

2005

ILLINOIS

REGISTER

RULES
OF GOVERNMENTAL
AGENCIES



Volume 29 Issue 28
July 8, 2005
Pages 9574-9971

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

Printed on recycled paper

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- 1) Heading of the Part: Public Schools Evaluation, Recognition and Supervision
- 2) Code Citation: 23 Ill. Adm. Code 1
- 3)

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1.10	Amendment
1.20	Amendment
1.30	Amendment
1.40	Amendment
1.50	Amendment
1.60	New Section
1.70	New Section
1.75	New Section
1.80	Amendment
1.85	Amendment
1.90	Amendment
1.95	New Section
- 4) Statutory Authority: 105 ILCS 5/2-3.6
- 5) A Complete Description of the Subjects and Issues Involved: This set of amendments conveys the changes in the accountability system for public schools that are needed for compliance with the No Child Left Behind Act and related Illinois law. These changes cover a variety of topics, including:
 - the requirement for adequate yearly progress and the indicators that will be considered;
 - the targets for each aspect of performance;
 - the subgroups of students, their participation in state-level assessments, and the treatment of their scores;
 - academic early warning and academic watch status and the requirements for school and district improvement plans and restructuring plans;
 - rewards and recognition; and
 - the appeals process related to schools' and districts' status.

A new feature in this set of amendments is Section 1.75, which will require participation in the Student Information System so that the system can be implemented statewide. Also included are updates to the Sections outlining recognition status and compliance requirements. The changes in Section 1.20 in particular will help distinguish procedures applicable to probationary status from those applicable in cases where districts or schools

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are "recognized pending further review".

- 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? Yes; the reference in Section 1.30(a) updates a reference previously found in Section 1.50(a), and the reference in Section 1.30(b)(1) updates a reference previously found in Section 1.50(b)(1).
- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Section</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
1.240	Amendment	29 Ill. Reg. 3414; March 11, 2005
1.510	Amendment	29 Ill. Reg. 4790; April 8, 2005
1.515	New Section	29 Ill. Reg. 4790; April 8, 2005
1.630	Amendment	29 Ill. Reg. 4790; April 8, 2005
1.720	Amendment	29 Ill. Reg. 4790; April 8, 2005
1.737	Amendment	29 Ill. Reg. 4790; April 8, 2005
1.745	Amendment	29 Ill. Reg. 4790; April 8, 2005
1.755	Amendment	29 Ill. Reg. 4790; April 8, 2005
1.100	Amendment	29 Ill. Reg. 7891; June 3, 2005
1.210	Repeal	29 Ill. Reg. 7891; June 3, 2005
1.220	Repeal	29 Ill. Reg. 7891; June 3, 2005
1.230	Repeal	29 Ill. Reg. 7891; June 3, 2005
1.240	Repeal	29 Ill. Reg. 7891; June 3, 2005
1.245	Amendment	29 Ill. Reg. 7891; June 3, 2005
1.250	Repeal	29 Ill. Reg. 7891; June 3, 2005
1.260	Repeal	29 Ill. Reg. 7891; June 3, 2005
1.270	Repeal	29 Ill. Reg. 7891; June 3, 2005
1.290	Amendment	29 Ill. Reg. 7891; June 3, 2005
1.310	Amendment	29 Ill. Reg. 7891; June 3, 2005
1.320	Amendment	29 Ill. Reg. 7891; June 3, 2005
1.330	Amendment	29 Ill. Reg. 7891; June 3, 2005
1.420	Amendment	29 Ill. Reg. 7891; June 3, 2005
1.440	Amendment	29 Ill. Reg. 7891; June 3, 2005
1.520	Repeal	29 Ill. Reg. 7891; June 3, 2005
1.530	Amendment	29 Ill. Reg. 7891; June 3, 2005

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- 10) Statement of Statewide Policy Objective: This rulemaking will not create or enlarge a State mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 60 days after the publication of this Notice to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street (W-475)
Springfield, Illinois 62777

(217) 782-5270

Comments may also be submitted via e-mail, addressed to:

rules@isbe.net

- 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 2004

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

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NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER a: PUBLIC SCHOOL RECOGNITION

PART 1

PUBLIC SCHOOLS EVALUATION, RECOGNITION AND SUPERVISION

SUBPART A: ~~SCHOOL~~ RECOGNITION REQUIREMENTS

Section

1.10	Public School Accountability Framework
1.20	Operational Requirements
1.30	State Assessment Quality Assurance Reviews
1.40	Adequate Yearly Progress Student Performance and School Improvement Requirements (Repealed)
1.50	Calculation of Participation Rate State Assessment
1.60	Subgroups of Students; Inclusion of Relevant Scores Operational Compliance (Repealed)
1.70	Additional Indicators for Adequate Yearly Progress Effective Dates of Accreditation (Repealed)
<u>1.75</u>	<u>Student Information System</u>
1.80	Academic Early Warning and Watch Status Lists
1.85	Revisions to School and District Improvement Plans; Restructuring Plans
1.90	System of Rewards and Recognition – <u>The Illinois Honor Roll</u>
<u>1.95</u>	<u>Appeals Procedure</u>
1.100	Waiver and Modification of State Board Rules and School Code Mandates

SUBPART B: SCHOOL GOVERNANCE

Section

1.210	Powers and Duties
1.220	Duties of Superintendent
1.230	Board of Education and the School Code
1.240	Equal Opportunities for all Students
1.245	Waiver of School Fees
1.250	District to Comply with 23 Ill. Adm. Code 180
1.260	Commemorative Holidays to be Observed by Public Schools
1.270	Book and Material Selection
1.280	Discipline

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- 1.285 Requirements for the Use of Isolated Time Out and Physical Restraint
1.290 Absenteeism and Truancy Policies

SUBPART C: SCHOOL DISTRICT ADMINISTRATION

Section

- 1.310 Administrative Responsibilities
1.320 Duties
1.330 Hazardous Materials Training

SUBPART D: THE INSTRUCTIONAL PROGRAM

Section

- 1.410 Determination of the Instructional Program
1.420 Basic Standards
1.430 Additional Criteria for Elementary Schools
1.440 Additional Criteria for High Schools
1.445 Required Course Substitute
1.450 Special Programs
1.460 Credit Earned Through Proficiency Examinations
1.462 Uniform Annual Consumer Education Proficiency Test
1.465 Ethnic School Foreign Language Credit and Program Approval
1.470 Adult and Continuing Education
1.480 Correctional Institution Educational Programs

SUBPART E: SUPPORT SERVICES

Section

- 1.510 Transportation
1.520 School Food Services
1.530 Health Services
1.540 Pupil Personnel Services (Repealed)

SUBPART F: STAFF CERTIFICATION REQUIREMENTS

Section

- 1.610 Personnel Required to be Qualified
1.620 Accreditation of Staff (Repealed)
1.630 Noncertificated Personnel
1.640 Requirements for Different Certificates (Repealed)

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- 1.650 Transcripts of Credits
- 1.660 Records of Professional Personnel

SUBPART G: STAFF QUALIFICATIONS

Section

- 1.705 Minimum Requirements for Teachers (Repealed)
 - 1.710 Requirements for Elementary Teachers
 - 1.720 Requirements for Teachers of Middle Grades
 - 1.730 Minimum Requirements for Secondary Teachers and Specified Subject Area Teachers in Grades Six (6) and Above through June 30, 2004
 - 1.735 Requirements to Take Effect from July 1, 1991, through June 30, 2004
 - 1.736 Requirements to Take Effect from July 1, 1994, through June 30, 2004
 - 1.737 Minimum Requirements for the Assignment of Teachers in Grades 9 through 12 Beginning July 1, 2004
 - 1.740 Standards for Reading through June 30, 2004
 - 1.745 Requirements for Reading Teachers and Reading Specialists at all Levels as of July 1, 2004
 - 1.750 Standards for Media Services through June 30, 2004
 - 1.755 Requirements for Library Information Specialists Beginning July 1, 2004
 - 1.760 Standards for Pupil Personnel Services
 - 1.762 Supervision of Speech-Language Pathology Assistants
 - 1.770 Standards for Special Education Personnel
 - 1.780 Standards for Teachers in Bilingual Education Programs
 - 1.781 Requirements for Bilingual Education Teachers in Grades K-12
 - 1.782 Requirements for Teachers of English as a Second Language in Grades K-12
 - 1.790 Substitute Teacher
-
- 1.APPENDIX A Professional Staff Certification
 - 1.APPENDIX B Certification Quick Reference Chart
 - 1.APPENDIX C Glossary of Terms (Repealed)
 - 1.APPENDIX D State Goals for Learning
 - 1.APPENDIX E Evaluation Criteria – Student Performance and School Improvement Determination (Repealed)
 - 1.APPENDIX F Criteria for Determination – Student Performance and School Improvement (Repealed)
 - 1.APPENDIX G Criteria for Determination – State Assessment (Repealed)

AUTHORITY: Implementing Sections 2-3.25, 2-3.25g, 2-3.43, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21-0.01, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, and

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27-23.3 and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.25, 2-3.25g, 2-3.43, 2-3.44, 2-3.96, 10-17a, 10-20.14, 10-22.43a, 14C-8, 21-0.01, 26-13, 27-12.1, 27-13.1, 27-20.3, 27-20.4, 27-20.5, 27-22, 27-23.3, and 2-3.6].

SOURCE: Adopted September 21, 1977; codified at 7 Ill. Reg. 16022; amended at 9 Ill. Reg. 8608, effective May 28, 1985; amended at 9 Ill. Reg. 17766, effective November 5, 1985; emergency amendment at 10 Ill. Reg. 14314, effective August 18, 1986, for a maximum of 150 days; amended at 11 Ill. Reg. 3073, effective February 2, 1987; amended at 12 Ill. Reg. 4800, effective February 26, 1988; amended at 14 Ill. Reg. 12457, effective July 24, 1990; amended at 15 Ill. Reg. 2692, effective February 1, 1991; amended at 16 Ill. Reg. 18010, effective November 17, 1992; expedited correction at 17 Ill. Reg. 3553, effective November 17, 1992; amended at 18 Ill. Reg. 1171, effective January 10, 1994; emergency amendment at 19 Ill. Reg. 5137, effective March 17, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 6530, effective May 1, 1995; amended at 19 Ill. Reg. 11813, effective August 4, 1995; amended at 20 Ill. Reg. 6255, effective April 17, 1996; amended at 20 Ill. Reg. 15290, effective November 18, 1996; amended at 22 Ill. Reg. 22233, effective December 8, 1998; emergency amendment at 24 Ill. Reg. 6111, effective March 21, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 12985, effective August 14, 2000; amended at 25 Ill. Reg. 8159, effective June 21, 2001; amended at 25 Ill. Reg. 16073, effective November 28, 2001; amended at 26 Ill. Reg. 1157, effective January 16, 2002; amended at 26 Ill. Reg. 16160, effective October 21, 2002; amended at 28 Ill. Reg. 8486, effective June 1, 2004; emergency amendment at 28 Ill. Reg. 13637, effective September 27, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 1891, effective January 24, 2005; amended at 29 Ill. Reg. _____, effective _____.

SUBPART A: ~~SCHOOL~~ RECOGNITION REQUIREMENTS**Section 1.10 Public School Accountability Framework**

Section 27-1 of the School Code [105 ILCS 5/27-1] establishes the primary purpose of schooling as the transmission of knowledge and culture in certain fundamental learning areas and requires the State Board of Education to define the knowledge and skills which the State expects students to master. These "State Goals for Learning" are set forth in Appendix D to this Part and amplified by the "Illinois Learning Standards," also set forth in that Appendix D. Further, Section 2-3.25 of the School Code [105 ILCS 5/2-3.25] requires that the State Board of Education establish general operational recognition standards for public schools, and Section 2-3.25a of the School Code [105 ILCS 5/2-3.25a] requires that the Board develop recognition standards for student performance and school improvement.

- a) Each school district shall ensure that each school makes available to all students instruction in the six fundamental learning areas, i.e., the language arts,

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mathematics, the biological ~~and~~, physical sciences, ~~the~~and social sciences, the fine arts, and physical development and health. ~~Each school district shall also ensure that a continuous school improvement process that includes all State Goals for Learning is carried out by each school in the district.~~

- b) Each school district is required to establish local learning objectives that are consistent with the primary purpose of schooling, assessment systems for measuring students' progress in the fundamental learning areas, and reporting systems for informing the community and the State of assessment results, ~~and plans for improvement~~, all of which are subject to approval by the State Board of Education (Sections 2-3.63 and 27-1 of the School Code [105 ILCS 5/2-3.63 and 27-1]).
- 1) Local learning objectives will be approved if they:
 - A) are consistent with the primary purpose of schooling as defined in Section 27-1 of the School Code; and
 - B) when taken together, are at least as comprehensive as the State Goals for Learning and the Illinois Learning Standards.
 - 2) Assessment systems will be approved if they:
 - A) are designed to yield information about the extent to which all students in at least the grade levels chosen by the district pursuant to Section 2-3.63 of the School Code are achieving in the fundamental learning areas; and
 - B) include reasonable accommodations or alternative tests or procedures for students with disabilities or limited English proficiency.
 - 3) Reporting systems will be approved if they include presentation and interpretation of student achievement information:
 - A) at regular school board meetings;
 - B) in newspapers of general circulation and other news media serving the area in which the school district is located, or through other means of mass communication such as posting on the district's

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website; and

C) in communications with parents of the district's pupils, which shall take into account the needs of parents with limited English proficiency.

~~4) School improvement plans will be approved if they contain:~~

~~A) demographic information about students and information about attendance, truancy, mobility, retention, and expulsion rates and, for high schools, graduation and dropout rates;~~

~~B) information about the extent to which all students in the grade levels chosen by the district pursuant to Section 2-3.63 of the School Code are achieving in the fundamental learning area;~~

~~C) information on the school's State assessment results;~~

~~D) an analysis, based on State and local assessment data and other available information, of factors which may be contributing to any areas of underachievement by students;~~

~~E) identification of measurable goals for improving the schools' programs and student performance in at least the areas of deficiency noted, including:~~

~~i) specific, measurable steps to be taken;~~

~~ii) a timeline for these activities; and~~

~~iii) a budget for these activities;~~

~~F) professional development activities for at least the staff providing services in the academic areas in which the school's performance has been deficient, which activities must also be reflected in the district's staff development plan required pursuant to Section 2-3.59 of the School Code [105 ILCS 5/2-3.59]; and~~

~~G) a process for monitoring progress and revising the plan as needed.~~

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

Section 1.20 Operational Requirements

- a) Districts' and schools' recognition status is based upon compliance with the requirements imposed by law, ~~including but not limited to the recognition standards established by the State Board of Education pursuant to Section 2-3.25 of the School Code and this Part, as modified or waived, if applicable, pursuant to Section 2-3.25g of the School Code and Section 1.100 of this Part.~~
- 1) No later than September 30 of each year, each school district shall apply for recognition of each school operated by the district. This application shall be submitted to the respective regional superintendent of schools ~~through a submission process established on a form supplied~~ by the State Board of Education, except that a district operated pursuant to Article 34 of the School Code [105 ILCS ~~5/Art. 345/34~~] shall submit its application directly to the State Board.
 - 2) No later than October 15 of each year, each regional superintendent of schools shall summarize, ~~through a submission process established on a form supplied~~ by the State Board of Education, the degree to which the schools in the districts for which he or she is responsible adhere to operational compliance requirements. The regional superintendent shall recommend the assignment of recognition status as applicable considering the compliance-related information supplied.
 - 3) As part of this process, the regional superintendent of schools shall periodically visit the region's school districts as he or she may deem necessary to ascertain the degree to which the districts' schools comply with operational requirements.
- b) Based upon the information provided by the district and the regional superintendent, the State Board shall prepare a certificate of recognition status for each school and for each district as a whole and shall ~~transmit~~ ~~provide~~ these certificates to all districts. In each case, the recognition status assigned shall be either "Fully Recognized," "Recognized Pending Further Review," "On Probation," or "Nonrecognized".
- 1) Each school ~~or~~ district ~~that or attendance center which~~ meets the requirements imposed by law, including the requirements established by

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the State Board pursuant to Section 2-3.25 of the School Code and this Part, shall be fully recognized.

- 2) ~~A school or district shall be recognized pending further review if it exhibits areas of noncompliance which:~~
 - A) ~~are not serious enough to warrant probation as delineated in subsection (b)(3) of this Section; and~~
 - B) ~~will be corrected during the school year immediately following their identification.~~
- 3) A school or district ~~or attendance center~~ shall be placed on probation if it:
 - A) exhibits deficiencies that present a health hazard or a danger to students or staff;
 - B) fails to offer required coursework;
 - C) employs personnel who lack the required qualifications and who are not in the process of attaining such qualifications;
 - D) fails or refuses to serve students according to relevant legal and/or regulatory requirements; and/or
 - E) prolongs or repeats instances of noncompliance to a degree that indicates an intention not to comply with relevant requirements.
- 3) A school or district shall be recognized pending further review if it exhibits areas of noncompliance that:
 - A) are not serious enough to warrant probation as delineated in subsection (b)(2) of this Section; and
 - B) may be corrected prior to the end of the school year following the school year in which they were identified.
- 4) A district shall be recognized pending further review whenever one or more of the district's schools are first removed from full recognition, whether recognized pending further review or placed on probation. The

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district shall subsequently be placed on probation if the instances of noncompliance cited for one or more schools have not been corrected within the time allowed under subsection (b)(3)(B) of this Section.

