF THE ATTORNEY GENERAL
CHARITABLE TRUST BUREAU
ATTN: ANNUAL REPORT SECTION
100 WEST RANDOLPH STREET, 3rd FLOOR
CHICAGO, ILLINOIS 60601-3175
(312)814-2595

ATTORNEY GENERAL

NOTICE OF PROPOSED AMENDMENT

Section 1(b) of the Solicitation for Charity Act defines contributions as follows:

"Contribution." The promise or grant of any money or property of any kind or value, including the promise to pay, except payments by union members of an organization. Reference to the dollar amount of "contributions" in the Act means, in the case of promise to pay, or payments for merchandise or rights of any other description, the value of the total amount promised to be paid or paid for such merchandise or rights and not merely that portion of the purchase price to be applied to a charitable purpose. Contribution shall not include the proceeds from the sale of admission tickets by any not-for-profit music or dramatic arts organization that establishes, by such proof as the Attorney General may require, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code (26 USC 501 et seq.) and that is organized and operated for the presentation of live public performance of musical or theatrical works on a regular basis. For purposes of this definition, union member dues and donated services shall not be deemed contributions. (See 225 ILCS 460/1(b).)

Part V, Lines W, X, Y Program Service Codes:

Charitable activity code numbers (select up to three codes which best describe the activity and/or the program service for which your organization expends funds). Enter in Part V of the first page of the AG990-IL. Enter first the code which most accurately identifies you.

SCHOOLS		PUBLIC POLICY
001 Pre-School	100	Legislative and Political Activities
002 Elementary or High Schools	101	Lobbying & Advocacy
003 College & Universities	102	Consumer Interest Group (non-education)
004 Trade Schools, Vocational Schools & Job Training	103	Peace
	104	Other Public Policy
PUBLIC EDUCATION OTHER THAN SCHOOLS		HUMAN SERVICES
010 Public Education by Mail		110 Day Care Centers
011 Seminars and Conferences	110	111 Family and Individual Services
012 Other Educational Materials for the Public		112 Neighborhood and Community Development
RELIGIOUS ACTIVITIES		113 Nursing Services (i.e., Home Care)
020 Church, Synagogue, etc.	114	114 Programs for Minority Advocacy
021 Missionary Activities	115	115 Programs for Needy Children
	116	116 Rescue and Emergency Service
CULTURAL AND HISTORICAL		117 Services for the Aged
030 Performing Arts (Ballet, Symphony, Theatre)	118	118 Services for Alcohol or Drug Abuse
031 Art and/or Literature	119	119 Services for Blind Adults
032 Museum	120	120 Services for Blind Children
033 Library	121	121 Services for Developmentally Disabled Adults
034 Historical Societies	122	122 Services for Developmentally Disabled Children
	123	123 Services for Handicapped Adults
RECREATIONAL & SOCIAL ACTIVITIES		124 Services for Handicapped Children
040 Youth	125	125 Services for the Hearing Impaired
041 Adult	126	126 Services for the Poor

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042	Music Groups & Youth Bands	127	Services for Veterans
043	Youth Clubs (i.e., Boy Scouts, Girl Scouts, 4-H, Boys Club, etc.)		
044	Community Recreational Facilities		
	RESEARCH		
050	Scientific Research	130	Housing for Youth
051	Heart Disease Research	131	Housing for the Poor
052	Cancer Research	132	Housing for the Aged
053	Other Medical and Disease Research	133	Women Shelter
		134	Housing for the Disabled
	HEALTH FACILITIES		
060	Hospitals		
061	Nursing Homes		
062	Health Clinics		
063	HMO		
064	Hospice		
	ANIMAL WELFARE		
070	Animal Shelter, Humane Society and/or Anti-cruelty Society		
071	Wildlife Preservation & Shelter for Wildlife		
	ENVIRONMENT		
080	Preservation/Conservation of Natural Resources		
081	Prevention of Pollution		
	CIVIC ACTIVITIES		
090	Legal Services and Legal Aid		
091	Civil Rights Activities		
			HOUSING
			BENEFITTING PUBLIC SAFETY EMPLOYEES & FAMILY
			ACTIVITIES INVOLVING OTHER ORGANIZATIONS
			OTHER PROGRAM SERVICES
			MISCELLANEOUS PROGRAM SERVICES

(Source: Amended at 29 Ill. Reg. _____, effective _____)

ATTORNEY GENERAL

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Charitable Trust Act
- 2) Code Citation: 14 Ill. Adm. Code 480
- 3) Section Number: 480.Appendix C Proposed Action: Amendment
- 4) Statutory Authority: Section 7 of the Charitable Trust Act [760 ILCS 55/7]
- 5) A Complete Description of the Subjects and Issues Involved: The purposes of this rulemaking are to update the annual report form used by charitable organizations (Form AG 990-IL) and its instructions and to restate and restructure them in an effort to cut down on the mistakes and frequently asked questions.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objective: Neither creates nor enlarges a State mandate within the meaning of 30 ILCS 805/3b of the State Mandates Act.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: During the first notice period (45 day period after publication in the *Illinois Register* by writing:

Therese Harris, Chief
Charitable Trust Bureau
James R. Thompson Center, 3rd Floor
100 W. Randolph Street
Chicago, IL 60601

(312) 814-2533
- 12) Initial Regulatory Flexibility Analysis:

ATTORNEY GENERAL

NOTICE OF PROPOSED AMENDMENT

- A) Types of small businesses, small municipalities and not for profit corporations affected: Not for profit corporations that are charitable organizations and required to file annual financial reports under the Charitable Trust Act.
 - B) Reporting, bookkeeping or other procedures required for compliance: No additional procedures are required.
 - C) Types of professional skills necessary for compliance: No additional professional skills are required.
- 13) Regulatory Agenda in which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The need for clarification, which arose in part as a result of the numerous inquiries received from charitable organizations filing at the end of the calendar year, was only recently established. Because around half of the 25,000 reports filed each year are due at the end of June, we were unable to include the rulemaking in a regulatory agenda and still address the issue in a timely fashion.

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

ATTORNEY GENERAL

NOTICE OF PROPOSED AMENDMENT

TITLE 14: COMMERCE
SUBTITLE B: CONSUMER PROTECTION
CHAPTER II: ATTORNEY GENERAL

PART 480
CHARITABLE TRUST ACT

Section

480.10	General
480.20	Definitions
480.30	Registration
480.40	Organizations and Activities Exempt from Registration
480.50	Annual Reports
480.60	Public Records
480.EXHIBIT A	Registration Statement and Instructions
480.EXHIBIT B	Financial Information Form
480.EXHIBIT C	Annual Report and Instructions

AUTHORITY: Implementing and authorized by the Charitable Trust Act [760 ILCS 55].

SOURCE: Adopted and effective November 5, 1975; amended at 2 Ill. Reg. 37, p. 185, effective September 30, 1978; amended at 2 Ill. Reg. 45, p. 166, effective November 30, 1978; codified at 7 Ill. Reg. 880; amended at 24 Ill. Reg. 14665, effective September 21, 2000; amended at 29 Ill. Reg. _____, effective _____.

ATTORNEY GENERAL

NOTICE OF PROPOSED AMENDMENT

Section 480.EXHIBIT C Annual Report and Instructions

For Office Use Only

ILLINOIS CHARITABLE ORGANIZATION ANNUAL REPORT

Form AG990-IL

PMT# _____
AMT _____
INT _____

Attorney General LISA MADIGAN JIM RYAN State of Illinois

Revised 4-99

Charitable Trust Bureau, 100 West Randolph
3rd Floor, Chicago, Illinois 60601

CO # _____

Report for the Fiscal Period:

Check all items attached:

Copy of IRS Return

Audited Financial Statements

Copy of Form IFC

\$15.00 Annual Report Filing Fee

\$100.00 Late Report Filing Fee

Makes Checks Payable to the Illinois Charity Bureau Fund

Beginning / /
& Ending / /

MO DAY YR

MO DAY YR

Federal ID #

Are contributions to the organization tax deductible? Yes No

Date Organization was created / /

Table with columns for LEGAL NAME, MAIL ADDRESS, CITY, STATE, ZIP CODE, Year-end amounts (A) ASSETS, (B) LIABILITIES, (C) NET ASSETS, and various revenue and expenditure items (D through V).

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V.	CHARITABLE PROGRAM DESCRIPTION: CHARITABLE PROGRAM (3 HIGHEST BY \$ EXPENDED) CODE CATEGORIES	List on back side of instructions CODE
	W. DESCRIPTION	W) #
	X. DESCRIPTION	X) #
	Y. DESCRIPTION	Y) #

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IF THE ANSWER TO ANY OF THE FOLLOWING IS YES, ATTACH A DETAILED EXPLANATION:		YES	NO
1.	WAS THE ORGANIZATION THE SUBJECT OF ANY COURT ACTION, FINE, PENALTY OR JUDGMENT?.....		
2.	HAS THE ORGANIZATION OR A CURRENT DIRECTOR, TRUSTEE, OFFICER OR EMPLOYEE THEREOF, EVER BEEN CONVICTED BY ANY COURT OF ANY MISDEMEANOR INVOLVING THE MISUSE OR MISAPPROPRIATION OF FUNDS OR ANY FELONY?		
3.	DID THE ORGANIZATION MAKE A GRANT AWARD OR CONTRIBUTION TO ANY ORGANIZATION IN WHICH ANY OF ITS OFFICERS, DIRECTORS OR TRUSTEES OWNS AN INTEREST; OR WAS IT A PARTY TO ANY TRANSACTION IN WHICH ANY OF ITS OFFICERS, DIRECTORS OR TRUSTEES HAS A MATERIAL FINANCIAL INTEREST; OR DID ANY OFFICER, DIRECTOR OR TRUSTEE RECEIVE ANYTHING OF VALUE NOT REPORTED AS COMPENSATION?		
4.	HAS THE ORGANIZATION INVESTED IN ANY CORPORATE STOCK IN WHICH ANY OFFICER, DIRECTOR OR TRUSTEE OWNS MORE THAN 10% OF THE OUTSTANDING SHARES?		
5.	IS ANY PROPERTY OF THE ORGANIZATION HELD IN THE NAME OF OR COMMINGLED WITH THE PROPERTY OF ANY OTHER PERSON OR ORGANIZATION?.....		
6.	DID THE ORGANIZATION USE THE SERVICES OF A PROFESSIONAL FUNDRAISER? (ATTACH FORM IFC).....		
7a.	DID THE ORGANIZATION ALLOCATE THE COST OF ANY SOLICITATION MAILING, ADVERTISEMENT OR LITERATURE COSTS BETWEEN PROGRAM SERVICE AND FUNDRAISING EXPENSES?		
7b.	IF "YES", ENTER (i) THE AGGREGATE AMOUNT OF THESE JOINT COSTS \$ _____; (ii) THE AMOUNT ALLOCATED TO PROGRAM SERVICES \$ _____; (iii) THE AMOUNT ALLOCATED TO MANAGEMENT AND GENERAL \$ _____; AND (iv) THE AMOUNT ALLOCATED TO FUNDRAISING \$ _____.		
8.	DID THE ORGANIZATION EXPEND ITS RESTRICTED FUNDS FOR PURPOSES OTHER THAN RESTRICTED PURPOSES?.....		
9.	HAS THE ORGANIZATION EVER BEEN REFUSED REGISTRATION OR HAD ITS REGISTRATION OR TAX EXEMPTION SUSPENDED OR REVOKED BY ANY GOVERNMENTAL AGENCY?.....		
10.	WAS THERE OR DO YOU HAVE ANY KNOWLEDGE OF ANY KICKBACK, BRIBE, OR ANY THEFT, DEFALCATION, MISAPPROPRIATION, COMMINGLING OR MISUSE OF ORGANIZATIONAL FUNDS?		
11.	LIST THE NAME, ADDRESS AND THE ACCOUNT # OF THE FINANCIAL INSTITUTIONS WHERE THE ORGANIZATION MAINTAINS ITS THREE LARGEST ACCOUNTS: _____		
12.	NAME AND TELEPHONE NUMBER OF CONTACT PERSON: _____		

ALL ATTACHMENTS MUST ACCOMPANY THIS REPORT – SEE INSTRUCTIONS

UNDER PENALTY OF PERJURY, I (WE) THE UNDERSIGNED DECLARE AND CERTIFY THAT I (WE) HAVE EXAMINED THIS ANNUAL REPORT AND THE ATTACHED DOCUMENTS, INCLUDING ALL THE SCHEDULES AND STATEMENTS, AND THE FACTS THEREIN STATED ARE TRUE AND COMPLETE AND FILED WITH THE ILLINOIS ATTORNEY GENERAL FOR THE PURPOSE OF HAVING THE PEOPLE OF THE STATE OF ILLINOIS RELY THEREUPON. I HEREBY FURTHER AUTHORIZE AND AGREE TO SUBMIT MYSELF AND THE REGISTRANT HEREBY TO THE JURISDICTION OF THE STATE OF ILLINOIS.

BE SURE TO INCLUDE ALL FEES DUE:

1-) REPORTS ARE DUE WITHIN SIX MONTHS OF YOUR FISCAL YEAR END.	_____ PRESIDENT or TRUSTEE (PRINT NAME)	_____ SIGNATURE	_____ DATE
2-) FOR FEES DUE, SEE INSTRUCTIONS. REPORTS WITH ASSETS OR REVENUES GREATER THAN \$15,000 MUST SUBMIT \$15.00 FILING FEE.	_____ TREASURER or TRUSTEE (PRINT NAME)	_____ SIGNATURE	_____ DATE
3-) REPORTS THAT ARE LATE OR INCOMPLETE ARE SUBJECT TO A \$100.00 PENALTY.	_____ PREPARER (PRINT NAME)	_____ SIGNATURE	_____ DATE

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Form AG990-IL INS

**ILLINOIS CHARITABLE ORGANIZATION
– FORM AG990-IL FILING INSTRUCTIONS –****LISA MADIGAN
JIM RYAN
ATTORNEY GENERAL**

A COMPLETE ANNUAL FINANCIAL REPORT (AG990-IL with all required attachments and applicable fees) is due within six months after the organization's fiscal year end. A REPORT WILL NOT BE CONSIDERED FILED UNLESS IT IS COMPLETE. A COMPLETE ANNUAL FINANCIAL REPORT must include the following items:

~~As required by Illinois Law, every charity operating in Illinois, with limited exceptions, must register and file an annual financial report with the Illinois Attorney General's Office. (760 ILCS 55/1 et seq. and 225 ILCS 460/0.01 et seq.)~~

~~TO COMPLETE AN ANNUAL FINANCIAL REPORT FILING THE FOLLOWING ITEMS MUST BE SUBMITTED:~~

1. ~~**\$15.00 Annual Filing Fee – Make make check or money order payable to "ILLINOIS CHARITY BUREAU FUND."**~~ ~~(No fee is required if the organization's gross revenue and assets were each less than \$15,000. See below for simplified filing for small organizations.)~~ **An annual financial report submitted without proper fees will not be considered filed.** ~~Filing without proper fees will not be accepted.~~
 - **Soliciting Organizations** are required to pay a \$15 Annual Report Filing Fee if gross contributions are greater than \$15,000 or assets are greater than \$25,000.
 - **Trust Organizations registered under the Charitable Trust Act only** are required to pay a \$15 Annual Report Filing Fee if gross revenues or assets are greater than \$25,000.
2. **Form AG990-IL** – ~~amounts on this form should be typed in black and rounded to the nearest dollar.~~ Complete all sections and line items applicable to the organization. See 6 below for **Simplified Filing Option for Small Organizations.** **An annual financial report submitted with an incomplete Form AG990-IL will not be considered filed.** ~~An incomplete AG990-IL will be classified as not filed.~~
 - A. **CO#:** Include CO# on the Form AG990-IL. Correct any incorrect name or address information if using preprinted form and highlight any corrections.
 - B. **SIGNATURES:** The Form AG990-IL must be signed by **two** different officers (president or other authorized officer and the chief fiscal officer) or by **two**

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trustees. One signature shall be accepted if there is only one trustee. A Form AG990-IL without required signatures is incomplete.

C. Part I, Line D: Report "contributions" as defined by the Solicitation for Charity Act. The Solicitation for Charity Act defines "contributions" to include the **gross** amounts of cash donations as well as **gross** sums paid by the public for merchandise, special events, rights or services of the organization. **A Form AG990-IL that fails to report "contributions" as defined by the Solicitation for Charity Act is incomplete.** (A complete definition of "contribution" under the Solicitation for Charity Act is shown on the back of these instructions.)

D.A. Part II, Line J1: Report all program costs associated with a combined fund-raising appeal to the extent such was allocated to Charitable Program Service Expense and entered on line J as Charitable Program Service Expense. The amount should equal the amount reported on the back of the AG990-IL form, questions 7b(ii). You must have and maintain the documentation to support the allocations made.

E.B. Part III, Line S: List all fees paid to all fundraising consultants during the year. Attach a list of these consultants listing the name and address of the **consultant** ~~Consultant~~ and the total of all fees paid.

F. Part V, Lines W, X, Y Program Service Codes: Select up to three codes from those on the back of these instructions **that** best describe the program services for which the organization spent funds.

3. **IRS Return or Report** — ~~(IRS form 990 (excluding Schedule B), 990EZ (excluding Schedule B), 990PF, 1041, 1120 or other, must be attached if required by the IRS)—~~ submit a copy of the Federal Return you filed. If the organization ~~you~~ did not file a federal return ~~Federal Return~~ or ~~report and~~ Report, ~~explain why.~~ Attach ~~attach~~ explanation. **An annual financial report submitted without the required federal return or report is incomplete.**

4. **Audited Financial Statements** ~~must be attached by a public charity—~~ are required if **gross** contributions exceeded \$150,000 ~~or if the public charity raised contributions in excess of \$25,000 through the services of organization—~~ used a ~~paid~~ professional fundraiser. The Solicitation for Charity Act defines contributions to which ~~raised contributions in excess of \$25,000.~~ Contributions include the **gross** amounts of cash donations as well as ~~gross~~ sums paid by the public for merchandise, **special events**, rights or services of the organization, ~~as well as cash donations.~~ (A complete definition of

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"contribution" under the Solicitation for Charity Act is shown on the back of these instructions.) An annual financial report without required audited financial statements is incomplete.

5. **Form IFC —~~Attorney General~~ Report of Individual Fundraising Campaign** – If the organization used a paid professional fund-raiser, a separate Form IFC campaign report form—is required for each campaign, and each must be signed by ~~both~~both the professional fund-raiser ~~and~~and an officer or director of the organization. An annual financial report without the required Form IFC is incomplete.

6. **Simplified Filing Option for Small Organizations:**

- Soliciting Organizations with gross contributions and assets of \$25,000 or less during the fiscal year may file an AG990-IL with all required signatures, disclosing only total revenue, total expenditures, and assets at the fiscal year end (Lines A, G and O of the AG990-IL). A \$15 annual report filing fee is due only if gross contributions were more than \$15,000.
- Trust Organizations registered solely under the Charitable Trust Act with gross revenue and assets of \$25,000 or less during the fiscal year may file an AG990-IL with all required signatures, disclosing only total revenue, total expenditures, and assets at the fiscal year end (Lines A, G and O of the AG990-IL). A \$15 annual report filing fee is not due.

60 DAY EXTENSION and LATE REPORT FILING FEES: ADDITIONAL INSTRUCTIONS:

- 4.▪ A 60 day extension will be granted only upon the filing of a written request with the Attorney General prior to the report due date.
- If a proper and complete annual report (AG990-IL with all required attachments and applicable fees) or a written extension request is not received prior to the due date, a \$100 late report filing fee (checks payable to the "Illinois Charity Bureau Fund") is required by Illinois law. The report cannot be accepted and will not be considered filed if it is late ~~and~~and the late fee is not paid.

Submit the complete annual financial report (AG990-IL with all required attachments and applicable fees) or written extension request to:

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~~CO#: Include CO# on reports and all correspondence. Upon registration a charitable organization number was assigned (CO# 01-XXX, XXX), if not printed on the form, please insert your CO# on the top of the first page of the AG990-IL. Correct any preprinted name or address information that is incorrect or out of date.~~

~~2. PROGRAM SERVICE CODES: Select up to three codes from those on back of these instructions which best describe the program service(s) for which the organization spent funds. Enter description(s) and code number(s) in Part V of the AG990-IL.~~

~~3. SIGNATURES: The signatures of two different officers (president or other authorized officer and the chief fiscal officer) or of two trustees are required on the back side of the AG990-IL. One signature shall be accepted if there is only one officer or trustee.~~

~~4. DUE DATE: The annual financial report and fee are due within six months of the organization's fiscal or calendar year end. A sixty-day extension of the due date can be requested. The extension request must be in writing and received by our office prior to the due date.~~

~~5. LATE REPORT FILING FEE: If a proper and complete annual report along with all fees and attachments is not received prior to the due date, a \$100.00 late report filing fee (checks payable to "Illinois Charity Bureau Fund") is required by Illinois law. The report cannot be accepted and will not be considered filed if it is late and the late fee is not paid.~~

~~6. File the original AG990-IL, one copy of the attachments, and applicable fees with the:~~

OFFICE OF THE ATTORNEY GENERAL
CHARITABLE TRUST BUREAU
ATTN: ANNUAL REPORT SECTION
100 WEST RANDOLPH STREET, 3rd FLOOR
CHICAGO, ILLINOIS 60601-3175
(312)814-2595

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Section 1(b) of the Solicitation for Charity Act defines contributions as follows:

"Contribution." The promise or grant of any money or property of any kind or value, including the promise to pay, except payments by union members of an organization. Reference to the dollar amount of "contributions" in the Act means, in the case of promise to pay, or payments for merchandise or rights of any other description, the value of the total amount promised to be paid or paid for such merchandise or rights and not merely that portion of the purchase price to be applied to a charitable purpose. Contribution shall not include the proceeds from the sale of admission tickets by any not-for-profit music or dramatic arts organization that establishes, by such proof as the Attorney General may require, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code (26 USC 501 et seq.) and that is organized and operated for the presentation of live public performance of musical or theatrical works on a regular basis. For purposes of this definition, union member dues and donated services shall not be deemed contributions. (See 225 ILCS 460/1(b).)

Part V, Lines W, X, Y Program Service Codes:

Charitable activity code numbers (select up to three codes which best describe the activity and/or the program service for which your organization expends funds). Enter in Part V of the first page of the AG990-IL. Enter first the code which most accurately identifies you.

	SCHOOLS		PUBLIC POLICY
001	Pre-School	100	Legislative and Political Activities
002	Elementary or High Schools	101	Lobbying & Advocacy
003	College & Universities	102	Consumer Interest Group (non-education)
004	Trade Schools, Vocational Schools & Job Training	103	Peace
		104	Other Public Policy
	PUBLIC EDUCATION OTHER THAN SCHOOLS		HUMAN SERVICES
010	Public Education by Mail	110	Day Care Centers
011	Seminars and Conferences	111	Family and Individual Services
012	Other Educational Materials for the Public	112	Neighborhood and Community Development
	RELIGIOUS ACTIVITIES	113	Nursing Services (i.e., Home Care)
020	Church, Synagogue, etc.	114	Programs for Minority Advocacy
021	Missionary Activities	115	Programs for Needy Children
	CULTURAL AND HISTORICAL	116	Rescue and Emergency Service
030	Performing Arts (Ballet, Symphony, Theatre)	117	Services for the Aged
031	Art and/or Literature	118	Services for Alcohol or Drug Abuse
032	Museum	119	Services for Blind Adults
033	Library	120	Services for Blind Children
034	Historical Societies	121	Services for Developmentally Disabled Adults
	RECREATIONAL & SOCIAL ACTIVITIES	122	Services for Developmentally Disabled Children
040	Youth	123	Services for Handicapped Adults
041	Adult	124	Services for Handicapped Children
042	Music Groups & Youth Bands	125	Services for the Hearing Impaired
		126	Services for the Poor
		127	Services for Veterans

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043	Youth Clubs (i.e., Boy Scouts, Girl Scouts, 4-H, Boys Club, etc.)		
044	Community Recreational Facilities		
			HOUSING
		130	Housing for Youth
		131	Housing for the Poor
		132	Housing for the Aged
		133	Women Shelter
		134	Housing for the Disabled
			BENEFITTING PUBLIC SAFETY EMPLOYEES & FAMILY
		140	Firemen & Families
		141	Law Enforcement Personnel & Families
			ACTIVITIES INVOLVING OTHER ORGANIZATIONS
		150	Grants to Other Charitable Organizations
		151	Furnished Services or Facilities to Other Organizations
		152	Umbrella/Parent Organization
			ANIMAL WELFARE
070	Animal Shelter, Humane Society and/or Anti-cruelty Society		
071	Wildlife Preservation & Shelter for Wildlife	200	Scholarships and Student loans
			OTHER PROGRAM SERVICES
			MISCELLANEOUS PROGRAM SERVICES
080	Preservation/Conservation of Natural Resources	300	(Write in Description)
081	Prevention of Pollution		
			CIVIC ACTIVITIES
090	Legal Services and Legal Aid		
091	Civil Rights Activities		

(Source: Amended at 29 Ill. Reg. _____, effective _____)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Licensing Standards for Foster Family Homes
- 2) Code Citation: 89 Ill. Adm. Code 402
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
402.12	Amend
402.13	Amend
- 4) Statutory Authority: The Child Care Act of 1969 [225 ILCS 10/5.2]
- 5) A Complete Description of the Subject and Issues Involved: For consistency with current practice and existing laws, the Department is proposing amendments to Part 402:
 - adding language in Section 402.12(m) requiring Educational Advocacy training as a prerequisite to foster home license renewal; and
 - adding language in Section 402.13(b) to ensure that foster parents comply with the law regarding passenger safety restraint that became effective January 2004.
- 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 proposed amendments to this Part pending? No
- 10) Statement of Statewide Policy Objectives: These amendments do not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3].
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. Comments should be submitted to:

Jeff E. Osowski
Department of Children and Family Services
406 East Monroe, Station # 65
Springfield, Illinois 62701-1498

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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Telephone: (217) 524-1983
TTY: (217) 524-3715
E-mail: CFPolicy@idcfs.state.il.us

The Department will consider fully all written comments on this proposed rulemaking submitted during the 45-day comment period. Comments submitted by small businesses should be identified as such.

- 12) Initial Regulatory Flexibility Analysis: These amendments do not affect small businesses.
- 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 Amendments begins on the next page.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 402

LICENSING STANDARDS FOR FOSTER FAMILY HOMES

Section

402.1	Purpose
402.2	Definitions
402.3	Effective Date of Standards (Repealed)
402.4	Application for License
402.5	Application for Renewal of License
402.6	Provisions Pertaining to Permits
402.7	Provisions Pertaining to the License
402.8	General Requirements for the Foster Home
402.9	Requirements for Sleeping Arrangements
402.10	Nutrition and Meals
402.11	Business and Employment of Foster Family
402.12	Qualifications of Foster Parents
402.13	Background Inquiry
402.14	Health of Foster Family
402.15	Number and Ages of Children Served
402.16	Meeting Basic Needs of Children
402.17	Health Care of Children
402.18	Religion
402.19	Recreation and Leisure Time
402.20	Education
402.21	Discipline of Children
402.22	Emergency Care of Children
402.23	Release of Children
402.24	Confidentiality of Information
402.25	Required Written Consents
402.26	Records to be Maintained
402.27	Licensing Supervision
402.28	Adoptive Homes
402.29	Director's Waivers
402.30	Severability of This Part
402.APPENDIX A	Criminal Convictions That Prevent Licensure
402.APPENDIX B	Number and Ages of Children in Foster Family Home: No Child

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF PROPOSED AMENDMENTS

402.APPENDIX C Requires Specialized Care
 Number and Ages of Children in Foster Family Home: Child
 Requires Specialized Care

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10].

SOURCE: Adopted and codified at 5 Ill. Reg. 9548, effective October 1, 1981; emergency amendment at 6 Ill. Reg. 15580, effective December 15, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 3439, effective April 4, 1983; amended at 7 Ill. Reg. 13858, effective November 1, 1983; amended at 8 Ill. Reg. 23197, effective December 3, 1984; amended at 11 Ill. Reg. 4292, effective March 1, 1987; emergency amendment at 16 Ill. Reg. 11879, effective July 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 267, effective December 21, 1992; emergency amendment at 18 Ill. Reg. 8481, effective May 20, 1994, for a maximum of 150 days; emergency expired on October 17, 1994; amended at 19 Ill. Reg. 1801, effective February 1, 1995; amended at 19 Ill. Reg. 9463, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10743, effective July 1, 1995, for a maximum of 150 days; emergency expired November 27, 1995; amended at 20 Ill. Reg. 1589, effective January 10, 1996; emergency amendment at 20 Ill. Reg. 3954, effective February 16, 1996, for a maximum of 150 days; emergency expired July 15, 1996; amended at 21 Ill. Reg. 4548, effective April 1, 1997; amended at 22 Ill. Reg. 205, effective December 19, 1997; amended at 23 Ill. Reg. 7877, effective July 15, 1999; emergency amendment at 24 Ill. Reg. 6417, effective March 27, 2000, for a maximum of 150 days; emergency expired August 23, 2000; amended at 24 Ill. Reg. 17052, effective November 1, 2000; amended at 26 Ill. Reg. 2624, effective February 11, 2002; amended at 26 Ill. Reg. 11796, effective August 1, 2002; amended at 29 Ill. Reg. _____, effective _____.

Section 402.12 Qualifications of Foster Family

- a) The licensees shall be either a single person or a man and woman married to each other. Each foster parent shall be willing and able to assume appropriate responsibilities for the child or children received for care.
- b) An individual may be allowed to share the living arrangements only at the discretion of the supervising agency. The foster family is responsible for reporting to the supervising agency that an individual may be sharing the living arrangements prior to the individual moving into the home or prior to licensure. The individual will be subject to the same requirements as other members of the household, such as health certification and background checks as required in 89 Ill. Adm. Code 385 (Background Checks). The license capacity will be redetermined based on the new family composition.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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- c) Foster parents shall be stable, law abiding, responsible, mature individuals, at least 21 years of age.
- d) The capability of the foster parents to provide care shall be considered prior to licensure of the foster family home. A decision to establish the age and number of children permitted in the home shall be based on an assessment of the foster family and shall consider at least the following:
 - 1) the foster parents' capability to provide care including an evaluation of the caregivers' health, strength, and mobility;
 - 2) the number, chronological and functional age, and characteristics and needs of the children currently under the care of the foster parents. This shall include an assessment of the foster parent's own children under age 18, all other children under age 18 receiving full-time care, and children receiving day care services in the foster family home;
 - 3) the characteristics, limitations, and responsibilities of the caregivers. All members of the foster family shall be free from active alcohol or substance dependency;
 - 4) the caregivers' ability to appropriately care for and adequately supervise the children currently in the home, as well as their ability to care for and supervise the ages, needs, and behaviors of the children who may be placed in the foster family home; and
 - 5) the number of foster parents in the home and the availability and experience of child care assistants.
- e) All members of the household age 13 and older (except for foster children) shall have passed the background check required by 89 Ill. Adm. Code 385 (Background Checks).
- f) Foster parents shall accept agency supervision.
- g) Foster parents shall adequately supervise children in their care to assure compliance with laws including, but not limited to, criminal laws.
- h) Foster home applicants shall provide the names and addresses of at least three

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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persons who are not related to them who can attest that the applicants are of reputable and responsible moral character.