- c) The recognition status of a district or a school may be changed by the State Board of Education at any time to reflect information confirmed during compliance monitoring or by any other means. A school district with one or more schools on probation shall be required to submit a time-specific plan for the correction of the cited deficiencies to the regional superintendent of schools and to the State Superintendent of Education.
- d) ~~A school or district which fails to correct cited deficiencies within the time set forth in its plan shall be nonrecognized and shall be ineligible to file any claim upon the common school fund or collect tuition from another school district.~~
- e) The superintendent of a district that is recognized pending further review or in which one or more schools are ~~not fully~~-recognized pending further review may, within 30 days after receipt of notification to this effect, request a conference at which representatives of the district will have an opportunity to discuss compliance issues with representatives of the State Board of Education. ~~If within the 30-day period the superintendent does not request a conference, the determination shall stand.~~
- 1) ~~If a conference is requested by a superintendent on behalf of a nonrecognized school and the areas of concern are not resolved, the school board may submit an appeal by adopted board resolution. The appeal must identify the specific findings with which the district disagrees.~~
 - 2) ~~The district will be given a hearing in accordance with the State Board's rules for Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475), and a final decision will be made by the State Board of Education.~~
- e) The State Superintendent shall schedule a conference with the superintendent of a district that is placed on probation at which representatives of the district will discuss compliance issues with representatives of the State Board of Education. Within 60 days following this conference, the school district shall submit to the regional superintendent of schools and the State Superintendent of Education a corrective plan that conforms to the requirements of subsection (f) of this Section and is signed by the secretary of the local board of education as evidence that the board adopted a resolution authorizing its submission.

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- f) The State Superintendent of Education shall respond to the submission of a plan within 15 days after receiving it and may consult with the regional superintendent of schools to determine the appropriateness of the actions proposed by the district to correct the cited deficiencies. The State Superintendent shall approve a plan if it:
- 1) specifies steps to be taken by the district that are directly related to the area or areas of noncompliance cited;
 - 2) provides evidence that the district has the resources and the ability to take the steps described without giving rise to other issues of compliance that would lead to probationary status; and
 - 3) specifies a timeline for correction of the cited deficiencies that is demonstrably linked to the factors leading to noncompliance and is no longer than needed to correct the identified problems.
- g) If a district's plan is not approvable under subsection (f) of this Section, the State Superintendent shall notify the district to this effect. If no plan is submitted, or if no approvable plan is received within 60 days after the district's conference with the State Board, the status of the district, or of the affected school or schools, as applicable, shall be changed to "nonrecognized".
- h) The superintendent of a district that is nonrecognized pursuant to this Section, or in which one or more schools are nonrecognized pursuant to this Section, may request a conference with representatives of the State Board of Education within 15 days after receipt of notification to this effect. (See Section 1.95 of this Part for procedures related to nonrecognition pursuant to Section 2-3.25f of the School Code [105 ILCS 5/2-3.25f].)
- 1) If a conference is requested by a superintendent on behalf of a nonrecognized school or district and the areas of concern are not resolved, the State Superintendent shall furnish the school board with a Notice of Opportunity for Hearing. The school board may submit an appeal by adopted board resolution within 15 days after receipt of the notice. The appeal must identify the specific findings with which the district disagrees. The district will be given a hearing in accordance with the State Board's rules for Contested Cases and Other Formal Hearings (23 Ill. Adm. Code 475). A final decision shall be rendered by the State Board of Education.

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- 2) If no conference is requested, the district shall be deemed not to intend to appeal the nonrecognition.
- i) Neither a district nor a school shall be nonrecognized under this Section without first having been placed on probation. A district that is nonrecognized, or in which one or more schools are nonrecognized, shall be subject to the provisions of Section 18-8.05(A)(3)(a) of the School Code [105 ILCS 5/18-8.05(A)(3)(a)].
- f) ~~A district may at any time request that the regional superintendent of schools reevaluate a school that is recognized pending further review or on probation in order to verify improvements in the cited area(s) of noncompliance, so that the district's or school's status may be changed accordingly.~~

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

Section 1.30 State Assessment~~Quality Assurance Reviews~~

The State Board of Education shall develop and administer assessment instruments and other procedures in accordance with Section 2-3.64 of the School Code [105 ILCS 5/2-3.64]. In addition, school districts shall collaborate with the State Board in the design and implementation of special studies.

- a) Development and Participation
- 1) Assessment instruments and procedures shall meet generally accepted standards of validity and reliability as stated in "Standards for Educational and Psychological Testing" (1999), published by the American Educational Research Association, 1230 17th St., N.W., Washington, D.C. 20036. (No later amendments to or editions of these standards are incorporated.)
- 2) Districts shall participate in special studies, tryouts, pilot testing, field testing, and/or norm testing of these assessment procedures and instruments when one or more schools in the district are selected to do so by the State Board.
- 3) A school shall be selected for participation in these special studies, tryouts, pilot testing, and/or field testing no more than once every four years.

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4) All pupils enrolled in a public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, a charter school operating in compliance with the Charter Schools Law [105 ILCS 5/Art. 27A], a school operated by a regional office of education under Section 13A-3 of the School Code [105 ILCS 5/13A-3], or a public school administered by a local public agency or the Department of Human Services shall be required to participate in the State assessment, whether by taking the regular assessment or by participating in an accommodated or alternate form of the assessment (Sections 2-3.25a and 2-3.64 of the School Code). It is the responsibility of each district or other affected entity to ensure that all students required to participate in the State assessment do so. See also Section 1.50 of this Part.

5) Each district or other affected entity shall ensure the availability of reasonable accommodations for participation in the State assessment by students with disabilities or limited English proficiency.

b) Assessment Procedures

1) All assessment procedures and practices shall be based on fair testing practice, as described in "Code of Fair Testing Practices in Education" (2004), published by the Joint Committee on Testing Practices of the American Educational Research Association, American Psychological Association, and National Council on Measurement in Education, 750 First Avenue, N.E., Washington, D.C. 20002-4242. (No later amendments to or editions of this code are incorporated.)

2) Districts and other affected entities shall protect the security and confidentiality of all assessment questions and other materials that are considered part of the approved State assessment, including but not necessarily limited to test items, reading passages, charts, graphs, and tables.

3) Districts shall promptly report to the State Board all complaints received by the district of testing irregularities. A district shall fully investigate the validity of any such complaint and shall report to the State Board the results of its investigation.

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- c) Accommodated Assessment
Students who have been identified at the local level as having limited proficiency in English as provided in 23 Ill. Adm. Code 228.15 may participate in an accommodated form of the State assessment, subject to the limitations set forth in Section 2-3.64 of the School Code. A student of limited proficiency in English may, however, participate in the regular assessment for his or her grade if, in the judgment of the district or the student's parent, the regular State assessment is more appropriate for that student. See also Section 1.60(b) of this Part.
- d) Alternate Assessment
Students whose Individualized Education Programs identify the regular State assessment as inappropriate for them even with accommodations shall participate in the Illinois Alternate Assessment (IAA). See also Section 1.60(c) of this Part.
- e) Review and Verification of Information
Each school district and each charter school shall have an opportunity to review and, if necessary, correct the preliminary data generated from the administration of the State assessment, including information about the participating students as well as the scores achieved.
- 1) Within 30 days after the preliminary data are made available, each district or charter school shall use a means prescribed by the State Board to indicate either:
- A) that its preliminary data are correct; or
- B) that unresolved problems still exist within its data.
- 2) In cases where unresolved problems still exist, staff of the State Board and/or its contractor shall have an additional period of 15 days within which to work with the affected district or charter school to make the necessary corrections.
- 3) At the end of the 15-day period discussed in subsection (e)(2) of this Section, all districts' and charter schools' data shall stand as the basis for the applicable school report cards and determination of status. Any inaccuracies that are believed to persist at that time shall be subject to the appeal procedure set forth in Section 1.95 of this Part.
- f) Reports of State Assessment Results

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- 1) Following verification of the data under subsection (e) of this Section, the State Board shall send each school and district a report containing final information from the results of each administration of the State assessment.
 - A) The scores of students who are served by cooperatives or joint agreements, by regional offices of education under Section 13A-3 of the School Code, by local agencies, or in schools operated by the Department of Human Services, and all scores of students who have IEPs, shall be reported to the students' respective districts of residence and to the schools within those districts that they would otherwise attend.
 - B) The scores of students enrolled in charter schools shall be reported to the chief administrator of the charter school and to any school district serving as a chartering entity for the charter school.
- 2) Each report shall include, as applicable to the receiving entity:
 - A) results for each student to whom the State assessment was administered (excluding any scores deemed by the State Board to be invalid due to testing irregularities); and
 - B) summary data for the school and/or district and the State, including but not limited to raw scores, scale scores, comparison scores, including national comparisons, and distributions of students' scores among the applicable proficiency classifications (see subsection (h) of this Section).
- g) Each school district and each charter school shall receive notification from the State Board of Education as to the status of each affected school and the district based on the attainment or non-attainment of adequate yearly progress as reflected in the final data. These determinations shall be subject to the appeal process set forth in Section 1.95 of this Part.
- h) Classification of Scores
Each score achieved by a student on a regular, accommodated, or alternate State assessment shall be classified among a set of performance levels, as reflected in

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score ranges that the State Board shall disseminate at the time of testing, for the purpose of identifying scores that "demonstrate proficiency".

- 1) Each score achieved by a student on a regular State assessment (i.e., the Illinois Standards Achievement Test (ISAT) or the Prairie State Achievement Exam (PSAE)), as well as each score in mathematics achieved on the accommodated State assessment, shall be classified as "academic warning", "below standards", "meets standards", or "exceeds standards". Among these scores, those identified as either meeting or exceeding standards shall be considered as demonstrating proficiency.
 - 2) Each score in reading achieved by a student on the accommodated State assessment shall be classified as "beginning", "strengthening", "expanding", or "transitioning". Among these scores, those identified as either "expanding" or "transitioning" shall be considered as demonstrating proficiency.
 - 3) Each score achieved by a student on the Illinois Alternate Assessment shall be classified as "attempting", "emerging", "progressing", or "attaining". Among these scores, those identified as "progressing" or "attaining" shall be considered as demonstrating proficiency.
- i) Scores Relevant to Adequate Yearly Progress
For purposes of determining whether a district or a school has made adequate yearly progress, scores achieved on a State assessment in reading or mathematics shall be "relevant scores". For schools without grades higher than 2 (that is, for schools where no State assessment is administered), scores achieved by students in Grade 2 on the Terra Nova examination shall also be considered "relevant scores" for school years from 2002-03 through 2005-06. Beginning with the 2006-07 school year, the determination as to whether a school in this group has made adequate yearly progress shall be the determination applicable to the school where the largest number of students go on into the third grade.
 - a) Internal Quality Assurance Review
School districts shall ensure that an internal quality assurance review is conducted annually at each school not subject to external review in that year pursuant to subsection (b) of this Section and, no later than September 30 of each year, shall notify the regional superintendent of schools in writing that internal review has occurred for the preceding school year. The regional superintendent shall notify the State Superintendent of any districts failing to comply with this requirement.

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~~This review shall be designed to:~~

- ~~1) ascertain the success of the school's programs in terms of student performance and progress with respect to the State Goals for Learning, the Illinois Learning Standards, and local learning objectives;~~
- ~~2) identify areas in which improvement is needed;~~
- ~~3) plan for the implementation of the changes identified as appropriate; and~~
- ~~4) yield a written school improvement plan or revisions thereto.~~

~~b) External Quality Assurance Review~~

- ~~1) External quality assurance review shall be conducted in accordance with the following schedule:~~
 - ~~A) Each school that has been placed on either the Academic Early Warning List or the Academic Watch List shall undergo external quality review every second year.~~
 - ~~B) Each school in which at least 50% but fewer than 67% of State assessment scores meet State standards shall undergo external quality review every third year.~~
 - ~~C) Among the schools that are not exempt pursuant to subsection (b)(1)(D) of this Section but in which at least 67% of State assessment scores meet State standards, 75 schools shall be chosen by lottery each year to undergo external quality review. Once a review of such a school has been completed, the school shall be placed back into the pool after four years.~~
 - ~~D) Schools that exceed State standards or are in the top 15 percent of those meeting State standards are exempt from external quality review under the circumstances set forth in Section 2-3.25k of the School Code [105 ILCS 5/2-3.25k].~~
- ~~2) The external quality assurance review shall be conducted by a team designated by the State Superintendent of Education.~~

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- 3) ~~The external review shall consist of all the following components, which shall be designed to gather information to be reviewed in the context of the school's school improvement plan:~~
- A) ~~classroom observation;~~
 - B) ~~A review of samples of students' work (e.g., written products, exhibits, portfolios);~~
 - C) ~~a review of assessment systems;~~
 - D) ~~a review of curriculum design and alignment with the school's mission and instructional strategies and the Illinois Learning Standards;~~
 - E) ~~interviews with staff, students, and community members;~~
 - F) ~~a review of school records and descriptive data about administration and students' performance; and~~
 - G) ~~an exit conference with school staff, at which impressions and information gathered during the review are discussed.~~
- e) ~~Report of External Review Team~~
~~Within 45 days after the conclusion of each review visit, the review team shall submit a written report to the superintendent or chief executive officer of the school district, the principal of the school, and, where applicable, the president of the school's Local School Council. This report shall set forth the review team's assessment of the school's instructional strategies and learning processes, the students' learning and progress, and factors that contribute to how the school functions. The report shall offer observations and questions for school staff to consider in order to promote improved student learning.~~
- d) ~~Response to Report~~
~~Within 60 days after receipt of the review team's report, the principal and school district superintendent shall respond to the State Board of Education, on a form supplied by the State Board, regarding the steps to be taken at the school in response to the team's recommendations.~~
- 1) ~~Each school's response shall address each significant point raised in the~~

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~~review team's report. If a school disagrees with a conclusion of the review team, the school shall provide its own analysis of the situation or problem.~~

- ~~2) Each school shall describe any actions its staff and/or staff of the school district will take to promote improvement in the areas addressed by the review team and shall provide a budget for the implementation of those activities.~~
- ~~3) Receipt of a school's response in conformance with subsections (d)(1) and (d)(2) of this Section shall, contingent upon appropriation, entitle the school to grant funds for use in implementing one or more of the specific school improvement initiatives discussed in the school's response.~~
- ~~4) Recipients of the grant funds referred to in subsection (d)(3) of this Section shall submit expenditure reports on forms supplied by the State Board of Education.~~

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

Section 1.40 Adequate Yearly Progress ~~Student Performance and School Improvement Requirements (Repealed)~~

School districts and individual schools shall be required to make "adequate yearly progress" in order to maintain academic standing that will avoid their placement into academic early warning or academic watch status as set forth in Section 1.80 of this Part. In order to make adequate yearly progress for a particular school year, an affected entity shall be required to attain at least the required percentage of scores demonstrating proficiency in both reading and mathematics, for each of the subgroups of students served by that entity and for the entity as a whole, based on a participation rate in the required assessments of at least 95 percent for each subgroup and for the entity as a whole, as well as attaining the targeted rate for the additional indicator that is applicable to that entity, for each subgroup served and for the entity as a whole. See Sections 1.50, 1.60, and 1.70 of this Part. However, special provisions shall apply to the calculation of adequate yearly progress for school districts that serve students at more than one grade span (i.e., elementary school (Grades 3-5), middle school (Grades 6-8), and high school (Grades 9-12)). Such a district shall fail to make adequate yearly progress only if data for each of the grade spans served indicate that one or more applicable targets were not met by the students at that grade span.

(Source: Section repealed at 22 Ill. Reg. 22233, effective December 8, 1998; new Section adopted at 29 Ill. Reg. _____, effective _____)

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Section 1.50 Calculation of Participation Rate~~State Assessment~~

- a) A district's or a school's adequate yearly progress for a particular year is generally contingent upon participation in the State assessment by at least 95 percent of the district's or the school's students, both in the aggregate and within each subgroup represented. However, a district or a school that has not achieved 95 percent participation in a given year shall be considered to have had a participation rate sufficient for adequate yearly progress if, for each affected subgroup or the entity as a whole, as applicable:
- 1) the average of the participation rate for the year in question and the participation rate for the immediately preceding year is at least 95%; or
 - 2) the average of the participation rate for the year in question and the participation rates for the two immediately preceding years is at least 95%.
- b) Students who, at the time of administration of the State assessment, are participating in residential programs that provide psychological treatment or treatment for drug or alcohol abuse, are jailed or in a locked-down facility, are residing in or attending facilities out of state or out of country, or are hospitalized because of medical emergencies or procedures shall not be required to participate in the State assessment. For students who are homebound, districts shall examine the circumstances of each case individually to determine whether administration of the State assessment is feasible and appropriate. A student not tested pursuant to this subsection (b) may be excluded from the enrollment counts of the affected schools and districts for purposes of calculating the participation rate.