- i) Unless parental rights have been terminated, foster parents shall respect and support a child's ties to his or her biological family and shall cooperate with the supervising agency and the service plan for the child and his/her family.
- j) The foster family shall have sufficient financial resources to provide basic necessities for themselves and their own children.
- k) As a condition of initial licensure, each foster parent shall complete Pre-licensure Foster PRIDE/Adopt PRIDE Training or an equivalent pre-licensure foster parent training that has been approved by the Department.
- l) As a condition of fostering unrelated children in a licensed foster home, each foster parent shall complete Pre-placement Foster PRIDE/Adopt PRIDE Training or an equivalent pre-placement foster parent training that has been approved by the Department.
- m) In addition, each foster parent shall complete, as a condition of license renewal, 16 clock hours of approved in-service training. The foster home license shall not be renewed until each single foster parent and at least one foster parent in a married couple has completed educational advocacy training by the Department or approved agency that, if completed in the most recent licensing cycle, may count toward the 16 clock hours of in-service training. Child welfare agencies may require foster families under their supervision to complete additional training as a condition of continued supervision by the agency.
- n) An expanded capacity license to allow foster homes to serve more than six children (including the foster parent's own children under age 18 and all other children under age 18 receiving full-time care) may be granted if the foster family home meets the requirements of Section 402.15(c). As a provision of retaining the expanded capacity license, foster parents shall complete a total of 9.0 clock hours of approved training each calendar year, beginning the calendar year the expanded capacity license is issued.
- o) A statement that describes how the foster family and the foster family's home comply with the requirements of this Part shall be placed in the permanent foster home record. If the foster family home is not in compliance with any of the licensing standards, these standards shall be specifically recorded and the plan for

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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achieving compliance shall be outlined. The plan for achieving compliance shall indicate whether foster children can remain in the foster home and whether new placements may be made in the foster home while the foster home is achieving compliance with the licensing standards. The statement shall be updated to reflect any changes in the status of the foster family or the foster home. All such updates shall be entered within five working days after the change in status.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 402.13 Background Inquiry

- a) As a condition of issuance or renewal of a license by the Department, foster parents shall furnish information of:
- 1) any offenses (other than minor traffic violations) for which they have been convicted; and
 - 2) the disposition of the convictions.

The Department shall make a determination concerning the suitability of the foster parents in working with the child in accordance with this Part and 89 Ill. Adm. Code 385 (Background Checks).

- b) All members of the foster family who transport foster children shall submit to annual verification of their driver's license, automobile liability insurance, and driving records. Any vehicle used to transport foster children shall be equipped with safety restraints in accordance with Section 4b of the Child Passenger Protection Act [625 ILCS 25/4b]. Any foster family member transporting foster children shall comply with the child passenger restraint requirements of the Child Passenger Protection Act and any other state and local vehicle safety laws or ordinances and shall ensure that all foster children wear required safety restraints at all times while being transported.
- c) Persons who have been convicted of an offense shall not be automatically rejected as foster parents unless the offense is one of those listed in Part 402. Appendix A. Otherwise, the Department shall consider the following:
- 1) the type of crime for which the individual was convicted;
 - 2) the number of crimes for which the individual was convicted;

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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- 3) the nature of the offenses;
- 4) the age of the individual at the time of conviction;
- 5) the length of time that has elapsed since the last conviction;
- 6) the relationship of the crime and the capacity to care for children;
- 7) evidence of rehabilitation; and
- 8) opinions of community members concerning the individual in question.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Uniform System of Accounts for Telecommunications Carriers
- 2) Code Citation: 83 Ill. Adm. Code 710
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
710.1	Amendment
710.11	Amendment
710.27	Amendment
710.4340	Amendment
710.5200	Repeal
710.6620	Repeal
- 4) Statutory Authority: Implementing Sections 5-102 and 5-103 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/5-102, 5-103, and 10-101]
- 5) A Complete Description of the Subjects and Issues Involved: Part 710 incorporates by reference the system of accounts of the Federal Communications Commission (FCC), 47 CFR 32, with certain specified exceptions. The current Part 710 adopts the 2003 version of 47 CFR 32. The proposed amendments would adopt the version of Part 32 in effect on March 2, 2005, with certain exceptions (deviations from Part 32). FCC amended Part 32 by adding certain accounts back to Part 32, so that deviations are no longer necessary. The proposed amendments also clarify the applicability of Part 710 and update a reference to an FCC Bureau.
- 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? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These proposed amendments neither create nor expand any State mandate on units of local government, school districts, or community college districts.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be filed, within 45 days after the date of this issue of the *Illinois Register* in Docket 05-0163, with:

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield IL 62701

(217)782-7434

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: These amendments will affect any subject jurisdictional entities that are also small businesses as defined in the Illinois Administrative Procedure Act. These amendments will not affect any small municipalities or not for profit corporations unless they are otherwise jurisdictional entities.
 - B) Reporting, bookkeeping or other procedures required for compliance:
Bookkeeping
 - C) Types of professional skills necessary for compliance: Accounting
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent regulatory agendas because: The Commission did not anticipate the need for this amendment at that time.

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

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

TITLE 83: PUBLIC UTILITIES
CHAPTER I: ILLINOIS COMMERCE COMMISSION
SUBCHAPTER f: TELEPHONE UTILITIES

PART 710

UNIFORM SYSTEM OF ACCOUNTS FOR TELECOMMUNICATIONS CARRIERS

Section

710.1	Adoption of 47 CFR 32 by Reference
710.3	Authority
710.4	Communications Act
710.11	Classification of companies
710.13	Accounts – General
710.14	Regulated accounts
710.16	Changes in accounting standards
710.17	Interpretation of accounts
710.18	Waivers
710.19	Address for reports and correspondence
710.22	Comprehensive interperiod tax allocation
710.23	Nonregulated activities
710.25	Unusual items and contingent liabilities (Repealed)
710.27	Transactions with affiliates
710.100	List of retirement units (Repealed)
710.105	Retirement units for use in conjunction with Account 2112 "Motor vehicles" (Repealed)
710.110	Retirement units for use in conjunction with Account 2113 "Aircraft" (Repealed)
710.115	Retirement units for use in conjunction with Account 2114 "Special purpose vehicles" (Repealed)
710.120	Retirement units for use in conjunction with Account 2115 "Garage work equipment" (Repealed)
710.125	Retirement units for use in conjunction with Account 2116 "Other work equipment" (Repealed)
710.130	Retirement units for use in conjunction with Account 2121 "Buildings" (Repealed)
710.135	Retirement units for use in conjunction with Account 2122 "Furniture" (Repealed)
710.140	Retirement units for use in conjunction with Account 2123.1 "Office support equipment" (Repealed)
710.145	Retirement units for use in conjunction with Account 2123.2 "Company communications equipment" (Repealed)

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NOTICE OF PROPOSED AMENDMENTS

- 710.150 Retirement units for use in conjunction with Account 2124 "General purpose computers" (Repealed)
- 710.155 Retirement units for use in conjunction with Account 2211 "Analog electronic switching" (Repealed)
- 710.160 Retirement units for use in conjunction with Account 2212 "Digital electronic switching" (Repealed)
- 710.165 Retirement units for use in conjunction with Account 2215 "Electro-mechanical switching" (Repealed)
- 710.170 Retirement units for use in conjunction with Account 2220 "Operator system" (Repealed)
- 710.175 Retirement units for use in conjunction with Account 2231 "Radio system" (Repealed)
- 710.180 Retirement units for use in conjunction with Account 2232 "Circuit equipment" (Repealed)
- 710.185 Retirement units for use in conjunction with Account 2321 "Customer premises wiring" (Repealed)
- 710.190 Retirement units for use in conjunction with Account 2351 "Public telephone terminal equipment" (Repealed)
- 710.200 Retirement units for use in conjunction with Account 2362 "Other terminal equipment" (Repealed)
- 710.205 Retirement units for use in conjunction with Account 2411 "Poles" (Repealed)
- 710.210 Retirement units for use in conjunction with Account 2421 "Aerial cable" (Repealed)
- 710.215 Retirement units for use in conjunction with Account 2422 "Underground cable" (Repealed)
- 710.220 Retirement units for use in conjunction with Account 2423 "Buried cable" (Repealed)
- 710.225 Retirement units for use in conjunction with Account 2424 "Submarine cable" (Repealed)
- 710.230 Retirement units for use in conjunction with Account 2426 "Intrabuilding network cable" (Repealed)
- 710.235 Retirement units for use in conjunction with Account 2431 "Aerial wire" (Repealed)
- 710.240 Retirement units for use in conjunction with Account 2441 "Conduit systems" (Repealed)
- 710.1120 Account 1120 Cash and equivalents
- 710.1160 Account 1160 Temporary investments (Repealed)
- 710.1170 Account 1170 Receivables
- 710.1171 Account 1171 Allowance for doubtful accounts
- 710.1180 Account 1180 Telecommunications accounts receivable (Repealed)

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710.1181	Account 1181 Accounts receivable allowance – Telecommunications (Repealed)
710.1190	Account 1190 Other accounts receivable (Repealed)
710.1191	Account 1191 Accounts receivable allowance – Other (Repealed)
710.1200	Account 1200 Notes receivable (Repealed)
710.1201	Account 1201 Notes receivable allowance (Repealed)
710.1401	Account 1401 Investments in affiliated companies (Repealed)
710.1410	Account 1410 Other noncurrent assets
710.1438	Account 1438 Deferred maintenance and retirements (Repealed)
710.2000	Instructions for telecommunications plant accounts
710.2002	Account 2002 Property held for future telecommunications use
710.2003	Account 2003 Telecommunications plant under construction
710.2231	Account 2231 Radio system (Repealed)
710.2232	Account 2232 Circuit equipment
710.2690	Account 2690 Intangibles
710.4000	Account 4000 Current accounts and notes payable
710.4010	Account 4010 Accounts payable (Repealed)
710.4020	Account 4020 Notes payable (Repealed)
710.4100	Account 4100 Net current deferred operating income taxes
710.4110	Account 4110 Net current deferred nonoperating income taxes
710.4340	Account 4340 Net noncurrent deferred operating income taxes
710.4350	Account 4350 Net noncurrent deferred nonoperating income taxes
710.4999	General Revenue Accounts
710.5003	Account 5003 Cellular mobile revenue
710.5082	Account 5082 Switched access revenue
710.5083	Account 5083 Special access revenue
710.5200	Account 5200 Miscellaneous revenue (Repealed)
710.5999	General – Expense Accounts (Repealed)
<u>710.6540</u>	<u>Access expense</u>
710.6620	Account 6620 Services (Repealed)
710.6720	Account 6720 General and administrative
710.7250	Account 7250 Provision for deferred operating income taxes – net
710.7400	Account 7400 Nonoperating taxes
710.7450	Account 7450 Provision for deferred nonoperating income taxes – net
710.9000	Glossary of Terms

AUTHORITY: Implementing Sections 5-102 and 5-103 and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/5-102, 5-103, and 10-101].

SOURCE: Adopted April 15, 1974; amended at 2 Ill. Reg. 52, p. 473, effective January 1, 1979; codified at 7 Ill. Reg. 15949; amended at 7 Ill. Reg. 15972, effective November 18, 1983;

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

emergency amendment at 8 Ill. Reg. 7636, effective May 17, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21231, effective October 15, 1984; amended at 9 Ill. Reg. 4029, effective April 1, 1985; amended at 9 Ill. Reg. 9453, effective June 10, 1985; amended at 9 Ill. Reg. 18912, effective November 20, 1985; amended at 10 Ill. Reg. 161, effective December 23, 1985; emergency amendment at 10 Ill. Reg. 775, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 10526, effective May 30, 1986; amended at 11 Ill. Reg. 9035, effective May 1, 1987; emergency repealer and emergency rules adopted at 12 Ill. Reg. 1295, effective January 1, 1988, for a maximum of 150 days; Part repealed, new Part adopted at 12 Ill. Reg. 9645, effective May 25, 1988; amended at 13 Ill. Reg. 7570, effective May 15, 1989; amended at 13 Ill. Reg. 16971, effective November 1, 1989; amended at 14 Ill. Reg. 10021, effective June 15, 1990; amended at 15 Ill. Reg. 8205, effective June 1, 1991; amended at 27 Ill. Reg. 13360, effective August 1, 2003; amended at 29 Ill. Reg. _____, effective _____.

Section 710.1 Adoption of 47 CFR 32 by Reference

The Illinois Commerce Commission ("Commission") adopts 47 CFR 32, as of March 2, 2005~~January 1, 2003~~, as its uniform system of accounts for telecommunications carriers, as defined in Section 13-202 of the Public Utilities Act [220 ILCS 5/13-202], subject to the exceptions set forth in this Part. No incorporation in this Part includes any later amendment or edition.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 710.11 Classification of companies

- a) In Section 32.11(a), delete existing language and replace with "For purposes of this Section, the term "company" or "companies" means telecommunications carrier(s) as defined in Section 13-202 of the Public Utilities Act".
- b) In Section 32.11(e), delete "upon the submission of a written notification to the Commission".

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 710.27 Transactions with affiliates

- a) In Section 32.27(a), delete "Chief, Wireline Competition~~Common Carrier~~ Bureau" and substitute "Commission" and change "(f)" to "(e)".
- b) In Section 32.27(a), add the following language as the last sentence of the

ILLINOIS COMMERCE COMMISSION

NOTICE OF PROPOSED AMENDMENTS

subsection: "See also 83 Ill. Adm. Code 711.25 or 712.25."

- c) Delete Section 32.27(f) in its entirety.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 710.4340 Account 4340 Net noncurrent deferred operating income taxes

In Section 32.4340(e), delete "part 43" and replace with "Section 5-109" and delete "this Commission's Rules and Regulations" and replace with "the Public Utilities Act [220 ILCS 5/5-109]". In Section 32.4340(e), delete the second sentence.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 710.5200 Account 5200 Miscellaneous revenue (Repealed)

In Section 32.5200(a)(1), add the following sentence:

"Subsidiary record categories shall be maintained in order that the company may separately report the amounts contained herein that relate to directory revenues."

(Source: Repealed at 29 Ill. Reg. _____, effective _____)

Section 710.6620 Account 6620 Services (Repealed)

"This account number shall be used by Class A telephone companies to summarize for reporting purposes the contents of Accounts 6621 through 6623. Class B telephone companies shall use this account for expenses of the type and character required of Class A companies in Accounts 6621 through 6623."

(Source: Repealed at 29 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Numbers</u> :	<u>Proposed Action</u> :
570.20	Amendment
570.40	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].
- 5) A Complete Description of the Subjects and Issues Involved: Amendments to this Part are being made to combine season dates for red fox, gray fox, coyote and badger hunting with the season dates for muskrat, mink, raccoon, opossum, striped skunk and weasel and to update the list of sites open to hunting and to update site-specific procedures.
- 6) Will this rulemaking contain an automatic repeal date? 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 Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

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

217/782-1809

- 12) Initial Regulatory Flexibility Analysis:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2005

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

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

PART 570

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

Section

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

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

SOURCE: Adopted at 5 Ill. Reg. 9767, effective September 17, 1981; codified at 5 Ill. Reg. 10637; amended at 6 Ill. Reg. 10709, effective August 20, 1982; amended at 7 Ill. Reg. 10778, effective August 24, 1983; amended at 8 Ill. Reg. 21589, effective October 23, 1984; amended at 9 Ill. Reg. 15864, effective October 7, 1985; amended at 10 Ill. Reg. 16644, effective September 24, 1986; amended at 12 Ill. Reg. 12034, effective July 7, 1988; emergency amendments at 12 Ill. Reg. 16261, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; amended at 13 Ill. Reg. 10589, effective June 15, 1989; amended at 14 Ill. Reg. 14775, effective September 4, 1990; amended at 14 Ill. Reg. 19854, effective December 3, 1990; amended at 15 Ill. Reg. 11586, effective August 2, 1991; amended at 16 Ill. Reg. 11069, effective June 30, 1992; amended at 17 Ill. Reg. 10785, effective July 1, 1993; amended at 17 Ill. Reg. 18796, effective October 19, 1993; amended at 18 Ill. Reg. 10077, effective June 21, 1994; amended at 19 Ill. Reg. 12640, effective August 29, 1995; amended at 20 Ill. Reg. 12351, effective August 30, 1996; amended at 21 Ill. Reg. 9070, effective June 26, 1997; amended at 22 Ill. Reg. 14809, effective August 3, 1998; amended at 23 Ill. Reg. 9055, effective July 28, 1999; amended at 24 Ill. Reg. 8929, effective June 19, 2000; amended at 25 Ill. Reg. 9887, effective July 17, 2001; amended at 26 Ill. Reg. 13809, effective September 5, 2002; amended at 27 Ill. Reg. 749, effective January 6, 2003; amended at 28 Ill. Reg. 11883, effective July 27, 2004; amended at 29 Ill. Reg. _____, effective _____.

Section 570.20 Statewide Season Dates

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

- a) Muskrat, mink, raccoon, opossum, striped skunk, ~~red fox, gray fox, coyote, badger~~ and weasel
- 1) Northern Zone: November 5 through the next following January ~~2015~~.
 - 2) Southern Zone: November 10 through the next following January ~~2520~~.
- b) ~~Red fox, gray fox, coyote and badger~~
- ~~Statewide: November 10 through the next following January 20.~~
- b)e) Beaver
- 1) Northern Zone: November 5 through the next following March 31.
 - 2) Southern Zone: November 10 through the next following March 31.
- c)d) Woodchuck (Groundhog)
- Northern and Southern Zones: June 1 through the next following September 30.
- d)e) Trapping outside the set season dates is a Class B misdemeanor (see 520 ILCS 5/2.30).

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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

- a) General Regulations
- 1) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
 - 2) On areas where special Department tags are required for trappers, traps without tags attached will be subject to confiscation.
 - 3) Trappers must stay within assigned areas.
 - 4) For sites where permits are required a drawing shall be held prior to the opening of the season. The date of the drawing shall be announced by the

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

Department by public announcement (publicly announced means that the information referred to will be included on the Department's Internet Home Page at <http://dnr.state.il.us>, published in Outdoor Illinois, provided to outdoor writers for newspapers, and placed on the Department's Toll Free Hotline) and the drawing shall be held at the site. Persons participating in the drawing must have either a current or previous year trapping license. The number of permits per site shall be determined pursuant to 17 Ill. Adm. Code 510.20. Permit applicants must submit name and address to the site prior to drawing. Permits must be in possession while trapping on the area.

- 5) All sites except Blanding Wildlife Area, Kinkaid Lake Fish and Wildlife Area, Mississippi River Pools 16, 17, 18, 21, 22, 24, and Rend Lake Wildlife Management Area require trappers to submit a harvest report to the site superintendent within 20 days following the close of the trapping season. Failure to report shall result in the trapper being ineligible to trap at that site for the following year.
 - 6) Body-gripping traps with a 10-inch jaw spread or larger must be totally submerged in water when set.
 - 7) Any person who violates the site specific regulations shall be guilty of a Class B Misdemeanor.
 - 8) No trapping is permitted in subimpoundments or designated waterfowl management units during duck season.
- b) Statewide regulations as provided for in this Part apply at the following sites (exceptions in parentheses):
- Blanding Wildlife Area (trapping area includes the islands and associated backwater sloughs immediately upstream from Lock and Dam 12; no trapping on mainland)
 - Kinkaid Lake Fish and Wildlife Area
 - Mississippi River Pools 16, 17, 18, 21, 22, 24
 - Pyramid State Park (water sets only)

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

Rend Lake Project Lands and Waters (water sets only)

Sielbeck Forest Natural Area (water sets only)

Siloam Springs State Park

Weinberg-King State Park – Scripps Unit (site permit required)

Weinberg-King State Park – Spunky Bottoms Unit (site permit required)

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

Cache River State Natural Area

Carlyle Lake Lands and Waters – Corps of Engineers Managed Lands

Carlyle Lake Wildlife Management Area

Clinton Lake Recreation Area

Cypress Pond State Natural Area

Deer Pond State Natural Area

Devil's Island State Fish and Wildlife Area

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

Ferne Clyffe State Park – Cedar Draper Bluffs Hunting Area

Fort de Chartres Historic Site

Harry "Babe" Woodyard State Natural Area

DEPARTMENT OF NATURAL RESOURCES

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Horseshoe Lake Conservation Area

I & M Canal State Park

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

[Kickapoo State Recreation Area](#)

Kidd Lake State Natural Area

Lake Murphysboro State Park

Lake Shelbyville – Kaskaskia and West Okaw Management Areas (no more than 50 traps may be used per permit)

Lowden State Park – Kilbuck Creek Habitat Area

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

Mermet Lake Fish and Wildlife Area

[Middle Fork State Fish and Wildlife Area](#)

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

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

[Moraine View State Park \(water sets only; only body-gripping traps with a jaw spread of 5 inches or less may be used; no more than 2 persons may enter drawing on a single card; free site permit required\)](#)

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

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Pyramid State Park – East Conant Unit

Pyramid State Park – Galum Unit

Randolph County Conservation Area

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

Sanganois Fish and Wildlife Area

Ten Mile Creek State Fish and Wildlife Area

Turkey Bluffs Fish and Wildlife Area

Washington County Conservation Area

- d) Statewide regulations as provided for in this Part apply at the following sites (exceptions in parentheses); in addition, a permit is required; only Egg Traps[®], D-P (Dog-Proof) Traps[®], box traps, cage traps, and traps of similar design may be used for land sets; only body-gripping traps with a jaw spread of 5 inches or less, foothold traps with a jaw spread of 4½ inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets; snares may be used for water sets:

Anderson Lake Conservation Area

Argyle Lake State Park

Banner Marsh State Fish and Wildlife Area

Beaver Dam State Park

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

Coffeen Lake State Fish and Wildlife Area

Coleta Ponds

DEPARTMENT OF NATURAL RESOURCES

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Dog Island Wildlife Management Area

Giant City State Park

Hanover Bluff State Natural Area (water sets only)

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

Hidden Springs State Forest

Horseshoe Lake State Park – Madison County

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

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

Johnson-Sauk Trail State Park (no foothold water sets)

Jubilee College State Park

Kankakee River State Park (trappers must wear blaze orange while checking traps; no trapping adjacent to bike or horse trails; south of the Kankakee River, only dog proof type traps may be used until the close of the upland hunting season; no trapping on campground areas until closed)

Lake Le-Aqua-Na State Park

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

Marshall County Fish and Wildlife Area

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Mautino State Fish and Wildlife Area (trappers must register at the Hennepin Canal office; no floats may be set more than 14 days prior to the season and must be removed at the conclusion of the season; no land sets)

Morrison Rockwood State Park

Pekin Lake State Fish and Wildlife Area (water sets only)

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

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

Ramsey Lake State Park

Red Hills State Park

Rice Lake Fish and Wildlife Area

Rock Cut State Park

Sam Dale Lake Conservation Area

Sahara Woods State Fish and Wildlife Area

Sangchris Lake State Park

Shabbona Lake State Park

~~Snakeden Hollow State Fish and Wildlife Area – Ives Unit~~

Sparland Fish and Wildlife Area

Spoon River State Forest

Spring Lake Conservation Area (water sets only)

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Starved Rock/Matthiessen State Park

Stephen A. Forbes State Park

Trail of Tears State Forest

Union County Conservation Area

Weldon Springs State Park (permit required by site drawing)

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

(Source: Amended at 29 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>
590.10	Amendment
590.15	Amendment
590.20	Amendment
590.40	Amendment
590.50	Amendment
590.60	Amendment
590.70	Amendment
590.80	Amendment
- | 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10] and Migratory Bird Hunting (50 CFR 20).
- | 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to update Statewide regulations, increase the size of boat hide dimensions for blinds allocated and constructed after January 1, 2005, update the list of sites open to hunting and update site-specific regulations.
- | 6) Will this rulemaking contain an automatic repeal date? 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 Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price, Legal Counsel

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

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

- 12) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2005

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

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

Section

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

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.18, 2.19, 2.20, 2.23, 2.33, 3.5, 3.6, 3.7, 3.8, and 3.10], and Migratory Bird Hunting (50 CFR 20).

SOURCE: Adopted at 5 Ill. Reg. 8857, effective August 25, 1981; emergency amendment at 5 Ill. Reg. 11386, effective October 14, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10638; Part repealed at 6 Ill. Reg. 9647, effective July 21, 1982; new Part adopted at 6 Ill. Reg. 11865, effective September 22, 1982; amended at 7 Ill. Reg. 13229, effective September 28, 1983; emergency amendment at 7 Ill. Reg. 13948, effective October 6, 1983, for a maximum of 150 days; emergency expired March 3, 1984; amended at 8 Ill. Reg. 18968, effective September 26, 1984; amended at 9 Ill. Reg. 14242, effective September 5, 1985; peremptory amendment at 9 Ill. Reg. 15062, effective September 25, 1985; emergency amendment at 9 Ill. Reg. 15928, effective October 8, 1985, for a maximum of 150 days; emergency expired March 5, 1986; amended at 10 Ill. Reg. 16588, effective September 22, 1986; emergency amendment at 10 Ill. Reg. 17773, effective September 26, 1986, for a maximum of 150 days; emergency expired February 23, 1987; amended at 11 Ill. Reg. 10560, effective May 21, 1987; emergency

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

Section 590.10 Statewide Regulations

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- a) Pursuant to Section 2.18 of the Wildlife Code [520 ILCS 5/2.18], *it shall be unlawful to take, possess, transport, or use migratory waterfowl except during such period of time and in such manner and numbers as may be provided in the Federal "Migratory Bird Treaty Act" (16 USC 703-711), the "Migratory Bird Hunting Stamp Act" (16 USC 1718 et seq.), and annual "Rules and Regulations for Migratory Bird Hunting" (50 CFR 20 and 21) (collectively referred to in this Part as federal regulations) (no incorporation in this Part includes later amendments or editions), or contrary to any State regulations made in the Wildlife Code. Violation is a Class B misdemeanor (see 520 ILCS 5/2.18).*
- b) The regulations in Section 2.33 of the Wildlife Code on illegal devices shall apply to this Part, unless federal regulations are more restrictive. Violation is a Class B misdemeanor (see 520 ILCS 5/2.33), except that violation of Section 2.33(g), (i), (o), (p), (y) and (cc) are Class A misdemeanors with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties.
- c) Duck, goose and coot regulations are in accordance with Federal Regulations (50 CFR 20) unless the regulations in this Part are more restrictive. Violation is a Class B misdemeanor (see 520 ILCS 5/2.18).
- d) It shall be unlawful while attempting to take migratory waterfowl or coots to have in possession any shotgun shells not approved as non-toxic by federal regulations. Violation is a petty offense (see 520 ILCS 5/2.18-1).
- e) It shall be unlawful to possess any shotgun shell loaded with a shot size larger than tungsten-iron (HEVI-steel) BBB, bismuth BBB, tungsten-iron BB, tungsten-polymer BB, tungsten-matrix BB, tungsten-bronze-iron (TBI) BB, tungsten-nickel-iron (HEVI-SHOT) B or tungsten-tin-bismuth (SILVEX) 1 when attempting to take waterfowl. Violation is a petty offense (see 520 ILCS 5/2.18-1).
- f) **Emergency Closure**
The Department of Natural Resources (Department or DNR) will close the Canada goose season giving 48 hours notice when quotas established by federal regulations are reached, when harvest in any area is excessive due to extreme weather conditions or when a serious outbreak of infectious disease occurs, such as avian cholera or duck virus enteritis. Hunting Canada Geese after the season is closed is a Class B misdemeanor (see 520 ILCS 5/2.18). Possession of freshly killed wild geese during the closed season is a Class A misdemeanor (see 520

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ILCS 5/2.33(cc)).

- g) **Closed Areas**
Closed areas, including waterfowl refuges and rest areas, may be designated at certain sites in accordance with 17 Ill. Adm. Code 510. Boundaries of these closed areas will be posted. Violation is a petty offense (see 520 ILCS 5/2.20).
- h) **Commercial Migratory Waterfowl Hunting Area Permits**
- 1) The holder of a permit in the counties of Alexander, Jackson, Union and Williamson shall forward information on harvest and hunters to the Department, by phone ~~and~~ on forms furnished by the Department, at times required by the Department. The holder of a permit in any other county shall forward information on harvest and hunters to the Department on forms furnished by the Department, at times required by the Department. The Department shall give the permit holder reasonable written notice of the dates reports are required. Permit holders are required to retain a copy of their harvest records for at least 2 years after expiration of their permit. Failure to timely supply such reports will make the permit holder subject to revocation of his permit and suspension of the privilege to hold the permit for up to 5 years. Violation is a petty offense (see 520 ILCS 5/3.6).
 - 2) On any property where the principal waterfowl harvest is wild geese, it is the permit holder's duty to ensure that no more than 5 persons occupy or attempt to take wild geese from any blind or pit at the same time during the Canada goose season. Violation is a petty offense (see 520 ILCS 5/3.8).
 - 3) The Department may assign the maximum potential Canada goose harvest (number registered pits x 5 hunters x Canada goose bag limit) to the cumulative quota zone harvest for each day a club is late in reporting.
- i) **Waterfowl Hunting Zones:**
- 1) **North Zone** – That portion of the State north of a line running east from the Iowa border along Illinois Route 92 to U.S. Interstate 280, east along U.S. Interstate 280 to U.S. Interstate 80, then east along U.S. Interstate 80 to the Indiana border.

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- 2) Northern Illinois Quota Zone – DuPage, Kane, Lake, and McHenry counties, and those portions of LaSalle and Will counties north of I-80.
 - 3) Central Zone – That portion of the State south of the Northern Zone~~northern zone~~ boundary to the Modoc Ferry route on the Mississippi River and east along the Modoc Ferry Road to Modoc Road to St. Leo's Road to Illinois Route 3, then north to Illinois Route 159, then north to Illinois Route 161, then east to Illinois Route 4, then north to U.S. Interstate 70, then east along U.S. Interstate 70 to the Bond County line, north and east along the Bond County line to Fayette County, north and east along the Fayette County line to Effingham County, east and south along the Effingham County line to U.S. Interstate 70, then east along U.S. Interstate 70 to the Indiana border.
 - 4) Central Illinois Quota Zone – Calhoun, Cass, Fulton, Jersey, Knox, Mason, Morgan, Peoria, Pike, Tazewell, and Woodford counties, as well as those portions of LaSalle, Grundy, and Will counties south of I-80.
 - 5) South Zone – From the southern boundary of the Central Zone south to the remainder of the State.
 - 6) Northeastern Illinois Canada Goose Zone – All lands and waters in the counties of Cook, DuPage, Grundy, Kankakee, Kane, Kendall, Lake, McHenry and Will.
 - 7) Southern Illinois Quota Zone – Alexander, Union, Williamson, and Jackson Counties.
- j) No person during the open season shall take or attempt to take wild geese prior to ½ hour before sunrise nor after sunset. In the Southern Illinois Quota Zone (SIQZ), no person shall take or attempt to take wild geese after the hour of 3:00 p.m.; except, during the last 3 days of the Canada goose season and during any goose seasons that occur after the regular Canada goose season and during any Canada goose season set in September, hunting hours in the SIQZ shall close at statewide closing time. During special light goose seasons as indicated in subsection (n), statewide hunting hours shall be ½ hour before sunrise to ½ hour after sunset daily. Hunting prior to ½ hour before sunrise during the open season is a Class A misdemeanor (see 520 ILCS 2.33(y)). Hunting after ½ hour after sunset is a Class A misdemeanor (see 520 ILCS 2.33(y)). Hunting after closing hours is a Class B misdemeanor (see 520 ILCS 5/2.18).

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- k) On any property where the principal waterfowl harvest is wild geese in the Southern Illinois Quota Zone, no more than 5 persons shall occupy or attempt to take wild geese from any blind or pit at the same time during the Canada goose season. Violation is a petty offense (see 520 ILCS 5/3.8(b)(4)).
- l) The following apply in the Northern and Central Illinois Quota Zones only:
- 1) It is unlawful to hunt Canada geese during seasons after September 15 without having in possession a current season's permit to hunt Canada geese, unless exempt from a State waterfowl stamp. Such permits are not transferrable and are not valid unless they contain the hunter's name, signature, date of birth, and the same State waterfowl stamp number that is on the State waterfowl stamp that is signed by the hunter or affixed to his/her license.
 - 2) Immediately upon ~~killing or taking possession of a harvested~~ Canada goose that will be taken into possession, hunters must mark with indelible ink, punch or slit the Permit to Hunt to indicate the date of kill (one date for each goose harvested) and zone where killed.
 - 3) Hunters must report their kill on the same calendar day the geese are taken by calling 1-800-WETLAND (938-5263). Hunters must report the number of geese taken, date and zone where taken.
 - 4) Violation is a Class B misdemeanor (see 520 ILCS 5/2.18).
- m) Registration in the U.S. Fish and Wildlife Service Migratory Bird Harvest Information Program (HIP) is required for those persons who are required to have a hunting license before taking or attempting to take ducks, geese or coots. Instructions for registering are provided with issuance of hunting license. Violation is a petty offense (see 520 ILCS 5/3.1(f)).
- n) If 50 CFR 20 or 21 allows light goose seasons to be liberalized, snow geese, blue geese and Ross' geese may be taken in accordance with federal regulations regarding hunting hours, method of taking and bag limits through March 31.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 590.15 Duck, Goose and Coot General Hunting Regulations on Department-

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Owned and -Managed Sites Listed in Sections 590.40 and 590.50

- a) Definitions
- 1) Blind site – A position within 10 feet of numbered stake where blind must be constructed. Sites shall be located and marked by the Department .
 - 2) Blind builder – Person who has been assigned a blind site as a result of the drawing.
 - 3) Blind partner – Persons chosen by the builder to assist in construction and maintenance of the blind and to share its blind claiming and hunting privileges.
 - 4) Drawing – Procedure by which blind sites are assigned.
 - 5) Blind registration card – Card issued by the Department and tacked inside each blind listing names and addresses of blind builders.
 - 6) Complete blind – A blind with all framework and siding constructed and in readiness for use, including final brushing.
 - 7) Hunting party – An individual or group of hunters occupying a single boat, blind, or hunting site.
 - 8) Dog Hide – A compartment or area within or attached to a blind that houses a dog used to retrieve downed waterfowl.
- b) Blind Construction
- 1) Blinds must be at least 4 feet x 8 feet, but no higher than 14 feet from the water surface at normal pool level, to the top of the shooting box, sturdy enough to withstand daily usage, and must be maintained in good condition by blind builders throughout the duck season. Blinds shall be numbered and that number shall be visible from the outside of the blinds. Blinds must be placed within 10 feet of assigned Department marked site.
 - 2) Blinds built over water must be of platform construction with the platform constructed above normal water conditions or they may be floating blinds.

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- 3) Blinds must be completed, including final brushing, 3 weeks in advance of opening date of regular duck season (except at Mississippi River Area Pools 25 and 26 blinds and final brushing must be completed 4 weeks in advance of opening date of regular duck season) after which time the Department shall inspect all blinds and blind sites and issue Blind Registration Cards to those which pass inspection. Blind builders shall not gain access to Redwing Slough/Deer Lake until the day following Labor Day. Blind builders must post Blind Registration Card in the blind prior to the first day of regular duck season. If adverse weather or water conditions make compliance with this rule difficult the site superintendent or the District Wildlife Manager may grant extensions.
- 4) Sites on which blinds have not been built, as well as sites on which blinds of an unsatisfactory quality have been built, shall be reassigned to alternates selected at a drawing or by a first come-first served allocation held on a day publicly announced by the Department. All reassigned blinds must be completed, including final brushing, 7 days prior to the opening date of the duck season on sites posted as being closed to trespassing 7 days prior to regular duck season. At Mississippi River Area Pools 25 and 26 reassigned blinds must be completed by sunset of the Sunday immediately preceding the opening day of regular duck season. On all other sites reassigned blinds must be completed, including final brushing, by the day before the opening day of the regular duck season.
- 5) Not more than 3 persons shall be registered for assignment of any one blind site. Blind builders shall submit partner names on a blind registration form as designated at the site drawing. After the designated time, no changes shall be accepted. As directed by the information sheet available at each site, the registration form must be filled out and returned within 30 days prior to the blind drawing date. Failure to do so shall result in forfeiture of blind.
- 6) No person shall be allowed to be a blind builder or partner on more than one public waterfowl blind managed by the Department.
- 7) Boat hides are required, except as noted in Sections 590.40 and 590.50, and must have minimum inside dimensions of 18' x 6', except all blinds allocated and constructed after January 1, 2005 must have minimum dimensions of 18' x 7½'. Boat hides ~~and~~ shall be sturdy enough to withstand daily use considering the conditions of the site, and must be

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maintained in good condition throughout the season, and shall be completed including final brushing by 3 weeks prior to the opening day of duck season, except at Mississippi River Area Pools 25 and 26 boat hides and final brushing must be completed 4 weeks prior to the opening day of duck season; failure to meet these standards shall result in forfeiture of blind site.

- 8) Previous year's blind builders shall have until 7 days after the next allocation period drawing to salvage materials from their blinds except as indicated in Sections 590.40(a) and (b) and 590.50(a) and (b).
 - 9) Blinds must include a dog hide that is on the same level as the blind. The dog hide can either be incorporated into the blind by providing a hole at floor level that measures at least 20 inches high by 20 inches wide or by providing a separate compartment that is attached to the blind. Hides attached to the blind should have a minimum floor space that measures 2 feet by 2 feet and should be at least 2.5 feet high with 2 openings. One opening should be between the blind and the dog hide, should measure at least 20 inches by 20 inches, and should be constructed at the same level as the blind floor. The water access opening should be at least 20 inches wide and 20 inches high. Hides either within the blind or attached should have an enforced ramp to water level that is at least 15 inches wide with cleats every 12 inches. Openings in the blind must be capable of being closed when not in use.
- c) Use of blinds
- 1) Attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest. The insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind.
 - 2) No person shall hunt, or attempt to hunt, except from within a registered blind.
 - 3) Persons under 16 years of age shall not hunt, or attempt to hunt, unless accompanied by an adult due to safety factors.
 - 4) Blinds shall not be locked.

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- 5) Claiming or attempting to claim any blind which is legally occupied, and/or harassing, in any manner, the occupants of a blind which has been legally occupied, is unlawful.
 - 6) No person shall fish within 250 yards of an occupied blind within the hunting area.
 - 7) All hunting parties shall hunt over a spread of at least 12 decoys during duck season and Canada goose season. The decoys shall be staked, placed, or floating, be individually visible, be at least 8 inches long, and not be within a boat, blind or container.
 - 8) At sites where a manned check station is in operation, hunters are required to deposit their hunting license and Federal and State Migratory Waterfowl Stamp at the check station while hunting. Persons exempt by law from having a hunting license and an Illinois stamp must deposit their Firearm Owner's Identification Card. Persons under 21 who do not have a card must be accompanied by an adult who has a valid card in his possession.
 - 9) Cutting of vegetation greater than 4 inches d.b.h. will result in loss of the blind for the current allocation period.
- d) Public Drawing
- 1) Time and place for all sites holding drawings shall be publicly announced by the Department.
 - 2) A registrant for a drawing must be at least 16 years of age and possess a current or preceding year's Illinois hunting license, a current or preceding year's Illinois Migratory Waterfowl Stamp and a current or expired (within 12 months prior to the drawing) Firearm Owner's Identification Card unless exempted by law. Persons exempted by law from possessing a hunting license or waterfowl stamp must have a valid Firearm Owner's Identification Card. Persons who are under 21 years of age who do not have Firearm Owner's Identification Cards must be accompanied by an adult who has a valid Firearm Owner's Identification Card in his possession at the drawing. In order to be an eligible applicant for the drawing, the participant must not at the time of the drawing have his/her hunting privileges suspended or revoked by the Department or any other

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jurisdiction. Applicants must be present for the registration and drawing to be eligible for allocation of blind sites.

- e) Flood Rules
In the event that State managed sites are flooded to the point that public waterfowl blinds cannot be constructed or are no longer usable, the Department, by public announcement and/or posting, may permit waterfowl hunting under one of the following rules:
- 1) If the check station for that site is open, all rules apply, except that hunting will be allowed from boat, platform or floating blinds which must be located within 10 feet of the marked blind site.
 - 2) If the check station is not operable, all rules apply except that hunting will be allowed from boat, platform or floating blinds which must be located within 10 feet of the marked blind site. Additionally, rules listed in Section 590.40(b)(1), (2), (3), (4) and (9) shall not be in force. Rules concerning blind claiming as listed in Section 590.50(b) shall apply.
 - 3) If blind sites have not been marked and no check station is operable, the area will be open to hunting from platform, floating or boat blinds or by walk-in hunting, anywhere on the area except refuges and closed waterfowl rest areas. Preplacement of unattended decoys and/or unoccupied blinds or boat hides do not constitute lawful possession of a hunting site. All hunting parties must remain 200 yards apart and follow normal closing hours for the site.
 - 4) In all above flood circumstances, regulations requiring the construction of a separate boat hide and regulations regarding the minimum standards for blind construction shall be suspended for that season.
- f) Violation of this Section is a petty offense (see 520 ILCS 5/2.20).

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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

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

Banner Marsh Fish and Wildlife Area

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Horseshoe Lake Conservation Area

Sangchris Lake State Park subimpoundment

Snakeden Hollow State Fish and Wildlife Area

Union County Conservation Area

b) Permit Requirements

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

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controlled sites. For other information write to:

Illinois Department of Natural Resources
Permit Office – Waterfowl
P.O. Box 19457
Springfield IL 62794-9457

c) General regulations

- 1) All use other than permit hunting as defined in subsection (b)(3) is prohibited at Snakeden Hollow State Fish and Wildlife Area from October 1 through close of Central Zone Canada goose season.
- 2) Hours, Permits and Stamp Charges
 - A) Hunting hours are from legal opening time until 1:00 p.m., except at Horseshoe Lake Conservation Area and Union County Conservation Area, which close at 12 noon.
 - B) At Snakeden Hollow State Fish and Wildlife Area from opening day through November 30, all hunters must register at the check station by 5:00 a.m. Permits are void after 5:00 a.m. From December 1 through December 31, all hunters must register at the check station by 5:30 a.m. Permits are void after 5:30 a.m. From January 1 through the close of goose season, all hunters must register at the check station by 6:00 a.m. Permits are void after 6:00 a.m. At Banner Marsh Fish and Wildlife Area, Horseshoe Lake Conservation Area and Union County Conservation Area hunters with permit reservations are required to check in at the check station between 4:30 a.m. and 5:00 a.m. Permits are void after 5:00 a.m. A drawing shall be held to allocate blind sites at all sites. At Sangchris Lake State Park subimpoundment hunters must be checked in 90 minutes before legal hunting hours (2 hours before sunrise). Permits are void after this time.
 - C) A \$15 Daily Usage Stamp must be purchased at Snakeden Hollow State Fish and Wildlife Area, Horseshoe Lake Conservation Area and Union County Conservation Area. Partners between 16 and 20 years of age must pay daily usage stamp fee. Partners under 16 are not required to purchase a daily usage stamp.

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- D) A \$10 Daily Usage Stamp must be purchased at Banner Marsh Fish and Wildlife Area and Sangchris Lake State Park subimpoundment. Non-hunting partners between 16 and 20 years of age must pay daily usage stamp fee. All partners under 16 are not required to purchase a daily usage stamp.
- 3) Hunting shall be done from assigned blinds only and hunters shall not move from blind to blind or leave the blind and return.
- 4) Guns must be unloaded and encased at all times when not hunting.
- 5) The legal hunting season for Horseshoe Lake Conservation Area and Union County Conservation Area is the dates of the Southern Quota Zone goose hunting season except that these areas shall be closed on Mondays, Tuesdays (except for the Illinois Youth Goose Hunt) and December 24, 25, 26 and the first weekday after December 26 other than a Monday. (These sites shall be open only for the Illinois Youth Goose Hunt on the first weekday after December 26 other than a Monday, pursuant to Section 685.110.)
- 6) The legal hunting season at Snakeden Hollow State Fish and Wildlife Area is the dates of the Central Zone goose hunting season except that the area shall be closed on Mondays, Tuesdays, Wednesdays, and December 24, 25 and 26.
- 7) The legal hunting season at Banner Marsh Fish and Wildlife Area is the dates of the Central Zone duck hunting season.
- 8) The legal hunting season for the Sangchris Lake Subimpoundment is the opening day of the Central Zone duck hunting season, Tuesdays, Thursdays and Sundays, and the last day of the Central Zone duck hunting season except during the second firearm deer season when the Subimpoundment will be closed on the first day of the season and hunting hours will close at 10:00 a.m. during the remaining days of the second firearm deer season (on Thursdays blinds will be allocated by a daily drawing at the site pursuant to Section 590.60(b)(~~41~~)(40)-(B)).
- 9) At Horseshoe Lake Conservation Area and Union County Conservation Area during duck season hunters may possess up to 25 shot shells. When

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duck season is closed hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit. At Snakeden Hollow State Fish and Wildlife Area hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.

- 10) At Horseshoe Lake Conservation Area and Union County Conservation Area hunters may bring up to 3 dozen decoys per party. No full bodied or supermagnum shell decoys are allowed. At Sangchris Lake Subimpoundment only Department decoys may be used.
- 11) Hunters without their guns may leave the blind to retrieve crippled waterfowl at Horseshoe Lake Conservation Area and Union County Conservation Area.
- 12) Hunters must be at least 16 years of age (except for the Illinois Youth Goose/Duck Hunt) to draw for a pit or blind. Each person under 16 years of age must be accompanied by a supervising adult.

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

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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

- a) The sites listed in this Section conform to Statewide Regulations (Section 590.10) and General Department Regulations (Section 590.15), except as noted in parentheses and in the remainder of this Section. Daily hunting hours close at 1:00 p.m. unless otherwise indicated in parentheses below.
 - 1) Anderson Lake Conservation Area – All Management Units (previous years blind builders shall have until February 1 to salvage blind materials)
 - 2) Batchtown (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)
 - 3) Calhoun Point (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)

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- 4) Glades (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)
- 5) Godar-Diamond (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)
- 6) Horseshoe Lake State Park – Madison County (3:30 p.m. CST closing) (except the last 3 days of duck season and the last 3 days of regular Canada goose season shall close at sunset with the exclusion of Christmas Day; 3 year blind allocation)
- 7) Lake DePue and Lake DePue Walk-in Unit (aka 3I)
- 8) Marshall State Fish and Wildlife Area (the use of any metal, with the exception of fasteners less than 12 inches in length, carpet, and plastic snow fence or mesh will be prohibited in the construction of waterfowl blinds; previous year's blind builders shall have until February 1 to salvage blind materials)
- 9) Mazonia State Fish and Wildlife Area (previous years blind builders shall have until February 1 to salvage blind materials; goose hunting prohibited before and after duck season; closed Mondays and Tuesdays)
- 10) Rice Lake Conservation Area (previous years blind builders shall have until February 1 to salvage blind materials)
- 11) Sanganois State Fish and Wildlife Area (check station and walk-in areas, hunters are not required to hunt from a blind site during goose seasons held after the duck season)
- 12) Spring Lake State Fish and Wildlife Area (all hunting must be from portable boat blinds within 10 yards of the assigned numbered stake or buoy; no more than 3 persons shall use one blind; exceptions will be announced at the site's annual duck blind drawing; the maximum horsepower limit of motors on the lake is 25 hp; goose hunting prohibited prior to the regular duck season)
- 13) Stump Lake (3:30 p.m. CST closing) (except the last 3 days of duck

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season and the last 3 days of regular Canada goose season shall close at sunset; 3 year blind allocation period)

- 14) Woodford State Fish and Wildlife Area (the use of any metal, with the exception of fasteners less than 12 inches in length, carpet, and plastic snow fence or mesh will be prohibited in the construction of waterfowl blinds; previous year's blind builders shall have until February 1 to salvage blind materials)
 - 15) William Powers Conservation Area (~~legal closing~~) (previous years blind builders shall have until May 1 to remove blinds in their entirety, including support posts; failure to comply will result in the blind builder and partners for that blind losing privilege of being a blind builder or partner at this site for the following year; no goose hunting prior to duck season; hunting from boat blinds is permitted within 10 feet of the following numbered marked blind sites: 4, 5, 7, 8, 11, 12, 14, 16, 17, 18, 19, 20, 21, 22, 23; all hunters must ~~signcheck~~ in prior to occupying blind and must ~~signcheck~~ out no later than one hour after ~~legal closing~~ time)
- b) The following regulations apply to all sites listed in this Section under subsection (a):
- 1) All hunters must report to the check station to fill out information cards and to turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to blinds. Beginning the day after duck season ends, when the check station is not operating, unclaimed blinds shall be allocated on a first come-first served basis, as per Section 590.50(b)(1), (2) and (3). Goose hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.
 - 2) Registered blind builders or partners desiring to claim their blinds must report to the check station at least one hour before hunting hour each day and occupy that blind for at least one hour. Hunters wishing to move to another blind during their daily hunt must report back to the check station for reassignment.
 - 3) All hunting must be from registered blinds only and hunters must occupy their blinds within one hour after registering at the check station.
 - 4) All hunters must be checked out within one hour of the close of the legal

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hunting hours. At this time waterfowl and coots bagged must be checked and hunting licenses or Firearm Owner's Identification Cards shall be returned.

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

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

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

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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

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

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

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

Clear Lake Wildlife Management Area (one year blind allocation)

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

Double T State Fish and Wildlife Area (Wednesday, Saturday and Sunday hunting only; daily drawing at Rice Lake State Fish and Wildlife Area check

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station; hunting from staked blind sites only; no other use October 1 through the close of the ~~Central Zone~~ goose season)

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

~~Fulton County Goose Management Area (Wednesday, Saturday and Sunday hunting only; daily drawing at Rice Lake State Fish and Wildlife Area check station; hunting from staked blind sites only; no other use October 1 through the close of the central zone goose season)~~

Helmbold Slough (3 year blind allocation period)

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

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

Lake Sinnissippi (Department Owned Land; the use of any metal, with the exception of fasteners less than 12 inches in length, will be prohibited in the construction of waterfowl blinds; waterfowl hunters allocated blind numbers 1, 2, 3, 4, 13, 14, 15, 16, 20, 21, 26, 27, 28, 29, 30, 31 or 32 will have the option to either construct a platform blind (4' x 8' with boat hide) or a boat hide blind no less than 6' x 18' in dimension fully enclosed on all four sides, must include 4 shooting holes or ports and brushed (doors capable of being closed are permitted for boat access); hunters choosing to construct a boat hide type of blind will not be required to construct a dog hide; blind numbers 1, 2, 3, 4, 13, 14, 15, 16, 20, 21, 26, 27, 28, 29, 30, 31 and 32 must be removed in their entirety no later than 10 days after the close of the ~~Northern Zone~~~~northern zone~~ waterfowl season; blinds may be removed beginning November 15; hunting from boat blinds is permitted within 10 feet of marked blind sites beginning November 15 for those blinds removed on or after November 15)

Marshall State Fish and Wildlife Area – Sparland Unit (the use of any metal, with the exception of fasteners less than 12 inches in length, carpet, and plastic snow fence or mesh will be prohibited in the construction of waterfowl blinds; previous year's blind builders shall have until February 1 to salvage blind materials)

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

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

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

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

Mississippi River Pools 21, 22, 24 (Federal Lands; 2 year blind allocation period)

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

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

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

Piasa Island (3 year blind allocation period)

Quincy Bay (Mississippi River Pool 21) (hunting hours legal opening to 1:00 p.m. for blinds 1 through 25 only)

Red's Landing (3 year blind allocation period; that portion of Red's Landing that is north of the access road will be noted as a walk-in/boats without motors area only; no permanent blinds; daily hunting hours will close at 3:30 p.m. CST, except the last 3 days of duck season and the last 3 days of regular Canada goose

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season shall close at sunset; hunting parties shall not hunt over less than 12 decoys nor more than 24 decoys)

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

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

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

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

Shabbona Lake State Recreation Area (Hunting will be allowed between November 1 and December 31 but only when the North Zone Canada goose season is open; permanent, pre-constructed blinds will be awarded for either November or December; boat and dog hides are not required; persons awarded blinds at the drawing, or their partners, must claim their blinds one hour before legal shooting hours; hunting hours will end at 1:00 p.m. daily)

Starved Rock State Park (Department managed areas; the use of any metal, with the exception of fasteners less than 12 inches in length, will be prohibited in the construction of waterfowl blinds; all blinds must be removed in their entirety no later than 10 days after the close of the Central Zone duck season; blinds may be removed beginning November 15; hunting from boat blinds is permitted within 10 feet of marked blind sites beginning November 15 for those blinds removed on or after November 15; hunting from boat blinds within 10 feet of marked blind sites is allowed until the end of the regular Central Zone Canada goose season)

- b) The following regulations apply to all sites listed in this Section under subsection (a).

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- 1) Blind builders or partners must occupy their blinds by one-half hour before opening hunting hour each day in order to claim their blind for the day. Blinds not legally occupied may be claimed on a first come-first served basis.
- 2) Attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest. The insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind.
- 3) All hunting must be from registered blinds only unless otherwise noted in parentheses under subsection (a).
- 4) Blind sites shall be allocated for a period of one year unless otherwise noted in parentheses under subsection (a).
- 5) Previous year's blind builders shall have until 7 days after the next allocation period drawing to salvage materials from their blinds, except as listed in parentheses under subsection (a). After that date, blinds become the property of the new blind builders.
- 6) No more than 4 persons shall occupy a blind at one time, except on Mississippi River Pools 16, 17, 18, 21, 22 and 24 and Blanding Wildlife Area.
- 7) On Mississippi River Pools 16, 17, 18, 21, 22 and 24 and Blanding Wildlife Area the limit of 4 persons does not apply.
- 8) For those sites listed in subsection (a) that have 3 year blind allocation periods, re-registration of blind sites during the non-draw years must be accomplished in person during a publicly announced period. Failure to re-register during the prescribed period will result in the loss of blind site. Registrants must present current year's Illinois hunting license and State waterfowl stamp for each blind builder. Blinds not re-registered will be allocated by a drawing. No waterfowl blind may be removed until after the close of the waterfowl season.
- 9) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges 2 weeks prior to the start of regular duck season through

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the close of regular duck and Canada goose season as posted at the site.

- 10) It shall be unlawful to trespass upon the designated waterfowl hunting area during the 7 days prior to the waterfowl season as posted at the site. At Mississippi River Area Pools 25 and 26 it shall be unlawful to trespass upon the designated waterfowl hunting area between sunset of the Sunday immediately preceding the opening date of waterfowl season through the day before waterfowl season as posted at the site.
- c) Blind winners on the following sites will be provided forms for the purpose of maintaining waterfowl harvest records. The forms must be completed and returned within 15 days after the close of the site's waterfowl season or the blind builder and partners for that blind shall not be allowed to be a blind builder or partner at these sites for the following year.

Chain O'Lakes State Park

Clear Lake Wildlife Management Area

Des Plaines Conservation Area

Kankakee River State Park

Pekin Lake State Fish and Wildlife Area

Redwing Slough/Deer Lake

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

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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

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

- a) Regulations
- 1) Hunting hours are from legal opening to 1:00 p.m., except hunting shall be permitted until sunset on those sites indicated by (1) following the location

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in subsection (b).

- 2) No permanent blinds allowed, except for Department constructed blinds; all blinds must be of a portable nature and constructed with natural vegetation at the blind site and no pits can be dug. All materials must be removed or dismantled at the end on the day's hunt.
 - 3) Portable boat blinds must have been completed, including final brushing, before entering the water and must be removed at the end of the day's hunt.
 - 4) Waterfowl hunters must maintain a distance of 200 yards between hunting parties, except for Department constructed blinds or staked locations.
 - 5) No hunting is permitted within 200 yards of developed recreation areas, public use facilities, and construction or industrial sites.
 - 6) No check station is operated nor is any check in/check out required, except as indicated in the remainder of this Section.
 - 7) It shall be unlawful to trespass upon areas designated as waterfowl rest areas or refuges from 2 weeks prior to the start of regular duck season through the close of regular duck and Canada goose season except as indicated in the remainder of this Section.
 - 8) It shall be unlawful to trespass upon the designated waterfowl hunting area during the 7 days prior to the regular duck season unless otherwise posted at the site.
- b) Site specific regulations
- 1) Blanding Wildlife Area (federal lands, boat access only; scull boat hunting for waterfowl is permitted but hunters must not get closer than 200 yards from a permanent duck blind or in areas posted as closed to scull hunters)
 - 2) Boston Bay (no permanent blinds may be built; temporary blinds only; 200 yards apart)
 - 3) Cache River State Natural Area (1)

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- 4) Campbell Pond Wildlife Management Area (1)
- 5) Carlyle Lake Project Lands and Waters
 - A) No one may enter the subimpoundment area to hunt waterfowl before 4:30 a.m. each day of the waterfowl hunting season, or remain in the area after 3:00 p.m. each day of the waterfowl hunting season, except during the last 3 days of the Canada goose season and during any goose seasons that occur before or after Canada goose season, hunters must be out of the area by one hour after sunset and not return until 4:30 a.m. The subimpoundment area is defined as that area bordered by the Kaskaskia River on the east and south and extending north and west to the Carlyle Lake project boundary, and includes impoundment areas 1, 2, 3, and 4 and within the impoundments on the East Side Management Area located east of the Kaskaskia River.
 - B) The waters of Carlyle Lake are defined as the lake and that portion of the Kaskaskia River, northfork, eastfork, Peppenhorst Branch and Allen Branch north of the buoys only, and Hurricane Creek that are within the boundaries of the Carlyle Lake property.
 - C) Walk-in hunting shall be permitted in subimpoundment areas. Boats with no motors are allowed in the subimpoundments. Department personnel will designate boat launching locations.
 - D) When the water level in the subimpoundment area is too high (due to flooding) to allow walk-in hunting, Department personnel shall post that the area is open to boats with motors of 10 hp or less and will designate boat launching locations.
 - E) Known eagle protection areas will be posted by the Site Superintendent and will be closed to waterfowl hunting.
 - F) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys shall not be left out unattended or after 3:00 p.m. each day of the waterfowl season, except during the last 3 days of the Canada goose season and during any goose seasons that occur after Canada goose season, decoys shall not be left out unattended or later than one hour after sunset.

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- G) All waterfowl hunters must register prior to hunting each day of the waterfowl hunting season at the nearest accessible registration box. All hunters must sign out and record their harvest daily before they exit the area.
- H) The Army Corps of Engineers may build blinds on Corps managed lands and waters for management purposes only.
- I) During the last 3 days of Canada goose season and during any goose seasons that occur after Canada goose season, hunting hours shall close at sunset daily.
- J) The following rules apply to North Allen Branch Waterfowl Management Area (Eldon Hazlet State Park) only:
- i) Three designated blind sites are available on a first come-first served basis. Walk-in hunting only is permitted with a maximum of 4 hunters per site. All hunting must be from one blind site located between identically numbered stakes.
 - ii) Hunters must sign in prior to hunting, and sign out and report their harvest at the end of each day. All hunters must be checked out by 2:00 p.m. daily, except the last 3 days of the Canada goose season, and during any goose seasons that may occur after the Canada goose season, hunters must be checked out by one hour after sunset.
 - iii) Decoys shall not be left out unattended.
 - iv) When the lake floods this area and designated blind sites are not usable for walk-in hunting, the Department, by public announcement and/or posting, will open the affected area to hunting from boats per Carlyle Lake Project Lands and Waters' rules.
- 6) Chauncey Marsh (1)
Permit required, may be obtained at Red Hills State Park Headquarters and must be returned by February 15.