~~The State Board of Education shall develop and administer assessment instruments and other procedures in accordance with Section 2-3.64 of the School Code [105 ILCS 5/2-3.64]. All students shall participate in State assessment, with the exception of students who do not participate pursuant to Section 2-3.64 of the School Code. In addition, school districts shall collaborate with the State Board in the design and implementation of special studies:~~

- a) ~~Development and Participation~~
- 1) ~~Assessment instruments and procedures shall meet the generally accepted standards of validity and reliability as stated in "Standards for Educational and Psychological Testing" (1985) published by the American Psychological Association, 1200 7th St., N.W., Washington, D.C. 20036.~~

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~~(No later amendments to or editions of these standards are incorporated by this rule.)~~

- ~~2) Schools shall participate in special studies, tryouts, pilot testing, field testing, and/or norm testing of these assessment procedures and instruments when selected to do so by the State Board.~~
 - ~~3) A school shall be selected for participation in these special studies, tryouts, pilot testing, and/or field testing no more than once every four years.~~
 - ~~4) All students who are required to participate under Section 2-3.64 of the School Code shall be administered the State assessment. It is the responsibility of each district to ensure that all students required to participate in the State assessment do so.~~
 - ~~5) District personnel must be able to document that the performance of students who are exempt from the State assessment is being evaluated and that information about the procedures, instruments, results, and analysis is available for review.~~
 - ~~6) Each district shall ensure the availability of reasonable accommodations for participation in the State assessment by students with disabilities and limited English proficiency.~~
- b) **Assessment Procedures**
- ~~1) All assessment procedures and practices shall be based on fair testing practice, as described in "Code of Fair Testing Practices in Education" (1988) published by the Joint Committee on Testing Practices of the American Educational Research Association, American Psychological Association and National Council on Measurement in Education, 750 First Avenue, N.E., Washington, D.C. 20002-4242. (No later amendments to or editions of this code are incorporated by this rule.)~~
 - ~~2) Districts shall protect the security and confidentiality of all assessment questions and other materials which are considered part of the approved State assessment, including but not necessarily limited to test items, reading passages, charts, graphs, and tables.~~

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- ~~e) **Reports of State Assessment Results**
The State Board shall send each school and district a report for the school containing the following information from the results of each administration of the State assessment:~~
- ~~1) results for each student to whom the State assessment was administered;~~
 - ~~2) summary data for the school and/or district, the State, and the nation, including but not limited to the appropriate raw and/or scale score average(s), comparison score bands, and distributions of students whose State assessment scores exceed, meet, and fail to meet the State standards in each fundamental learning area.~~
- ~~d) Each school district shall verify the accuracy of the score information received and shall notify the State Board of Education of any discrepancies identified. If no conflicting information is received from a district within 45 days after receipt of data from the Board, those data shall be considered correct.~~
- ~~1) Within 45 days after receipt of data from the Board, the superintendent of the district may request a conference at which representatives of the district will have an opportunity to discuss the accuracy of the district's State assessment data with representatives of the State Board of Education.~~
 - ~~2) If a conference is held pursuant to this subsection (d) and the areas of concern are not resolved, the school board may submit an appeal by adopted board resolution. The appeal must identify the specific alleged inaccuracies upon which it is based.~~
 - ~~3) The district will be given an opportunity to present information relevant to the issues appealed. The State Superintendent will consider the appeal and issue a final written determination in each case.~~
- ~~e) The State Board of Education shall annually notify each school that includes grades in which the State assessment is administered whether the school meets, exceeds, or fails to meet State standards. This determination will be based upon all State assessment scores achieved by students in the school. Each such score will be classified as exceeding, meeting, or not meeting State standards, as reflected in score ranges that the State Board shall disseminate at the time of testing. All of the school's test score classifications will form one distribution~~

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~~and, based on that distribution, the school will be notified that it:~~

- ~~1) exceeds State standards (at least 90% of all test scores meet State standards, and at least 50% of all test scores exceed State standards); or~~
- ~~2) meets State standards (at least 50% of all test scores meet State standards); or~~
- ~~3) does not meet State standards (more than 50% of all test scores do not meet State standards).~~

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

**Section 1.60 Subgroups of Students; Inclusion of Relevant Scores ~~Operational Compliance~~
(Repealed)**

A student's scores shall count among those for his or her school or district, as applicable, for a given year only if he or she was enrolled continuously in the district on or before May 1 of the previous academic year through State testing the following spring. Students who feed into another school within the same district during the summer based upon the district's progression of students among attendance centers based on grade level shall have their scores counted for the school and district. Any student who is continuously enrolled within the district but, for reasons not mandated by the district, changes to a new school within the district after May 1 will be counted at the district level but not at the school level. Nothing in this Section is intended to exempt a student from the requirement for participation in the State assessment, except as provided in subsection (b)(1) of this Section.

- a) Relevant scores shall be disaggregated by content area for any subgroup identified in this subsection (a) whose membership meets the minimum subgroup size. For purposes of this Section 1.60, "minimum subgroup size" shall mean the greater of 50 students across all the grades tested in the school or district, as applicable, or 5 percent of the total number of students in the school or district, as applicable, up to a maximum of 200 students. Except as provided in subsection (b) of this Section, each student's scores shall be counted in each of the subgroups to which he or she belongs.
 - 1) Students with disabilities, i.e., students who have Individualized Education Programs (IEPs);
 - 2) Racial/ethnic groups;

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- A) White.
 - B) Black.
 - C) Hispanic.
 - D) American Indian or Alaskan Native.
 - E) Asian/Pacific Islander.
 - F) Multiracial/ethnic;
- 3) Students who have been identified at the local level as having limited proficiency in English as provided in 23 Ill. Adm. Code 228.15; and/or
 - 4) Students who are eligible for free or reduced-price meals under the Child Nutrition Act of 1966 (42 USC 1771 et seq.) or the National School Lunch Act (42 USC 1751 et seq.).
- b) Special provisions shall apply to the treatment of scores achieved by students of limited English proficiency in certain circumstances.
- 1) An Illinois student who is in his or her first year of enrollment in school in the United States and who is identified as having limited proficiency in English may elect to participate in the State assessment in reading. Any such student who elects not to participate shall nevertheless be treated as having participated for purposes of calculating the participation rate.
 - 2) The score achieved by a student who elects to participate in the regular State assessment in reading under subsection (b)(1) of this Section shall be counted for purposes of calculating the participation rate but not for purposes of calculating performance.
 - 3) An Illinois student who is in his or her first year of enrollment in school in the United States and who is identified as having limited proficiency in English shall be required to participate in the State assessment in mathematics. The score achieved by such a student shall be counted for purposes of calculating the participation rate but not for purposes of calculating performance.

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- 4) A student who has previously been identified as having limited proficiency in English and whose scores have been attributed to that subgroup shall continue to have his or her scores attributed to that subgroup for the first two years after the last year when he or she was considered to have limited English proficiency. However, districts and schools shall not be required to count students to whom this subsection (b)(4) applies as part of the subgroup with limited English proficiency for purposes of determining whether the minimum subgroup size exists.
- c) All relevant scores of a district's students with disabilities who participate in the alternate form of the State assessment shall be included in the district's calculations for purposes of determining whether adequate yearly progress has been made.
 - 1) The number of scores earned by students who participate in the alternate form of the State assessment that may be counted as demonstrating proficiency in a content area shall be no more than 1 percent of all scores achieved by the district's students in that subject. (See the regulations of the U.S. Department of Education at 34 CFR 200.6.)
 - 2) Except as provided in subsection (c)(3) of this Section, for purposes of calculating adequate yearly progress at the district level, each score that demonstrates proficiency but is in excess of the 1 percent maximum set forth in subsection (c)(1) of this Section shall be counted as not demonstrating proficiency and shall be included as such in the calculations for each subgroup of which the student is a member.
 - 3) A district may apply to the State Board of Education for a one-year exception to the 1 percent maximum set forth in subsection (c)(1) of this Section, which may be renewed for one or more subsequent years if warranted. Using a format established by the State Board, the district shall display information demonstrating that the prevalence of students for whom the alternate assessment is appropriate exceeds 1 percent of the total population. The district shall also supply a narrative explaining the disproportionate representation of such students in its population. The State Board of Education shall approve a district's request for an exception if the district superintendent provides assurances that the district meets all the requirements of 34 CFR 200.6 and if the information supplied by the district demonstrates that:

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- A) families of students with significant cognitive disabilities have been attracted to live in the district by the availability of educational, health, or community services that respond to their needs; or
 - B) the district's student population is so small that the presence of even a small number of students with significant cognitive disabilities causes the district to exceed the 1 percent threshold (e.g., in a population of 50 students, one student represents 2 percent); or
 - C) other circumstances exist such that the overrepresentation of students with significant cognitive disabilities is outside the control of the district, i.e., the overrepresentation is not a result of inappropriate decision-making as to the form of the State assessment that should be used for particular students.
- 4) When scores that demonstrate proficiency and were achieved by students on the IAA make up more than 1 percent of a district's scores in either reading or mathematics, and the district has not received approval for an exception to the 1 percent maximum pursuant to subsection (c)(3) of this Section, the district shall be required to identify the "proficient" scores on the IAA that will be counted as not demonstrating proficiency for purposes of calculating adequate yearly progress (AYP). In making this determination, a district may choose to identify:
- A) scores of students who belong to the fewest subgroups;
 - B) scores of students who belong to the largest subgroups;
 - C) scores of students who belong to the smallest subgroups;
 - D) scores of students who belong to the subgroups whose performance is farthest above the target applicable to the year in question; or
 - E) scores of students who belong to the subgroups whose performance is farthest below the target applicable to the year in question.

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5) The State Superintendent of Education shall notify each district that is affected by the requirement to identify excess "proficient" scores on the IAA. The deadline set by the State Superintendent shall allow at least five business days for districts' responses. For any district that does not submit the requested information on this selection within the time allowed, the State Superintendent shall identify the scores that will be considered as not demonstrating proficiency for this purpose.

d) Targets for scores demonstrating proficiency

1) In each subject and for each subgroup of students, the percentage of scores demonstrating proficiency that is required for AYP shall increase from the original baseline of 40 percent for the 2002-03 school year according to the following schedule:

A) For 2003-04, 40 percent;

B) For 2004-05 and for 2005-06, 47.5 percent;

C) For 2006-07, 55 percent;

D) For 2007-08, 62.5 percent;

E) For 2008-09, 70 percent;

F) For 2009-10, 77.5 percent;

G) For 2010-11, 85 percent;

H) For 2011-12 and for 2012-13, 92.5 percent;

I) For 2013-14, 100 percent.

2) In order to avoid penalizing schools and districts for the decision bias that is associated with a minimum subgroup size, a 95 percent "confidence interval" shall be applied to subgroups' data. (A confidence interval is a mathematical approach designed to compensate for the unreliability of data derived from consideration of small groups.)

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e) "Safe Harbor"

A school or a district in which one or more subgroups fail to achieve the required academic target for a particular year may nevertheless be considered as having made AYP for that year. Each subgroup in question must have attained the minimum subgroup size in the preceding year and, for each such subgroup, there must have been a decrease of at least ten percent in the proportion of scores that do not demonstrate proficiency in comparison to that subgroup's scores for the preceding year. In addition, if the school is a high school, the relevant subgroup's graduation rate must at least equal the target rate for that year, and, if the school is an elementary or a middle school, the relevant subgroup's attendance rate must at least equal the target rate for that year (see Section 1.70 of this Part). This "safe harbor" method for calculating AYP shall apply only to subgroups within schools or districts; it shall not be used for the aggregate scores of a school or a district as a whole.

(Source: Section repealed at 22 Ill. Reg. 22233, effective December 8, 1998; new Section adopted at 29 Ill. Reg. _____, effective _____)

Section 1.70 Additional Indicators for Adequate Yearly Progress~~Effective Dates of Accreditation (Repealed)~~

The indicators discussed in this Section shall apply to all subgroups represented in a school or district as well as to each school or district in the aggregate.

a) The graduation rate that is required for adequate yearly progress (AYP) in high schools shall increase from the original baseline of 65 percent for the 2002-03 school year according to the following schedule:

- 1) For 2003-04, 66 percent;
- 2) For 2004-05, 67 percent;
- 3) For 2005-06, 69 percent;
- 4) For 2006-07, 72 percent;
- 5) For 2007-08, 75 percent;
- 6) For 2008-09, 78 percent;

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- 7) For 2009-10, 80 percent;
 - 8) For 2010-11, 82 percent;
 - 9) For 2011-12, 84 percent;
 - 10) For 2012-13 and for 2013-14, 85 percent.
- b) The attendance rate that is required for AYP in elementary or middle schools shall increase from the original baseline of 88 percent for the 2002-03 school year according to the following schedule:
- 1) For 2003-04, for 2004-05, and for 2005-06, 89 percent;
 - 2) For 2006-07, for 2007-08, and for 2008-09, 90 percent;
 - 3) For 2009-10, for 2010-11, and for 2011-12, 91 percent;
 - 4) For 2012-13 and for 2013-14, 92 percent.
- c) A district that includes both high schools and elementary or middle schools shall be required to reach both the targeted graduation rate among its high school students and the targeted attendance rate among its elementary or middle school students in order to achieve AYP for any given year.

(Source: Section repealed at 22 Ill. Reg. 22233, effective December 8, 1998; new Section adopted at 29 Ill. Reg. _____, effective _____)

Section 1.75 Student Information System

Each school district shall participate in the Student Information System established by the State Board of Education by transmitting data on the students served, their characteristics, and the programs in which they participate to the Board in a format specified by the State Superintendent and according to the timelines applicable to the system. A district that lacks the technological capacity to participate in this electronic system shall be given an opportunity to demonstrate to the State Superintendent that this is the case, and the State Superintendent shall make available an alternative means that the district shall use in transmitting the required information.

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

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Section 1.80 Academic Early Warning and Watch Status Lists

The movement of schools and districts that do not make adequate yearly progress (AYP) into academic early warning status and then into academic watch status shall be as specified in Section 2-3.25d of the School Code. A school or district shall not make AYP for two consecutive annual calculations as contemplated in that Section only if scores in the same content area (i.e., in reading or in mathematics) and within the same grouping (i.e., subgroup or the entity as a whole) fall short of the applicable targets set forth in Section 1.60 of this Part in two consecutive annual calculations.

~~This Section identifies the two groups of schools that are subject to placement on the Academic Early Warning List (see subsections (a) and (b) of this Section) and describes the circumstances under which they will be removed from that list, kept on that list, or placed on the Academic Watch List.~~

- a) ~~Schools in which the State assessment is administered that are determined as set forth in this Subpart not to have met State standards for two consecutive years shall be placed on an Academic Early Warning List and may subsequently be placed on an Academic Watch List pursuant to Sections 2-3.25d through 2-3.25f of the School Code.~~
 - 1) ~~A school placed on the Academic Early Warning List pursuant to subsection (a) of this Section shall be removed from the list when the school is determined to meet State standards.~~
 - 2) ~~A school placed on the Academic Early Warning List pursuant to subsection (a) of this Section shall remain on the list but avoid placement on the Academic Watch List as long as it does not meet State standards but makes adequate progress. "Adequate progress" means a rate of increase in the proportion of scores meeting State standards that would be sufficient in order for the school to meet State standards after five years.~~
 - 3) ~~A school which has been on the Academic Early Warning List for two consecutive years ("Years 1 and 2") and whose cumulative progress for that time does not qualify as adequate shall be placed on the Academic Watch List and shall be subject to the requirements of Sections 2-3.25d through 2-3.25f of the School Code [105 ILCS 5/2-3.25d through 2-3.25f], as applicable. Similarly, a school which has been on the Academic Early Warning List for four consecutive years and whose cumulative progress for Years 3 and 4 does not qualify as adequate shall be placed on the~~

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~~Academic Watch List and shall be subject to the requirements of Sections 2-3.25d through 2-3.25f of the School Code, as applicable. That is, a school shall be required to eliminate at least 40% of its "performance gap" (the degree to which its scores fail to meet State standards) in Years 1 and 2 and at least 40% in Years 3 and 4.~~

- b) ~~Schools that do meet State standards, other than schools which are exempt from external quality review pursuant to Section 2-3.25k of the School Code, shall also be subject to placement on the Academic Early Warning List, if the proportion of their scores that do not meet State standards has increased by at least 20 percentage points during the immediately preceding three-year period, as evidenced by four consecutive years' State assessment scores.~~
- 1) ~~A school placed on the Academic Early Warning List pursuant to subsection (b) of this Section shall be removed from the list when the proportion of its State assessment scores that do not meet State standards is reduced to a level at or below the average for the four test cycles preceding its placement on the list. (For example, a school in which, over four test cycles, 3%, 4%, 15%, and 26% of scores did not meet standards would be removed from the Academic Early Warning List after the first subsequent administration of the State assessment in which 12% or fewer of its scores did not meet State standards.~~
- 2) ~~A school placed on the Academic Early Warning List pursuant to subsection (b) of this Section shall remain on the list until its State assessment scores reach the level identified pursuant to the calculation set forth in subsection (b)(1) of this Section.~~
- 3) ~~A school placed on the Academic Early Warning List pursuant to subsection (b) of this Section shall be placed on the Academic Watch List if its State assessment scores decline so that the school fails to meet State standards for two consecutive years.~~
- e) ~~A school which has been placed on the Academic Watch List shall be subject to the provisions of Sections 2-3.25d through 2-3.25f of the School Code.~~
- d) ~~No schools shall be placed on the Academic Early Warning List based on the results of the 2000 administration of the State assessment.~~

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

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Section 1.85 ~~Revisions to School~~ and District Improvement Plans; Restructuring Plans

Section 2-3.25d of the School Code requires each district to revise the school improvement plans of any of its schools that are placed on academic early warning or academic watch status and to revise the district's improvement plan if it is placed on academic early warning or academic watch status. Similarly, restructuring plans are required for schools and districts that remain on academic watch status after a fifth annual calculation. As used in this Section, "NCLB" refers to Public Law 107-110, the No Child Left Behind Act of 2001 (20 USC 6301 et seq.).

- a) A revised school improvement plan shall be submitted to the local school board (and to the local school council in a district operating under Article 34 of the School Code), and to the State Superintendent of Education with the approval of the local board if required under Section 2-3.25d of the School Code, no later than three months after the district's receipt of notification regarding the school's status. During the 45-day period prior to its submission to the local board, each plan shall undergo a peer review process designed by the district.
 - 1) In school districts with a population of 500,000 or fewer, revised school improvement plans shall be required to cover the two school years following the assessment necessitating the plan and to:
 - A) incorporate strategies based on scientifically based research and an analysis of State and local assessment data and other information that will strengthen the core academic subjects in the school and address the specific academic areas in which the school's performance has been deficient (NCLB, Section 1116(b)(3)(A)(i));
 - B) include information about the extent to which all students in the grade levels chosen by the district pursuant to Section 2-3.63 of the School Code are achieving in the fundamental learning areas;
 - C) adopt policies and practices concerning the school's core academic subjects that have the greatest likelihood of ensuring that all subgroups enrolled in the school will meet the State's proficient level of achievement not later than the end of the 2013-14 school year, including:
 - i) specific, measurable steps to be taken,

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- ii) a timeline for these activities, and
 - iii) a budget for these activities (NCLB, Section 1116(b)(3)(A)(ii));
- D) include professional development activities for at least the staff providing services in the academic areas in which the school's performance has been deficient (NCLB, Section 1116(b)(3)(A)(iii));
- E) incorporate a teacher mentoring program (NCLB, Section 1116(b)(3)(A)(x));
- F) establish specific annual, measurable objectives for continuous and substantial progress by each subgroup of students enrolled in the school that will ensure that all such subgroups will make adequate yearly progress and meet the State's proficient level of achievement not later than the 2013-14 school year (NCLB, Section 1116(b)(3)(v));
- G) describe how the school will provide written notice about the identification to parents of each student enrolled in each school, in a format and, to the extent practicable, in a language that the parents can understand (NCLB 1116(b)(3)(A)(vi));
- H) specify the responsibilities of the school and the school board under the plan, including the internal and external technical assistance to be provided by the district, technical assistance requested of ISBE, and, if applicable, the district's fiscal responsibilities under Section 1120A of NCLB (NCLB, Section 1116(b)(3)(A)(vii));
- I) include strategies for promoting effective parental involvement in the school (NCLB, Section 1116(b)(3)(A)(viii));
- J) incorporate, as appropriate, activities before school, after school, during the summer, and during any extension of the school year (NCLB, Section 1116(b)(3)(A)(ix)); and

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- K) include a process for monitoring progress and revising the plan as needed.
- 2) In school districts operating under Article 34 of the School Code, school improvement plans shall comply with the requirements set forth in Section 34-2.4 of the School Code and, if applicable, the requirements set forth in Section 1116 of NCLB.
- 3) Each newly established school shall be required to have a school improvement plan in place by the beginning of its second year of operation. School improvement plans for new schools shall conform to the requirements of subsection (a)(1) or (a)(2) of this Section, as applicable.
- b) A new or revised district improvement plan shall be submitted to the local school board, and to the State Superintendent of Education with the approval of the local school board if required under Section 2-3.25d of the School Code, no later than three months after the district's receipt of notification regarding its status. The district improvement plan shall be required to cover the two school years following the assessment necessitating the plan and to:
- 1) incorporate scientifically based research strategies that strengthen the core academic program in schools served by the district (NCLB, Section 1116(c)(7)(A)(i));
 - 2) identify actions that have the greatest likelihood of improving the achievement of participating children in meeting the State's student academic achievement standards (NCLB, Section 1116(c)(7)(A)(ii));
 - 3) address the professional development needs of the instructional staff serving the district (NCLB, Section (c)(7)(A)(iii));
 - 4) include specific measurable achievement goals and targets for each subgroup of students, consistent with adequate yearly progress (NCLB, Section 1116(c)(7)(A)(iv));
 - 5) address the fundamental teaching and learning needs in the schools of the district and the specific academic problems of low-achieving students, including a determination of why the district's prior plan failed to bring

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- about increased student academic achievement (NCLB, Section 1116(c)(7)(A)(v));
- 6) incorporate, as appropriate, activities before school, after school, during the summer, and during any extension of the school year (NCLB, Section 1116(c)(7)(A)(vi));
 - 7) specify any requests to ISBE for technical assistance related to the plan and the district's fiscal responsibilities, if applicable, under Section 1120A of NCLB (NCLB, Section 1116(c)(7)(A)(vii));
 - 8) include strategies for promoting effective parental involvement in the district's schools (NCLB, Section 1116(c)(7)(A)(viii)); and
 - 9) include a process for monitoring progress and revising the plan as needed.
- c) When Section 2-3.25d of the School Code requires that either a school or district improvement plan be approved by the State Superintendent of Education, the State Superintendent shall approve all plans containing each of the elements set forth in subsection (a) or subsection (b) of this Section, as applicable. A plan that is not approved must be revised and resubmitted as soon as reasonably possible, but in no event later than 45 days after its disapproval.
- d) Section 2-3.25d of the School Code requires the development of a restructuring plan for a school or a district that remains on academic watch status after a fifth annual calculation and approval of that plan by the State Superintendent of Education. Each required restructuring plan shall be submitted to the State Superintendent of Education with the approval of the local school board no later than six months after the district's receipt of notification regarding its status.
- 1) Each school restructuring plan shall indicate that the district is undertaking one or more of the following actions in the affected school:
 - A) reopening the school as a public charter school, consistent with Article 27A of the School Code [105 ILCS 5/Art. 27A];
 - B) replacing all or most of the school staff, which may include the principal, who are relevant to the school's inability to make adequate yearly progress;

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- C) entering into a contract with an entity, such as a private management company, with a demonstrated record of effectiveness, to operate the school as a public school;
 - D) implementing any other major restructuring of the school's governance that makes fundamental reform in:
 - i) governance and management, and/or
 - ii) financing and material resources, and/or
 - iii) curriculum, and/or
 - iv) staffing.
- 2) Each district restructuring plan shall indicate that the district is undertaking one or more of the following actions:
- A) implementing a new curriculum and professional development for all relevant staff;
 - B) replacing district personnel who are relevant to its inability to make adequate yearly progress;
 - C) seeking to reorganize the district;
 - D) requesting ISBE to appoint an Independent Authority pursuant to Section 2-3.25f of the School Code;
 - E) implementing any other major restructuring of the district's governance that makes fundamental reform in at least one of the areas listed in subsection (d)(1)(D) of this Section.
- 3) Each school or district restructuring plan shall be reviewed by staff of the State Board of Education to determine whether the plan demonstrates that:
- A) the proposed changes are based on data, documented needs and characteristics of the students served, and/or scientifically based practices that are appropriate in light of the school's or district's inability to make adequate yearly progress; and

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B) the proposed changes are sufficient in extent or scope to promote increased achievement for all the students in the school or district and have substantial promise of enabling the school or district to make adequate yearly progress.

4) A plan that is not approved must be revised and resubmitted as soon as reasonably possible, but in no event later than 45 days after its disapproval.

~~A district with one or more schools included on the Academic Early Warning List shall prepare a revised school improvement plan and submit it to the State Superintendent of Education for approval.~~

a) ~~Each school improvement plan shall conform to the requirements of Section 2-3.25d of the School Code and shall be submitted by the end of the month of January next following notification of the school's placement on the list.~~

b) ~~The State Superintendent shall approve each school improvement plan that conforms to the requirements of Section 1.10(b)(4) of this Part.~~

e)e) Failure by a school district to submit, revise, implement, or maintain approval of its school and district improvement plans or restructuring plans as required by Section 2-3.25d of the School Code shall affect the district's recognition status (see Section 1.20 of this Part).

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

Section 1.90 System of Rewards and Recognition – The Illinois Honor Roll

The State Board of Education shall recognize schools for academic performance in three separate categories as provided in this Section.

a) Criteria for Spotlight Schools

1) The school made adequate yearly progress in the two most recent school years;

2) At least 50 percent of the students enrolled in the school in the most recent school year were classified as low-income students;

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- 3) At least 60 percent of the scores relevant to adequate yearly progress that were attained by the school's students in the most recent school year were classified as demonstrating proficiency (see Section 1.30(h) of this Part); and
 - 4) At least 50 percent of the scores relevant to adequate yearly progress that were attained by the school's students in the two school years immediately prior to the most recent school year were classified as demonstrating proficiency.
- b) Criteria for the Academic Improvement Award
The school made significant academic improvement by showing, with respect to its students' scores that are relevant to adequate yearly progress and were classified as demonstrating proficiency, either:
- 1) at least a 7.5 percent increase for the most recent school year when compared to the immediately preceding school year; or
 - 2) at least a 15 percent cumulative increase for the most recent school year when compared to the school year two years before that year, provided that during that time there has been no decrease in the percentage from any one year to the next.
- c) Criteria for the Academic Excellence Award
The school made adequate yearly progress in the two most recent school years and:
- 1) The school served any of Grades 8 and below only and at least 90 percent of its students' scores that are relevant to adequate yearly progress were classified as demonstrating proficiency for the three most recent school years;
 - 2) The school served any of Grades 9 through 12 only and at least 80 percent of its students' scores that are relevant to adequate yearly progress were classified as demonstrating proficiency for the three most recent school years; or

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- 3) The school served one or more grades below Grade 9 as well as one or more grades above Grade 8 and met the criteria stated in both subsection (c)(1) and subsection (c)(2) of this Section.

~~A school which includes grades at which the State assessment is administered that exceeds State standards will be eligible to receive rewards and special recognition during the period for which such status is maintained. Rewards will be as determined by the State Board of Education and may be:~~

- a) ~~statewide recognition from the State Board; and/or~~
- b) ~~participation in programs and activities of the State Board.~~

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

Section 1.95 Appeals Procedure

Pursuant to Section 2-3.25m of the School Code [105 ILCS 5/2-3.25m], a school district may request an appeal of a school's or the district's status level, recognition level determined pursuant to Section 2-3.25f of the School Code, or corrective actions undertaken by ISBE pursuant to Section 2-3.25f of the School Code or the No Child Left Behind Act of 2001. An appeal may not be brought pursuant to Section 2-3.25m challenging the validity of any State or federal law or requesting relief that ISBE is without authority to provide.

- a) A district shall request such an appeal by sending a written request to the State Board of Education for consideration by the Appeals Advisory Committee. The district must submit its appeal within 30 days after receipt of notification from the State Board of the school's or district's status level, recognition level, or corrective action. The appeal may not be based upon alleged inaccuracies in data in any State assessment other than the most recent State assessment, or any other cause known to the district during the prior year's period for appeals. Upon receipt of a request, State Board staff shall provide an opportunity for the district to meet with State Board staff (either in person or over the telephone) in an effort to resolve the issues raised in the request through informal means.
- b) If a district elects not to meet with State Board staff, or if the district wishes to proceed with the appeal upon conclusion of the informal resolution process, the State Board shall commence the appeals process set forth in this Section. The timeframes set forth for appeals shall be tolled during the pendency of the informal resolution process. Nothing contained in this Section shall preclude the

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State Board and the district from reaching agreement as to the resolution of an appeal at any time during the appeals process.

- c) After a determination of a review schedule by the Committee, the State Board will give written notice of the date, time, and place of the hearing to the school district not less than 21 days before the hearing date. The notice shall be sent by certified mail, return receipt requested.
- d) The school district may be represented by an attorney throughout the proceedings. The office of the General Counsel to the State Board will represent the State Board. Both the school district and the State Board will be afforded the opportunity to file written briefs before the hearing. The school district shall submit its brief to the following address: Illinois State Board of Education, Office of the General Counsel, 100 North First Street, Springfield, Illinois 62777-0001. The State Board shall submit its brief to the district and shall provide both the district's and the State Board's briefs to each member of the Committee.
 - 1) The school district's brief shall be due 7 days after the district's receipt of the notice of opportunity for hearing.
 - 2) The State Board's brief shall be due 14 days after the State Board's receipt of the district's brief or, if no brief is filed by the district, 14 days after the notice of opportunity for hearing is sent.
- e) After briefs have been submitted pursuant to subsection (d) of this Section, no party shall submit additional information to the Committee unless so requested by the Committee's chairperson. The State Board will provide a signed assurance to the Committee that any calculations at issue were double-checked.
- f) At the time its brief is filed, either the school district or the State Board may request an opportunity for oral argument before the Committee.
 - 1) Each party will be given 30 minutes for argument, and the school district may reserve 10 of its 30 minutes for rebuttal. The Committee may ask questions during such argument.
 - 2) If neither party requests oral argument, the Committee may request that the parties make an oral presentation on the date scheduled for the hearing.

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- g) The chairman of the Committee will conduct the review proceeding and hearing. During the hearing, the Committee shall consider only those issues raised in the briefs or by oral argument of the parties. All hearings will be recorded. A majority of committee members shall constitute a quorum. Committee recommendations must be approved by a majority vote of a quorum. Each committee member shall recuse himself or herself when hearing an appeal from a district with which the member has a conflict of interest, e.g., employment by the district, having a close family member in attendance at a school in the district or employed by the district, service as a school board member, or other affiliation with the district. The Committee may adopt other procedures for its governance not inconsistent with this Part.
- h) Within 30 days after the hearing, the Committee shall submit a written recommendation for action to the State Superintendent of Education and shall state the reasons for its recommendation. All recommendations shall be based on an objective evaluation of the district's claims and a review of the State Board's data and calculations. The Committee may recommend that the State Superintendent affirm or reverse the decision of the State Board, in whole or in part.
- i) The State Superintendent shall thereafter make a recommendation for action to the State Board of Education. The State Board of Education shall make the final determination.

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

EXECUTIVE ETHICS COMMISSION

NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Rules Governing Commission Meetings and Hearings
- 2) Code Citation: 2 Ill. Adm. Code 1610
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1610.100	Repealed
1610.200	Repealed
1610.210	Repealed
1610.220	Repealed
1610.230	Repealed
1610.240	Repealed
1610.250	Repealed
1610.260	Repealed
1610.300	Repealed
1610.400	Repealed
- 4) Statutory Authority: Section 55(1) of the State Gift Ban Act [5 ILCS 425/55(1)]
- 5) Effective Date of Adopted Repealer: July 1, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted repealer, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date the proposed rulemaking appeared in the Illinois Register: March 4, 2005; 29 Ill. Reg. 3365
- 10) Has JCAR issued a Statement of Objection to this rulemaking? The Joint Committee on Administrative Rules did not issue a Statement of Objection to the rulemaking.
- 11) Differences between the original proposal and the final adopted rule: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? All changes agreed upon by the agency and the Joint Committee on Administrative Rules have been made as indicated in the agreements issued by the Joint Committee.

EXECUTIVE ETHICS COMMISSION

NOTICE OF ADOPTED REPEALER

- 13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 14) Are there amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: Repeals the organizational rules of the obsolete Governor's Ethics Commission. The Commission was created under the State Gift Ban Act [5 ILCS 425], which was repealed by the State Officials and Employees Ethics Act [5 ILCS 430].
- 16) Information and questions regarding this adopted repealer shall be directed to:

Chad Fornoff, Executive Director
Executive Ethics Commission
601 Stratton Building
Springfield IL 62706

217/558-1393

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

EXECUTIVE ETHICS COMMISSION

NOTICE OF ADOPTED RULES

1) Heading of the Part: Organization, Information, Rulemaking and Hearings

2) Code Citation: 2 Ill. Adm. Code 1620

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1620.5	New Section
1620.10	New Section
1620.20	New Section
1620.30	New Section
1620.40	New Section
1620.50	New Section
1620.110	New Section
1620.120	New Section
1620.130	New Section
1620.140	New Section
1620.200	New Section
1620.310	New Section
1620.320	New Section
1620.330	New Section
1620.340	New Section
1620.350	New Section
1620.360	New Section
1620.420	New Section
1620.430	New Section
1620.440	New Section
1620.450	New Section
1620.460	New Section
1620.470	New Section
1620.480	New Section
1620.490	New Section
1620.500	New Section
1620.510	New Section
1620.520	New Section
1620.530	New Section
1620.610	New Section
1620.620	New Section
1620.630	New Section
1620.640	New Section
1620.650	New Section
1620.700	New Section

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1620.800	New Section
1620.810	New Section
1620.820	New Section

- 4) Statutory Authority: Sections 20-50 and 20-55 of the State Officials and Employees Ethics Act [5 ILCS 430/20-50 and 20-55]
- 5) Effective Date of Adopted Rules: July 1, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date the proposed rulemaking appeared in the Illinois Register: March 4, 2005; 29 Ill. Reg. 3340
- 10) Has JCAR issued a Statement of Objection to these rules? The Joint Committee on Administrative Rules did not issue a Statement of Objection to the rulemaking.
- 11) Differences between proposal and final version: All definitions were combined into new Section 1620.5. In Section 1620.480(b), after "*within four weeks after the date of the notice*" the phrase "*unless all the parties agree to a later date*" was added. Section 1620.820(a) was modified to distinguish ex parte communications received related to the State Officials and Employees Ethics Act and those received related to the Illinois Administrative Procedure Act. Section 1620.820(d) was added to cover reporting requirements of repetitive, bulk public ex parte comments, e.g. form letters and petitions. Section 1620.820(e) was added to reflect the Commission's practice of reviewing submitted reports of ex parte communications and maintaining them in accordance with the State Records Act. Several other minor changes were made that reflect renumbering of sections, typographical errors and preferred choices words or phrases in response to recommendations by JCAR staff.
- 12) Have all changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? All changes agreed upon by the agency and the Joint Committee on Administrative Rules have been made as indicated in the agreements issued by the Joint Committee.