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- 7) Clinton Lake (1)
- A) Hunters must obtain a free site hunting permit and windshield card from the site office prior to hunting. While hunting, the windshield card must be visible in the windshield with the permit number clearly visible. Site hunting permits must be in the hunter's possession while in the field. Hunters must return the permit and report harvest by February 15 of the following year, or hunting privileges for the following season shall be forfeited.
 - B) Except as described in subsections (b)(7)(5)(C) and (D), hunting is allowed only from anchored portable blinds, except that no waterfowl hunting is permitted in the area extending from a line between the west side boat ramp and the southern-most point of the central peninsula to the Davenport Bridge.
 - C) Waterfowl hunting is also permitted from staked sites in designated areas on a first come-first served basis. Walk-in or boat hunting only. Hunting parties must hunt within 25 yards of a staked site. No more than 4 hunters per party are permitted.
 - D) Hunting is permitted from permanent land-based Disabled Hunting Program blinds.
 - E) Each party must hunt over a minimum of 12 decoys. Decoys must be removed from the sites following each day's hunt. Decoys must not be left unattended.
 - F) Except for the Handicap Hunting Program facilities, blinds must be portable or built from material brought in or available at the blind site. Blinds must be dismantled and removed at the end of each day's hunt. No trees or bushes may be cut.
- 8) Coffeen Lake State Fish and Wildlife Area
- A) Hunters must sign in prior to hunting and sign out, reporting harvest at the end of each day.
 - B) Hunting from staked sites only.

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- C) No permanent blinds.
 - D) Hunting by boat access only.
 - E) No cutting vegetation on site.
 - F) Hunting north of railroad tracks only.
 - G) Hunting hours from legal opening to 1 p.m. Fishing allowed between the railroad tracks and the county road after 1:00 p.m.
 - H) Four hunters per blind site.
 - I) No hunting during firearm deer seasons.
 - J) All hunters must be checked out at sign in box by 2:00 p.m.
- 9) Cypress Pond State Natural Area (hunters must sign in prior to hunting and sign out reporting harvest at the end of each day) (1)
- 10) Devil's Island State Fish and Wildlife Area (1)
- 11) Dog Island Wildlife Management Area (1)
Hunters must sign in prior to hunting and sign out reporting harvest at end of each day.
- 12) Donnelley State Wildlife Area
- A) Hunting is prohibited on Tuesdays and Wednesdays except open on opening day and on the first Sunday immediately preceding the first firearm deer season as set forth in 17 Ill. Adm. Code 650.10 except as indicated in Section 590.25.
 - B) Goose hunting is prohibited after the close of the duck season.
 - C) All hunting shall be from designated blinds only. Refilling or changing blinds is not permitted.
 - D) All hunters must report to the check station to fill out an information card and turn in hunting licenses or Firearm Owner's

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Identification Cards before proceeding to blinds.

- E) A hunter may bring one or 2 hunting partners under the age of 21.
 - F) \$10 daily usage stamp must be purchased to hunt this area. Non-hunting partners between 16 and 20 years of age must pay daily usage stamp fee. Non-hunting partners under 16 are not required to purchase a daily usage stamp.
 - G) No outboard motors are allowed by public – only by authorized DNR personnel.
 - H) No more than 3 persons shall occupy a blind at any one time.
 - I) All parties are required to report to check station within one hour after termination of hunt or no later than 2:00 p.m.
 - J) All parties must hunt over a minimum of 12 decoys and a maximum of 48 decoys can be used, which must be removed upon the termination of the hunt.
 - K) The first weekend and the third Saturday of the regular duck season shall be designated as youth hunt days. This shall consist of youth or youths 15 and under plus one adult per blind. There shall be no charge for the youth on these days. Those blinds not allocated to youths shall be available to adults on those days.
 - L) One blind shall be made available by priority claim to "disabled" persons (as defined in Section 2.33 of the Wildlife Code).
- 13) Fort de Chartres Historic Site (1)
- A) Hunting is allowed from anchored, portable boat blinds only on a first come-first served basis.
 - B) Each hunting party is required to hunt over a minimum of 12 decoys which must be removed at the end of each hunting day.
 - C) No hunting is allowed during firearm deer season.

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- 14) Fox Ridge State Park (1)
Hunting restricted to Embarras River and its flood waters.
- 15) Fox River (1)
 - A) Waterfowl hunting is prohibited on that portion of the Fox River running from the Kendall-Kane County line downstream to a line extending from the intersection of Route 71 and Douglas Street in Oswego, across the Fox River to the intersection of Hickory Lane and Riverview Drive.
 - B) Waterfowl hunting shall be from Department designated sites only on that portion of the Fox River downstream from the line extending from the intersection of Route 71 and Douglas Street in Oswego, across the Fox River to the intersection of Hickory Lane and Riverview Drive downstream to the Fox River Drive Bridge. Hunting at the designated sites will be on a first come-first served basis. Statewide regulations shall be in effect with no other Sections of this Part being applicable.
- 16) Fox River – Chain of Lakes (Lake and McHenry Counties) (1)
Waterfowl blind regulations promulgated in accordance with the Illinois Administrative Procedure Act [5 ILCS 100] under the authority of the Fox Waterway Agency are in full force and effect on those public waters under their jurisdiction. Failure to comply with such regulations constitutes a violation of this Section. Statewide regulations shall be in effect with no other Sections of this Part applicable.
- 17) Freeman Mine
Hunting regulations will be publicly announced.
- 18) Heidecke State Fish and Wildlife Area, Braidwood Fish and Wildlife Area and Powerton Lake
 - A) Blind sites shall be allocated on a daily draw basis conducted at the check stations 60 minutes before hunting time. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select blind site in order drawn; only those hunters registered in party shall be allowed to hunt with their party; no more than 3 hunters per party; persons under the age of 16 shall

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not be allowed to hunt unless accompanied by an adult.

- B) Blind sites not selected during the drawing shall be allocated on a first come-first served basis. Vacant blind sites shall not be allocated after the drawing until one hour after legal hunting time. No blind sites shall be allocated after 10:00 a.m. Hunters wishing to move to another blind site must report this move to the check station attendant in person before such a move.
- C) Access to water blind sites must be by boat only and from designated boat launch sites.
- D) All hunting must be from portable boat blinds, within 10 yards of the assigned numbered stake or buoy. No more than 3 persons shall use one blind.
- E) Upon vacating blind sites, all hunters must report to the check station within one hour. At this time, waterfowl bagged must be checked in and displayed to the station operator and hunting licenses returned.
- F) Each hunting party is required to hunt over a minimum of 12 decoys. Decoys must be picked up immediately after the hunt is over.
- G) Heidecke Lake and Braidwood Lake shall be closed to all fishing and boat traffic except for legal waterfowl hunters from 10 days prior to regular duck season until the close of the regular duck and Canada goose season. Powerton Lake shall be closed to boat traffic from 7 days prior to opening of regular duck season until February 15, except for legal waterfowl hunters, and closed to all unauthorized entry during the regular duck season.
- H) No hunting on Monday and Tuesday at Heidecke and Braidwood Lakes. No hunting at Powerton Lake on Monday through Thursday except hunting permitted on State holidays.
- I) It is unlawful to hunt waterfowl on the water area in any watercraft less than 16 feet long and 60 inches in beam and without a gas-powered motor.

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- J) No guns may be carried from water blinds to retrieve waterfowl that fall on land.
- K) Hunting is closed on Christmas Day and New Year's Day.
- L) All water areas not posted with blind site numbers shall be refuge and are closed to all boat traffic except by authorized personnel.
- M) It is unlawful to shoot across any dike.
- N) Waterfowl hunting shall close with the conclusion of the duck season at Powerton Lake. At Heidecke and Braidwood Lakes, waterfowl hunting closes at the end of duck or goose season, whichever is later. No goose hunting is allowed prior to duck season.

19) Hidden Springs State Forest (hunting restricted to Richland Creek and its floodwaters) (1)

20)19) Horseshoe Lake (Alexander County) Public Hunting Area

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

21)20) Horseshoe Lake Refuge (no hunting allowed, no boat motors except trolling motors will be allowed on Horseshoe Lake from October 15 to March 1)

22)21) Horseshoe Lake State Park (Madison County) – Gabaret, Mosenthein, Chouteau Island Unit (site permit required)

23)22) Kaskaskia River Fish and Wildlife Area (only the last 3 days of duck season and the last 3 days of the regular Canada goose season) (1)

- A) No waterfowl hunters may remain in the area after 3:00 p.m. For those lands lying south of Illinois Route 154 and north of Illinois

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Route 13, the legal hunting hours shall be from statewide opening hour until statewide closing hour.

- B) All waterfowl hunting parties must use at least 12 decoys. Hunting is allowed on a first come-first served basis.
- C) It is unlawful to leave duck and goose decoys unattended. Decoys must be picked up at the end of each day's hunt.
- D) All waterfowl hunters must register prior to hunting each day of the waterfowl season at the nearest check station, and must sign out and record their harvest daily before they exit the area.
- E) The following regulations apply to the Doza Creek Waterfowl Management Area:
 - i) No waterfowl hunters may enter the area before 3:00 a.m. each day of the waterfowl hunting season. No waterfowl hunters may remain in the area after 3:00 p.m. During the second firearm deer season, waterfowl hunting closes at 11:00 a.m. and no waterfowl hunters may remain in the area after 1:00 p.m.
 - ii) Only waterfowl, coot, firearm deer hunting (during the second firearm deer season only), archery deer and fall archery turkey hunting (as provided by 17 Ill. Adm. Code 670 and 720) allowed in this area during the duck hunting season; goose hunting is closed during the second firearm deer season if the second firearm deer season occurs after duck season.
 - iii) For the first 4 days of the duck season, all waterfowl hunting must occur within 10 yards of an assigned, numbered stake, and only one hunting party may occupy a staked site at any given time. Starting on day 5 and for the remainder of the waterfowl season, hunting is allowed on a first come-first served basis and hunting need not occur by a stake. Waterfowl hunters must maintain a distance of 200 yards between hunting parties.

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- iv) A drawing for stake allocation will be done at the site office by mail no later than 4 weeks before the opening day of duck season. The application deadline and procedure will be publicly announced. Hunters who wish to hunt together at a staked location must register as a hunting party. Only 4 persons shall be in a hunting party. Only those persons in that party may hunt at the assigned stake. No later than 2 weeks prior to duck season, at least one person from each of the hunting parties drawn should appear at the site office to choose a staked site in the order that the hunting parties were drawn.
- F) Handicapped accessible waterfowl hunting blind (Dry Lake Access Area)
- i) Application for hunting dates should be received at the site office September 1-10 and will be allocated on a first request basis or via a drawing, if needed.
 - ii) Three hunters are allowed in the blind. At least one hunter must have a P-2 handicapped certification.
 - iii) Hunters must sign in/out and report harvest at check station after hunting.

| 24)23) Kickapoo State Recreation Area

- A) Hunting permitted only from staked sites. Sites will be allocated by daily drawing at the designated check in. Registration will be from 4:30 a.m. to 5:00 a.m. each day. The drawing will be held immediately after registration period.
- B) Hunters must register and hunt as parties. No more than 4 hunters per party are permitted. Parties will select blind sites in the order they are drawn. No non-hunting partners.
- C) Staked sites not selected during the drawing shall be allocated on a first come-first served basis.
- D) Upon vacating their blinds, all hunters must take their completed

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harvest cards, issued daily on site, and place them in the collection box at the designated check station.

- E) Each hunting party must hunt over a minimum of 12 decoys.
- F) Waterfowl hunting is permitted only during the first 7 weekdays of the November portion of the Central Zone Canada goose season.
- G) Hunting from staked sites only. Hunting must be within 10 feet of the staked location. All hunting must be from one portable blind or one anchored boat blind. Electric motors only for all boats.
- H) Blind material must be brought in and taken out each day. No vegetation may be cut at the site.
- I) Hunting hours are from legal opening to 1:00 p.m. Hunters must be out of the field by 2:00 p.m.
- J) Hunters wishing to move to another vacant blind location may do so on a first come-first served basis, provided they include the blind change on the harvest card and report their harvest for each blind. If hunters do not occupy the stake they have drawn by legal shooting time, they forfeit the right to the staked hunting location.

| 25)24) Kinkaid Lake Fish & Wildlife Area (1)

| 26)25) Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area

- A) Waterfowl hunting shall be permitted as described below except in duly posted restricted and "No Hunting" areas.
- B) Waterfowl hunting in the Fish Hook, the North Dunn, the McGee, and the Jonathan Creek Waterfowl Areas shall be allotted by a daily drawing from opening day through the first Saturday and Sunday of the regular waterfowl season. Parties must register for drawings between 3:00 a.m. and 4:00 a.m. Central Standard Time at the check station on those days. Each party drawn shall be allowed to choose one of the staked sites in the waterfowl area. Parties must select sites in the order they are drawn. Maximum party size is 4 persons. In addition, the following regulations shall

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apply:

- i) All parties must hunt within 10 yards of their assigned stake.
 - ii) All parties must be in place by ½ hour before hunting time.
 - iii) All parties are required to report their harvest by 2:00 p.m. following each hunt.
- C) Hunting in the Jonathan Creek, North Dunn and McGee Waterfowl Areas shall be restricted to designated, staked sites on a first come-first served basis except as noted in subsections (b)(~~26~~)(~~21~~)(A) and (B). Hunting in the Fish Hook Area shall be restricted to designated, staked sites on a first come-first served basis until the opening of the Illinois ~~Southern Zones~~~~southern zone~~ duck season, except as noted in subsections (b)(~~25~~)(~~21~~)(A) and (B). A hunting party must hunt within 10 yards of the stake.
- D) Each hunting party in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas are required to hunt over a minimum of 12 decoys.
- E) Motors of over 10 horsepower shall not be operated in the Fish Hook, Jonathan Creek, Dunn, and McGee Waterfowl Areas.
- F) Waterfowl hunting only is permitted in the Fish Hook, Dunn, Jonathan Creek and McGee Waterfowl Areas during the regular waterfowl season, except that pheasant, rabbit and quail hunting is permitted after 1:00 p.m. daily beginning the day after the close of the Central Zone Duck Season.
- G) During the regular waterfowl season, only licensed waterfowl hunters with valid site waterfowl permits who are in the pursuit of waterfowl are permitted on the Kaskaskia River from the Strickland Boat Access north to the Illinois Central Railroad bridge from ½ hour before sunrise until 1:00 p.m.
- H) A free permit is required, which is obtained from the site office. Permits must be in possession while hunting waterfowl. The

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permit must be returned and harvest reported by February 15 or the hunter will forfeit his hunting privileges at this site for the following year.

| 27)26) Marshall State Fish and Wildlife Area – Duck Ranch Unit Only

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

| 28)27) Mermet

- A) Waterfowl hunting shall be permitted only during the duck hunting season.
- B) Hunting is allowed in both the walk-in and blind areas only. Those individuals wishing to hunt in the walk-in area are required to deposit their hunting licenses and register at the check station prior to entering the area. Individuals who wish to use the blind area are required to deposit their hunting licenses and participate in a daily

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drawing during which blinds shall be assigned. Individual hunter, or hunting party, can only be allocated one blind per day. Those persons exempted by law from having hunting licenses must deposit their Firearm Owner's Identification Cards.

- C) The daily drawing shall be held 1½ hour prior to legal hunting time.
- D) All members of the hunting party shall register as a group (not to exceed 4 persons per group, except on the statewide Youth Waterfowl Hunting Day, as authorized in 17 Ill. Adm. Code 685.110~~Section 590.15(f)~~, 5 persons may occupy a blind at one time only if the party is comprised of 2 youth hunters, their non-hunting parents and one non-hunting guide) for the purpose of the drawing.
- E) Hunter or hunting party is to accept and hunt the blind drawn, or reject it immediately. Hunters rejecting blinds are ineligible to hunt in the blind area for the remainder of that day. Any vacant (rejected) blinds at the end of the drawing can be drawn for by parties who drew "blanks" during the original drawing.
- F) Those hunters in the blind area shall park in designated areas. These parking areas shall be numbered to correspond with particular blind sites located along the levee road.
- G) In the blind area, a minimum of 12 decoys per blind is required while hunting waterfowl.
- H) Boats without motors may be used in the walk-in areas.
- I) No hunting Christmas Day, Sundays and Mondays in the blind area.
- J) Hunting hours are from legal opening to 12 noon.
- K) Hunters cannot possess more than 25 shotshells.

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

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no more than 10 yards from shore. All land hunting must be done from a position within 50 feet of the assigned numbered stake.

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

| ~~30)29)~~ Oakford Conservation Area (1)

| ~~31)30)~~ Pyramid State Park – Captain Unit

- A) All vehicles must have a site hunting permit displayed in windshield. Permits must be returned by February 15.
- B) Hunting hours are from legal opening to 1:00 p.m.; hunters must be out of the field by 2:00 p.m.
- C) Each hunting party is required to hunt over a minimum of 12 decoys; all decoys must be picked up at the end of each day's hunt.
- D) No more than 4 hunters to a party.

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- E) 12 staked sites will be allocated by daily drawing at the Galum Unit Office beginning at 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January. All hunting must occur within 10 yards of an assigned, numbered stake, except for stakes identified at the check station where hunters may hunt from any place in the wetland in which the stake is located. There will be no moving to staked locations after initial drawing.
- F) All names in a party must be on one card; successful participants will have card stamped with date and stake number. Waterfowl harvested must be reported on blind selection card and returned daily to a hunter check station box.
- G) Waterfowl hunters not participating in daily draw must report their harvest on site hunting permit by February 15.
- H) Entry time for hunters not participating in daily lottery is 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January.
- I) Waterfowl hunters may not hunt on main lakes other than staked locations. Hunters may hunt crop fields and wetlands that have not been staked; however, they must be a minimum of 200 yards from the nearest staked location or another hunter.
- J) No waterfowl hunting within 200 yards from the nearest staked location or another hunter.
- K) The land and water portion of the Captain Unit Waterfowl Rest Area is closed to all entry from October 28 through February 28. The location of the Captain Unit Waterfowl Rest Area is described as follows: All land and water west of Panda Bear Road north to Northern Haul Road, then south on Beltline Road to Western Haul Road, then east on Pyatt-Cutler Road.
- L) After duck season is closed and during the Canada goose hunting season, hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag.
- M) The waterfowl daily drawing and 12 staked locations will be

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closed to hunting on December 25.

32)34) Pyramid State Park – Denmark Unit

- A) All vehicles must have a site hunting permit displayed in windshield. Permits must be returned by February 15.
- B) Hunting hours are from legal opening to 1:00 p.m.; hunters must be out of the field by 2:00 p.m.
- C) Each hunting party is required to hunt over a minimum of 12 decoys; all decoys must be picked up at the end of each day's hunt.
- D) No more than 4 hunters to a party.
- E) 32 staked sites will be allocated by daily drawing at the Galum Unit office beginning at 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January. All hunting must occur within 10 yards of an assigned, numbered stake, except for stakes identified at the check station where hunters may hunt from any place in the wetland in which the stake is located. There will be no moving to staked locations after initial drawing.
- F) All names in a party must be on one card; successful participants will have card stamped with date and stake number. Waterfowl harvested must be reported on blind selection card and returned daily to a hunter check station box.
- G) Waterfowl hunters not participating in daily draw must report their harvest on site hunting permit by February 15.
- H) Entry time for hunters not participating in daily lottery is 4:30 a.m. in November, 5:00 a.m. in December and 5:30 a.m. in January.
- I) Waterfowl hunters may not hunt on main lakes other than staked locations. Hunters may hunt crop fields and wetlands that have not been staked; however, they must be a minimum of 200 yards from the nearest staked location or another hunter.
- J) No waterfowl hunting within 200 yards of Denmark Unit

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Waterfowl Rest Area and 100 yards of any private property boundary.

- K) The land and water portion of the Denmark Unit Waterfowl Rest Area is closed to all entry from October 28 through February 28. The location of the Denmark Unit Waterfowl Rest Area is described as follows: All land and water east of field DM 72 following Pipestone Creek, north and then east along Seven Island Trust Property Boundary, then east to Eastern Haul Road, then north to Pyatt-Cutler Road.
- L) After duck season is closed and during the Canada goose hunting season, hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag.
- M) The waterfowl daily drawing and 32 staked locations will be closed to hunting on December 25.

| 33)32) Pyramid State Park – East Conant Unit

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

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- H) Hunters may hunt crop fields and wetlands; however, they must be a minimum of 200 yards from the nearest staked location or another hunter.

| ~~34)33)~~ Pyramid State Park – Galum Unit

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

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the nearest staked location or another hunter.

- J) No waterfowl hunting within 100 yards of any private property boundary.
- K) After duck season is closed and during the Canada goose hunting season, hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag.
- L) The waterfowl daily drawing and 4 staked locations will be closed to hunting on December 25.

~~35)34)~~ Ray Norbut State Fish and Wildlife Area (1)

~~Statewide season regulations apply except that the season closes December 15 in Eagle Roost Area, or the legal statewide closing, whichever is earlier.~~

~~36)35)~~ Rend Lake Project Lands and Waters

- A) All waterfowl hunters and all boats must be out of the Casey Fork and Big Muddy subimpoundments by 2:00 p.m. each day of the waterfowl season and not return until 4:30 a.m., except during the last 3 days of the Canada goose season, and during any goose season occurring after the Canada goose season, hunters must be out of the areas by one hour after sunset and not return until 4:30 a.m.
- B) No hunting permitted from the subimpoundment dams.
- C) While waterfowl hunting, no one may have in his/her possession any tool or device designed to cut brush or limbs, except common hunting knives and pocket knives.
- D) No waterfowl hunting permitted within 200 yards of the refuge boundary, or within 100 yards of any private property boundary.
- E) All boat traffic is prohibited from entering the subimpoundments from one week before waterfowl season until opening day of waterfowl season.

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- F) All waterfowl hunters must sign in prior to hunting and sign out and report their harvest at the end of each day's hunt.
- G) Air boats will not be allowed in the Casey Fork Subimpoundment, the Big Muddy Subimpoundment, and the impoundments on Corps of Engineers' managed areas such as Atchison Creek and Gun Creek during the regular duck and Canada goose seasons. When ice conditions do not allow access at boat ramps by normal watercraft, then air boats can be used in the Casey Fork and Big Muddy Subimpoundments.
- H) Permanent blinds at the Whistling Wings Access Area shall be regulated as follows:
- i) During goose season, a separate drawing will be held for the pits at Whistling Wings. This drawing will be held at the Cottonwood check station following the drawing for staked hunting sites. Hunters may not register for more than one drawing per day. Unsuccessful hunters in the drawing for Whistling Wings pits may select any unclaimed staked location after the drawings.
 - ii) Hunters who wish to hunt together must register as a hunting party and be present at the drawing.
 - iii) All hunters must have the registration card from the check station in their possession while hunting.
 - iv) Hunters must occupy the pit they have drawn by legal shooting time. If a pit is not occupied by legal shooting time, another party who has registered at the check station may occupy the unclaimed pit.
 - v) No more than 6 dozen decoys may be used per pit.
 - vi) No more than 4 hunters will be allowed in a pit or hunting party.
- I) Each hunting party is required to hunt over a minimum of 12 decoys at each blind site, and all decoys must be picked up at the

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end of each day's hunt.

- J) During the last 3 days of Canada goose season and during any goose seasons occurring after Canada goose season, hunting hours shall close at sunset daily.
- K) The land portion of the Rend Lake Refuge is closed to trespassing during waterfowl season. The location of the Rend Lake Refuge is described as follows:
- i) Bounded on the south by a buoy line, approximating the Jefferson-Franklin County Line.
 - ii) Bounded on the east by a buoy line and/or signs approximating the channel of the Casey Fork Creek.
 - iii) Bounded on the west by a buoy line and/or signs approximating the channel of the Big Muddy River.
 - iv) Bounded on the north portion of the Big Muddy River by a buoy line and/or signs approximating a line which would extend west from Ina, Illinois.
 - v) Bounded on the north portion of the Casey Fork Creek by the Casey Fork Subimpoundment Dam.
 - vi) Bounded on Nason Point by refuge boundary signs at project limits.
- L) After the close of regular duck season, goose hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.
- M) Staked Hunting Areas – Those areas designated as a staked hunting area will be publicly announced and the following regulations will apply:
- i) All hunting must occur within 10 yards of an assigned, numbered stake except for stakes identified at the check station where hunters may hunt from any place in the field

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- in which the stake is located and only one hunting party may occupy a staked site at any given time.
- ii) Stakes will be assigned via a daily drawing held at 4:00 a.m. during November, 4:30 a.m. in December and 5:00 a.m. in January. Check stations will be open from ½ hour before drawing time to 9:30 a.m. daily.
 - iii) Check station at the Bonnie Dam Access Area will be operated on a daily basis through the second weekend of the waterfowl season. Thereafter, Bonnie Dam check station will only be open on weekends and holidays as posted at the check station. Cottonwood Access Area will be operated on a daily basis throughout the waterfowl season for both Bonnie Dam and Cottonwood Hunting Areas. Hunters who wish to hunt together at a staked location must register as a hunting party and be present for the drawing. Only those persons in that party may hunt at the assigned stake. No more than 5 persons shall be in a hunting party.
 - iv) Hunters arriving at the check station after the draw may enter the staked area only if it is one hour prior to shooting time or between 9:00 a.m. and 9:30 a.m. All hunters must register at the check station.
 - v) When a staked hunting location is vacated by a hunting party any other registered hunting party may claim the vacant stake on a first come-first served basis. If hunters do not occupy the stake they have drawn by legal shooting time, they forfeit the right to the staked hunting location.
 - vi) When hunting parties have killed their legal daily bag limit of ducks (not including coots and mergansers) and/or Canada geese in respect to the legal hunting season dates they must vacate the hunting site.
 - vii) Hunters must sign in and out and report their harvest on the cards at the access area where they launch.

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| ~~37)36)~~ Sahara Woods State Fish and Wildlife Area (1)

| ~~38)37)~~ Saline County Conservation Area (1)

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

| ~~39)38)~~ Sand Ridge State Forest (Sparks Pond Land and Water Reserve) (1)

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

| ~~40)39)~~ Sanganois State Fish and Wildlife Area

- A) Hunters using the main walk-in hunting area from opening day of the Central Zone duck season through the first Sunday of the Central Zone duck season must have a permit issued from the site office. Procedures for issuance of permits will be publicly announced.
- B) Hunters using the walk-in area shall use the check station at the headquarters area located 8 miles northwest of Chandlerville just off Route 78 or the check station on the west side of the Illinois River one mile north of Browning near Route 100.
- C) Walk-in waterfowl hunting shall be permitted only in the area posted for this purpose.
- D) All hunters using a walk-in area must report to the check station to fill out information cards and to turn in hunting licenses or Firearm Owner's Identification Cards before proceeding to area.

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- E) Topper's Hole is a walk-in area accessed by boat only, no check-in, check-out, no permanent blinds, hunting parties must stay at least 200 yards apart, hunting parties shall hunt over no less than 12 decoys, daily hunting hours are legal shooting hours through 1:00 p.m. CST.
- F) The Baker tract is a daily-draw walk-in area with 4 separate hunting compartments. One party of hunters (up to 4 hunters per party) will be permitted to hunt in each hunting compartment. The allocation of the 4 Baker tract hunting compartments will be by daily draw as part of the site's daily draw vacant blind allocation. Parties must register for the draw together on the same card.
- G) Upon the completion of hunting, hunters must report to the check station within one hour.
- H) Fishing is prohibited in the impoundment areas during the duck season, except that walk-in only access for fishing from the bank is permitted after 1:00 p.m.
- I) No person shall trespass on the Barkhausen Refuge during the period from October 1 through end of goose season.
- J) No person shall trespass on the Marion-Pickerel Waterfowl Refuge during the period from October 1 through the last day of the waterfowl season, unless prior permission for a specific reason (such as access to private land or to retrieve dead or wounded game) is granted by the site superintendent.
- K) When the ~~Central Zone~~ ~~central zone~~ goose season extends beyond the duck season, goose hunting shall be permitted with statewide hunting hours in effect. Hunters need not occupy a blind. All hunting must be conducted within non-refuge areas.
- L) No hunting permitted from the walk-in area subimpoundment levee.
- M) Hunters may use boats without motors in the walk-in area; the construction and/or use of permanent blinds in the walk-in area is

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prohibited.

| 41)40) Sangchris Lake State Park

- A) During the last 3 days of the regularly scheduled Canada goose season, hunting hours will close at statewide closing.
- B) Blind sites shall be allocated by a daily drawing to be conducted 90 minutes prior to hunting time. Blind sites not selected during the drawing (or in the event that personnel are not available to conduct the drawing) shall be allocated on a first come-first served basis. (During that portion of the Canada goose season which follows the duck season, the west side goose pit area, the west arm blind sites and east arm blind sites south of power lines shall be available for goose hunting and shall be allocated on a daily drawing basis to be held at 5:30 a.m. daily.)
- C) During that portion of the light goose season which follows the regular Canada goose season, the west-side goose pit area blinds, subimpoundment blinds, and designated fields west of the west boat ramp shall be available daily on a first come-first served basis. Hunters must sign in at the appropriate parking area no earlier than 5 a.m.
- D) All hunting must be from registered blind sites only and hunters must occupy their blinds within one hour after registering at the check station.
- E) Upon vacating their blinds, hunters must place their completed harvest cards in the collection boxes located at either the east or west boatdock.
- F) There will be a duly posted waterfowl refuge. These areas shall be closed to all boat traffic (except as allowed in subsection (b)~~(41)(K)(34)(J)~~) and boat fishing during the waterfowl season. Bank fishing along the dam shall be permitted.
- G) No more than 4 persons shall occupy a blind at one time.
- H) The center arm of the lake shall be closed to all waterfowl hunting.
- |

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

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hunt. Fishing shall be prohibited in the west arm of the lake and the east arm of the lake south of the power lines during that portion of the Canada goose season that follows the duck season.