EXECUTIVE ETHICS COMMISSION

NOTICE OF ADOPTED RULES

- 13) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: The adopted rules define the Executive Ethics Commission, provide a means for the public to obtain information about the Commission, provide a process for adopting rules, govern the investigations of the Executive Inspectors General, govern the hearings before the Commission, provide a process for obtaining waivers of certain revolving door prohibitions, define terms related to the ban of gifts to State officers and employees, and provide more detailed direction for the Executive Inspectors General to file reports and documents with the Commission.
- 16) Information and questions regarding these adopted rules shall be directed to:

Chad Fornoff, Executive Director
Executive Ethics Commission
601 Stratton Building
Springfield IL 62706

217/558-1393

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

EXECUTIVE ETHICS COMMISSION

NOTICE OF ADOPTED RULES

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE E: MISCELLANEOUS STATE AGENCIES
CHAPTER VI: EXECUTIVE ETHICS COMMISSION

PART 1620

ORGANIZATION, INFORMATION, RULEMAKING AND HEARINGS

SUBPART A: ORGANIZATION

Section

1620.5	Definitions
1620.10	Composition of Executive Ethics Commission
1620.20	Officers
1620.30	Appointment of Executive Director
1620.40	Duties of Executive Director
1620.50	Duties of Staff

SUBPART B: INFORMATION

Section

1620.110	Requests for Records
1620.120	Response to Requests for Records
1620.130	Appeal of a Denial
1620.140	Copies of Public Records – Fees

SUBPART C: RULEMAKING

Section

1620.200	Rulemaking Procedures
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SUBPART D: INVESTIGATIONS

1620.310	State Officer or Employee Case Initiation Form
1620.320	Case Initiation Form – Contents
1620.330	Opening an Investigation File
1620.340	Referral to the Appropriate Executive Inspector General
1620.350	Investigations
1620.360	Investigations Not Concluded Within Six Months

SUBPART E: HEARINGS

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Section

1620.420	Attorney of Record
1620.430	Filing Requirements
1620.440	Petition for Leave to File a Complaint
1620.450	Petition – Required Provisions
1620.460	Service
1620.470	Objections
1620.480	Sufficiency of the Petition
1620.490	Discovery
1620.500	Subpoenas
1620.510	Motions
1620.520	Hearings
1620.530	Decision of the Commission

SUBPART F: WAIVER

1620.610	Waiver of Revolving Door Prohibition
1620.620	Waiver of Revolving Door Prohibition – Commission Procedure
1620.630	Finality of Decision
1620.640	Waiver of Prohibition of Executive Inspector General Employees as Judicial Appointee
1620.650	Waiver of Prohibition of Executive Inspector General Employees as Judicial Appointee – Commission Procedure

SUBPART G: GIFT BAN

1620.700	Gift Ban
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SUBPART H: MISCELLANEOUS FILINGS

1620.800	Personnel Policies
1620.810	Quarterly Reports
1620.820	Ex Parte Communications

AUTHORITY: Implementing Sections 20-50 and 20-55 of the State Officials and Employees Ethics Act [5 ILCS 430/20-50 and 20-55] and authorized by Section 20-15 of the State Officials and Employees Ethics Act [5 ILCS 430/20-15].

EXECUTIVE ETHICS COMMISSION

NOTICE OF ADOPTED RULES

SOURCE: Adopted by emergency rulemaking at 29 Ill. Reg. 3340, effective February 23, 2005, for a maximum of 150 days; amended at 29 Ill. Reg. 9619, effective July 1, 2005.

SUBPART A: ORGANIZATION

Section 1620.5 Definitions

"Act" means the State Officials and Employees Ethics Act [5 ILCS 430].

"Chair" means the Chairperson of the Executive Ethics Commission as chosen in accordance with Section 20-5(e) of the Act.

"Commission" means the Executive Ethics Commission created by Section 20-5 of the Act.

"Commissioner" means a commissioner of the Executive Ethics Commission.

"Executive Inspector General" means one of the five appointees described in Section 20-10(b) of the Act.

"Officer" or "Employee" means a former or current officer or State employee of the executive branch.

"Petition" means a petition for leave to file a complaint as described in Section 20-50 of the Act.

"Relationship" means any arrangement between a source and the officer or employee for employment, compensation or fees for services.

"Requestor" means a person requesting the Commission's waiver of the revolving door prohibition (see 5 ILCS 430/5-45).

"Source" means a requestor's prospective employer or source of compensation of fees for services, including the parent or subsidiary of the same.

Section 1620.10 Composition of Executive Ethics Commission

The Executive Ethics Commission consists of nine commissioners. The Governor appoints five commissioners and the Attorney General, Secretary of State, Comptroller and Treasurer each appoint one commissioner. [5 ILCS 430/20-5(b)]

EXECUTIVE ETHICS COMMISSION

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Section 1620.20 Officers

The Executive Ethics Commission shall elect a Chair and Vice-Chair and any other officers it deems appropriate. The terms of officers shall be for two years commencing July 1 and running through June 30 of the second year. [5 ILCS 430/20-5(e)] Neither Chair nor Vice-Chair may succeed himself.

Section 1620.30 Appointment of Executive Director

The Executive Ethics Commission shall appoint an Executive Director. [5 ILCS 430/20-5(h)]

Section 1620.40 Duties of Executive Director

The Executive Director serves as the director of the staff of the Executive Ethics Commission and is responsible for the employment of necessary professional, technical and secretarial staff as directed by the Executive Ethics Commission. The Executive Director shall serve at the pleasure of the Commission.

Section 1620.50 Duties of Staff

The duties and organization of staff are established by the Executive Director as directed by the Executive Ethics Commission.

SUBPART B: INFORMATION

Section 1620.110 Requests for Records

- a) A request for access to records for inspection and copying shall be submitted in writing to the Freedom of Information Officer at the office of the Executive Ethics Commission. The Freedom of Information Officer shall be the Executive Director. The request shall include the name and address of the requestor and a telephone number where the requestor may be reached during the regular business day.
- b) The application must describe the requested document by subject matter and approximate date of issuance, if known. If the description is not sufficiently clear to allow easy identification of the records sought, the requestor may be asked to supply additional necessary information.

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- c) Pursuant to Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15], requests for copies of Executive Ethics Commission rules are not to be considered requests governed by the Freedom of Information Act (FOIA) are not subject to FOIA procedures.

Section 1620.120 Response to Requests for Records

- a) The Freedom of Information Officer shall respond to a written request for public records within seven working days after receipt of the request.
- b) If, for one or more reasons provided in Section 3(d) of the Freedom of Information Act [5 ILCS 140/3(d)], the request cannot be responded to within seven working days, the Freedom of Information Officer shall have an additional seven working days in which to respond. Within the initial seven-day period, the Freedom of Information Officer shall give the requestor written notice of the extension of time to respond. Such notice shall set forth the reasons why the extension is necessary.
- c) When a request for public records has been approved, the Commission may give notice that the requested material will be made available upon payment of reproduction costs or give notice of the time and place for inspection of the requested material.
- d) A denial of a request for public records shall be made in writing. It shall state the reasons for the denial and shall inform the requestor of the right to appeal to the Chair of the Executive Ethics Commission.
- e) Failure to respond to a written request within seven working days may be considered by the requestor as a denial of the request.

Section 1620.130 Appeal of a Denial

- a) A requestor whose request for public records has been denied by the Freedom of Information Officer may appeal the denial to the Chair of the Executive Ethics Commission.
- b) The Notice of Appeal shall include a copy of the original request, a copy of the denial received by the requestor, and a written statement setting forth the reasons why the requestor believes the appeal should be granted.

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Section 1620.140 Copies of Public Records – Fees

- a) Copies of public records shall be provided to the requestor only upon payment of any charges that are due.
- b) The fee for copying records shall be ten cents per page.
- c) Charges shall be waived if the requestor is a State officer or agency.

SUBPART C: RULEMAKING

Section 1620.200 Rulemaking Procedures

- a) Rules of the Executive Ethics Commission may be adopted, amended or repealed only by affirmative vote of at least five members of the Commission.
- b) Rulemaking of the Commission must be conducted in compliance with applicable provisions of the Illinois Administrative Procedure Act [5 ILCS 100].

SUBPART D: INVESTIGATIONS

Section 1620.310 State Officer or Employee Case Initiation Form

Each Executive Inspector General shall prescribe and make available a case initiation form for investigation of a complaint against a State officer or employee.

Section 1620.320 Case Initiation Form – Contents

The case initiation form shall set out:

- a) the name of the employee or officer who is alleged to have committed misconduct;
- b) the identity of the State agency by which the employee or officer is employed;
- c) the name, address and telephone number of the complainant;
- d) the date and time of the alleged misconduct;

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- e) a description of the acts and circumstances that surrounded the alleged misconduct;
- f) the names of any other person who witnessed or participated in the alleged misconduct;
- g) an address to which the completed form may be mailed;
- h) a statement of the confidentiality of the identity of the complainant (see 5 ILCS 430/20-90(a));
- i) a statement that penalties may be applied for intentionally making a false report alleging an ethics violation (see 5 ILCS 430/50-5(d)); and
- j) such other information that the Executive Inspector General reasonably requires.

Section 1620.330 Opening an Investigation File

- a) Upon receipt of a completed case initiation form, the Executive Inspector General shall promptly create an investigation file and assign the file a unique tracking number. Multiple case initiation forms that relate to the same alleged acts of misconduct may be consolidated for purposes of investigation. In the absence of a completed case initiation form, the Executive Inspector General may create an investigation file and assign the file a unique tracking number, if upon information received and not upon his or her own prerogative, the Executive Inspector General reasonably believes that misconduct may have occurred within the Executive Inspector General's jurisdiction.
- b) The investigation file shall contain the case initiation form, or if none, so much of the information that would normally appear on the case initiation form as is known to the Executive Inspector General at the inception of the matter.

Section 1620.340 Referral to the Appropriate Executive Inspector General

Notwithstanding Section 1620.330, if an Executive Inspector General receives a case initiation form or other information that alleges misconduct of an officer or employee outside his or her jurisdiction, he or she shall promptly forward the case initiation form or information to the appropriate Executive Inspector General, appropriate ethics commission or other appropriate body and shall keep a record of this referral and its recipients.

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Section 1620.350 Investigations

Investigations shall commence upon the opening of an investigation file in accordance with Section 1620.330. Investigations shall be conducted in accordance with Section 20-20 of the Act [5 ILCS 430/20-20].

Section 1620.360 Investigations Not Concluded Within Six Months

- a) Should an investigation not be concluded within six months after opening an investigation file, the Executive Inspector General shall, on the fifteenth day of the following month, submit a report to the Commission. The report shall indicate the investigation's unique tracking number, the date the investigation began, a description of the nature of the alleged misconduct and reasons for the delay in concluding the investigation.
- b) The Executive Inspector General shall continue to report each investigation not concluded within six months on the fifteenth day of each month in accordance with subsection (a) until the investigation has been concluded.
- c) Should the Commission find that the information provided in the reports from the Executive Inspector General is insufficient to determine whether a Special Executive Inspector General should be appointed in accordance with Section 20-21 of the Act [5 ILCS 430/20-21], the Commission may request additional information from the Executive Inspector General or may direct the Executive Inspector General to provide the Commission a complete copy of any investigation file.

SUBPART E: HEARINGS

Section 1620.420 Attorney of Record

In all cases filed before the Commission, all respondents not appearing pro se must be represented of record by a member of the Illinois Bar. Attorneys admitted to practice in states other than Illinois may appear and be heard upon special leave of the Chair or administrative law judge, if any. Attorneys shall file a written appearance before addressing the Commission and may not withdraw an appearance for a party without leave of the Commission.

Section 1620.430 Filing Requirements

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- a) An original and two copies of all documents shall be filed with the Commission at the Commission's offices. The documents shall be produced on 8 1/2" x 11" white paper by a typing, printing, duplicating or copying process that provides a clear, readable image. If a filing is unreadable, it will be returned as unacceptable for filing. Parties represented by counsel shall send to the Commission an electronic copy of all documents via electronic mail on the same day that the paper documents are filed. Parties not represented by counsel are encouraged to send electronic copies of all filings.
- b) Each party who files a document with the Commission shall also send a copy of that document to the other party in the case, or, if represented, to the other party's attorney and to the administrative law judge, if any. Parties shall attach a certificate of service to each document in accordance with Illinois Supreme Court Rule 12.

Section 1620.440 Petition for Leave to File a Complaint

- a) Cases shall be commenced by the filing of a petition for leave to file a complaint with the Commission.
- b) The Executive Inspector General shall be designated as "the petitioner" and the person who is alleged to have violated the Act shall be designated as "the respondent".
- c) The form of the petition shall be captioned substantially as follows:

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

A. B., in (his/her) capacity as)	
Executive Inspector General for the)	
(constitutional officer),)	
)	
Petitioner,)	
)	
v.)	No. _____
)	
C. D.)	
)	
Respondent.)	

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Petition for Leave to File a Complaint

- d) The Commission shall assign each petition a unique tracking number and all subsequent filings in each case shall reference this tracking number.

Section 1620.450 Petition – Required Provisions

- a) The petition shall set forth the jurisdiction of the Commission by identifying the respondent, the respondent's employer and the Section of the Act the respondent is alleged to have violated. The petition shall also set forth the alleged violation and the grounds that exist to support the petition.
- b) Accompanying each petition shall be a complaint upon which the Attorney General and the Executive Inspector General wish to proceed. The complaint shall set forth the elements contained in subsection (a), as well as facts that fully describe the alleged violation of the Act, including, but not limited to, dates, times, locations and relationships between the respondent and other relevant parties.

Section 1620.460 Service

After filing the petition and complaint, *the petitioner shall serve a file-stamped copy of both documents on all respondents and on each respondent's ultimate jurisdictional authority in the same manner as process is served under Part 2 (Process) of the Civil Practice Law of the Code of Civil Procedure [735 ILCS 5/Art. II, Part 2]. [5 ILCS 430/20-50(d)]* Petitioner shall file the proof of service with the Commission.

Section 1620.470 Objections

A respondent may file objections to the petition within 30 days after the notice of the petition has been served on the respondent. [5 ILCS 430/20-50(e)] If the respondent fails to object to the petition, a general denial of the facts set forth in the petition shall be considered filed.

Section 1620.480 Sufficiency of the Petition

- a) Within 60 days after the time for respondent to file an objection to the petition has expired, *the Commission shall meet in person or by telephone in a closed session to review the sufficiency of the petition.*

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- b) *If the Commission finds that the petition is sufficient, the Commission shall grant the petition to file a complaint. The Commission shall notify the parties via certified mail, return receipt requested, of the decision to grant the petition. The notice shall include a hearing date scheduled within four weeks after the date of the notice, unless all the parties agree to a later date. [5 ILCS 430/20-50(f)]* The Commission may grant, for good cause shown, a continuance of the hearing date contained in the notice.
- c) *If the Commission finds that the petition is insufficient for any reason, the Commission shall notify the parties via certified mail, return receipt requested, of the decision to deny the petition. The Commission may deny the petition with or without leave to refile. [5 ILCS 430/20-50(f)]*

Section 1620.490 Discovery

- a) The parties shall not engage in discovery without leave of the Commission, but the Commission encourages the voluntary exchange of information by the parties.
- b) At least two weeks prior to the scheduled hearing or at a date determined by the Chair or an administrative law judge, if any, each party must file with the Commission and disclose to the other party:
- 1) the names of all witnesses expected to testify at hearing;
 - 2) a summary of the witnesses' expected testimony;
 - 3) copies of all documents expected to be introduced into evidence at hearing;
 - 4) a description of any physical evidence expected to be introduced at hearing; and
 - 5) any known evidence that tends to negate the allegations contained in the complaint.
- c) Any physical evidence expected to be introduced at hearing shall be made available to the other party for inspection at least two weeks prior to the scheduled hearing or at a date determined by the Chair or an administrative law judge, if any.

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- d) All writings or electronic recordings in the possession of either party reflecting prior statements of an identified witness, which statements are related in any way to the subject matter of the witness' expected testimony, or to matters bearing on the witness' credibility, shall be filed with the Commission and be produced to the opposing party no later than one week prior to the commencement of the hearing or at a date determined by the Chair or administrative law judge, if any. If a statement is part of notes that were taken during the case investigation, the notes may be redacted to remove the author's thoughts, mental impressions or other work product.
- e) A party offering testimony or evidence that has not been disclosed in accordance with this Section has the burden to show that the evidence was not available at the time required by this Section and that the other party has not been unfairly prejudiced by the failure to disclose.

Section 1620.500 Subpoenas

The Chair and the administrative law judge, if any, shall have authority to issue subpoenas in the name of the Commission to compel the presence of witnesses for purposes of testimony and the production of documents and other items for inspection and copying.

- a) Subpoenas may be issued upon written request of either party if:
 - 1) the request is reasonably designed to produce or lead to the production of evidence related to the alleged violation;
 - 2) the terms of compliance are reasonable given the time frames and other circumstances;
 - 3) the party seeking the subpoena has attempted and failed to obtain the subject of the subpoena through other means; and
 - 4) the subpoena is properly prepared and presented for signature.
- b) Subpoenas for testimony of witnesses at hearing will be granted in the absence of compelling circumstances to the contrary.
- c) Witnesses may be subpoenaed to give sworn evidentiary depositions, subject to cross-examination, if and only if they are unable to attend the hearing.

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- d) The cost of service and witness and mileage fees shall be borne by the person requesting the subpoena. Witness and mileage fees shall be the same as are paid witnesses in the circuit courts of the State of Illinois.
- e) The person requesting a subpoena shall be responsible for its service in accordance with the Illinois Code of Civil Procedure [735 ILCS 5] and the Illinois Supreme Court Rules.

Section 1620.510 Motions

- a) Unless made orally on the record during a hearing, all motions shall be in writing and shall briefly state the order or relief requested and the specific grounds upon which relief is sought. Motions based on facts that are not in the record shall be supported by affidavit.
- b) The motion shall point out specifically the defect complained of or other grounds for relief and shall specify the requested relief. The moving party shall file a proposed order with each motion.
- c) The Chair or, if an administrative law judge has been appointed, the administrative law judge may determine all motions except motions that are potentially dispositive of the case. Motions that are potentially dispositive of the case must be determined by the Commission.
- d) All written motions that are potentially dispositive of the case shall be filed with the Commission and served on the other party at least one week prior to the scheduled hearing. Potentially dispositive motions filed less than one week prior to a scheduled hearing may, in the Commission's discretion, be considered after the scheduled hearing. The scheduled hearing may be continued while the Commission considers the potentially dispositive motion if, in the opinion of the Chair or the administrative law judge, continuing the scheduled hearing is in the best interests of judicial economy.
- e) The Commission may consider potentially dispositive motions with or without oral argument by the parties and may direct the Chair or administrative law judge to conduct a hearing on the motion and present proposed findings of fact and conclusions of law to the Commission.

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- f) Dispositive motions may not exceed 15 pages in length and non-dispositive motions may not exceed 5 pages in length without first obtaining leave of the Commission.

Section 1620.520 Hearings

- a) The Chair shall preside over all hearings unless, at the election of the Commission, the Chair designates an administrative law judge to act as a hearing officer. The administrative law judges shall be licensed to practice law in the State of Illinois and may be a commissioner or regular or contractual employee of the Commission. The Commission shall grant, for good cause shown, a petition from either party seeking disqualification of the administrative law judge or a commissioner for bias or conflict of interest.
- b) All hearings shall be closed to the public.
- c) Hearings shall be conducted in accordance with the contested case provisions of Article 10 of the Administrative Procedure Act [5 ILCS 100/Art. 10].
- d) At the conclusion of the hearing, the Chair or the administrative law judge, if any, may set a briefing schedule.
- e) If a party, or any person at the instance of or in collusion with a party, unreasonably refuses or fails to comply with these Rules or with any order of the Commission, Chair or administrative law judge, the Chair or administrative law judge may enter an adverse finding, or order as may be necessary to ensure just disposition of the matter.
- f) The Chair or the administrative law judge presiding at the hearing may conduct any additional proceedings ancillary to or related to the hearing as he deems appropriate.

Section 1620.530 Decision of the Commission

- a) Within 60 days after the hearing or after briefs are due, whichever is later, the Commission shall enter a decision.
- b) *The decision shall include a description of the alleged misconduct, the decision of the Commission, including any fines levied and any recommendation of discipline and the reasoning for that decision.*

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- c) Decisions of the Commission shall be signed by at least five commissioners.
- d) *All decisions shall be sent to the parties, including the Executive Inspector General, the ultimate jurisdictional authority, the head of the appropriate State agency and the Attorney General. [5 ILCS 430/20-55(a)]*
- e) Once a complaint has been filed with the Commission, any proposed settlement reached by the parties must be submitted to the Commission for review and approval.

SUBPART F: WAIVER

Section 1620.610 Waiver of Revolving Door Prohibition

An officer or employee or the spouse or immediate family member living with such person may request the Commission to waive the revolving door prohibition (see 5 ILCS 430/5-45). The requestor shall file with the Commission a petition and two supporting statements.

- a) The petition shall be verified and describe in detail:
 - 1) the officer or employee's involvement in the decision to award any State contract to the source, and/or the officer or employee's involvement in any regulatory or licensing decision that directly applied to the source;
 - 2) the dates of the officer's or employee's involvement in these decisions;
 - 3) the date that the requestor and the source first began discussing or negotiating a relationship; and
 - 4) any other information that the requestor or Commission deems relevant.
- b) The requestor shall also submit two statements in support of the petition.
 - 1) One statement shall be from the ethics officer of the State agency that employed the officer or employee at the time that the officer or employee had involvement with the source. The statement shall be verified and state that the ethics officer has read the requestor's petition, has made diligent inquiries into the underlying facts and circumstances surrounding the petition, believes the statements made in the petition are true and

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complete, and that the ethics officer knows of no reason why the Commission should not grant the requestor's petition.

- 2) The second statement shall be from the source. The statement shall be verified and state that the source, through its authorized representative, has read the requestor's petition, that the statements made in the petition are true and complete, and that the source knows of no reason why the Commission should not grant the requestor's petition.

Section 1620.620 Waiver of Revolving Door Prohibition – Commission Procedure

Upon receipt of the requestor's petition, the Commission may:

- a) grant the petition in a written finding that the officer's or employee's involvement in the decision to award any State contract to the source, or the officer's or employee's involvement in a regulatory or licensing decision that directly applied to the source, was not affected by the requestor's prospective employment or relationship with the source;
- b) deny the petition;
- c) request additional written information from the requestor or other persons;
- d) request oral testimony from the requestor or other persons;
- e) conduct further inquiry related to the petition before the Commission; and/or
- f) determine that the revolving door prohibition does not apply.

Section 1620.630 Finality of Decision

A requestor may not file a request to reconsider the Commission's decision or a second petition for waiver of the revolving door prohibition without leave of the Commission.

Section 1620.640 Waiver of Prohibition of Executive Inspector General Employees as Judicial Appointee

A current or former Executive Inspector General or a current or former employee of the office of the Executive Inspector General may request the Commission to waive the prohibition of judicial

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appointments (see 5 ILCS 430/20-10(e-1)). The requestor shall file a verified petition that identifies:

- a) the judicial office to which he or she intends to be appointed;
- b) the effect, if any, of his or her appointment on present or anticipated investigations conducted by any Executive Inspector General or law enforcement;
- c) any Executive Inspector General investigations, current, anticipated or closed in the previous five years, related to the office, including employees of the office, to which he or she intends to be appointed; and
- d) any other information the requestor believes may support the waiver.

Section 1620.650 Waiver of Prohibition of Executive Inspector General Employees as Judicial Appointee – Commission Procedure

Upon receipt of the requestor's petition, the Commission may:

- a) grant the petition;
- b) deny the petition;
- c) request additional written information from the requestor or other persons;
- d) request oral testimony from the requestor or other persons; and/or
- e) conduct further inquiry related to the petition before the Commission.

SUBPART G: GIFT BAN

Section 1620.700 Gift Ban

For purposes of further defining exceptions to the Gift Ban [5 ILCS 430/10-15], the Commission defines the following terms:

- a) "Educational materials and missions" are those materials and missions that:
 - 1) have a close connection to the recipient officer's or employee's State employment;

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- 2) predominately benefit the public and not the employee or officer; and
 - 3) are approved by the agency's ethics officer in advance of the mission or receipt of the materials, if practicable. If it is not practicable to obtain advance approval, the mission and materials shall be reported to the agency's ethics officer as soon as practicable and shall contain a detailed explanation of why approval could not be obtained in advance.
- b) "Travel expenses for a meeting to discuss State business" are those expenses that:
- 1) have a close connection to the recipient officer's or employee's State employment;
 - 2) predominately benefit the public and not the employee or officer;
 - 3) are for travel in a style and manner in character with the conduct of State business; and
 - 4) are approved by the agency's ethics officer in advance of the travel, if practicable. If it is not practicable to obtain advance approval, the travel shall be reported to the agency's ethics officer as soon as practicable and contain a detailed explanation of why approval could not be obtained in advance.

SUBPART H: MISCELLANEOUS FILINGS

Section 1620.800 Personnel Policies

- a) Each executive branch constitutional officer, the Board of Higher Education and the Community College Board shall file copies of the personnel policies adopted and implemented pursuant to 5 ILCS 430/5-5 with the Commission by August 15, 2005.
- b) The officers and boards identified in subsection (a) of this Section shall also on July 1 of each year, file with the Commission copies of the personnel policies in effect on that date, or a statement that the policies are unchanged from the previous year.

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- c) The officers and boards identified in subsection (a) of this Section shall also file with the Commission any amendments to the personnel policies within 30 days after the adoption of the amendments.
- d) The officers and boards identified in subsection (a) of this Section shall also file with the Commission the name, business address, telephone number and e-mail address of ethics officers appointed pursuant to 5 ILCS 430/20-23 by August 15, 2005 and within 30 days after the appointment of new ethics officers.

Section 1620.810 Quarterly Reports

- a) On January 15, April 15, July 15 and October 15 of each year, *each Executive Inspector General shall submit reports to the Commission indicating:*
 - 1) *the number of allegations received in the previous quarter;*
 - 2) *the number of investigations initiated in the previous quarter;*
 - 3) *the number of investigations concluded in the previous quarter;*
 - 4) *the number of investigations pending as of the last day of the previous quarter;*
 - 5) *the number of complaints forwarded to the Attorney General in the previous quarter;*
 - 6) *the number of actions filed with the Commission in the previous quarter and the number of actions pending before the Commission on the last day of the previous quarter; and*
 - 7) *the number of actions pending before the Commission on the last day of the previous quarter. [5 ILCS 430/20-85]*
- b) On January 15, April 15, July 15 and October 15 of each year, *the Attorney General shall submit a report to the Commission indicating:*
 - 1) *the number of complaints received from each Executive Inspector General since the date of the last report;*

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- 2) *the number of complaints for which the Attorney General has determined reasonable cause exists to believe that a violation has occurred since the date of the last report; and*
- 3) *the number of complaints still under review by the Attorney General. [5 ILCS 430/20-86]*

Section 1620.820 Ex Parte Communications

- a) Any State officer or employee who receives an ex parte communication from a non-interested party as excluded by Section 5-50(b-5) and Section 5-50(d) of the State Officials and Employee Ethics Act [5 ILCS 5-50(b-5) and (d)] or an ex parte communication from any person that imparts or requests material information or makes a material argument regarding an agency's rulemaking pursuant to Section 5-165 of the Illinois Administrative Procedure Act [5 ILCS 100/5-165] shall report this communication within 7 days to his or her agency's ethics officer.
- b) *Any ethics officer who receives a report of ex parte communications described in subsection (a) shall forward the report to the Commission within seven days. The report shall include:*
 - 1) *all written ex parte communications, including all written responses to the communications;*
 - 2) *a memorandum prepared by the ethics officer containing:*
 - A) *the nature and substance of all oral ex parte communications;*
 - B) *the identity and job title of the person to whom each communication was made;*
 - C) *all responses made and the identity and job title of the person making each response;*
 - D) *the identity of each person from whom the written or oral ex parte communication was received and the date of receipt;*
 - E) *the individual or entity represented by that person;*
 - F) *any action the person requested or recommended; and*

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- G) *any other pertinent information.* [5 ILCS 430/5-50(c)]
- c) Communications regarding matters of practice and procedure as described in Section 10-60(d) of the Illinois Administrative Procedure Act [5 ILCS 100/10-60(d)] are not considered ex parte communications for the purposes of this Part.
- d) For reporting of ex parte communications under Section 5-165 of the IAPA, repetitive, bulk public comment (e.g., form letters, petitions) may be reported in the following manner.
- 1) Identification of the persons and or entity that authored the comment (if known), with address and phone number;
 - 2) Identification of any other entities in support of or opposition to the rulemaking and of the comment received by the agency;
 - 3) Provision of a sample of the public comment and, where different form letters are used, a sample of each;
 - 4) Submission of a tabulation of the number of persons supporting/opposing each type of public comment received by the agency; and
 - 5) Retention by the agency of all comments received.
- e) Reports received under this Section shall be considered by the Commission for possible action pursuant to Section 20-15(2) of the Act. Reports received by the Commission shall be maintained in accordance with the State Records Act [5 ILCS 160].

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

<u>Section Numbers</u> :	<u>Adopted Action</u> :
570.20	Amendment
570.40	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].
- 5) Effective Date of Amendments: June 27, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 1, 2005; 29 Ill. Reg. 4570
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In Section 570.40(c) – changed site name from "Meeker Habitat Area" to "Meeker State Habitat Area"
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Amendments to this Part were 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.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

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

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND 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. 9643, effective June 27, 2005.

Section 570.20 Statewide Season Dates

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- 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. 9643, effective June 27, 2005)

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

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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

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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 State 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

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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. 9643, effective June 27, 2005)

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

<u>Section Numbers:</u>	<u>Adopted Action:</u>
590.10	Amendment
590.15	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) Effective Date of Amendments: June 24, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 29 Ill. Reg. 4581; 4/1/05
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No

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- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was 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.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

Section

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

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

SOURCE: Adopted at 5 Ill. Reg. 8857, effective August 25, 1981; emergency amendment at 5 Ill. Reg. 11386, effective October 14, 1981, for a maximum of 150 days; codified at 5 Ill. Reg. 10638; Part repealed at 6 Ill. Reg. 9647, effective July 21, 1982; new Part adopted at 6 Ill. Reg. 11865, effective September 22, 1982; amended at 7 Ill. Reg. 13229, effective September 28, 1983; emergency amendment at 7 Ill. Reg. 13948, effective October 6, 1983, for a maximum of 150 days; emergency expired March 3, 1984; amended at 8 Ill. Reg. 18968, effective September 26, 1984; amended at 9 Ill. Reg. 14242, effective September 5, 1985; peremptory amendment at 9 Ill. Reg. 15062, effective September 25, 1985; emergency amendment at 9 Ill. Reg. 15928, effective October 8, 1985, for a maximum of 150 days; emergency expired March 5, 1986; amended at 10 Ill. Reg. 16588, effective September 22, 1986; emergency amendment at 10 Ill. Reg. 17773, effective September 26, 1986, for a maximum of 150 days; emergency expired 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. 9654, effective June 24 2005.

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/or 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~~ ~~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. 9654, effective June 24 2005)

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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 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. 9654, effective June 24 2005)

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. 9654, effective June 24 2005)

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. 9654, effective June 24 2005)

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. 9654, effective June 24 2005)

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 Zone~~^{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\(c\)](#)~~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.

~~29)28)~~ Newton Lake Fish and Wildlife Area

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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. 9654, effective June 24 2005)

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. 9654, effective June 24 2005)

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. 9654, effective June 24 2005)

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- 1) Heading of the Part: White-Tailed Deer Hunting by Use of Firearms
- 2) Code Citation: 17 Ill. Adm. Code 650
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
650.20	Amendment
650.21	Amendment
650.22	Amendment
650.30	Amendment
650.40	Amendment
650.45	New Section
650.60	Amendment
650.67	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].
- 5) Effective Date of Amendments: June 24, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 29 Ill. Reg. 2919; February 25, 2005
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: In Section 650.60(g) – added "Meeker State Habitat Area (1) (2)"
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Rulemaking: This Part was amended to change fees for non-resident deer hunters from \$200 for either-sex or antlered-only permits to the maximum allowed by Section 2.26 of the Wildlife Code; allow both residents and non-residents to obtain antlerless only permits without an either-sex permit beginning in September (\$15 for residents, \$25 for non-residents); add a partnership landowner permit per new law; limit smokeless powder in muzzleloading firearms specifically designed for such use; eliminate check stations and go to a telephonic/internet check-in system except in counties where check stations will operate for CWD (chronic wasting disease) surveillance; and to make changes to DNR site regulations.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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

217/782-1809

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

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 650
WHITE-TAILED DEER HUNTING BY USE OF FIREARMS

Section

650.10	Statewide Season and Permit Quotas
650.20	Statewide Deer Permit Requirements
650.21	Deer Permit Requirements – Landowner/Tenant Permits
650.22	Deer Permit Requirements – Special Hunts
650.23	Deer Permit Requirements – Group Hunt
650.30	Statewide Firearms Requirements
650.40	Statewide Deer Hunting Rules
650.45	Reporting Harvest
650.50	Rejection of Application/Revocation of Permits
650.60	Regulations at Various Department-Owned or -Managed Sites
650.65	Youth Hunt (Repealed)
650.67	Special Hunts for Disabled Hunters
650.70	Special Extended Season Firearm Deer Hunt (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

SOURCE: Adopted at 5 Ill. Reg. 9771, effective September 17, 1981; codified at 5 Ill. Reg. 10640; amended at 6 Ill. Reg. 10730, effective August 20, 1982; amended at 7 Ill. Reg. 10798, effective August 24, 1983; amended at 8 Ill. Reg. 21602, effective October 23, 1984; amended at 9 Ill. Reg. 16213, effective October 10, 1985; emergency amendment at 9 Ill. Reg. 20922, effective December 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4223, effective February 25, 1986; amended at 10 Ill. Reg. 16665, effective September 22, 1986; amended at 11 Ill. Reg. 3044, effective February 3, 1987; amended at 11 Ill. Reg. 9564, effective May 5, 1987; amended at 12 Ill. Reg. 8003, effective April 25, 1988; amended at 12 Ill. Reg. 12055, effective July 11, 1988; amended at 13 Ill. Reg. 12853, effective July 21, 1989; amended at 14 Ill. Reg. 12430, effective July 20, 1990; amended at 14 Ill. Reg. 19869, effective December 3, 1990; amended at 15 Ill. Reg. 10038, effective June 24, 1991; emergency amendment at 15 Ill. Reg. 15790, effective October 22, 1991, for a maximum of 150 days; emergency expired March 21, 1992; amended at 16 Ill. Reg. 11131, effective June 30, 1992; amended at 17 Ill. Reg. 13468, effective July 30, 1993; amended at 18 Ill. Reg. 5859, effective April 5, 1994; amended at 18 Ill. Reg. 13431, effective August 23, 1994; amended at 19 Ill. Reg. 6477, effective April 28, 1995;

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amended at 20 Ill. Reg. 7515, effective May 20, 1996; amended at 21 Ill. Reg. 5572, effective April 19, 1997; amended at 21 Ill. Reg. 9116, effective June 26, 1997; amended at 22 Ill. Reg. 8007, effective April 28, 1998; amended at 23 Ill. Reg. 5564, effective April 26, 1999; amended at 24 Ill. Reg. 8971, effective June 19, 2000; amended at 24 Ill. Reg. 10260, effective July 1, 2000; amended at 25 Ill. Reg. 7231, effective May 22, 2001; amended at 26 Ill. Reg. 9319, effective June 17, 2002; amended at 27 Ill. Reg. 10009, effective June 23, 2003; emergency amendment at 27 Ill. Reg. 17270, effective November 10, 2003, for a maximum of 150 days; Section 650.60 of the emergency rules expired April 8, 2004; amended at 28 Ill. Reg. 353, effective December 19, 2003; amended at 28 Ill. Reg. 8039, effective May 26, 2004; amended at 29 Ill. Reg. 9654, effective June 24 2005.