- Q) Each party must hunt over a minimum of 12 decoys, and all decoys must be removed at the end of each day's hunt.
- R) When it is deemed necessary for public safety reasons, such as flooding, high winds, or heavy fog, the Department of Natural Resources will close the lake area to all fishing and all boating activity except for non-water hunting programs.
- S) During flood conditions, waterfowl hunters may hunt the tailwaters of Sangchris Lake dam including Clear Creek and the South Fork of the Sangamon River. Decoys must be removed at the end of each day's hunt.
- T) West-side goose pit area blinds will be available every day each week except Tuesday and Wednesday, through the regular Canada goose season, except for the Tuesday and Wednesday preceding the last day of the Canada goose season.
- U) Hunters in the west-side goose pit area may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit after the close of the Central Zone duck season.
- V) All blinds will be closed during the first day of the second firearm deer season; hunting hours will be from statewide hunting hours until 10:00 a.m. the remaining days of the second firearm deer season.

| ~~42)41)~~ Shawnee National Forest, Upper and Lower Bluff Lakes
Goose hunting is prohibited at Lower Bluff Lake.

| ~~43)42)~~ Shawnee National Forest, LaRue Scatters
All hunting must be by walking in or in boats without motors.

| ~~44)43)~~ Shawnee National Forest, Oakwood Bottoms (Green Tree Reservoir west of the Big Muddy levee)

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- A) All hunting must be by walking into the area.
- B) Each hunting party must hunt over a minimum of 12 decoys in Compartments 19, 20 and 21.
- C) No person shall tamper with or attempt to manipulate any of the gates, pumps or structures in the subimpoundment area.

| ~~45)44)~~ Sielbeck Forest Natural Area (1)

| ~~46)45)~~ Stephen A. Forbes State Park

- A) On the main lake hunting is allowed from a boat blind only in the designated areas.
- B) Only walk-in hunting is allowed in the subimpoundment.
- C) Hunting shall be allowed on a first come-first served basis. All hunters must use 12 decoys, minimum.

| ~~47)46)~~ Ten Mile Creek Fish and Wildlife Area (1)

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

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~~48)47)~~ Turkey Bluffs State Fish and Wildlife Area (All hunters must sign in and out and report kill) (1)

~~49)48)~~ Union County (Firing Line Waterfowl Management Area)

- A) Blind sites shall be allocated on a daily draw basis at the site shop building 60 minutes prior to hunting time. Hunters shall register as parties for the drawing; each party drawn shall be allowed to select a blind site in order drawn; only those hunters registered in a party shall be allowed to hunt with their party; no less than 2 hunters and no more than 4 hunters per party; persons under the age of 16 shall not be allowed to hunt unless accompanied by an adult.
- B) Blinds not allocated during the drawing will not be hunted that day. Moving from blind to blind is not allowed.
- C) Access to blind sites is from Clear Creek Levee only.
- D) Each hunting party must hunt over a minimum of 12 decoys. Decoys must be picked up immediately after the hunt is over.
- E) Hunting hours end at 1:00 p.m. and all hunters must be out of the area by 2:00 p.m. Daily entry into the area is restricted until after the drawing for hunting sites.
- F) When duck season is closed, hunters may not possess more than 5 shot shells for every Canada goose allowed in the daily bag limit.

50) Weinberg-King State Park – Spunky Bottoms Unit (no access restrictions; sign in/sign out required) (1)

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 590.70 Ohio River

- a) Waterfowl hunting will be allowed on the Ohio River bordering Illinois. Season dates and bag limits are governed by the regulations which apply to the Southern Zone (Section 590.10(i)(5)(j)(3)).
- b) The following areas of the Ohio River shall be designated as waterfowl refuges

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and shall be closed to all hunting from October 15 through March 15:

- 1) The Ohio River from Smithland Lock and Dam upstream to a power line crossing the river at approximately River Mile 911.5 and Stewart Island.
- 2) The Ohio River in the vicinity of the Ballard Wildlife Management Area located in Ballard County, Kentucky, from a point 50~~fifty~~ yards upstream from Dam 53, downstream to a line from the confluence of Hodges Creek to a point fifty yards downstream of the downstream boundary of the Ballard Wildlife Management Area.

c) Violation of this Section is a petty offense (see 520 ILCS 5/2.2).

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 590.80 Early and Late Goose (all species) Hunting Regulations on Department Sites

- a) During goose hunting seasons that begin before or extend beyond the regular duck season, statewide regulations and site specific regulations for goose hunting, as indicated in Sections 590.40, 590.50 and 590.60, shall apply to all sites (except those closed in subsections (c), (d), ~~and~~ (e) and (f)) with the following exceptions:
 - 1) Check in and check out (or sign in and out) is required only at sites with an asterisk (*).
 - 2) No fees will be charged for hunting for seasons before duck season or for seasons after the regular Canada goose season.
 - 3) No sites are closed to fishing during seasons before the regular duck season or for seasons after the regular Canada goose season.
 - 4) Hunting from a completed blind or staked site is waived during seasons held before the regular duck season or for seasons held after the regular Canada goose season at sites marked with an @.
 - 5) Hunting from a staked site (blind need not be completed) is required during seasons held before the regular duck season at sites marked with a #.

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- 6) During goose seasons held prior to regular duck season, no hunting is allowed in designated dove management fields or within 100 yards of such fields.
 - 7) During goose seasons held after the Canada goose season all restrictions regarding the use of decoys or the number of shotgun shells that hunters can possess are no longer in force.
 - 8) During goose seasons held after Canada goose season, statewide hunting hours apply.
- b) The following sites will be open to all goose hunting seasons:
- Blanding Wildlife Area @
- Cache River Natural Area *
- Carlyle Lake Project Lands and Waters, including North Allen Branch Waterfowl Management Area (no early goose hunting east of Kaskaskia River from Cox's Bridge Access north to the Department's boundary line) *
- Chain O'Lakes State Park #
- Chauncey Marsh (permit required, available at Red Hills State Park)
- Clinton Lake State Recreational Area – early season goose hunting in waterfowl hunting areas east of Parnell Bridge and North of Route 54 only. Any goose hunting seasons after the regular Canada goose seasons will close March 15.
- Des Plaines Conservation Area #
- Devil's Island State Fish and Wildlife Area
- Dog Island Wildlife Management Area *
- Fort de Chartres Historic Site
- Horseshoe Lake State Park (Madison County) (blind builders or partners must occupy their blinds by ½ hour before opening hunting hour each day in order to claim their blind for the day; attempts to claim blinds by any manner other than

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actual occupation shall be considered in violation of this Part and shall be cause for arrest; the insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind) # *

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

Kaskaskia River State Fish and Wildlife Area (Baldwin Lake Waterfowl Rest Area is closed to hunting) *

Kinkaid Lake Fish and Wildlife Area

Lake Shelbyville (except West Okaw and Kaskaskia Fish and Wildlife Area; season opens with teal season)

Marshall State Fish and Wildlife Area – Sparland and Duck Ranch Units @

Marshall State Fish and Wildlife Area – Spring Branch and Marshall Units * @

Meredosia Lake

Mississippi River State Fish and Waterfowl Management Area (Pools 25 and 26) (no hunting is allowed in the designated Batchtown Waterfowl Rest Area, Crull Hollow Rest Area and Godar Rest Area; blind builders or partners must occupy their blinds by ½ hour before opening hunting hour each day in order to claim their blind for the day; attempts to claim blinds by any manner other than actual occupation shall be considered in violation of this Part and shall be cause for arrest; the insertion of a boat into the boat hide and/or the spreading of decoys before a blind shall not be considered legal occupation of a blind) @

Mississippi River Pools 16, 17, and 18 @

Mississippi River Pools 21, 22, and 24 @

Oakford Conservation Area

Rend Lake Project Lands and Waters @

Saline County Conservation Area *

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Sanganois State Fish and Wildlife Area * @

Shawnee Forest, LaRue Scatters

Shawnee Forest, Oakwood Bottoms

Shawnee Forest, Upper Bluff Lake

Ten Mile Creek Fish and Wildlife Area (permit required; rest areas open to hunting during goose season before and after the regular goose season)

Turkey Bluffs State Fish and Wildlife Area *

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

Woodford Fish and Wildlife Area * @

- c) The following sites will be open to any goose hunting seasons that occur before the regular duck season through the end of the regular Canada goose season:

Anderson Lake (closed after regular duck season) * @

Clinton Lake State Recreation Area (hunting will be in designated walk-in areas only; boat blinds allowed where hunting will be within 50 yards of a staked site; free site permit required; no hunting within 200 yards of developed areas, construction zones and 300 yards of electrical power lines; no more than 4 persons per blind and a minimum of 12 decoys must be used)

Coffeen Lake State Fish and Wildlife Area (hunting north of County Road N6th only; no fishing north of County Road N6th during this season) * #

Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area (must have site specific permit; season opens with teal season)

Ray Norbut State Fish and Wildlife Area *

Rice Lake (season opens with teal season; sunrise until 1:00 p.m.; closed after regular duck season) * @

- d) The following sites will be open to all goose hunting during any Canada goose

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hunting seasons that occur after the regular duck season:

Banner Marsh * @

Braidwood State Fish and Wildlife Area *

Heidecke State Fish and Wildlife Area *

Kankakee River State Park

Lake DePue Fish and Wildlife Area *

Lake Sinnissippi Fish and Wildlife Area

Newton Lake Fish and Wildlife Area *

Pekin Lake Fish and Wildlife Area

Spring Lake Fish and Wildlife Area (hunting from registered blinds or within 10 ~~yards~~^{feet} of staked blind sites is permitted after the close of the duck season) *

Starved Rock State Park *

- e) The following sites will be open to any goose hunting seasons that occur after the regular Canada goose hunting season:

~~Double T State Fish and Wildlife~~ ~~Fulton County Goose Management Area~~ (from pits or staked blinds sites only)*

Horseshoe Lake Conservation Area (controlled hunting and public hunting areas)
* @

Jim Edgar Panther Creek State Fish and Wildlife Area (Open Unit, West Open Unit, Quail Management Unit only)

Pyramid State Park – Captain Unit (no hunting in Captain Unit Waterfowl Rest Area) @

Pyramid State Park – Denmark Unit (no hunting in Denmark Unit Waterfowl Rest Area) @

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Pyramid State Park – East Conant Unit

Pyramid State Park – Galum Unit @

Sangchris Lake State Park *

Stephen A. Forbes State Park *

Snakeden Hollow State Fish and Wildlife Area (from pits only) *

Union County Conservation Area (firing line and controlled hunting area) * @

William W. Powers Conservation Area

- f) The following sites will be closed to all goose hunting seasons that occur outside the regular duck season dates:

Donnelley Fish and Wildlife Area

Mazonia State Fish and Wildlife Area *

Mermet Lake Fish and Wildlife Area

Powerton Reservoir

Redwing Slough/Deer Lake

- g) The following sites will be open to any goose hunting seasons that occur before the regular duck season and after the regular Canada goose season:

Kidd Lake State Natural Area

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

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Outfitter Regulations
- 2) Code Citation: 17 Ill. Adm. Code 640
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
640.20	Amendment
640.40	Amendment
640.50	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 2.9, 2.10, 2.11, 2.24, 2.25, 2.26 and 3.1-3 of the Wildlife Code [520 ILCS 5/2.9, 2.10, 2.11, 2.24, 2.25, 2.26 and 3.1-3].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to update requirements for log maintenance of clients, change the permit fee for Illinois resident outfitters from \$250 to \$500 per year and to revise information required for the annual renewal of licenses.
- 6) Will this rulemaking contain an automatic repeal date? 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? No
- 10) Statement of Statewide Policy Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

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

217/782-1809

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12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: This Part contains regulations for persons operating as outfitters in the State of Illinois.
- B) Reporting, bookkeeping or other procedures required for compliance: Applicants must meet licensing requirements and pay a fee to receive an annual permit. Outfitters must submit an annual report to the Department listing the number of clients they had, the number of days they were hunting and harvest information. They must also maintain a detailed log, for a minimum of five years, which contains specific information on their clients (name, address, days hunted, permit numbers, harvest information).
- C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2005

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 640
OUTFITTER REGULATIONS

Section	
640.10	Definitions
640.20	Minimum Standards
640.30	Application Requirements
640.40	Permit Fees
640.50	Acceptance or Rejection of Applications
640.60	Term of Permit and Fees
640.70	Violations
640.80	Penalty

AUTHORITY: Implementing and authorized by Sections 2.9, 2.10, 2.11, 2.24, 2.25, 2.26 and 3.1-3 of the Wildlife Code [520 ILCS 5/2.9, 2.10, 2.11, 2.24, 2.25, 2.26 and 3.1-3].

SOURCE: Adopted at 26 Ill. Reg. 18019, effective February 1, 2003; amended at 29 Ill. Reg. _____, effective _____.

Section 640.20 Minimum Standards

- a) An outfitter shall:
 - 1) have a current valid Illinois outfitter permit;
 - 2) be at least 21 years of age (If the outfitter permit is held by a business entity, then a responsible individual who is an officer in the business entity must be designated on the application as the contact person.);
 - 3) not had his or her hunting privileges under the Wildlife Code suspended or hunting licenses revoked within the last 5 years. If the outfitter is a business entity, no officer or employee or contact person may have been suspended or revoked within the past 5 years;
 - 4) provide to each client, prior to commencement of outfitting services, in writing, the type of service provided, dates of service, cost of services, and

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a copy of the outfitter's refund policy;

- 5) be responsible for ensuring each client has the necessary permits, stamps and licenses prior to any hunting;
- 6) indicate clearly to clients the boundaries of the property on which the client is hunting and instruct the client as to how to conduct the hunt (i.e., special rules, restricted areas, etc.);
- 7) make no guarantees, either oral or written, as to the success of the hunt;
- 8) not misrepresent his or her facilities, prices, equipment, services or hunting opportunities;
- 9) not take or attempt to take any wildlife on behalf of the client;
- 10) maintain a current log of all individuals who hunt on the property controlled under the outfitter permit, including clients, the dates they hunted, their hunting license and permit numbers, and harvest information (numbers, sex, approximate age, whether the hunter was a paying client or a free hunter). This log must be maintained by the outfitter for 5 years; and
- 11) if he or she performs guide services, meet the requirements of subsection (b).
 - b) A guide shall:
 - 1) be at least 18 years of age;
 - 2) not have had his or her hunting license revoked or hunting privileges suspended under the Wildlife Code within the past 5 years;
 - 3) have a current Illinois hunting license and habitat stamp;
 - 4) have proof of successful completion of a State-approved hunter-safety course;
 - 5) obey all State and federal wildlife and weapons laws and regulations; and
 - 6) not take or attempt to take any wildlife on behalf of the client.

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(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 640.40 Permit Fees

The permit fees for an outfitter shall be:

- a) ~~\$500~~\$250 for a resident.
- b) \$2,500 for a non-resident.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 640.50 Acceptance or Rejection of Applications

- a) Incomplete or inadequate applications shall be returned to the applicant with a summary of deficiencies.
- b) Incomplete or inadequate applications may be completed and re-submitted within 15 days or until the end of the application period, whichever is longer.
- c) Applications will be accepted from January 15 through July 15, inclusive. Addendums adding acreage may be filed through September 30.
- d) Outfitters that allow deer/turkey populations to increase to the point that they have an abnormal detrimental impact on crops, public safety or environmental conditions in the immediate area shall be notified of the impact or effect. If, after one year, no reasonable effort has been made to resolve the impact or effect, the outfitter shall be warned that remedial action must be taken or his outfitter permit will not be renewed. If, after the warning, the outfitter does not institute a reasonable remedial action, his application for renewal shall be rejected and he shall be ineligible for an outfitter permit for a year. Eligibility for a new permit shall be dependent upon submission of a complete new application along with a management plan detailing actions or modifications to be employed to remedy the problem and responsibly manage the wildlife.
- e) Full applications shall be required every 5 years. The annual renewal shall consist of tender of the appropriate fee and proof of insurance and notice of any changes from the current application or certification that there are no changes from the previous year, as well as a report of harvest, listing number of hunter days, and

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total number of male and number of female deer and/or turkey taken, regardless of whether the hunter was a paying client or a free hunter.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2005

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT

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

Section

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

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

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

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

- a) All the regulations in 17 Ill. Adm. Code 510, General Hunting and Trapping on Department-Owned or Managed Sites, apply in this Part, unless this Part is more restrictive. Violation of a site specific regulation is a petty offense (see 520 ILCS 5/2.28).

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- b) Hunting with .22 caliber or smaller rimfire firearms or muzzleloading black powder rifles is allowed at those sites listed in the following subsections that are followed by a (1).
- c) Check-in, check-out and reporting of harvest is required at those sites listed in the following subsections that are followed by a (2).
- d) Statewide regulations apply at the following sites:
- Anderson Lake Conservation Area (2)
 - Apple River Canyon State Park – Salem and Thompson Units (2)
 - Argyle Lake State Park (2)
 - Big Bend State Fish and Wildlife Area (2)
 - Big River State Forest (2)
 - Cache River State Natural Area (1) (2)
 - Campbell Pond Wildlife Management Area
 - Carlyle Lake Lands and Waters – Corps of Engineers managed lands (1)
 - Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season) (1)
 - Chain O'Lakes State Park (opens Wednesday after permit pheasant season for 5 consecutive days, except closed on Christmas Day; 8:00 a.m. to 4:00 p.m.; daily quota filled on first come-first served basis; DNR issued back patch must be worn while hunting; only shot size of No. 3 steel, No. 4 bismuth, No. 5 tungsten-iron, tungsten-matrix, tungsten-polymer or smaller may be used) (2)
 - Crawford County Conservation Area (1) (2)
 - Cypress Pond State Natural Area (1) (2)

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Deer Pond State Natural Area (1) (2)

Devil's Island State Fish and Wildlife Area

Dog Island Wildlife Management Area (1) (2)

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

Falling Down Prairie (2)

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

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

Fort Massac State Park (2)

Hanover Bluff State Natural Area (2)

I-24 Wildlife Management Area (2)

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

Kinkaid Lake Fish and Wildlife Area (1)

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

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

Marshall State Fish and Wildlife Area (2)

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

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

Mississippi River Pools 16, 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

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

Nauvoo State Park (Max Rowe Unit only)

Oakford Conservation Area (1)

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

Randolph County Conservation Area (2)

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

Red Hills State Park (2)

Rend Lake Project Lands and Waters (1)

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

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

Sam Dale Lake Conservation Area (2)

Sam Parr State Park (2)

Sangamon County Conservation Area

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

Sielbeck Forest Natural Area (1) (2)

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Skinner Farm State Habitat Area (2)

~~Snakeden Hollow State Fish and Wildlife Area – Ives Unit (1) (2)~~

Spoon River State Forest (1) (2)

Stephen A. Forbes State Park (2)

Tapley Woods State Natural Area (2)

Trail of Tears State Forest (1) (2)

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

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

Washington County Conservation Area (2)

Weinberg-King State Park (1) (2)

Weinberg-King State Park – Cecil White Unit

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

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

Wildcat Hollow State Forest (1)

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

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

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

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

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Hamilton County Conservation Area (2)

Pere Marquette State Park (2)

Pyramid State Park (2)

Siloam Springs State Park (2)

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

Johnson-Sauk Trail State Park (2)

Jubilee College State Park (2)

Kankakee River State Park (2)

Sangchris Lake State Park (2)

Silver Springs State Park (2)

Spring Lake Fish and Wildlife Area (2)

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

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

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

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

Fox Ridge State Park (1)

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Harry "Babe" Woodyard State Natural Area

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

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

Hurricane Creek Habitat Area (season closes October 31)

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

Kickapoo State Park (season opens day after Labor Day)

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

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

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

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

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

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

Moraine View State Park

Newton Lake Fish and Wildlife Area (closes September 30)

Pyramid State Park – Captain Unit (1)

Pyramid State Park – Denmark Unit (1)

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Pyramid State Park – East Conant Unit (1)

Pyramid State Park – Galum Unit (1)

Ramsey Lake State Park

Sand Ridge State Forest (closes October 31) [\(1\)](#)

Sanganois State Fish and Wildlife Area (1)

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

Ten Mile Creek Fish and Wildlife Area (1)

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

Beaver Dam State Park (2)

Castle Rock State Park (2)

Iroquois County Wildlife Management Area (1) (2)

Mackinaw State Fish and Wildlife Area (2)

Mt. Vernon Game Propagation Center (2)

Sandy Ford Land and Water Reserve (2)

[Weldon Springs – Piatt County Unit \(2\)](#)

Woodford County Fish and Wildlife Area (2)

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

Green River State Wildlife Area (2)

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

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

(Source: Amended at 29 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>
730.20	Amendment
730.40	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].
- 5) A Complete Description of the Subjects and Issues Involved: Amendments are being made to this Part to update Statewide regulations, to update sites open to hunting and to update site specific regulations.
- 6) Will this rulemaking contain an automatic repeal date? 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 Objective: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice to:

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

217/782-1809
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities and not for profit corporations

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affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 2005

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENTS

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

Section

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

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

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

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

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- 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

Carlyle Lake Wildlife Management Area (subimpoundments only)

Chain O'Lakes State Park

Clinton Lake State Recreation Area (dove management fields only)

Des Plaines Conservation Area

Double T State Fish and Wildlife Area

Eldon Hazlet State Park

~~Fulton County Goose Management Area~~

Green River State Wildlife Area

Hennepin Canal Parkway State Park

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Horseshoe Lake Conservation Area (Alexander County)

Horseshoe Lake State Park (Madison County) (#)

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

Johnson-Sauk Trail State Park

Jubilee College State Park

Kankakee River State Park (#)

Kaskaskia River State Fish and Wildlife Area (designated areas)

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

Mackinaw River State Fish and Wildlife Area

Mautino State Fish and Wildlife Area

Mazonia State Fish and Wildlife Area (#)

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

Moraine View State Park

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

Peabody River King State Fish and Wildlife Area

Pyramid State Park – Captain Unit

Pyramid State Park – Denmark Unit

Pyramid State Park – Galum Unit

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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

Silver Springs State Fish and Wildlife Area

Snakeden Hollow State Fish and Wildlife Area/Victoria Pheasant Habitat Area/~~Ives Unit~~

Spoon River State Forest

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

Union County Conservation Area

- 3) On areas where hunters are required to hunt from marked or staked sites, hunters must hunt within 10 feet of the marked site.
 - 4) No hunting is allowed within 100 yards of a designated dove management field except for hunters who are part of the hunter quota for that field.
 - 5) At sites indicated by (#), hunters are required to check in and/or sign out as provided 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.
- c) Statewide season regulations as provided for in this rule shall apply at the following sites:

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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 (#)

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) (#)

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

Mermet Lake State Fish and Wildlife Area (#)

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Mississippi River Pools 16, 17 and 18

Mississippi River Pools 21, 22, 24

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

Oakford Conservation Area

Red Hills State Park (#)

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 (#)~~

Spoon River State Forest (#)

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 (#)

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

Wildcat Hollow State Forest

- d) Statewide regulations as provided in this Part shall apply at the following sites except that hunting hours are 12 noon to 5 p.m. daily September 1-5; season

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closes September 30. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.

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

Double T State Fish and Wildlife Area (#)

Fulton County Goose Management Area (#)

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 (#)

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

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

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

Fox Ridge State Park (dove management fields only)

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

Hidden Springs State Forest (dove management fields only)

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 (#) ~~(4)~~

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

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returned by February 15; successful lottery participants must report their daily harvest during September 1-5 in harvest boxes on each management unit) (4)

Pyramid State Park – Denmark Unit (permit required; permit must be returned by February 15; successful lottery participants must report their daily harvest during September 1-5 in harvest boxes on each management unit) (4)

Pyramid State Park – East Conant Unit (permit required; permit must be returned by February 15; successful lottery participants must report their daily harvest during September 1-5 in harvest boxes on each management unit) (4)

Pyramid State Park – Galum Unit (permit required; permit must be returned by February 15) (4)

Randolph County State Conservation Area (#)

Ray Norbut State Fish and Wildlife Area (#)

Siloam Springs State Park (#)

Turkey Bluffs State Fish and Wildlife Area (#)

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

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

Weinberg-King State Park (#)

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

Crawford County State Fish and Wildlife Area (#)

Hamilton County State Fish and Wildlife Area (#)

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~~I-24 Wildlife Management Area (#)~~

~~Jubilee College State Park (#)~~

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 (#)

~~Shabbona Lake State Park (#)~~

~~Skinner Farm State Habitat Area (#)~~

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.

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Clinton Lake State Recreation Area (except dove management fields)

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

Hidden Springs State Forest (except dove management fields)

Kickapoo State Park

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

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

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

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

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

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

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

Johnson Sauk Trail State Recreation Area (#)

ii) 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.

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- 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)(3). All permits will be issued from Springfield and not from the site, except at Panther Creek State Fish and Wildlife Area as indicated in subsection (i)(3).
 - E) Check in time for registration shall be between 9 a.m. and 11 a.m. each day. Openings after 11 a.m. will be filled by drawing for standbys if more hunters register than there are vacancies.
 - F) All hunters must wear a DNR issued backpatch.
- 2) Non-Permit Season Regulations
- A) Non-permit season shall be September 6-30 except as indicated in parentheses.
 - B) Non-permit hunting hours shall be 12 noon to sunset except as indicated in parentheses.
 - C) No permits are required except as indicated in parentheses.
 - D) Check in and check out is required except as indicated in

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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; permit required as indicated in subsection (i) 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; 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

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Day Weekend)

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

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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

~~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.

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- 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.
- 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: Amended at 29 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Proposed Action:
 140.3 Amendment
 140.470 Amendment
 140.471 Amendment
 140.472 Amendment
 140.473 Amendment
 140.474 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and the Alternative Health Care Delivery Act [210 ILCS 3/35]
- 5) Complete Description of the Subjects and Issues Involved: The Department's rules at 89 Ill. Adm. Code 140 are being updated to include in-home shift nursing as a Medicaid covered service for children under the age of 21 years. Children who have extensive medical needs and require ongoing nursing care are eligible for these in-home services. Proposed changes to the rules specify eligible home health providers, prior-approval requirements, the difference between intermittent and shift nursing care, and reimbursement provisions.

 Proposed changes to Section 140.3 include new coverage for children for the purpose of transitioning from a hospital to home placement supported with in-home shift nursing. The transition provider in such circumstances is a Children's Community-Based Health Care Center, a health care delivery model established pursuant to the Alternative Health Care Delivery Act [210 ILCS 3/35]. Related amendments are also being proposed concerning Children's Community-Based Health Care Centers at 89 Ill. Adm. Code 146.
- 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? Yes

SectionsProposed ActionIllinois Register Citation

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

140.13 Amendment January 3, 2005 (29 Ill. Reg. 617)
140.24 Amendment January 3, 2005 (29 Ill. Reg. 617)

- 10) Statement of Statewide Policy Objectives: 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 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

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- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on Which this Rulemaking Was Summarized: January 2005

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

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMSPART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

- 140.1 Incorporation By Reference
- 140.2 Medical Assistance Programs
- 140.3 Covered Services Under Medical Assistance Programs
- 140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
- 140.5 Covered Medical Services Under General Assistance
- 140.6 Medical Services Not Covered
- 140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
- 140.8 Medical Assistance For Qualified Severely Impaired Individuals
- 140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

- 140.11 Enrollment Conditions for Medical Providers
- 140.12 Participation Requirements for Medical Providers
- 140.13 Definitions
- 140.14 Denial of Application to Participate in the Medical Assistance Program
- 140.15 Recovery of Money
- 140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.18 Effect of Termination on Individuals Associated with Vendor
- 140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring

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140.20	Submittal of Claims
140.21	Reimbursement for QMB Eligible Medical Assistance Recipients and QMB Eligible Only Recipients and Individuals Who Are Entitled to Medicare Part A or Part B and Are Eligible for Some Form of Medicaid Benefits
140.22	Magnetic Tape Billings (Repealed)
140.23	Payment of Claims
140.24	Payment Procedures
140.25	Overpayment or Underpayment of Claims
140.26	Payment to Factors Prohibited
140.27	Assignment of Vendor Payments
140.28	Record Requirements for Medical Providers
140.30	Audits
140.31	Emergency Services Audits
140.32	Prohibition on Participation, and Special Permission for Participation
140.33	Publication of List of Terminated, Suspended or Barred Entities
140.35	False Reporting and Other Fraudulent Activities
140.40	Prior Approval for Medical Services or Items
140.41	Prior Approval in Cases of Emergency
140.42	Limitation on Prior Approval
140.43	Post Approval for Items or Services When Prior Approval Cannot Be Obtained
140.55	Recipient Eligibility Verification (REV) System
140.71	Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments
140.72	Drug Manual (Recodified)
140.73	Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

Section	
140.80	Hospital Provider Fund
140.82	Developmentally Disabled Care Provider Fund
140.84	Long Term Care Provider Fund
140.94	Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95	Hospital Services Trust Fund
140.96	General Requirements (Recodified)
140.97	Special Requirements (Recodified)
140.98	Covered Hospital Services (Recodified)
140.99	Hospital Services Not Covered (Recodified)
140.100	Limitation On Hospital Services (Recodified)

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- 140.101 Transplants (Recodified)
- 140.102 Heart Transplants (Recodified)
- 140.103 Liver Transplants (Recodified)
- 140.104 Bone Marrow Transplants (Recodified)
- 140.110 Disproportionate Share Hospital Adjustments (Recodified)
- 140.116 Payment for Inpatient Services for GA (Recodified)
- 140.117 Hospital Outpatient and Clinic Services (Recodified)
- 140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
- 140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
- 140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
- 140.203 Limits on Length of Stay by Diagnosis (Recodified)
- 140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
- 140.350 Copayments (Recodified)
- 140.360 Payment Methodology (Recodified)
- 140.361 Non-Participating Hospitals (Recodified)
- 140.362 Pre July 1, 1989 Services (Recodified)
- 140.363 Post June 30, 1989 Services (Recodified)
- 140.364 Prepayment Review (Recodified)
- 140.365 Base Year Costs (Recodified)
- 140.366 Restructuring Adjustment (Recodified)
- 140.367 Inflation Adjustment (Recodified)
- 140.368 Volume Adjustment (Repealed)
- 140.369 Groupings (Recodified)
- 140.370 Rate Calculation (Recodified)
- 140.371 Payment (Recodified)
- 140.372 Review Procedure (Recodified)
- 140.373 Utilization (Repealed)
- 140.374 Alternatives (Recodified)
- 140.375 Exemptions (Recodified)
- 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
- 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.391 Definitions (Recodified)
- 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
- 140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

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140.400	Payment to Practitioners
140.402	Copayments for Noninstitutional Medical Services
140.405	SeniorCare Pharmaceutical Benefit
140.410	Physicians' Services
140.411	Covered Services By Physicians
140.412	Services Not Covered By Physicians
140.413	Limitation on Physician Services
140.414	Requirements for Prescriptions and Dispensing of Pharmacy Items – Physicians
140.416	Optometric Services and Materials
140.417	Limitations on Optometric Services
140.418	Department of Corrections Laboratory
140.420	Dental Services
140.421	Limitations on Dental Services
140.422	Requirements for Prescriptions and Dispensing Items of Pharmacy Items – Dentists
140.425	Podiatry Services
140.426	Limitations on Podiatry Services
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140.428	Chiropractic Services
140.429	Limitations on Chiropractic Services (Repealed)
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140.431	Services Not Covered by Independent Clinical Laboratories
140.432	Limitations on Independent Clinical Laboratory Services
140.433	Payment for Clinical Laboratory Services
140.434	Record Requirements for Independent Clinical Laboratories
140.435	Advanced Practice Nurse Services
140.436	Limitations on Advanced Practice Nurse Services
140.438	Imaging Centers
140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
140.442	Prior Approval of Prescriptions
140.443	Filling of Prescriptions
140.444	Compounded Prescriptions
140.445	Legend Prescription Items (Not Compounded)
140.446	Over-the-Counter Items
140.447	Reimbursement
140.448	Returned Pharmacy Items
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- 140.450 Record Requirements for Pharmacies
- 140.451 Prospective Drug Review and Patient Counseling
- 140.452 Mental Health Services
- 140.453 Definitions
- 140.454 Types of Mental Health Services
- 140.455 Payment for Mental Health Services
- 140.456 Hearings
- 140.457 Therapy Services
- 140.458 Prior Approval for Therapy Services
- 140.459 Payment for Therapy Services
- 140.460 Clinic Services
- 140.461 Clinic Participation, Data and Certification Requirements
- 140.462 Covered Services in Clinics
- 140.463 Clinic Service Payment
- 140.464 Hospital-Based and Encounter Rate Clinic Payments
- 140.465 Speech and Hearing Clinics (Repealed)
- 140.466 Rural Health Clinics (Repealed)
- 140.467 Independent Clinics
- 140.469 Hospice
- 140.470 [Eligible](#) Home Health [Providers](#)~~Services~~
- 140.471 [Description of](#) Home Health ~~Covered~~ Services
- 140.472 Types of Home Health Services
- 140.473 Prior Approval for Home Health Services
- 140.474 Payment for Home Health Services
- 140.475 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
- 140.476 Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices for Which Payment Will Not Be Made
- 140.477 Limitations on Equipment, Prosthetic Devices and Orthotic Devices
- 140.478 Prior Approval for Medical Equipment, Supplies, Prosthetic Devices and Orthotic Devices
- 140.479 Limitations, Medical Supplies
- 140.480 Equipment Rental Limitations
- 140.481 Payment for Medical Equipment, Supplies, Prosthetic Devices and Hearing Aids
- 140.482 Family Planning Services
- 140.483 Limitations on Family Planning Services
- 140.484 Payment for Family Planning Services
- 140.485 Healthy Kids Program
- 140.486 Illinois Healthy Women
- 140.487 Healthy Kids Program Timeliness Standards
- 140.488 Periodicity Schedules, Immunizations and Diagnostic Laboratory Procedures

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140.490	Medical Transportation
140.491	Limitations on Medical Transportation
140.492	Payment for Medical Transportation
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140.494	Record Requirements for Medical Transportation Services
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140.504	Cessation of Payment Because of Termination of Facility
140.505	Informal Hearing Process for Denial of Payment for New ICF/MR
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140.507	Continuation of Provider Agreement
140.510	Determination of Need for Group Care
140.511	Long Term Care Services Covered By Department Payment
140.512	Utilization Control
140.513	Notification of Change in Resident Status
140.514	Certifications and Recertifications of Care (Repealed)
140.515	Management of Recipient Funds – Personal Allowance Funds
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140.517	Correspondent Management of Funds
140.518	Facility Management of Funds
140.519	Use or Accumulation of Funds
140.520	Management of Recipient Funds – Local Office Responsibility
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140.523	Bed Reserves
140.524	Cessation of Payment Due to Loss of License
140.525	Quality Incentive Program (QUIP) Payment Levels
140.526	Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP) (Repealed)
140.527	Quality Incentive Survey (Repealed)
140.528	Payment of Quality Incentive (Repealed)

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140.529	Reviews (Repealed)
140.530	Basis of Payment for Long Term Care Services
140.531	General Service Costs
140.532	Health Care Costs
140.533	General Administration Costs
140.534	Ownership Costs
140.535	Costs for Interest, Taxes and Rent
140.536	Organization and Pre-Operating Costs
140.537	Payments to Related Organizations
140.538	Special Costs
140.539	Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Habilitation Aide Training and Nursing Assistant Competency Evaluation
140.540	Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.541	Salaries Paid to Owners or Related Parties
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140.555	Minimum Wage
140.560	Components of the Base Rate Determination
140.561	Support Costs Components
140.562	Nursing Costs
140.563	Capital Costs
140.565	Kosher Kitchen Reimbursement
140.566	Out-of-State Placement
140.567	Level II Incentive Payments (Repealed)
140.568	Duration of Incentive Payments (Repealed)
140.569	Clients With Exceptional Care Needs
140.570	Capital Rate Component Determination
140.571	Capital Rate Calculation
140.572	Total Capital Rate
140.573	Other Capital Provisions
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- 140.575 Newly Constructed Facilities (Repealed)
- 140.576 Renovations (Repealed)
- 140.577 Capital Costs for Rented Facilities (Renumbered)
- 140.578 Property Taxes
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- 140.580 Mandated Capital Improvements (Repealed)
- 140.581 Qualifying as Mandated Capital Improvement (Repealed)
- 140.582 Cost Adjustments
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- 140.584 Illinois Municipal Retirement Fund (IMRF)
- 140.590 Audit and Record Requirements
- 140.642 Screening Assessment for Nursing Facility and Alternative Residential Settings and Services
- 140.643 In-Home Care Program
- 140.645 Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21 (Repealed)
- 140.646 Reimbursement for Developmental Training (DT) Services for Individuals With Developmental Disabilities Who Reside in Long Term Care (ICF and SNF) and Residential (ICF/MR) Facilities
- 140.647 Description of Developmental Training (DT) Services
- 140.648 Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
- 140.649 Effective Dates of Reimbursement for Developmental Training (DT) Programs
- 140.650 Certification of Developmental Training (DT) Programs
- 140.651 Decertification of Day Programs
- 140.652 Terms of Assurances and Contracts
- 140.680 Effective Date Of Payment Rate
- 140.700 Discharge of Long Term Care Residents
- 140.830 Appeals of Rate Determinations
- 140.835 Determination of Cap on Payments for Long Term Care (Repealed)

SUBPART F: FEDERAL CLAIMING FOR STATE AND
LOCAL GOVERNMENTAL ENTITIES

Section

- 140.850 Reimbursement of Administrative Expenditures
- 140.855 Administrative Claim Review and Reconsideration Procedure
- 140.860 County Owned or Operated Nursing Facilities
- 140.865 Sponsor Qualifications (Repealed)
- 140.870 Sponsor Responsibilities (Repealed)

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140.875	Department Responsibilities (Repealed)
140.880	Provider Qualifications (Repealed)
140.885	Provider Responsibilities (Repealed)
140.890	Payment Methodology (Repealed)
140.895	Contract Monitoring (Repealed)
140.896	Reimbursement For Program Costs (Active Treatment) For Clients in Long Term Care Facilities For the Developmentally Disabled (Recodified)
140.900	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
140.901	Functional Areas of Needs (Recodified)
140.902	Service Needs (Recodified)
140.903	Definitions (Recodified)
140.904	Times and Staff Levels (Repealed)
140.905	Statewide Rates (Repealed)
140.906	Reconsiderations (Recodified)
140.907	Midnight Census Report (Recodified)
140.908	Times and Staff Levels (Recodified)
140.909	Statewide Rates (Recodified)
140.910	Referrals (Recodified)
140.911	Basic Rehabilitation Aide Training Program (Recodified)
140.912	Interim Nursing Rates (Recodified)

SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

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140.920	General Description
140.922	Covered Services
140.924	Maternal and Child Health Provider Participation Requirements
140.926	Client Eligibility (Repealed)
140.928	Client Enrollment and Program Components (Repealed)
140.930	Reimbursement
140.932	Payment Authorization for Referrals (Repealed)

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section	
140.940	Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
140.942	Definition of Terms (Recodified)

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140.944	Notification of Negotiations (Recodified)
140.946	Hospital Participation in ICARE Program Negotiations (Recodified)
140.948	Negotiation Procedures (Recodified)
140.950	Factors Considered in Awarding ICARE Contracts (Recodified)
140.952	Closing an ICARE Area (Recodified)
140.954	Administrative Review (Recodified)
140.956	Payments to Contracting Hospitals (Recodified)
140.958	Admitting and Clinical Privileges (Recodified)
140.960	Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
140.962	Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964	Contract Monitoring (Recodified)
140.966	Transfer of Recipients (Recodified)
140.968	Validity of Contracts (Recodified)
140.970	Termination of ICARE Contracts (Recodified)
140.972	Hospital Services Procurement Advisory Board (Recodified)
140.980	Elimination Of Aid To The Medically Indigent (AMI) Program (Emergency Expired)
140.982	Elimination Of Hospital Services For Persons Age Eighteen (18) And Older And Persons Married And Living With Spouse, Regardless Of Age (Emergency Expired)
140.TABLE A	Medichek Recommended Screening Procedures (Repealed)
140.TABLE B	Geographic Areas
140.TABLE C	Capital Cost Areas
140.TABLE D	Schedule of Dental Procedures
140.TABLE E	Time Limits for Processing of Prior Approval Requests
140.TABLE F	Podiatry Service Schedule
140.TABLE G	Travel Distance Standards
140.TABLE H	Areas of Major Life Activity
140.TABLE I	Staff Time and Allocation for Training Programs (Recodified)
140.TABLE J	HSA Grouping (Repealed)
140.TABLE K	Services Qualifying for 10% Add-On (Repealed)
140.TABLE L	Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
140.TABLE M	Enhanced Rates for Maternal and Child Health Provider Services

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

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SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill.

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Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.Table H and 140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989;

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amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; Notice of Corrections to Adopted Amendment at 15 Ill. Reg. 1174; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992;

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emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment suspended at 17 Ill. Reg. 18902, effective October 12, 1993; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended at 18 Ill. Reg. 17286, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995;

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amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 30, 1998; amended at 22 Ill. Reg. 19898, effective October 30, 1998; emergency amendment at 22 Ill. Reg. 22108, effective December 1, 1998, for a maximum of 150 days; emergency expired April 29, 1999; amended at 23 Ill. Reg. 5796, effective April 30, 1999; amended at 23 Ill. Reg. 7122, effective June 1, 1999; emergency amendment at 23 Ill. Reg. 8236, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9874, effective August 3, 1999; amended at 23 Ill. Reg. 12697, effective October 1, 1999; amended at 23 Ill. Reg. 13646, effective November 1, 1999; amended at 23 Ill. Reg. 14567, effective December 1, 1999; amended at 24 Ill. Reg. 661, effective January 3, 2000; amended at 24 Ill. Reg. 10277, effective July 1, 2000; emergency amendment at 24 Ill. Reg. 10436, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15086, effective October 1, 2000; amended at 24 Ill. Reg. 18320, effective December 1, 2000; emergency amendment at 24 Ill. Reg. 19344, effective December 15, 2000, for a maximum of 150 days; amended at 25 Ill. Reg. 3897, effective March 1, 2001; amended at 25 Ill. Reg. 6665, effective May 11, 2001; amended at 25 Ill. Reg. 8793, effective July 1, 2001; emergency amendment at 25 Ill. Reg. 8850, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 11880, effective September 1, 2001; amended at 25 Ill. Reg. 12820, effective October 8, 2001; amended at 25 Ill. Reg. 14957,

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effective November 1, 2001; emergency amendment at 25 Ill. Reg. 16127, effective November 28, 2001, for a maximum of 150 days; emergency amendment at 25 Ill. Reg. 16292, effective December 3, 2001, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 514, effective January 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 663, effective January 7, 2002; amended at 26 Ill. Reg. 4781, effective March 15, 2002; emergency amendment at 26 Ill. Reg. 5984, effective April 15, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 7285, effective April 29, 2002; emergency amendment at 26 Ill. Reg. 8594, effective June 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11259, effective July 1, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 12461, effective July 29, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 16593, effective October 22, 2002; emergency amendment at 26 Ill. Reg. 12772, effective August 12, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13641, effective September 3, 2002; amended at 26 Ill. Reg. 14789, effective September 26, 2002; emergency amendment at 26 Ill. Reg. 15076, effective October 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 16303, effective October 25, 2002; amended at 26 Ill. Reg. 17751, effective November 27, 2002; amended at 27 Ill. Reg. 768, effective January 3, 2003; amended at 27 Ill. Reg. 3041, effective February 10, 2003; amended at 27 Ill. Reg. 4364, effective February 24, 2003; amended at 27 Ill. Reg. 7823, effective May 1, 2003; amended at 27 Ill. Reg. 9157, effective June 2, 2003; emergency amendment at 27 Ill. Reg. 10813, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 13784, effective August 1, 2003; amended at 27 Ill. Reg. 14799, effective September 5, 2003; emergency amendment at 27 Ill. Reg. 15584, effective September 20, 2003, for a maximum of 150 days; emergency amendment at 27 Ill. Reg. 16161, effective October 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18629, effective November 26, 2003; amended at 28 Ill. Reg. 2744, effective February 1, 2004; amended at 28 Ill. Reg. 4958, effective March 3, 2004; emergency amendment at 28 Ill. Reg. 6622, effective April 19, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 7081, effective May 3, 2004; emergency amendment at 28 Ill. Reg. 8108, effective June 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 9640, effective July 1, 2004; emergency amendment at 28 Ill. Reg. 10135, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 11161, effective August 1, 2004; emergency amendment at 28 Ill. Reg. 12198, effective August 11, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 13775, effective October 1, 2004; amended at 28 Ill. Reg. 14804, effective October 27, 2004; amended at 28 Ill. Reg. 15513, effective November 24, 2004; amended at 29 Ill. Reg. 831, effective January 1, 2005; amended at 29 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 140.3 Covered Services Under Medical Assistance Programs

- a) As described in this Section, medical services shall be covered for:

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- 1) recipients of financial assistance under the AABD (Aid to the Aged, Blind or Disabled), TANF (Temporary Assistance to Needy Families), or Refugee/Entrant/Repatriate programs;
 - 2) recipients of medical assistance only under the AABD program (AABD-MANG);
 - 3) recipients of medical assistance only under the TANF program (TANF-MANG);
 - 4) individuals under age 18 not eligible for TANF (see Section 140.7), pregnant women who would be eligible if the child were born and pregnant women and children under age eight who do not qualify as mandatory categorically needy (see Section 140.9);
 - 5) disabled persons under age 21 who may qualify for Medicaid ~~or~~ in-home care under the Illinois Home and Community-Based Services (Model Waiver for Medically Fragile Technology Dependent Children);
 - 6) recipients eligible under the State Transitional Assistance Program who are determined by the Department to be disabled; and
 - 7) Individuals 19 years of age or older eligible under the KidCare Parent Coverage Waiver as described at 89 Ill. Adm. Code 120.32 except for:
 - A) Services provided only through a waiver approved under section 1915(c) of the Social Security Act; and
 - B) Termination of pregnancy.
- b) The following medical services shall be covered for recipients under age 21 who are included under subsection (a) above:
- 1) Inpatient hospital services;
 - 2) Hospital outpatient and clinic services;
 - 3) Hospital emergency room visits. The visit must be for the alleviation of

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severe pain or for immediate diagnosis and/or treatment of conditions or injuries which might result in disability or death if there is not immediate treatment;

- 4) Encounter rate clinic visits;
- 5) Physician services;
- 6) Pharmacy services;
- 7) Home health agency visits;
- 8) Laboratory and x-ray services;
- 9) Group care services;
- 10) Family planning services and supplies;
- 11) Medical supplies, equipment, prostheses and orthoses, and respiratory equipment and supplies;
- 12) Transportation to secure medical services;
- 13) ~~Medichex (EPSDT)~~ services [pursuant to Section 140.485](#);
- 14) Dental services;
- 15) Chiropractic services;
- 16) Podiatric services;
- 17) Optical services and supplies;
- 18) Subacute alcoholism and substance abuse services pursuant to Sections 140.390 through 140.396; ~~and~~
- 19) Hospice services~~;~~
- 20) [Nursing care pursuant to Section 140.472](#); and

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21) Nursing care for the purpose of transitioning children from a hospital to home placement or other appropriate setting pursuant to 89 Ill. Adm. Code 146, Subpart D.

c) The following medical services shall be covered for recipients age 21 or over who are included under subsection (a) above:

- 1) Inpatient hospital services;
- 2) Hospital outpatient and clinic services;
- 3) Hospital emergency room visits. The visit must be for the alleviation of severe pain or for immediate diagnosis and/or treatment of conditions or injuries which might result in disability or death if there is not immediate treatment;
- 4) Encounter rate clinic visits;
- 5) Physician services;
- 6) Pharmacy services;
- 7) Home health agency visits;
- 8) Laboratory and x-ray services;
- 9) Group care services;
- 10) Family planning services and supplies;
- 11) Medical supplies, equipment, prostheses and orthoses, and respiratory equipment and supplies;
- 12) Transportation to secure medical services;

~~13)~~ ~~Medicheck (EPSDT) services;~~

13)14) Subacute alcoholism and substance abuse services pursuant to Sections 140.390 through 140.396;

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- ~~14)15)~~ Hospice services;
- ~~15)16)~~ Dental services;
- ~~16)17)~~ Chiropractic services;
- ~~17)18)~~ Podiatric services; and
- ~~18)19)~~ Optical services and supplies.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.470 Eligible Home Health Providers ~~Services~~

The Department will reimburse the following as ~~Payment may be made for~~ home health care ~~providers~~ ~~services provided by:~~

- a) A Medicare-certified home health agency;
- b) A home health agency certified by the Department of Public Health as Medicare certifiable or as meeting the requirements of Medicare;
- c) A self-employed nurse who is licensed as a registered nurse as defined by the Nursing and Advanced Practice Nursing Act [225 ILCS 65], when there is no home health agency in the area available to provide needed services;
- d) A health department certified by the Department of Public Health; ~~qualified physical speech or occupational therapist who meets the following requirements:~~
 - 1) ~~Physical therapist—must be certified by the Council of Medical Education of the American Medical Association and registration with the appropriate authority as required in the State of practice;~~
 - 2) ~~Speech therapist—must be certified by the American Speech and Hearing Association;~~
 - 3) ~~Occupational therapist—must be registered with the American Occupation Therapy Association; or~~

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- e) A community health agency; or-
- f) A nursing agency approved by the University of Illinois at Chicago, Division of Specialized Care for Children to provide services for children and adolescents under 21 years of age.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 140.471 Description of Home Health ~~Covered~~ Services

- a) Home health services are services provided for participants in their places of residence and are aimed at facilitating the transition from a more acute level of care to the home.
- b) Services provided shall be of a curative or rehabilitative nature and demonstrate progress toward goals outlined in a plan of care. Services shall be provided for individuals upon direct order of a physician and in accordance with a plan of care established by the physician and reviewed at least every 60 days.
- c) For purposes of this Section, "residence" does not include a hospital, a skilled nursing facility, an intermediate care facility, or a supportive living facility. The term "residence" includes an intermediate care facility for the mentally retarded only to the extent that home health services are not required to be provided under 89 Ill. Adm. Code 144.

~~Short term, intermittent, home health services are provided for clients in their places of residence and are aimed at facilitating the transition from a more acute level of care to the home. Services provided shall be of a curative or rehabilitative nature and demonstrate progress toward short term goals outlined in a plan of care. Services shall be provided for individuals upon direct order of a physician and in accordance with a plan of care established by the physician and reviewed at least every 60 days. For purposes of this Section, "residence" does not include a hospital or skilled nursing facility and only includes an intermediate care facility for the mentally retarded to the extent home health services are not required to be provided under 89 Ill. Adm. Code 144.~~

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 140.472 Types of Home Health Services

- a) The types of services for which payment can be made are:

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- a) ~~1)~~ Intermittent skilled nursing in the home for the purpose of completing an assessment, evaluation or administration. ~~Skilled Nursing~~
- b) Shift nursing care in the home for the purpose of caring for a participant under 21 years of age who has extensive medical needs and requires ongoing skilled nursing care.
- c) ~~2)~~ Home Health Aid.
- d) ~~3)~~ Speech Therapy.
- e) ~~4)~~ Occupational Therapy.
- f) ~~5)~~ Physical Therapy.
- b) ~~Home health agencies may provide covered services for which they are certified by Medicare or have been designated as Medicare certifiable by the Department of Public Health. In addition, they may provide medical equipment and appliances if it is the agency's usual and customary practice to provide such items as part of the per visit charge.~~
- e) ~~Nursing agencies may provide covered services for which they are certified by the University of Illinois, Division of Specialized Care for Children, to individuals under the age of 21 years.~~
- d) ~~In the absence of a qualified agency in the area, self-employed, registered nurses may provide nursing services within the scope of their practice, as defined by the Nursing and Advanced Practice Nursing Act [225 ILCS 65] or, in other states, by comparable authority.~~

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 140.473 Prior Approval for Home Health Services

- a) Prior approval is required for the provision of ~~services by~~ home health services described in Section 140.472 ~~agency~~. The decision to approve or deny a request for prior approval will be made within 21 days ~~after~~ of the date of the request and all necessary information is received. Prior approval is also required for participants needing more than one skilled nursing visit per day. ~~Prior approval is~~

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~~required for the provision of all home health agency services to terminally ill GA and AMI clients. Prior approval is not required for the first 60 days of service provided by a home health agency to eligible clients other than terminally ill GA and AMI clients.~~

- b) Prior approval is required for the provision of all home health services to terminally ill participants covered under the Transitional Assistance Program and the Family and Children Assistance Program. Prior approval is required for intermittent part-time services by a registered nurse in the home. The decision to approve or deny a request will be made within 21 days of the date the request and all necessary information is received.
- c) Prior approval is not required for the first 60 days of service provided by a home health agency provider for participants discharged from an acute care or rehabilitation hospital when services are initiated within 14 days after discharge. Prior approval is required for the provision of services by an independent physical, speech or occupational therapist or by a community health agency, unless the recipient is eligible for the services under Medicare. No prior approval is required for the first 30 days of service, if the client has just been discharged from the hospital and was receiving therapy services while in the hospital. The decision to approve or deny the prior approval request shall be made within 30 days.
- d) Prior approval is required for all in-home shift nursing for children under 21 years of age. The decision to approve or deny a request will be made within 21 days after the date of the request and all necessary information is received. Review of services for children eligible for in-home shift nursing under the Illinois Home and Community-Based Services Waiver for Medically Fragile, Technology Dependent Children will be made in accordance with 89 Ill. Adm. Code 120.530.
- e) ~~d)~~ Approval will be granted when, in the judgment of a consulting physician and subject to the review of the and/or professional staff of the Department, the services are medically necessary and appropriate to meet the participant's medical needs for the recipient's condition and circumstances.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 140.474 Payment for Home Health Services

- a) Except for ~~subsection~~ subsection (b) and (c) of this Section, home health agencies

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shall be paid an all inclusive, per visit rate which shall be the lowest of:

- 1) the agency's usual and customary charge for the service;
 - 2) the agency's Medicare rate; or
 - 3) the Department's maximum allowable rate of \$65.25. Beginning with the State fiscal year 2002, the maximum allowable rate may be adjusted annually in consideration of the appropriation of funds by the General Assembly.
- b) Payment to self-employed registered nurses providing in-home nursing services is made at the community rate for such services as determined for each case at the time prior approval is given.
- c) Payment for in-home shift nursing for children under 21 years of age under Section 140.472(a)(2) shall be at the Department's established hourly rate. The hourly rate for in-home shift nursing care may be adjusted in consideration of the appropriation of funds by the General Assembly.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Specialized Health Care Delivery Systems
- 2) Code Citation: 89 Ill. Adm. Code 146
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
146.500	New Section
146.510	New Section
146.520	New Section
146.530	New Section
146.540	New Section
146.550	New Section
146.560	New Section
146.570	New Section
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and the Alternative Health Care Delivery Act [210 ILCS 3/35]

- 5) Complete Description of the Subjects and Issues Involved: These proposed amendments provide an alternative health care delivery model, the Children's Community-Based Health Care Centers (CCBHCC), pursuant to the Alternative Health Care Delivery Act [210 ILCS 3/35]. These centers provide nursing care for children under the age of 21 years for a period of one to 14 days for short stays, or up to 120 days for children transitioning from a hospital to an in-home care setting. Eligible children must be eligible for in-home nursing care in order to utilize CCBHCC services. Children who are eligible for home care under the Medicaid waiver for the Medically Fragile/Technology Dependent Disabled Persons Under Age 21 may also use CCBHCC services for respite care or medical day care.

The proposed amendments provide the description and definition of a CCBHCC, provider participation requirements, client eligibility requirements, covered services and related prior approval requirements, reimbursement provisions and record keeping requirements. Alternative health care provided by Children's Community-Based Health Care Centers is expected to result in cost savings for the State by allowing for early hospital discharge.

Related amendments are also being proposed at 89 Ill. Adm. Code 140.3.

- 6) Will these proposed amendments replace any emergency amendments currently in effect?
No

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- 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? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
146.400	New Section	February 4, 2005 (29 Ill. Reg. 1779)
146.410	New Section	February 4, 2005 (29 Ill. Reg. 1779)
146.420	New Section	February 4, 2005 (29 Ill. Reg. 1779)
146.430	New Section	February 4, 2005 (29 Ill. Reg. 1779)
146.440	New Section	February 4, 2005 (29 Ill. Reg. 1779)
146.450	New Section	February 4, 2005 (29 Ill. Reg. 1779)

- 10) Statement of Statewide Policy Objectives: 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 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

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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: January 2005

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

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMSPART 146
SPECIALIZED HEALTH CARE DELIVERY SYSTEMS

SUBPART A: AMBULATORY SURGICAL TREATMENT CENTERS

Section	General Description
146.100	General Description
146.105	Definitions
146.110	Participation Requirements
146.115	Records and Data Reporting Requirements
146.125	Covered Ambulatory Surgical Treatment Center Services
146.130	Reimbursement for Services

SUBPART B: SUPPORTIVE LIVING FACILITIES

Section	General Description
146.200	General Description
146.205	Definitions
146.210	Structural Requirements
146.215	SLF Participation Requirements
146.220	Resident Participation Requirements
146.225	Reimbursement for Medicaid Residents
146.230	Services
146.235	Staffing
146.240	Resident Contract
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146.255	Discharge
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146.270	Quality Assurance Plan
146.275	Monitoring
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146.285	Voluntary Surrender of Certification
146.290	Geographic Groups
146.295	Emergency Contingency Plan

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146.300 Waivers

SUBPART D: CHILDREN'S COMMUNITY-BASED HEALTH CARE CENTERSSection

<u>146.500</u>	<u>General Description</u>
<u>146.510</u>	<u>Definitions</u>
<u>146.520</u>	<u>Participation Requirements</u>
<u>146.530</u>	<u>Records and Data Reporting Requirements</u>
<u>146.540</u>	<u>Covered Children's Community-Based Health Care Center Services</u>
<u>146.550</u>	<u>Reimbursement for Services</u>
<u>146.560</u>	<u>Individuals Eligible for Services Provided in a Children's Community-Based Health Care Center</u>
<u>146.570</u>	<u>Prior and Post Approval of Services</u>

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

SOURCE: Old Part repealed at 14 Ill. Reg. 13800, effective August 15, 1990; new Part adopted at 20 Ill. Reg. 4419, effective February 29, 1996; emergency amendment at 21 Ill. Reg. 13875, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4430, effective February 27, 1998; emergency amendment at 22 Ill. Reg. 13146, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 19914, effective October 30, 1998; amended at 23 Ill. Reg. 5819, effective April 30, 1999; emergency amendment at 23 Ill. Reg. 8256, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13663, effective November 1, 1999; amended at 24 Ill. Reg. 8353, effective June 1, 2000; emergency amendment at 26 Ill. Reg. 14882, effective October 1, 2002, for a maximum of 150 days; amended at 27 Ill. Reg. 2176, effective February 1, 2003; emergency amendment at 27 Ill. Reg. 10854, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18671, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 12218, effective August 11, 2004, for a maximum of 150 days; emergency amendment at 28 Ill. Reg. 14214, effective October 18, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 852, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2014, effective January 21, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 4360, effective March 7, 2005; amended at 29 Ill. Reg. _____, effective _____.

SUBPART D: CHILDREN'S COMMUNITY-BASED HEALTH CARE CENTERSSection 146.500 General Description

The Alternative Health Care Delivery Act [210 ILCS 3/35] establishes an alternative health care

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delivery model, the Children's Community-Based Health Care Center. This Subpart sets forth the conditions that a Children's Community-Based Health Care Center must meet in order to participate in the Medical Assistance Program and outlines the services provided by a Children's Community-Based Health Care Center for which the Department will provide reimbursement.

(Source: Added at 29 Ill. Reg. _____, effective _____)

Section 146.510 Definitions

For purposes of this Subpart, the following terms shall be defined as follows:

"Children's Community-Based Health Care Center" means an entity defined as a Children's Community-Based Health Care Center under Section 35 of the Alternative Health Care Delivery Act [210 ILCS 3/35]. The term "Children's Community-Based Health Care Center" does not include:

Any institution, place, building or agency required to be licensed pursuant to the Hospital Licensing Act [210 ILCS 85];

Any person or institution required to be licensed pursuant to the Nursing Home Care Act [210 ILCS 45].

"Children's Community-Based Health Care Center Services" means services as referenced in Section 146.540 that are provided by a Children's Community-Based Health Care Center that is licensed by the Department of Public Health.

"Department" means the Illinois Department of Public Aid.

(Source: Added at 29 Ill. Reg. _____, effective _____)

Section 146.520 Participation Requirements

To participate in the Medical Assistance Program, a Children's Community-Based Health Care Center must, in addition to any other Department requirements, be:

- a) licensed by the Illinois Department of Public Health pursuant to 77 Ill. Adm. Code 2609; and
- b) enrolled for participation in the Medical Assistance Program in accordance with 89 Ill. Adm. Code 140.11.

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(Source: Added at 29 Ill. Reg. _____, effective _____)

Section 146.530 Records and Data Reporting Requirements

- a) In addition to any other Department record requirements, including those specified in 89 Ill. Adm. Code 140.28, a Children's Community-Based Health Care Center must maintain complete, comprehensive and accurate medical records to ensure adequate patient care that includes, but is not limited to, the following:
- 1) Patient identification;
 - 2) Significant medical history;
 - 3) Any known allergies and abnormal drug reactions;
 - 4) Documentation of properly executed informed patient consent;
 - 5) Medications and treatments ordered and administered; and
 - 6) Clinical and nursing notes.
- b) Children's Community-Based Health Care Center records must contain the dates of service and the recorded dates of any medical practitioner seeing the patient at the time in the center.
- c) Medical records for Medicaid patients must be made available to the Department or its designated representative in the performance of any review by the Department.
- d) The Children's Community-Based Health Care Center agrees to furnish to the Department, if requested, information necessary to establish payment rates in the form and manner that the Department requires.
- e) Services may be subject to on-site review by the Department.