Section 650.20 Statewide Deer Permit Requirements

- a) Illinois resident hunters must have a current, valid "Firearm Deer Permit" (\$15). Fees for non-resident deer hunters shall be the maximum fee allowed by Section 2.26 of the Wildlife Code [520 ILCS 5/2.26] for each either-sex or antlered-only deer hunting permit, and shall be \$25 for each antlerless-only permit. Deer permit fees for non-resident firearm deer hunters shall be \$200 for each either-sex firearm permit and \$25 for each antlerless-only permit. A permit is issued for one county or special hunt area and is valid only in the county or special hunt area stated on the permit. Only applicants who receive an either-sex permit in a county or special hunt area are eligible for an antlerless-only permit for that county or special hunt area, until the Random Daily Drawing Period that begins in September, at which time antlerless-only permits remaining in the quota will be made available regardless of whether applicants already possess an either-sex permit~~except in counties that are specially designated for more intensive removal of does in a given year. Any such counties will be identified prior to the Random Daily Drawing Period which begins in September, and a limited number of antlerless-only permits will be made available regardless of whether applicants already possess an either-sex permit.~~ For permit applications and other information write to:

Department of Natural Resources
(Firearm or Landowner/Tenant or Non-Resident)
Deer Permit Office
P.O. Box 19227
Springfield, Illinois 62794-9227

- b) Applications from Illinois residents for participation in the First Lottery Drawing will be accepted through the last weekday in April of the current year.

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Nonresidents may not apply to participate in the First Lottery Drawing. Applications received after the last weekday in April will not be included in this lottery. Permits will be allocated in a computerized random drawing. Permits will be issued as either sex, antlerless only, or antlered only. A maximum of one either-sex and one antlerless-only permit shall be issued per person. Applicants for free landowner/tenant permits are not eligible to participate in the First or Second Lottery Drawings. Landowners who receive permits in the First or Second Lottery Drawing are not eligible for landowner permits.

- c) Applicants must complete all portions of the current year permit application form. Incomplete or incorrect applications will be returned along with the applicant's permit fee for correction or completion if received in the Permit Office prior to the deadline established in subsection (b).
- d) Applicants must check the second-season box if they agree to accept a second-season permit upon being rejected for a full-season permit.
- e) Applicants must check the antlerless-only box and enclose an additional \$15 (\$25 for non-residents) to apply for an additional antlerless-only permit. Antlerless-only permits will be issued until the antlerless-only quota is filled for a given county or special hunt area.
- f) Permits for counties and special hunt areas with unfilled quotas after the First Lottery Drawing will be allocated in a Second Lottery Drawing. This drawing is open only to nonresident applicants and to Illinois residents who were not previously issued firearm permits for the current hunting season. Illinois residents will be given preference for permits allocated in the Second Lottery Drawing. Applications for the Second Lottery Drawing will be accepted through the tenth weekday in August of the current year. Applicants may also apply for remaining antlerless-only permits by checking the antlerless-only box and enclosing an additional \$15 for residents and \$25 for nonresidents. A list of unfilled counties and special hunt areas will be announced upon becoming available after the First Lottery Drawing. Applicants must apply on a current year Firearm Deer Permit application form. A maximum of one either-sex and one antlerless-only permit shall be issued per person.
- g) No more than 6 single applications per envelope will be accepted during the application periods for the First and Second Lottery Drawings. Each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications to the Deer Permit Office for regular firearm, muzzleloading rifle, late winter antlerless season~~handgun~~, archery, and free or paid

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landowner/tenant permits.

- h) There will be an application period which starts the first working day after September 14 and ends the fifth weekday in November, during which anyone (regardless of any other permit they may have, subject to subsection (a)) can apply for firearm deer permits left over from the county and special hunt area quotas. During this application period, the permits shall be issued in a random daily drawing. Applications received each day will not be processed until all applications received for that day are mixed. All applications received on a specific day will be processed before processing applications received for a subsequent day. All applications for the Random Daily Drawing will be processed individually (i.e., no group applications will be processed). Applicants can apply for one or more permits during this application period. ~~Full-season antlerless-only permits shall only be issued to successful applicants that have full-season either-sex permits in the county applied for. Second season antlerless-only permits shall be issued to successful applicants that have either full-season or second season either-sex permits in the county applied for.~~ Applicants submitting applications within the 20 working days prior to the start of the first season cannot be guaranteed a permit by the start of the first deer hunting season. Applicants must print "September Drawing – Multiple Permits" on the outside of the envelope and mark the "September Drawing – Multiple Permits" box on the firearm deer permit application.
- i) Hunter preference in obtaining a permit during the First Lottery Drawing will be given: to individuals that applied for an either-sex permit in the previous year's First Lottery Drawing who were rejected because the quota was depleted in their county choices; or to applicants that received, in the previous year, a second season either-sex permit in the First Lottery Drawing only. In order to be eligible for preference during the First Lottery Drawing, the second season box must have been checked on the application form of unsuccessful applicants when they were rejected. Preference will not be granted to applicants who received a full-season either-sex permit but who did not receive an antlerless-only permit. Persons with lottery preference will have first chance at receiving available either-sex permits. The following criteria must be met to obtain a preference in the First Lottery Drawing:
- 1) The applicant must apply using the official Department application.
 - 2) The applicant must be a resident of the State, be eligible to receive a Firearm Deer Permit, and not had deer hunting privileges revoked pursuant to Section 650.50.

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- 3) The applicant must apply for the same county choices that he/she listed on the previous year's application. Preference will not be granted for special hunt areas.
- j) Applications may be accepted at the counter window of the permit office; however, permits will be mailed. In-person and mail-in applications will receive equal treatment in the drawings.
- k) Permits are not transferable. Refunds will not be granted, unless the Department of Natural Resources has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.
- l) A \$3 service fee will be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there will be no charge. Monies derived from this source will be deposited in the Wildlife and Fish Fund.
- m) The periods for accepting applications for the First and Second Lottery periods may be extended if applications are not available to the public by April 1. A news release will announce the extension of the application periods.
- n) Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 29 Ill. Reg. 9654, effective June 24 2005)

Section 650.21 Deer Permit Requirements – Landowner/Tenant Permits

- a) The immediate family of a landowner or tenant is defined as, and limited to, the spouse, children, or parents permanently residing on the same property as the landowner or tenant.
- b) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit.
- c) Resident Illinois landowners who own 40 acres or more of land and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family, may apply for a free either-sex permit for

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their property only in counties open for firearm deer hunting. Recipients of the free either-sex permit will also be given a free antlerless-only permit for their property only. Nonresident Illinois landowners (of 40 acres or more land) are also eligible to apply for one either-sex permit and one antlerless-only permit for their property only. The fee to nonresident Illinois landowners (of 40 acres or more land) for permits for their property only shall be \$50 for the either-sex permit and \$25 for the antlerless-only permit. These applications will not be subject to the public lottery process. This deer hunting permit *shall be valid on all farmlands which the person to whom it is issued owns, leases or rents* [525 ILCS 5/2.26] in counties open for firearm deer hunting.

- d) Bona fide Illinois landowners or tenants who do not wish to hunt only on the land they own, rent, or lease must apply for permits in the same manner as the applicant who is not a landowner or tenant. However, resident Illinois landowners who own 40 acres or more of land, and resident tenants leasing or renting 40 acres or more of commercial agricultural land, who apply during the First Lottery application period for a permit to hunt in the county in which they own or lease land and are rejected because the county quota is full, may apply for a county-wide either-sex paid landowner firearm deer permit to hunt in the county where the land is located. Members of the immediate family of the landowner or tenant are also eligible to apply for a county-wide either-sex paid landowner firearm deer permit if they were rejected in the First Lottery. Applications for county-wide paid landowner deer permits will be accepted from August 1 through the last working day in August. Incomplete applications will be returned. The fee for a county-wide either-sex paid landowner deer permit shall be the same as for permits for hunters that are not landowners or tenants. Recipients of a county-wide either-sex paid landowner deer permit may also apply for a regular bonus antlerless-only permit for that county, but will be issued such permit only if there are antlerless permits remaining in the county quota. Landowners and tenants, and their immediate families, who did not apply for permits in the First Lottery and subsequently fail to receive them, are not eligible to apply for or receive county-wide paid landowner deer permits.
- e) Date of acceptance of landowner/tenant property-only permit applications will be publicly announced.
- f) Landowners and resident tenants are not required to participate in the public drawing for permits in order to apply for and receive a property-only permit.
- g) Proof of ownership for all landowner or tenant applications must be provided by

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one of the following methods:

- 1) Submittal of a copy of property deed;
 - 2) Submittal of a copy of contract for deed;
 - 3) Submittal of a copy of the most recent real estate tax statement for the property (upon which the landowner's name appears as landowner, or person signing application appears as landowner);
 - 4) Submittal of a copy of a Farm Service Agency 156EZ form; or
 - 5) Submittal of a copy of a trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a current income beneficiary of the trust.
- h) Tenant permit applicants are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the following:
- 1) A copy of a lease or a rental agreement, file stamped as recorded by the County Clerk, covering the current year; or
 - 2) A copy of a Farm Service Agency 156EZ form.
- i) A hunting rights lease, or other non-agricultural lease, is not valid as a basis for obtaining a landowner or tenant permit.
- j) County-wide permit holders are authorized to firearm deer hunt only in the county identified on the deer permit and only on property where permission to hunt has been obtained from the property owner.
- k) If the property is owned or rented by more than one person: Only one landowner (and his immediate family) or one tenant (and his immediate family) shall be issued a permit on a first-come, first-served basis for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive deer permits.
- l) Bona fide equity shareholders of corporations, ~~or~~ bona fide equity members of limited liability companies, bona fide current income beneficiaries of trusts or bona fide partners of a partnerships owning 40 or more acres of land in a county

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may apply for one either-sex permit to hunt the corporation, ~~or~~ limited liability company, trust or partnership lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county, for corporations, trusts and limited liability companies, and a maximum number of 3 permits per county for partnerships, shall be issued based on ownership of lands by corporations, ~~or~~ limited liability companies, trusts or partnerships. Lands leased to corporations, ~~or~~ limited liability companies, trusts or partnerships shall not be considered as a basis for a permit for the shareholders/members/beneficiaries/partners of the lessee. Lands held in trust by corporations, ~~or~~ limited liability companies or partnerships shall not be considered as a basis for a permit by the shareholders/members/partners of the trustee. If application is made for a permit based upon lands owned by the corporation, ~~or~~ limited liability company, trust or partnership, a duly authorized officer of the corporation, ~~or~~ limited liability company, trust or partnership must sign a notarized statement authorizing the applicant to hunt on the corporate, ~~or~~ company, trust or partnership lands for which a permit is being requested. This statement must identify the applicant as a bona fide equity shareholder, ~~or~~ member, beneficiary or partner, as defined in this subsection, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation, ~~or~~ limited liability company, or trust lands and no more than 3 authorizations will be requested per county for partnership lands. This document must be attached to the application upon submittal to the Permit Office. The shareholder/member/partner either-sex permit shall be free to resident shareholders/members/partners, and the cost to nonresident shareholders/members shall be \$50. An antlerless-only shareholder/member/partner permit (free to resident shareholders/members/partners; \$25 to nonresident shareholders/members) will be made available if in the best interest of managing the deer herd. Nonresident partners cannot receive permits under this subsection.

- 1) Bona fide equity shareholder means an individual who:
 - A) purchased, for market price, publicly sold stock shares in a corporation; purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation; or is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation accurately reflecting his or her percentage of ownership; and
 - B) intends to retain the ownership of the shares of stock for ~~at~~ least 5

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years.

- 2) Bona fide equity member means an individual who:
 - A) became a member upon the formation of the limited liability company; or has purchased a distributional interest in a limited liability company for a value equal to the percentage of the appraised value of the limited liability company assets represented by the distributional interest in the limited liability company and subsequently becomes a member of the company pursuant to Article 30 of the Limited Liability Company Act; and
 - B) intends to retain the membership for at least 5 years.
- 3) Bona fide current income beneficiary means an individual who, at the time of application for a permit, is entitled to income (whether income exists or not) from the trust that owns the land the applicant wishes to hunt with no condition precedent (such as surviving another person, reaching a certain age, etc.) other than the trustee distributing the income, and is listed by name in the trust documents as an income beneficiary.
- 4) Bona fide equity partner means an individual who:
 - A) became a partner, either general or limited, upon the formation of the partnership; or has purchased a distributional interest in the partnership or limited partnership for a value equal to the percentage of the appraised value of the partnership assets represented by the distributional interest in the partnership;
 - B) intends to retain ownership of the partnership for at least 5 years; and
 - C) is a resident of Illinois.
- m) Landowners or tenants that apply for or receive property-only landowner/tenant firearm deer permits may not apply for additional permits in the First or Second Lottery Drawing. Landowners or tenants that apply for county-wide paid landowner firearm deer permits must have been rejected in the First Lottery drawing for a permit in the county in which they own or lease land, and they may not apply for additional permits in the Second Lottery Drawing.

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- n) Providing false information on an application is a Class A misdemeanor (see 520 ILCS 5/2.38).

(Source: Amended at 29 Ill. Reg. 9654, effective June 24 2005)

Section 650.22 Deer Permit Requirements – Special Hunts

- a) Special hunt sites are defined as those sites which are owned or controlled by agencies/entities other than the Department, or sites at which the Department only controls a portion of the property designated for deer hunting, which issue deer hunting permits through the statewide lottery process. The Permit Office issues deer hunting permits through a computerized drawing for sites listed below, in addition to the Department-owned or -managed sites listed in Section 650.60(i). The permit preference system does not apply to special hunt areas or to State sites allocating permits in the lottery.
- 1) A.E.S. Duck Creek (Fulton County, first season only)
 - 2) A.E.S. Duck Creek Handicapped (Fulton County, first season only)
 - 3) Crab Orchard National Wildlife Refuge (the first and second season are considered separate hunt choices, and permit applicants must specify which season they are applying for in the County Choice or Hunt Area field of the application. Permits may be issued as antlerless-only without the normal bonus requirement. Standby hunting will be allowed if additional permits are available at the site)
 - 4) Crab Orchard National Wildlife Refuge – Disabled Hunt (first season only)
 - 5) Joliet Army Training Area (Will County)
 - 6) Lake Shelbyville Project Lands (Moultrie County) (it is unlawful to drive deer)
 - 7) Lake Shelbyville Project Lands except Wolf Creek State Park (Shelby County) (it is unlawful to drive deer)
 - 8) Midewin National Tallgrass Prairie (~~permits may be issued as antlerless-~~

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~~only without normal bonus requirements) (4)~~

- 9) Savanna Army Depot (Jo Daviess County)
- b) Each applicant must enclose a separate fee (check or money order) payable to the Department of Natural Resources, or the application will be returned. Applicants should not send cash with their applications. The Department will not be responsible for cash sent through the mail.
- c) Providing false information on an application is a Class A misdemeanor (see 520 ILCS 5/2.38). Hunting deer prior to ½ hour before sunrise or after ½ hour after sunset is a Class A misdemeanor with a \$500 minimum and \$5,000 maximum fine, in addition to other statutory penalties (see 520 ILCS 5/2.33(y)). Taking an antlered deer with an antlerless permit is a Class B misdemeanor (see 520 ILCS 5/2.24). Hunting after sunset or outside the set season is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 29 Ill. Reg. 9654, effective June 24 2005)

Section 650.30 Statewide Firearms Requirements

- a) The only legal firearms to take, or attempt to take, deer are:
- 1) Shotgun, loaded with slugs only, of not larger than 10 nor smaller than 20 gauge, not capable of firing more than 3 consecutive slugs; or
 - 2) A single or double barreled muzzleloading rifle of at least .45 caliber shooting a single projectile through a barrel of at least sixteen inches in length; or
 - 3) Centerfire revolvers or centerfire single-shot handguns of .30 caliber or larger with a minimum barrel length of 4 inches.
- b) Standards and specifications for legal ammunition are:
- 1) For shotguns and muzzleloading firearms, the minimum size of the projectile shall be .44 caliber. A wad or sleeve is not considered a projectile or a part of the projectile.
 - 2) For handguns, a bottleneck centerfire cartridge of .30 caliber or larger with

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a case length not exceeding 1.4 inches, or a straight-walled centerfire cartridge of .30 caliber or larger, both of which must be available as a factory load with the published ballistic tables of the manufacturer showing a capability of at least 500 foot pounds of energy at the muzzle.