(Source: Added at 29 Ill. Reg. _____, effective _____)

Section 146.540 Covered Children's Community-Based Health Care Center Services

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- a) The Department will reimburse a Children's Community-Based Health Care Center for services in accordance with Section 146.550 for individuals eligible under Section 146.560 for the following services:
- 1) nursing care up to the authorized in-home nursing hours approved by the Department for a period of one to 14 days; and
 - 2) nursing care for the purpose of transitioning children from a hospital to home placement or other appropriate setting and reuniting families for a maximum of up to 120 days.
- b) In addition to those services listed in subsection (a) of this Section, the Department will reimburse a Children's Community-Based Health Care Center for the following services provided to children eligible under the Illinois Home and Community-Based Services Waiver for Medically Fragile, Technology Dependent Disabled Children in accordance with 89 Ill. Adm. Code 120.530:
- 1) respite care, up to the authorized hours approved by the Department; and
 - 2) medical daycare.

(Source: Added at 29 Ill. Reg. _____, effective _____)

Section 146.550 Reimbursement for Services

- a) Services provided under Section 146.540(a)(1) shall be reimbursed in accordance with 89 Ill. Adm. Code 140.474(c).
- b) Services provided under Section 146.540(a)(2) shall be reimbursed at the lower of the Children's Community-Based Health Care Center's usual and customary charge to the public or half of the default children's hospital base rate rounded to the nearest whole dollar as defined in 89 Ill. Adm. Code 148.270(c)(5)(B).
- c) Services provided under Section 146.540(b)(1) shall be reimbursed in accordance with 89 Ill. Adm. Code 140.474(c).
- d) Services provided under Section 146.540(b)(2) shall be reimbursed at the Department established hourly rate.

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(Source: Added at 29 Ill. Reg. _____, effective _____)

Section 146.560 Individuals Eligible for Services Provided in a Children's Community-Based Health Care Center

The Department shall pay for services provided by a Children's Community-Based Health Care Center under this Subpart D to children eligible under the Medical Assistance Program or the Illinois Home and Community-Based Services Waiver for Medically Fragile, Technology Dependent Children who are 20 years of age and younger and who have been determined by the Department to have a medical need for in-home nursing care pursuant to 89 Ill. Adm. Code 120.530.

(Source: Added at 29 Ill. Reg. _____, effective _____)

Section 146.570 Prior and Post Approval of Services

Prior and post approval by the Department, or its designee, is required for services described in Section 146.540. Prior and post approval for services provided by Children's Community-Based Health Care Centers shall be determined according to the requirements at 89 Ill. Adm. Code 140.40 through 140.43.

(Source: Added at 29 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Long Term Care Reimbursement Changes
 - 2) Code Citation: 89 Ill. Adm. Code 153
 - 3) Section Number: 153.125 Proposed Action:
Amendment
 - 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13], Public Act 93-1087 and Public Act 93-0841
 - 5) Complete Description of the Subjects and Issues Involved: This proposed amendment is being filed pursuant to Public Act 93-1087 regarding a rate increase for Medicaid funded nursing facilities (SNF/ICF). Effective January 1, 2005, nursing facility rates shall increase by the difference between a facility's per diem property, liability and malpractice insurance costs as reported in the cost report that was filed with the Department and used to establish rates effective July 1, 2001, and those same costs as reported in the facility's 2002 cost report. These costs will be passed through to the facility without caps or limitations. These changes are expected to increase annual expenditures by approximately \$17 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 Number</u> | <u>Proposed Action</u> | <u>Illinois Register Citation</u> |
| 153.125 | Amendment | January 14, 2005 (29 Ill. Reg. 1005) |
- 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 concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Scattoloni

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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: Medicaid funded nursing facilities
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on Which this Rulemaking Was Summarized: January 2005

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 4740:

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

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1770.10	Amendment
1770.20	Amendment
1770.110	Amendment
1770.160	Amendment
1770.180	Amendment
1770.210	Amendment
1770.230	New Section
1770.Appendix A	New Section
- 4) Statutory Authority: Implementing and authorized by Sections 7.1 and 7.2 of the Illinois Lottery Law [20 ILCS 1605/7.1 and 7.2].
- 5) A Complete Description of the Subjects and Issues Involved: Section 1770.10 has been amended to permit the Director of the Department of Revenue to delegate responsibilities under the rules as he or she determines appropriate, and corrects a Department of the Lottery reference that was overlooked when the rules were recodified pursuant to Executive Order 2003-9.

Section 1770.20 has been amended to reflect the provisions of 20 ILCS 1605/10.2, as amended by Public Act 93-840, concerning fees paid by applicants and licensees of the Illinois Lottery. It has additionally been amended to provide a more detailed address for submission of Lottery applications.

Section 1770.110 has been amended to reflect the provisions of 20 ILCS 1605/10.2 pertaining to renewal fees to be paid by licensed Lottery retailers, and to permit the Department of Revenue to sweep the lottery trust fund accounts of the retailers for the \$25 renewal fee if a check does not accompany their renewal application.

Section 1770.160 has been amended to codify the Illinois Lottery's longstanding practice of periodically distributing lottery tickets at no charge to eligible consumers as a means of promoting the Lottery. This Section has been further amended to implement an audit recommendation that these promotional tickets be identified as such to prohibit resale of unused promotional tickets by lottery retailers.

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Sections 1770.180 and 1770.200 have been amended to clarify that the Illinois Lottery may distribute logo merchandise of nominal value to consumers as a means of promoting the Lottery, that drawings are required to award such merchandise only if the value of each item exceeds \$25, and that sale of merchandise is an option but not a requirement. Free distribution of Lottery merchandise for promotional purposes is a longstanding practice of the Lottery that predates the specific statutory authority to sell merchandise that Lottery sought and received via Public Act 86-1220.

Section 1770.230 and 1770.Appendix A have been added to reflect the addition of Section 13.1 to the Illinois Lottery Law. Section 13.1, effective January 1, 2004, authorizes the assignment of lottery prizes to third parties. The Lottery has been following the statutorily mandated procedures for assignment since the law was enacted, but is now codifying the required affidavit form, providing for the Department to waive the 30-day notice requirements at its discretion, clarifying that the maximum division of proceeds referenced in statute includes the prize winner, and establishing a fee for prize transfer based upon average staff time expended per assignment case filed to date.

- 6) Will this rulemaking replace an emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objective: 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 rule may submit them in writing by no later than 45 days after publication of this notice to:

Illinois Department of Revenue
Illinois Lottery Legal Section
101 West Jefferson, MC 5-950
Springfield, Illinois 62794

Phone: (217) 524-5253
- 12) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not for profit corporations affected: Small businesses, small municipalities and not for profit corporations that apply to become a licensed Illinois Lottery retailers, renew existing licenses, or to sell Lottery on-line products in addition to instant tickets.
- B) Reporting, bookkeeping or other procedures required for compliance: All applicants must pay the statutorily prescribed fees that are set forth in these Rules, regardless of the size of the entity.
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 2005

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE C: LOTTERY

CHAPTER II: DEPARTMENT OF REVENUE

PART 1770

LOTTERY (GENERAL)

Section

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

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

SOURCE: Filed by the Lottery Control Board July 11, 1974; amended at 2 Ill. Reg. 17, p. 130, effective April 1, 1978; amended at 4 Ill. Reg. 15, p. 201, effective March 30, 1980; codified as 11 Ill. Adm. Code 1670 at 5 Ill. Reg. 10713; transferred from 11 Ill. Adm. Code 1670 (Lottery

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Control Board) to 11 Ill. Adm. Code 1770 (Department of the Lottery) pursuant to Executive Order 86-2, effective July 1, 1986, at 11 Ill. Reg. 1582; Part repealed, new Part adopted at 13 Ill. Reg. 7908, effective May 16, 1989; amended at 17 Ill. Reg. 18816, effective October 19, 1993; amended at 18 Ill. Reg. 13439, effective August 23, 1994; amended at 19 Ill. Reg. 6810, effective May 8, 1995; amended at 20 Ill. Reg. 15039, effective November 6, 1996; emergency amendment at 22 Ill. Reg. 1964, effective January 15, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 9307, effective May 15, 1998; amended at 22 Ill. Reg. 22298, effective December 14, 1998; amended at 24 Ill. Reg. 16061, effective October 13, 2000; amended at 25 Ill. Reg. 12812, effective September 28, 2001; amended at 26 Ill. Reg. 8562, effective May 30, 2002; recodified from the Department of the Lottery to the Department of Revenue pursuant to Executive Order 2003-9 at 27 Ill. Reg. 16993; amended at 29 Ill. Reg. _____, effective _____.

Section 1770.10 Definitions

Terms defined in the Act have the same meanings when used in this Part. The following words and terms when used in this Part shall have the following meanings, unless the context clearly indicates otherwise:

"Act" means the Illinois Lottery Law [20 ILCS 1605].

"Agent", "Retailer", "Sales Agent" or "Distributor" means a person and his representative who has been licensed to distribute and/or sell lottery tickets under Sections 9.d, 10 and 10.1 of the Act.

"Applicant" means a person who has applied to the Director for a license to sell lottery tickets to the public.

"Board" means the Lottery Control Board as established by Section 6 of the Act.

"Chairman" means the Chairman of the Lottery Control Board.

"Claim" means to present a purported winning Illinois Lottery ticket to a licensed Lottery Agent or a Lottery regional or administrative office for payment. "Claim" shall additionally mean the process of completing an Illinois Lottery claim form or other documentation as required by this Part.

"Claimant" means a person, as defined in this Section, who presents a winning lottery ticket to a licensed Lottery Agent or a Lottery regional or administrative office for the purpose of receiving a prize.

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"Department" means the Illinois Department of Revenue.

"Director" means the Director of the Department of Revenue or his or her designee.

"Employee of the Department" means an employee of the Department of Revenue.

"Game" means any individual or particular type of lottery authorized by the Department.

"License" means a license, issued by the Director pursuant to Section 9 of the Act, under the authority of the Act, for an agent to sell lottery tickets to the public. Licenses shall be effective for an initial period of two years from the date issued by the Department's lottery licensing unit. Each license thereafter approved for renewal by the Department will be renewed for a two-year term dated from the date of expiration of the initial or last prior renewal term, as may be appropriate.

"Licensed Agent", "Lottery Sales Agent", "Licensed Sales Agent", "Licensed Retailer" or "Lottery Retailer" means a person permitted by a license issued by the Director under the authority of Sections 9.d, 10 and 10.1 of the Act to sell Illinois State Lottery tickets to the public, by an across-the-counter transaction at a specified Point of Sale at a specifically licensed location.

"Lottery" or "State Lottery" means the lottery Lottery established and operated pursuant to the Act.

"On-line status" means the ability of an agent to sell computer-generated lottery Lottery game tickets or shares through a terminal connected to a lottery Lottery central system.

"Person", when used in reference to a sales agent's license, shall be construed to mean and include an individual, association, partnership, corporation, limited liability company or partnership, club, trust, estate, society, company, joint stock company, receiver, trustee, referee, or any other person acting in a fiduciary or representative capacity, who is appointed by a court, or any other combination of individuals. "Person" includes any department, commission, agency or instrumentality of the State, including the Department, and also including any county, city, village, or township and any agency and instrumentality thereof.

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"Person", when used in the context of a prize claim, shall be construed to mean and include an individual; a group of individuals; a partnership or club; a limited partnership, if registered prior to the date the prize was won; a corporation, if incorporated prior to the date the prize was won; a limited liability company, if registered prior to the date the prize was won; a revocable living trust, provided the prize winner is the initial trustee; an irrevocable trust, if the trust agreement was executed prior to the date the prize was won, and provided all beneficiaries of the trust are named therein; a charitable organization, if registered prior to the date the prize was won; an estate; or a governmental entity other than the Department of ~~Revenue~~the Lottery. Prize claims by any such "persons" are subject to eligibility requirements set forth in the Act, this Part, or game rules.

"Point of Sale" means the physical location where a licensed agent is authorized to conduct the sale of lottery tickets to the public.

"Prize" means any award, financial or otherwise, awarded to a ticket holder pursuant to the rules of the lottery. In determining whether a winning lottery ticket may be redeemed for cash by a lottery retailer ~~Lottery Retailer~~ or must be presented to a Department office for payment, and whether a prize may be claimed in a group name or must be claimed by an individual group member, "prize" means the verified prize amount, less the dollar amount of the wager, in accordance with federal tax regulations.

"Redeem" means to surrender a winning Illinois Lottery ticket to a lottery retailer ~~Lottery Retailer~~ for immediate cash payment of the prize, in accordance with Section 1770.190 of this Part.

"Related terminal" means any player activated machine or any agent operated terminal in which an owner of an agent location has 50% or greater interest.

"Secretary" means the Secretary of the Lottery Control Board.

"Service" means the mailing of any notice required by the Act or this Part by certified mail, return receipt requested. Service shall be deemed complete if the notice is returned undelivered or unclaimed when mailed, postage prepaid, to the intended recipient's last known address as disclosed in the Department's records, or if 30 days have elapsed from the date of mailing to such address with no return of the item.

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"Special License" means a license issued by the Director limited in geographic scope and/or duration of validity, pursuant to Section 1770.30 of this Part.

"State Lottery Fund" means the special fund created in the State Treasury by Section 20 of the Act, in which all revenues received by the State Lottery, as defined and limited by Section 20 of the Act, are deposited.

"Ticket" means a lottery ticket or share issued by the Department for sale to the general public.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 1770.20 Selection of Lottery Sales Agents; License Application and Fee; On-Line Status

- a) The Director shall license as ~~sales agents~~~~Sales Agents~~, persons engaged in business activity dealing with the public provided, however, that the sole proprietors, partners, corporate officers or principals of an applicant must be 18 years of age or older to be eligible to apply for a license. The total number of ~~sales agents~~~~Sales Agents~~ shall be sufficient to assure that lottery products are conveniently available to the public throughout the State, consistent with the constraints of the Department's budget. Any person interested in obtaining a license as a ~~sales agent~~~~Sales Agent~~, must first fill out an application with the Department, on such forms as may be provided by the Department. The Department will have a representative meet with the applicant to discuss the responsibilities of selling lottery products, and gather information concerning the applicant and his business establishment concerning the factors listed below. The Director shall give careful consideration to the following factors in selecting as ~~sales agents~~~~Sales Agents~~ those persons which one may expect to provide a high level of sales volume of lottery products, proper security for the lottery equipment, tickets and money, and a good public image for the State's lottery products.
- 1) The credit worthiness and financial responsibility of the applicant as disclosed by standard credit reporting services, the records of the State and such other credible information bearing upon the credit worthiness of the applicant as may be brought to the attention of the Director.
 - 2) The criminal history and tax status of the applicant as disclosed in the application or in records of the State.

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- 3) The physical security of the applicant's establishment in terms of the physical structure and design of the applicant's facilities as it would relate to the placement of lottery equipment, the sale of lottery products and the storage of lottery receipts.
 - 4) The public accessibility of applicant's place of business or activity, including accessibility from roads, major highways, parking facilities, public transit routes, accessibility by the disabled, proximity of pedestrian traffic, hours of operation of applicant's business, and the cleanliness, attractiveness and physical security of the premises.
 - 5) The number of existing lottery sales licenses in the vicinity.
 - 6) The nature of the applicant's business and the volume of the applicant's sales from his regular business in order to assure that the sale of lottery products will be ancillary to the applicant's regular business.
 - 7) The level of anticipated or projected sales from the general area in which the applicant's business is located taking into consideration the demographics of the neighborhood or locality, the proximity of the location to population centers and the average sales for other comparable agents.
 - 8) The character of the applicant and his or her reputation for honesty and integrity in the community.
 - 9) The veracity of the information supplied in the license application.
 - 10) The merchandising skills and business experience of the applicant, including the tenure of applicant's business at the proposed location.
 - 11) The applicant may provide any information relating to the above listed factors to the Department's representative at the time of the site visit or may include any information relating to these factors at the time of submission of the application.
- b) The Director shall make available forms for application for lottery sales licensing. Each license application shall be accompanied by a non-refundable ~~\$50~~ \$10 application fee, which application and fee should be mailed or delivered to the

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Office of the Director located at:

Illinois Department of Revenue
Lottery Licensing Unit
101 West Jefferson Street, [MC5-940](#)
Springfield, Illinois 62794-9015

- c) The license fee described in subsection (b) will be waived by the Department if the period of the license does not exceed 30 days.
- d) The Director may grant a licensed Sales Agent on-line status based upon an evaluation conducted by an employee of the Department. The evaluation will include, but shall not be limited to:
- 1) Performance as an instant ~~sales agent~~[Sales Agent](#), including sales volume, settlement practices and compliance with Department procedures;
 - 2) Financial responsibility;
 - 3) Proximity to existing on-line ~~sales agents~~[Sales Agents](#);
 - 4) Ability to pay valid winning tickets;
 - 5) Days and hours of operation;
 - 6) Accessibility of the ~~sales agent's~~ [Sales Agent's](#) place of business, including available parking, proximity of public transit stops and accessibility by the disabled; and
 - 7) Anticipated volume of on-line sales.
- e) *Each lottery licensee granted on-line status pursuant to the Department's rules must pay a fee of \$10 per week as partial reimbursement for telecommunications charges incurred by the Department in providing access to the lottery's on-line gaming system. [20 ILCS 1605/10.2]*

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 1770.110 License Expiration and Renewal

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All licenses issued by the Department pursuant to this Act shall be valid for a period not to exceed two years after issuance unless sooner revoked, cancelled or suspended. The license may be terminated before the expiration date by the Director in accordance with this Part. To be eligible for license renewal, an agent must submit an updated application package or renewal form, as prescribed by the Department, along with a check or money order in the amount of \$25. If no check or money order is included with a renewing retailer's application, the Department reserves the right to withdraw the sum of \$25 from the retailer's lottery account.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 1770.160 Lottery Tickets

- a) The Director is authorized to prepare for sale to the public such lottery tickets as may be appropriate for implementation of the lottery games offered, from time to time, by the Department, or to offer lottery tickets at no charge to consumers 18 years of age or older as a promotional tool.
- b) Each lottery ticket shall contain the price of the ticket, the drawing date if appropriate, and such unique identification numbers or symbols and such other information as the Director may deem appropriate for security and marketing purposes. If a lottery ticket is being offered at no charge in connection with promotional activities of the Department, the ticket will be stamped with the words "not for sale" or words of similar import.
- c) Any unsigned lottery ticket issued by the Director is a bearer instrument and shall be treated as such until a name is imprinted or placed upon the rear portion of the lottery ticket in an area designated for "Name". Once a name is placed on the rear of ~~the said~~ ticket in the place designated ~~for that purpose~~ therefor, the person whose name appears in that area shall be the owner of ~~the said~~ ticket and shall be entitled to any prize attributable ~~to that ticket~~ thereto, subject to the provisions of subsection (d) of this Section.
- d) In the event an otherwise valid ticket is submitted as a claim for payment, and the Department is put on notice prior to payment of ~~the said~~ claim that ownership of the ticket is disputed by an adverse claimant alleging fraud, theft, loss, conversion or any other misappropriation of the ticket by the claimant of record, the Department may withhold payment of the claim for a period of ten working days from and after the working days during which the adverse claim was first communicated by oral or written means to the Department. If a civil action is initiated on behalf of the claimant or adverse claimant in a circuit court of the

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State of Illinois, or equivalent court of any sister state within ten working days from and after the Department has received the notice of adverse claim, the Department shall continue to withhold payment of the prize, or any part ~~of the prize, thereof~~ to the claimant or adverse claimant until an adjudication of the ownership has been rendered by the court, all statutory appeals ~~therefrom~~ have been exhausted and, in the case of a judgment entered by the courts of a sister state, the final order has been registered as a foreign judgment in an Illinois court, and all statutory appeals ~~therefrom~~ have been exhausted, whereupon the Department shall honor the claim of the prevailing party. During the course of any such litigation conducted in the courts of the State of Illinois, the Department may interplead and pay into court the prize or, in the case of an installment prize, such installment or installments as may fall due during the course of litigation. In the event the Department is not notified by written confirmation received by the Department before close of business on the tenth working day from and after receipt of the initial adverse claim by the Department, that a civil lawsuit has been filed as provided ~~in this Section~~ ~~herein~~, the Department shall honor the claim as filed by the claimant who has presented the winning ticket, and will proceed to process the claim for payment without further reference to the adverse claim. If a violation of Illinois criminal law is indicated, the matter shall be referred by the Director to the appropriate law enforcement authorities, and nothing in this Section will be construed to require the Department to take any action or pay any claim pending final disposition of any criminal investigation or proceedings. No interest shall be payable with respect to prize payments made by the Department, its contractor or other agencies authorized to make such payments by direction of the Department.

- e) No claim shall be deemed complete, and no prize shall be awarded with respect to a claim, unless the claimant can and does produce a valid winning ticket to the game and prize claimed. Except as otherwise provided in subsection (d) of this Section or Section 1770.130 of this Part, claims not accompanied by a winning ticket will be rejected. Any claim received by an agent and unaccompanied by a ticket will be forwarded to the Department. Upon receipt of any such claim, the Department shall notify the claimant of the rejection, ~~such notice to be accomplished~~ by certified mail, with notification to be deemed completed if returned undelivered, when mailed to the party's last known address, with proper postage prepaid. Notice of rejected claims will be mailed within ten working days after receipt of the claim by the Department, at its lottery claims validation unit in the Department offices in Springfield, Illinois.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

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Section 1770.180 Drawings

- a) All drawings utilizing a manual selection process or air-driven or gravity selection equipment shall be open to the public in a manner consistent with game security and facilities requirements and shall utilize such mechanical devices and following such procedures as are established by this Part and the game rule issued by departmental directive.
- b) The Department may award prizes of cash or merchandise as incidental or participation prizes at drawings, ~~atas~~ special events and in connection with promotions. Merchandise prizes of nominal value (e.g., water bottles, t-shirts or coffee mugs) may be distributed to all participants at a drawing, special event or promotional activity. However, cash prizes or merchandise prizes having a value in excess of \$25 per prize shall be awarded pursuant to a random drawing, in accordance with written drawing procedures. ~~Winning entries or winning numbers shall be drawn at random to determine such special prizes according to procedures determined by the Director from time to time and announced in appropriate directives.~~

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 1770.210 ~~Sale of~~ Promotional Items

The Department may purchase and stock, ~~for sale to individuals, not for profit organizations or governmental entities,~~ promotional items bearing the identifying marks of the Illinois Lottery or any of its games. These products may be distributed at no charge to consumers for promotional purposes, to licensed lottery retailers or retailer staff as a sales incentive, or to Department personnel in connection with the performance of official duties. The Department may additionally offer its promotional items for sale to individuals, not-for-profit organizations or government entities, and advertise its products for sale via catalog or other means, including, but not limited to, point of purchase displays at agent locations, direct mail and print advertisements. Purchase orders shall be on forms prescribed by the Department and shall include a certification that the purchaser is qualified under the Act and the items will not be resold for commercial gain. The Department may establish reasonable charges for its promotional items, provided, however, that sales to other State agencies will be at cost.

(Source: Amended at 29 Ill. Reg. _____, effective _____)

Section 1770.230 Assignment of Lottery Prizes

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- a) Contracts of assignment submitted to the Department pursuant to 20 ILCS 605/13.1 shall be accompanied by a sworn affidavit of the assignee in a form substantially similar to that set forth in Appendix A to this Part.
- b) At its sole discretion, the Department may waive the 30-day advance notice requirement for the initial assignment petition or the final assignment order.
- c) A court order obtained pursuant to this Section, together with all such prior orders, shall not require the Department to divide any single prize payment among more than 3 different persons, including the prize winner. [20 ILCS 1605/13.1(c)]
- d) All petitions for assignment of an Illinois Lottery prize shall be accompanied by a check or money order payable to the Department in the amount of \$68, in order to defray the administrative expenses associated with assignments.

(Source: Added at 29 Ill. Reg. _____, effective _____)

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Section 1770. APPENDIX A AffidavitAFFIDAVIT

This Affidavit is submitted by _____ (officer name) _____, on behalf of _____ (company name) _____ ("_____"), in connection with a proposed purchase and sale of certain Illinois Lottery prize payments due _____ (winner's name) _____, ("Seller").

1. My name is _____ I am currently employed by _____ (company name) as _____ (title) _____, and have been employed in such capacity at all times relative to this matter. I have personal knowledge of all of the facts contained herein and am competent to testify in support of the facts stated in this affidavit. [OR I make the following representations based upon information and belief.]
2. Prior to Seller's execution of a written purchase and sale agreement with _____ (company name) _____, _____ (company name) _____, through its employees, contractors and/or counsel, had contact with Seller (and/or Seller's legal counsel and/or financial advisors) through various written, oral or telephonic communications. A summary of those contacts follows (include names, dates, methods and nature of contacts):
3. As of the date of this affidavit, the following lawsuits, claims and legal actions have been filed against _____ (company name) _____ and/or its affiliated entities by lottery winners:

(Include brief case summary as well as case name, number and jurisdiction.)
(Address winners of any lottery, not just Illinois.)
(Address lawsuits, claims, etc., filed during the 3-year period immediately preceding the date of the affidavit.)
4. _____ (company name) _____ and/or its affiliated entities is in good standing in its state of domicile and with any other licensing or regulatory agency as may be required in the conduct of its business.
5. The history of _____ (company name) _____ is as follows:

_____ (company name) _____ was organized in _____ (month/year) _____ as a _____ (type of business) _____, having its principal place of business as _____ (city/state) _____, and has operated continuously since that date. (If the type of business organization, principal place of business or other key company information has changed since the company's inception, please include that

DEPARTMENT OF LOTTERY

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information as well.)

6. _____ (company name) _____ engages in the business of

7. _____ (company name) _____ 's privacy and non-harassment policies are as follows:

(Attach as exhibit if appropriate.)

(Include the company's policies concerning the national do-not-call registry, as it relates to the non-harassment policy.)

_____ (company name) _____ has followed these policies in Illinois.

Name

Date

State of _____)

County of _____)

Signed and sworn to before me this _____ day of _____, 20____, by

_____ who is personally known to me (or who produced as identification
_____).

NOTARY PUBLIC

My commission expires: _____

(Seal)

DEPARTMENT OF LOTTERY

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(Source: Added at 29 Ill. Reg. _____, effective _____)

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Minimum Wage Law
- 2) Code Citation: 56 Ill. Adm. Code 210
- 3)

<u>Section Number:</u>	<u>Adopted Action</u>
210.910	Amended
- 4) Statutory Authority: 820 ILCS 105
- 5) Effective Date of Amendment: March 21, 2005
- 6) Does this rulemaking contain an automatic repeal date: No
- 7) Does this rulemaking contain incorporation by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department of Labor's principle office and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: December 27, 2004; 28 Ill. Reg. 16445
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Difference 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 an emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: The adopted amendment was implemented in order to comply with a Joint Committee on Administrative Rules (JCAR) recommendation received by the Department on August 13, 2004. The adopted amendment provides a time limit within which an employee or former employee may file a petition to intervene.
- 16) Information and questions regarding this adopted amendment shall be directed to:

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT

Valerie A. Puccini
Assistant General Counsel
Illinois Department of Labor
160 N. LaSalle Street, C-1300
Chicago IL 60601
312/793-7838

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

DEPARTMENT OF LABOR

NOTICE OF ADOPTED AMENDMENT

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER I: DEPARTMENT OF LABOR
SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 210
MINIMUM WAGE LAW

SUBPART A: GENERAL PROVISIONS

Section	
210.100	Application of the Act
210.110	Definitions
210.120	The Use of Federal Definitions of Various Terms
210.130	Length of Coverage for an Employer
210.140	Uniforms
210.150	Forbidden Activity Covered by Other Laws
210.160	Communication with the Department and the Director

SUBPART B: ESTABLISHMENT OF MINIMUM
WAGE ALLOWANCE FOR GRATUITIES

Section	
210.200	Meals and Lodging

SUBPART C: SEX DISCRIMINATION

Section	
210.300	Sex Discrimination

SUBPART D: OVERTIME

Section	
210.400	Determining Workweek for Overtime
210.410	Exclusions from the Regular Rate
210.420	Regular Rate of Pay for Determination of Overtime
210.430	Methods of Computing Overtime
210.440	Overtime – General

SUBPART E: EMPLOYMENT OF AN INDIVIDUAL WITH A DISABILITY
AT A WAGE LESS THAN THE MINIMUM WAGE RATE

DEPARTMENT OF LABOR

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- Section
- 210.500 Application for a License to Employ an Individual with a Disability at a Wage Less than the Minimum Wage Rate
- 210.510 Criteria Used to Establish the Necessity of a Sub-Minimum Wage

SUBPART F: EMPLOYMENT OF LEARNERS AT A WAGE LESS THAN THE MINIMUM WAGE RATE

- Section
- 210.600 General Provisions
- 210.610 Application to Employ a Learner
- 210.620 Employing More Than One Learner
- 210.630 Basic Learner Training Requirements
- 210.640 Student Learners in Work Study Programs

SUBPART G: RECORDS, POSTING AND NOTICE REQUIREMENTS

- Section
- 210.700 Contents of Records
- 210.710 Identification of Learner or Individual with a Disability
- 210.720 Minimum Records of Gratuities
- 210.730 Records Kept Outside of the Business Premises
- 210.740 Notice to Employers – Copies of the Act and Rules and Regulations

SUBPART H: INSPECTION PROCEDURE

- Section
- 210.800 Investigations
- 210.810 Investigation Procedures
- 210.820 Enforcement Procedures

SUBPART I: INFORMAL INVESTIGATIVE CONFERENCE ON INSPECTION RESULTS

- Section
- 210.900 Request for Review by Employer Subject to an Inspection
- 210.910 Petition to Intervene by Employee or Former Employee Covered by an Inspection
- 210.920 Convening an Informal Investigative Conference
- 210.925 Continuances of Informal Investigative Conference

DEPARTMENT OF LABOR

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- 210.930 Application of the Rules of Evidence – Pleadings and Procedures in an Investigative Conference
 210.940 Attorney and Witnesses in Investigative Conference
 210.950 Contumacious Conduct in Investigative Conference
 210.960 Telephone Conference
 210.970 Request for Review

SUBPART J: ASSESSMENT OF PENALTIES AND PUNITIVE DAMAGES

Section

- 210.1000 Assessment and Notice of Underpayment, Penalties, and Punitive Damages
 210.1010 Employer Conduct Deemed Wilful
 210.1020 Uncontested Payment of Underpayments, Penalties, and Punitive Damages
 210.1030 Exception to Notice of Underpayments, Penalties, and Punitive Damages
 210.1040 Informal Investigative Conference on the Assessment of Underpayments, Penalties, and Punitive Damages
 210.1050 Final Determination of Penalties and Punitive Damages

AUTHORITY: Implementing and authorized by the Minimum Wage Law [820 ILCS 105].

SOURCE: Adopted at 19 Ill. Reg. 6576, effective May 2, 1995; amended at 20 Ill. Reg. 15312, effective November 15, 1996; amended at 25 Ill. Reg. 869, effective January 1, 2001; amended at 29 Ill. Reg. 4734, effective March 21, 2005.

SUBPART I: INFORMAL INVESTIGATIVE CONFERENCE
ON INSPECTION RESULTS**Section 210.910 Petition to Intervene by Employee or Former Employee Covered by an Inspection**

- a) ~~The~~ Upon a timely written petition, the Director may provide an employee or former employee covered by a Compliance Officer's completed inspection the opportunity to present further evidence at an informal investigative conference to be held before a duly authorized representative of the Director. Petitions to Intervene must be made in writing within 15 days after the date the employee or former employee receives notification of back wages or that the claim is dismissed.
- b) Such a petition shall be prominently marked "Petition to Intervene in Minimum Wage Law Investigation" on both the letter and the envelope and shall be mailed

DEPARTMENT OF LABOR

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or delivered to the Department's Chicago office. The petition must set forth the reasons why the employee or former employee believes the Compliance Officer's findings are incorrect as a matter of law or fact, and that the Director's enforcement of the inspection results as a practical matter may impair or impede his/her ability to protect his/her rights under the Act.

(Source: Amended at 29 Ill. Reg. 4734, effective March 21, 2005)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Long Term Care Reimbursement Changes
- 2) Code Citation: 89 Ill. Adm. Code 153
- 3) Section Number: 153.125 Emergency Action: Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13], Public Act 93-1087 and Public Act 93-0841
- 5) Effective Date: March 18, 2005
- 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: March 17, 2005
- 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 budget implementation plan for fiscal year 2005 under Public Act 93-1087. Nursing facility rates shall be increased by the difference between a facility's per diem property, liability and malpractice insurance costs as reported in the cost report that was filed with the Department and used to establish rates effective July 1, 2001, and those same costs as reported in the facility's 2002 cost report. These costs will be passed through to the facility without caps or limitations. The Act, which specifies a January 1, 2005 implementation date for these changes, was signed on February 28, 2005. Section 5-45 of Public Act 93-0841 specifically authorizes emergency rulemaking for the implementation of these changes for fiscal year 2005.
- 10) Complete Description of the Subjects and Issues Involved: This emergency amendment is being filed pursuant to Public Act 93-1087 regarding a rate increase for Medicaid funded nursing facilities (SNF/ICF). Effective January 1, 2005, nursing facility rates shall increase by the difference between a facility's per diem property, liability and malpractice insurance costs as reported in the cost report that was filed with the Department and used to establish rates effective July 1, 2001, and those same costs as reported in the facility's 2002 cost report. These costs will be passed through to the facility without caps or limitations.

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These changes are expected to increase annual expenditures by approximately \$17 million.

- 11) Are there any other amendments pending on this Part? Yes

<u>Section Number:</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
153.125	Amendment	January 14, 2005 (29 Ill. Reg. 1005)

- 12) Statement of Statewide Policy Objectives: These emergency amendments neither create nor expand any State mandate 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 e: GENERAL TIME-LIMITED CHANGESPART 153
LONG TERM CARE REIMBURSEMENT CHANGES

Section

153.100 Reimbursement for Long Term Care Services

153.125 Long Term Care Facility Rate Adjustments

EMERGENCY

153.150 Quality Assurance Review (Repealed)

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

SOURCE: Emergency rules adopted at 18 Ill. Reg. 2159, effective January 18, 1994, for maximum of 150 days; adopted at 18 Ill. Reg. 10154, effective June 17, 1994; emergency amendment at 18 Ill. Reg. 11380, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16669, effective November 1, 1994; emergency amendment at 19 Ill. Reg. 10245, effective June 30, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16281, effective November 27, 1995; emergency amendment at 20 Ill. Reg. 9306, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14840, effective November 1, 1996; emergency amendment at 21 Ill. Reg. 9568, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 13633, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 13114, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16285, effective August 28, 1998; amended at 22 Ill. Reg. 19872, effective October 30, 1998; emergency amendment at 23 Ill. Reg. 8229, effective July 1, 1999, for a maximum of 150 days; emergency amendment at 23 Ill. Reg. 12794, effective October 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13638, effective November 1, 1999; emergency amendment at 24 Ill. Reg. 10421, effective July 1, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 15071, effective October 1, 2000; emergency amendment at 25 Ill. Reg. 8867, effective July 1, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 14952, effective November 1, 2001; emergency amendment at 26 Ill. Reg. 6003, effective April 11, 2002, for a maximum of 150 days; emergency amendment repealed at 26 Ill. Reg. 12791, effective August 9, 2002, for a maximum of 150 days; emergency amendment at 26 Ill. Reg. 11087, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 17817, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 11088, effective July 1, 2003, for a maximum of 150 days; amended at 27 Ill. Reg. 18880, effective November 26, 2003; emergency amendment at 28 Ill. Reg. 10218, effective July 1, 2004, for a maximum of 150 days; amended at 28 Ill. Reg. 15584, effective

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November 24, 2004; emergency amendment at 29 Ill. Reg. 1026, effective January 1, 2005, for a maximum of 150 days; emergency amendment at 29 Ill. Reg. 4740, effective March 18, 2005, for a maximum of 150 days.

Section 153.125 Long Term Care Facility Rate Adjustments**EMERGENCY**

- a) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates established on July 1, 1996, shall be increased by 6.8 percent for services provided on or after January 1, 1997.
- b) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates and developmental training rates established on July 1, 1998, for services provided on or after that date, shall be increased by three percent. For nursing facilities (SNF/ICF) only, \$1.10 shall also be added to the nursing component of the rate.
- c) Notwithstanding the provisions set forth in Section 153.100, long term care facility (SNF/ICF and ICF/MR) rates and developmental training rates established on July 1, 1999, for services provided on or after that date, shall include:
 - 1) an increase of 1.6 percent for SNF/ICF, ICF/MR and developmental training rates;
 - 2) an additional increase of \$3.00 per resident day for ICF/MR rates; and
 - 3) an increase of \$10.02 per person, per month for developmental training rates.
- d) Notwithstanding the provisions set forth in Section 153.100, SNF/ICF rates shall be increased by \$4.00 per resident day for services provided on or after October 1, 1999.
- e) Notwithstanding the provisions set forth in Section 153.100, SNF/ICF, ICF/MR and developmental training rates shall be increased 2.5 percent per resident day for services provided on or after July 1, 2000.
- f) Notwithstanding the provisions set forth in Section 153.100, nursing facility (SNF/ICF) rates effective on July 1, 2001, shall be computed using the most

DEPARTMENT OF PUBLIC AID

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recent cost reports on file with the Department no later than April 1, 2000, updated for inflation to January 1, 2001.

- 1) The Uniform Building Value shall be as defined in 89 Ill. Adm. Code 140.570(b)(10), except that, as of July 1, 2001, the definition of current year is the year 2000.
 - 2) The real estate tax bill that was due to be paid in 1999 by the nursing facility shall be used in determination of the capital component of the rate. The real estate tax component shall be removed from the capital rate if the facility's status changes so as to be exempt from assessment to pay real estate taxes.
 - 3) For rates effective July 1, 2001, only, rates shall be the greater of the rate computed for July 1, 2001, or the rate effective on June 30, 2001.
 - 4) All accounting records and other documentation necessary to support the costs and other information reported on the cost report to be used in accordance with rate setting under Section 153.125(f) shall be kept for a minimum of two years after the Department's final payment using rates that were based in part on that cost report.
- g) Notwithstanding the provisions set forth in Section 153.100, intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled nursing facilities for persons under 22 years of age (SNF/Ped), shall receive an increase in rates for residential services equal to a statewide average of 7.85 percent. Residential rates taking effect March 1, 2001, for services provided on or after that date, shall include an increase of 11.01 percent to the residential program rate component and an increase of 3.33 percent to the residential support rate component, each of which shall be adjusted by the geographical area adjuster, as defined by the Department of Human Services (DHS).
- h) For developmental training services provided on or after March 1, 2001, for residents of long term care facilities, rates shall include an increase of 9.05 percent and rates shall be adjusted by the geographical area adjuster, as defined by DHS.
- i) Notwithstanding the provisions set forth in Section 153.100, daily rates for intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age

DEPARTMENT OF PUBLIC AID

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(SNF/Ped), shall be increased by 2.247 percent for services provided during the period beginning on April 11, 2002, and ending on June 30, 2002.

- j) Notwithstanding the provisions set forth in Section 153.100, daily rates effective on July 1, 2002, for intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age (SNF/Ped), shall be reduced to the level of the rates in effect on April 10, 2002.
- k) Notwithstanding the provisions set forth in Section 153.100, nursing facility (SNF/ICF) rates effective on July 1, 2002 will be 5.9 percent less than the rates in effect on June 30, 2002.
- l) Notwithstanding the provisions set forth in Section 153.100, daily rates effective on July 1, 2003, for intermediate care facilities for persons with developmental disabilities (ICF/MR), including skilled long term care facilities for persons under 22 years of age (SNF/Ped), shall be increased by 3.59 percent.
- m) Notwithstanding the provisions set forth in Section 153.100, developmental training rates effective on July 1, 2003, shall be increased by 4 percent.
- n) Notwithstanding the provisions set forth in Section 153.100, pending the approvals described in this subsection (n), nursing facility (SNF/ICF) rates effective July 1, 2004, shall be 3.0 percent greater than the rates in effect on June 30, 2004. The increase is contingent on approval of both the payment methodologies required under Article 5A-12 of the Public Aid Code [305 ILCS 5/5A-12] and the waiver granted under 42 CFR 433.68.
- o) Notwithstanding the provisions set forth in Section 153.100, the "Original Building Base Cost" for nursing facilities (SNF/ICF) which have been rented continuously from an unrelated party since prior to January 1, 1978, effective on July 1, 2004, shall be added to the capital rate calculation using the most recent cost reports on file with the Department no later than June 30, 2004. The "Original Building Base Cost" as defined in 89 Ill. Adm. Code 140.570 shall be calculated from the original lease information that is presently on file with the Department. This original lease information will be used to capitalize the oldest available lease payment from the unrelated party lease that has been in effect since prior to January 1, 1978, and continued to be in effect on December 31, 1999. Before the lease payment is capitalized, a 15 percent portion will be removed from the oldest available lease payment for movable equipment costs.

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After the lease payment is capitalized, a portion of the capitalized amount will be removed for land cost. The land cost portion is 4.88 percent. The remaining amount will be the facility's building cost. The construction/acquisition year for the building will be the date the pre-1978 lease began. The allowable cost of subsequent improvements to the building will be included in the original building base cost. The original building base cost will not change due to sales or leases of the facility after January 1, 1978.

- p) Notwithstanding the provisions set forth in Section 153.100, nursing facility (SNF/ICF) rates shall be increased by the difference between a facility's per diem property, liability and malpractice insurance costs as reported in the cost report that was filed with the Department and used to establish rates effective July 1, 2001, and those same costs as reported in the facility's 2002 cost report. These costs shall be passed through to the facility without caps or limitations.

(Source: Amended by emergency rulemaking at 29 Ill. Reg. 4740, effective March 18, 2005, 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 March 15, 2005 through March 21, 2005 and have been scheduled for review by the Committee at its April 12, 2005 meeting in Springfield. 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>
4/27/05	<u>Department of Public Aid</u> , Long Term Care Reimbursement Changes (89 Ill. Adm. Code 153)	1/14/05 29 Ill. Reg. 1005	4/12/05
4/30/05	<u>Secretary of State</u> , Illinois State Library Talking Book and Braille Service (23 Ill. Adm. Code 3025)	12/27/04 28 Ill. Reg. 16451	4/12/05

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF RECOMMENDATION
TO PROPOSED RULEMAKING

STATE BOARD OF EDUCATION

Heading of the Part: Procurement by the State Board of Education

Code Citation: 44 Ill. Adm. Code 1100

Section Numbers: 1100.4545 1100.5520

Date Originally Published in the Illinois Register: 11/5/04
28 Ill. Reg. 14330

At its meeting on March 15, 2005, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommended that, in the future, the Board submit proposed procurement rules to the Procurement Policy Board (PPB) for review simultaneously with its filing of the proposed rulemaking for publication in the *Illinois Register*, in accordance with Section 5-25 of the Procurement Code and 2 Ill. Adm. Code 3002.1200 of the PPB's rules.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO
EMERGENCY RULEMAKING

ILLINOIS RACING BOARD

Heading of the Part: Medication

Code Citation: 11 Ill. Adm. Code 603

Section Numbers: 603.70

Date Originally Published in the Illinois Register: 2/18/05
29 Ill. Reg. 2779

At its meeting on March 15, 2005, the Joint Committee on Administrative Rules objected to the Racing Board filing its emergency rulemaking titled Medication (11 Ill. Adm. Code 603; 29 Ill. Reg. 2779) on 2/4/05 with an effective date of 2/22/05 because the delayed effective date violates the IAPA. Section 5-45(b) of the IAPA requires that an emergency rule become effective immediately upon filing or at a stated date less than 10 days thereafter.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal. The agency's response will be placed on the JCAR agenda for further consideration.

EXECUTIVE ETHICS COMMISSION

NOTICE OF PUBLIC HEARING ON PROPOSED RULES

- 1) Heading of the Part: Organization, Information, Rulemaking and Hearings
- 2) Code Citation: 2 Ill. Adm. Code 1620
- 3) Register Citation to Notice of Proposed Rules:
29 Ill. Reg. 3054; March 4, 2005
- 4) Date, Time and Location of Public Hearing:
April 11, 2005, 8:30 a.m.
Room C-1
401 S. Spring Street
William Stratton Building
Springfield, Illinois 62706
- 5) Other Pertinent Information: The full text of the Proposed Rules is identical to the Emergency Rules that begin on 29 Ill. Adm. Code 3340.

EXECUTIVE ORDER

2005-2EXECUTIVE ORDER REGARDING THE
GREEN ILLINOIS GOVERNMENT COORDINATING COUNCIL

WHEREAS, there exists, by previous Order, a Green Illinois Government Coordinating Council;

WHEREAS, the purpose of the Green Illinois Government Coordinating Council is to incorporate pollution prevention and resource conservation practices into government management and operations;

WHEREAS, the State should be a model for the responsible stewardship of our environment;

WHEREAS, the Office of the Lieutenant Governor is charged with leadership in the responsible stewardship of our environment, including the Lieutenant Governor's role as Chairman of the Special Task Force on the Condition and Future of the Illinois Energy Infrastructure, Chairman of the Illinois River Coordinating Council, and Chairman of the Illinois delegation of the bi-national Great Lakes Commission;

THEREFORE, pursuant to the powers vested in me by Article V, Section 11 of the Constitution of the State of Illinois, I hereby order the following:

1. From the effective date of this order, the Lieutenant Governor shall be chair of the Green Illinois Government Coordinating Council ("the Council").
2. The Office of the Lieutenant Governor shall provide administrative support to the Council.
3. The Directors of the Environmental Protection Agency and the Department of Central Management Services shall no longer share the responsibility of chairing the Council, but shall remain as members of the Council.

This order shall take effect immediately upon its adoption.

Issued by the Governor: March 15, 2005

Filed with Secretary of State: March 15, 2005

PROCLAMATIONS

2005-72**Brain Awareness Week**

WHEREAS, each year, millions of Americans are affected by diseases and conditions of the brain and nervous system; and

WHEREAS, in Illinois, thousands of people are diagnosed with devastating disorders of the brain each year. These disorders include: Alzheimer's, schizophrenia, autism and communication disorders, all of which cause considerable pain, suffering, and loss of quality of life for those afflicted as well as their families; and

WHEREAS, currently, we are reaching a new era of discovery based on the rapid progress that is being made in the study of the brain and the powerful new tools available to neuroscientists. These technological advances promise relief to Illinois citizens suffering from devastating brain disorders; and

WHEREAS, organizations including scientific institutions, patient advocacy groups, universities, teaching hospitals, government agencies, service groups, and schools have joined together in a unique partnership to raise public awareness of the benefits of brain research:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 14 – 20, 2005 as **BRAIN AWARENESS WEEK**, and encourage all citizens to recognize the importance of brain research to the quality of life of all men and women.

Issued by the Governor March 15, 2005.

Filed by the Secretary of State March 15, 2005.

2005-73**March for Meals Month**

WHEREAS, it is imperative that we as a nation do our part to promote good health and nutrition by encouraging all citizens to practice sound eating habits; and

WHEREAS, in March 1972, the reauthorization of the federal Older Americans Act funded a system to provide nutrition services to the elderly citizens of our nation; and

WHEREAS, since that time, senior nutrition programs in Illinois and throughout the United States have provided healthy, nutritious meals to literally millions of seniors; and

WHEREAS, senior nutrition programs strive to provide nutrition services to the elderly, whether they can travel to a designated location or require home delivery of their meals; and

WHEREAS, senior nutrition programs are community-based and rely on the support of the community and the community's resources, both human and financial, in order to achieve their goals; and

WHEREAS, the number of individuals in need of senior nutrition services is increasing as the size of our elderly population grows, making community support of senior nutrition programs crucial in order to meet the increase in demand; and

WHEREAS, senior nutrition programs across Illinois and throughout the United States are participating in a national March for Meals campaign in order to increase public awareness of

PROCLAMATIONS

the work and needs of senior nutrition programs. The campaign is also designed to raise funds and recruit volunteers to assist in the delivery of meals and other nutrition services:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 2005 as **MARCH FOR MEALS MONTH** in Illinois, and encourage all citizens to recognize and support the vital services that senior nutrition plans provide the elderly citizens of our State.

Issued by the Governor March 15, 2005.

Filed by the Secretary of State March 15, 2005.

2005-74**ANESTHESIA TECHNOLOGIST AND TECHNICIAN DAY**

WHEREAS, the health and well-being of our citizens depends upon educated minds and skilled hands; and

WHEREAS, anesthesia technologists and technicians are valuable members of medical teams that assist in the formulation and implementation of an anesthesia care plan for patients; and

WHEREAS, these dedicated professionals may provide support by assisting in the preparation and maintenance of patient equipment and anesthesia delivery systems before and during anesthesia. In addition, they may also clean, sterilize, disinfect, stock, order and maintain the routine anesthesia equipment; and

WHEREAS, we should commend anesthesia technologists and technicians for their commitment to the care and well-being of all people through the vital service they provide:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim March 31, 2005 as **ANESTHESIA TECHNOLOGIST AND TECHNICIAN DAY** in Illinois, and encourage all citizens to be cognizant of the important service these workers provide for the healthcare industry, and for the people of Illinois.

Issued by the Governor March 15, 2005.

Filed by the Secretary of State March 15, 2005.

2005-75**American Ex-Prisoners of War Recognition Day**

WHEREAS, since the birth of this great nation, America has been blessed with a population of brave men and women have courageously answered the call to defend their country's ideals of freedom and democracy; and

WHEREAS, many of the brave Americans who answered their countries call to service were captured by hostile forces or listed as missing while performing their duties; and

WHEREAS, despite strict rules and regulations set forth by international codes, American Prisoners of War have often suffered unconscionable treatment and many have died as a result of cruel and inhumane acts by their enemy captors; and

PROCLAMATIONS

WHEREAS, these heroic soldiers have demonstrated their love and convictions in the people and freedoms of this country by enduring these tragedies, and in some unfortunate cases by making the ultimate sacrifice; and

WHEREAS, the State of Illinois is proud to acknowledge and commend the sacrifices of America's prisoners of war and their families for displaying remarkable courage in the face of horrific adversity:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 9, 2005 as **AMERICAN EX-PRISONERS OF WAR RECOGNITION DAY** in Illinois, and encourage all citizens to take a moment to honor and remember the men and women who suffered the hardships of enemy captivity.

Issued by the Governor March 16, 2005.

Filed by the Secretary of State March 16, 2005.

2005-76**Autism Awareness Month**

WHEREAS, autism, a developmental disorder, is the third most common developmental disability in the United States, affecting nearly half a million people; and

WHEREAS, autism is a spectrum disorder where symptoms and characteristics may present themselves in a variety of combinations, from mild to severe. This complex and lifelong developmental disability can result in significant impairment of an individual's ability to learn, develop healthy interactive behaviors, and understand verbal as well as nonverbal communication; and

WHEREAS, autism is the result of a neurological disorder that affects the normal functioning of the brain, and generally manifests during the first 3 years of life. The disorder is four times more likely in males than in females, but can affect anyone, regardless of race or ethnicity; and

WHEREAS, although autism was first identified in 1943, it remains a relatively unknown disability. A majority of the public, including many professionals in the medical, educational, and vocational fields are still unaware of the best methods to diagnose and treat the disorder; and

WHEREAS, although there is no cure for autism at this time, doctors, therapists, and educators can help children and adults with autism overcome or adjust to many difficulties. Accurate, early diagnosis and the resulting appropriate education and intervention are vital to the future growth and development of individuals afflicted with this disorder; and

WHEREAS, Illinois is honored to take part in the annual observance of Autism Awareness Month in order raise public awareness of autism in the hope that it will lead to a better understanding of the disorder:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2005 as **AUTISM AWARENESS MONTH** in Illinois, and encourage all citizens to work together to ensure that individuals with autism are accurately diagnosed and appropriately treated throughout their lives.

Issued by the Governor March 16, 2005.

PROCLAMATIONS

Filed by the Secretary of State March 16, 2005.

2005-77**Minority Health Month**

WHEREAS, it is important that the United States has a strong and successful health care system that benefits all citizens equally regardless of race, gender, and ethnicity; and

WHEREAS, significant health disparities, including differences in the incidence, prevalence, and mortality rate exist among minority groups for preventable health conditions and diseases like cancer, cardiovascular disease, stroke, diabetes, HIV/AIDS, and infant mortality; and

WHEREAS, although the health status of all Illinois citizens has improved over the last decade, there is still work to be done to ensure that all men and women receive the care necessary to eliminate health disparities among our minority populations; and

WHEREAS, in 2000, the Surgeon General proposed 10-year health objectives for the nation entitled Healthy People 2010, which included a focus on the elimination of health disparities among different segments of the population. As a result of these objectives, National Minority Health Month was created to raise public awareness of the need to eliminate health disparities in our nation:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2005 as **MINORITY HEALTH MONTH** in Illinois, and encourage all citizens to be cognizant of the need to improve the health and well being of all citizens.

Issued by the Governor March 17, 2005.

Filed by the Secretary of State March 17, 2005.

2005-78**Jazz Appreciation Month**

WHEREAS, music transcends time and provides a soundtrack to our lives, helping to spark memories of past events and past emotions; and

WHEREAS, no single musical genre defines the United States better than Jazz. The United States is known as a cultural melting pot because the American identity was forged from the influences of its diverse population. Jazz music, a unique musical form that combined tribal African drum beats and Western European musical structure, illustrates the interaction of cultures in our society; and

WHEREAS, jazz has produced some of America's leading creative artists and ranks as one of America's greatest exports to the world; and

WHEREAS, jazz has inspired dancers, choreographers, poets, novelists, filmmakers, classical composers, and musicians in many other kinds of music; and

WHEREAS, America's jazz heritage deserves to be appreciated as broadly as possible and should be part of the education of both America's children and adults; and

PROCLAMATIONS

WHEREAS, the State of Illinois honors and recognizes the outstanding work of jazz artists, educators, and enthusiasts throughout the State:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2005 as **JAZZ APPRECIATION MONTH** in Illinois, and encourage all citizens to pay tribute to jazz as both a historic and living art form.

Issued by the Governor March 17, 2005.

Filed by the Secretary of State March 17, 2005.

2005-79**Sexual Assault Awareness Month**

WHEREAS, sexual assault is one of the most horrendous crimes in our society today, with victims often suffering lifelong pain from physical injury and serious emotional trauma; and

WHEREAS, nationwide, one in three girls and one in six boys will become a victim of some form of sexual abuse before the age of 18; and

WHEREAS, in Illinois, 5,853 sexual assaults were reported to law enforcement in 2003. However, in reality the number of assaults is higher because it is estimated that less than half are reported; and

WHEREAS, it is important to recognize the dedication and contributions of the individuals who provide services to victims of sexual abuse and work to increase the public understanding of this problem; and

WHEREAS, education about the crimes of sexual assault, sexual abuse, sexual harassment and their impact is essential to end sexual violence and advance equality, safety, and respect among all individuals:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2005 as **SEXUAL ASSAULT AWARENESS MONTH** in Illinois, and encourage all citizens to join together to prevent sexual assault and ensure a life free from harm for the residents of our State.

Issued by the Governor March 17, 2005.

Filed by the Secretary of State March 17, 2005.

2005-80**Child Abuse Prevention Month**

WHEREAS, no child should have to endure mistreatment or abuse, especially at the hands of an adult. However, the unfortunate truth is that far too often children are abused and neglected by the very people that should protect and care for them; and

WHEREAS, studies show that child abuse and neglect can ruin children's lives by making them more likely to drop out of school, suffer from drug and alcohol abuse, and ultimately become abusers themselves; and

WHEREAS, discovering solutions to child abuse and neglect requires the involvement and collaboration of citizens, organizations, and government throughout Illinois; and

PROCLAMATIONS

WHEREAS, it is important that society learns to recognize the warning signs that a child might be abused or neglected. These include: nervousness around adults; aggression toward children or adults; frequent or unexplained bruises or injuries; low self-esteem; and poor hygiene; and

WHEREAS, in Illinois, effective child abuse prevention programs have contributed to a decline in reports of child abuse and neglect, from 139,720 reports in Fiscal Year 1995 to 104,258 reports in Fiscal Year 2004; and

WHEREAS, child abuse prevention programs in Illinois are effective because of partnerships created by the Illinois Department of Children and Family Services, Prevent Child Abuse-Illinois, Parents Share & Care of Illinois, and other government entities, social service agencies, schools, religious organizations, law enforcement agencies, businesses and individual citizens:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 2005 as **CHILD ABUSE PREVENTION MONTH** in Illinois, and encourage all citizens to support child abuse prevention programs and report suspected cases of abuse to the Illinois Child Abuse Hotline at 1 (800) 25-ABUSE.

Issued by the Governor March 17, 2005.

Filed by the Secretary of State March 17, 2005.

2005-81**National Black Police Association Days**

WHEREAS, every man and woman in the United States deserves fair, just, and effective treatment from the criminal justice system; and

WHEREAS, in November 1972, the National Black Police Association (NBPA) was chartered as a not-for-profit corporation in the State of Illinois; and

WHEREAS, the NBPA serves as a mechanism to recruit minority police officers on a national scale and strives to improve the relationship between Police Departments as institutions and the community as a whole; and

WHEREAS, the NBPA also is focused on reforming the criminal justice system in order to eliminate police corruption, police brutality, and racial discrimination; and

WHEREAS, the State of Illinois applauds the NBPA's efforts to improve law enforcement agencies in the state by pursuing reform and educating police officers on how to perform their duties professionally and compassionately:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 21 – 23, 2005 as **NATIONAL BLACK POLICE ASSOCIATION DAYS** in Illinois, and encourage all citizens to be cognizant of the National Black Police Association's work to improve our community as a whole.

Issued by the Governor March 21, 2005.

Filed by the Secretary of State March 21, 2005.

2005-82

PROCLAMATIONS

National Day of Prayer

WHEREAS, in times of peril both at home and abroad, many American citizens turn to prayer for help and guidance; and

WHEREAS, millions of men and women across the nation gratefully continue the tradition of prayer in churches, synagogues, temples, mosques, and other houses of worship across our country; and

WHEREAS, established in 1952 by an act of Congress, the National Day of Prayer is now observed nationally every year on the first Thursday in May; and

WHEREAS, the National Day of Prayer is a celebration of American citizens' freedom of religion, set forth in the First Amendment. Americans treasure their religious freedom, which embraces the many diverse communities of faith that have infused our society and our cultural heritage over more than two centuries; and

WHEREAS, the theme for the National Day of Prayer 2005 is God Shed His Grace on Thee, inspired by the passage found in Hebrews 4:16: "...let them approach the throne of grace with confidence, so that we may receive mercy and find grace to help us in our time of need";

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim May 5, 2005 as **NATIONAL DAY OF PRAYER** in Illinois.

Issued by the Governor March 21, 2005.

Filed by the Secretary of State March 21, 2005.

2005-83**Save Abandoned Babies Day**

WHEREAS, signed into law in August 2001, the Illinois Abandoned Newborn Protection Act allows parents to relinquish a newborn infant to personnel at a local hospital, police station, fire station, or emergency medical facility anonymously and free from prosecution; and

WHEREAS, relinquished babies then may become custody of the State and are placed in a responsible and nurturing safe haven; and

WHEREAS, the Illinois Abandoned Newborn Protection Act provides a safe alternative to abandonment for Illinois parents who feel they cannot cope with the responsibility of caring for a newborn baby; and

WHEREAS, it is the hope of the State of Illinois that as awareness of this Act increases, it will stop the abandonment of newborn infants, a practice that has led to healthy babies being found harmed, deceased or in unsafe places; and

WHEREAS, the Illinois Abandoned Newborn Protection Act is a critical statute in the State of Illinois, as it affords the chance of a better life for abandoned newborn babies:

THEREFORE, I, Rod Blagojevich, Governor of the State of Illinois, do hereby proclaim April 11, 2005 as **SAVE ABANDONED BABIES DAY** in Illinois, and encourage all citizens to recognize the importance of protecting abandoned infants and giving them the proper care they deserve.

Issued by the Governor March 21, 2005.

PROCLAMATIONS

Filed by the Secretary of State March 21, 2005.

ILLINOIS ADMINISTRATIVE CODE

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