- 3) Non-expanding, military-style full metal jacket bullets cannot be used to harvest white-tailed deer; only soft point or expanding bullets (including copper/copper alloy rounds designed for hunting) are legal ammunition.
- c) Standards and specifications for use of muzzleloading firearms are as follows:
- 1) A muzzleloading firearm is defined as a ~~blackpowder~~ firearm that is incapable of being loaded from the breech end.
 - 2) Only black powder or a "black powder substitute" such as Pyrodex may be used. Modern smokeless powders (nitrocellulose-based) are an approved blackpowder substitute only in muzzleloading firearms that are specifically designed for their use~~do not qualify as a "black powder substitute"~~.
 - 3) Percussion caps, wheellock, matchlock or flint type ignition only may be used.
 - 4) Removal of percussion cap or removal of prime powder from frizzen pan with frizzen open and hammer all the way down or removal of prime powder from flashpan and wheel un-wound or removal of prime powder and match with match not lit shall constitute an unloaded muzzleloading firearm.
- d) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 29 Ill. Reg. 9654, effective June 24 2005)

Section 650.40 Statewide Deer Hunting Rules

- a) The bag limit is one deer per legally authorized either-sex, antlered-only or antlerless-only permit. All either-sex permits and antlered-only permits are subject to the following restriction: no hunter, regardless of the quantity or type of permits in his/her possession, may harvest more than 2 antlered deer during a year, including the archery, muzzleloader, and firearm seasons. For purposes of

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this Section, deer seasons are considered to be in the same year if their opening dates fall within the same 12-month period that begins on July 1. A hunter in possession of an either-sex permit after having harvested 2 antlered deer during a year, as defined above, may only use the permit to harvest an antlerless deer. Subject to this restriction, an either-sex permit holder is allowed to take a deer with or without antlers and an antlered-only permit holder is allowed to take only a deer having at least one antler of a length of 3 or more inches. An antlerless only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long.

- b) Recipients of the Firearm Deer Hunting Permit shall record their signature on the permit prior to hunting and must carry it on their person while hunting.
- c) The temporary harvest tag shall be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the temporary harvest tag to the deer in the manner prescribed on the permit. ~~The temporary harvest tag should be attached around the base of the antler of antlered deer (antlers 3 or more inches in length), and attached to the leg of antlerless deer (<3 inch antler length, or no antlers). A permanent harvest tag will be attached to the leg of the deer upon check out at the check station. If the head/antlers are delivered to a taxidermist for processing, the temporary harvest tag must accompany them and be kept with the head/antlers while at the taxidermist. If the carcass is taken to a meat processor, the permanent harvest tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer. The deer shall be taken whole (or field dressed) to the designated check station (either the county check station or the nearest check station to the site of the kill) by the hunter in person by 8:00 p.m. of the day the deer was killed. The deer may not be quartered as during the archery deer season (17 Ill. Adm. Code 670.55). If a hunter is not able to locate a harvested deer in sufficient time to enable checking the deer by 8:00 p.m., the hunter must take the deer to the appropriate check station upon its opening (8:00 a.m.) the following morning, or immediately upon retrieving it if that occurs later than the opening of the check station. If this situation occurs on a Sunday (e.g., the check station will not be open on Monday), the hunter must contact the appropriate regional DNR Law Enforcement Office by 10:00 a.m. Monday morning for instructions on checking in the deer. Failure to follow this Section constitutes illegal possession of deer. Site specific reporting requirements must be followed in addition to this Section. Persons delivering deer/parts of deer to a tanner for processing must~~

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~~supply the tanner with their deer permit number to verify lawful acquisition. In the absence of a permit number, the tanner may rely on the written certification of the person from whom the deer was received that the specimen was legally taken or obtained.~~

- d) Hunters shall not have in their possession, while in the field during firearm deer season, any deer permit issued to another person (permits are non-transferable).
- e) Permits will not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Legal disposal of unfit deer taken shall be the responsibility of the hunter. For those hunters participating in the Department's Chronic Wasting Disease Surveillance Program, a free permit for the same county or special hunt area will be made available the subsequent year if their tested deer is determined to have chronic wasting disease.
- f) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24), except unlawful take or possession of 2 or more deer within 90 days is a Class 4 felony, and unlawful take of 2 or more deer as a single act or possession or single course of conduct is a Class 3 felony (see 520 ILCS 5/2.36(a)).

(Source: Amended at 29 Ill. Reg. 9654, effective June 24 2005)

Section 650.45 Reporting Harvest

- a) Testing of deer for Chronic Wasting Disease (CWD) by DNR personnel will occur so long as funding is available in:
 - 1) counties where deer have been documented with the disease;
 - 2) counties considered high-risk for the disease; and
 - 3) counties in which additional surveillance is warranted.
- b) These counties shall be publicly announced following the conclusion of the previous year's annual fall/winter CWD surveillance, which will be used as a basis for decision making. For these counties, hunters shall take their whole (or field dressed) deer to a designated firearm deer check station by 8:00 p.m. on the day the deer was killed. A permanent harvest tag will be attached to the leg of the deer upon registration at the check station. If a hunter is not able to locate a harvested deer in sufficient time to enable reporting the harvest by 8:00 p.m., the

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hunter must take the deer to the appropriate check station upon its opening at 8:00 a.m. the following morning, or immediately upon retrieving it if that occurs later than the opening of the check station. If this situation occurs on a Sunday (e.g., the check station will not be open on Monday), the hunter must contact the appropriate regional DNR Law Enforcement Office by 10:00 a.m. Monday morning for instructions on checking in the deer. If the head/antlers are delivered to a taxidermist for processing, the temporary harvest tag must accompany the head/antlers and be kept with the head/antlers while at the taxidermist. If the carcass is taken to a meat processor, the permanent harvest tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a tanner for processing must supply the tanner with their deer permit number to verify lawful acquisition. In the absence of a permit number, the tanner may rely on the written certification of the person from whom the deer was received that the specimen was legally taken or obtained.

- c) For counties in which Chronic Wasting Disease surveillance is not occurring:
- 1) Successful hunters during the firearm deer season must register their harvest by 10:00 p.m. on the same calendar day the deer was taken by calling the toll-free telephone check-in system at 1-866-ILCHECK or by accessing the on-line check-in system at <http://dnr.state.il.us/vcheck>. The hunter will be provided with a confirmation number to verify that he or she checked in the harvest. This number must be written by the hunter onto the temporary harvest tag (leg tag). The deer must remain whole (or field dressed) until it has been checked in. In instances where deer are checked in while the hunter is still afield, the deer may not be dismembered while afield beyond quartering the animal. If quartered, all parts of the carcass (except the entrails removed during field dressing) must be transported together and evidence of sex must remain naturally attached to one quarter. Evidence of sex is:
 - A) For a buck: head with antlers attached to carcass, or attached testicle, scrotum, or penis.
 - B) For a doe: head attached to carcass, or attached udder (mammary) or vulva.

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- 2) The temporary harvest tag (leg tag) and confirmation number must remain attached to the deer until it is at the legal residence of the person who legally took or possessed the deer, the deer has been checked in, and final processing is completed. If the head/antlers are delivered to a taxidermist for processing, the confirmation number must be recorded on the "head tag" portion of the permit and both must remain with the deer while at the taxidermist. If the carcass is taken to a meat processor, the temporary harvest tag with confirmation number must remain with the deer while it is processed, and until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a tanner for processing must supply the tanner with either their deer permit number, their confirmation number, or a written certification by the person from whom the deer was received that the specimen was legally taken or obtained.
- c) Site specific reporting requirements must be followed in addition to this Section.
- d) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Added at 29 Ill. Reg. 9654, effective June 24 2005)

Section 650.60 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 – General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) It is unlawful to drive deer, or participate in a deer drive, on all Department-owned or -managed properties. A deer drive is defined as a deliberate action by one or more persons (whether armed or unarmed) whose intent is to cause deer to move within firearm range of one or more participating hunters.
- c) Only one tree stand is allowed per deer permit holder. These tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that they may be left unattended from September 15-January 31 at those sites listed in this Section that are followed by a (1). Any tree stand left unattended overnight must be legibly marked with the owner's name, address, and telephone number, or site assigned identification number.
- d) Check-in, check-out, and reporting of harvest is required at those sites listed in

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this Section that are followed by a (2).

- e) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (3).
- f) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (4).
- g) Statewide regulations shall apply at the following sites:

Cache River State Natural Area (1) (2)

Campbell Pond (1) (2)

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

Carlyle Lake Wildlife Management Area (except subimpoundment area)

Chauncey Marsh (1) (2)

Crawford County Conservation Area (1) (2)

Cypress Creek National Wildlife Refuge

Cypress Pond State Natural Area (1) (2)

Deer Pond State Natural Area (1) (2)

Dog Island Wildlife Management Area (1) (2)

Ferne Clyffe State Park (1) (2)

Fort de Chartres State Historic Site (muzzleloading rifles only) (1) (2)

Giant City State Park (1) (2)

Hamilton County Conservation Area (1) (2)

Horseshoe Lake Conservation Area – Alexander County (all portions of the Public Hunting Area except the Controlled Goose Hunting Area) (1) (2)

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I-24 Wildlife Management Area (1) (2)

Kaskaskia River Fish and Wildlife Area (1) (2, except south of Highway 154 and north of Highway 13) (during each day of the second firearm deer season, hunting within the Doza Creek Waterfowl Management Area is open from 1:00 p.m. until sunset and firearm deer hunters may not enter the area until 11:00 a.m.; antlerless deer only)

Kinkaid Lake Fish and Wildlife Area (1) (2)

Lake Le Aqua Na State Park (standby hunting allowed during the first season if all blinds not filled by youth hunters)

[Meeker State Habitat Area \(1\) \(2\)](#)

Mernmet Lake Conservation Area (1) (2)

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

Mississippi River Pool 16 (1)

Mississippi River Pools 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Newton Lake Fish and Wildlife Area (2)

Oakford Conservation Area (1)

Pere Marquette State Park (1) (2)

Rend Lake Project Lands and Waters (1)

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

Sanganois State Wildlife Area (Ash Swale Waterfowl Rest Area will be closed to deer hunting during the waterfowl hunting seasons) (1)

Sielbeck Forest Natural Area (1) (2)

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Ten Mile Creek Fish and Wildlife Area (1); Belle Rive Unit only (3)

Trail of Tears State Forest (1) (2)

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

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

Weinberg-King State Park (2)

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

Wildcat Hollow State Forest (1)

- h) Statewide regulations shall apply at the following sites by special permit allocated through the regular statewide drawing. Season dates that differ from the statewide dates are in parentheses. Sites that offer standby hunting are followed by a (5). At sites offering standby hunting, permit holders must register at the check station by 5:00 a.m. each day of the hunt. Unvalidated permits are void after 5:00 a.m. Vacancies each day will be filled by a drawing held at 5:00 a.m. Vacancies may be filled by any person holding a valid hunting license, Habitat Stamp, and Firearm Owner Identification Card, unless exempt. Standby hunters will be issued a one-day site-specific deer permit at the check station, and charged a permit fee of \$5. All hunters must check out and report harvest. In the event that Department budget reductions or site staffing reductions make the operation of check stations or issuance of standby permits impractical, changes to check station procedures and standby permit issuance will be publicly announced and posted at the site.

Apple River Canyon State Park – Thompson and Salem Units (first or second season only) (2)

Argyle Lake State Park (2) (5)

Beall Woods State Park (Friday, Saturday and Sunday before the first statewide firearm deer season and Friday, Saturday and Sunday following the muzzleloading deer season; antlerless deer only) (1) (2) (5)

Big River State Forest (2) (5)

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Castle Rock State Park (first or second season only) (antlerless only) (1) (2) (5)

Coffeen Lake State Fish and Wildlife Area

Des Plaines Conservation Area (first season only) (2) (5)

Devil's Island Wildlife Management Area

Falling Down Prairie State Natural Area (first or second season only) (2)

Fort Massac State Park (second season only) (antlerless deer only) (2)

Fox Ridge State Park (1)

Franklin Creek State Natural Area (first or second season only) (antlerless only)
(2) (5)

Goose Lake Prairie State Natural Area/Heidecke State Fish and Wildlife Area
(~~tree stands not allowed~~; first or second season only; ~~antlerless deer only~~; "Texas"
~~style tripod stands allowed~~) (2) (5)

Green River State Wildlife Area (first or second season only) (1) (2) (5)

Hanover Bluff State Natural Area (first or second season only) (2)

Harry "Babe" Woodyard State Natural Area (2) (3)

~~Heidecke State Fish and Wildlife Area (first or second season only) (2) (4) (5)~~

Hidden Springs State Forest (1)

Horseshoe Lake Conservation Area – Alexander County (Refuge, first 2
Saturdays in November; separate permits required for each day; antlerless only)
(5)

Hurricane Creek Habitat Area

Iroquois County Conservation Area (first season only) (2) (5)

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Iroquois County Conservation Area (second season only; no hunting in the controlled pheasant hunting area) (2) (5)

Jim Edgar Panther Creek State Fish and Wildlife Area (1) (3)

Jim Edgar Panther Creek State Fish and Wildlife Area (West Open Unit) (1) (3)

Kaskaskia River Fish and Wildlife Area (Baldwin Lake Rest Area ~~north of Dry Lake access road only~~; first or second season only; antlerless deer only; hunting from elevated stands only; six feet minimum above ground; hunting must occur within 10 yards of an assigned, numbered stake; an inhouse drawing will be held ~~in mid-October on the last Friday of October~~ for such assignments; hunters will be notified by mail of their hunting location; no hunters may enter the area before 5:00 a.m.) (1) (2)

Kickapoo State Recreation Area (2)

Kishwaukee River State Fish and Wildlife Area (first or second season only)

Lowden-Miller State Forest (first or second season only) (1) (2) (5)

Mackinaw River Fish and Wildlife Area (1) (2) (5)

Marseilles Fish and Wildlife Area (first season only) (all tree stands must be removed no later than the last day of the archery deer season) (1) (2) (5)

Marseilles Fish and Wildlife Area (second season only) (all tree stands must be removed no later than the last day of the archery deer season) (1) (2) (5)

Marshall Fish and Wildlife Area (2) (5)

Middle Fork Fish and Wildlife Area (2)

Miller-Anderson Woods Nature Preserve (first ~~or second~~ season only; antlerless deer only) (2) (~~5~~)

Miller-Anderson Woods Nature Preserve (second season only; antlerless deer only) (2)

Mississippi Palisades State Park (first season only)

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Mitchell's Grove Nature Preserve (Monday, Tuesday, Wednesday and Thursday before the first statewide firearm deer season only; antlerless deer only) (2) (5)

Mitchell's Grove Nature Preserve (Monday, Tuesday and Wednesday before the second statewide firearm deer season only; antlerless deer only) (2) (5)

Momence Wetlands

Moraine Hills State Park (first or second season permits only; an antlerless deer permit must be filled before filling an either sex permit~~antlerless deer only~~, hunting from elevated stands only, 6 feet minimum above ground except for designated accessible blinds; firearms must be fully enclosed in a case, except while the hunter is in an elevated stand or as otherwise authorized by an employee of the Department) (2) ~~((5)-~~last 2 days of second season)

Morrison-Rockwood State Park (first season only) (5)

Pyramid State Park (1) (2) (3)

Pyramid State Park – East Conant Unit (1) (3)

Pyramid State Park – Galum Unit (1) (3)

Ray Norbut Fish and Wildlife Area (2) (5)

Sahara Woods (1) (2)

Sand Ridge State Forest (2)

Sangamon County Conservation Area (1)

Siloam Springs State Park (2) (3)

Spoon River State Forest (first or second season only) (1) (2)

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

Starved Rock/Matthiessen State Park (Monday, Tuesday, Wednesday and Thursday before the first statewide firearm deer season only; antlerless deer only)

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(2) (5)

Starved Rock/Matthiessen State Park (Monday, Tuesday and Wednesday before the second statewide firearm deer season only; antlerless deer only) (2) (5)

Tapley Woods State Natural Area (first or second season only) (2)

~~Union County Conservation Area (refuge, first Saturday in November)~~

Wards Grove Nature Preserve (first or second season only; antlerless only) (2)

Weldon Springs State Park (Piatt County Unit; first season only)

Weinberg-King State Park – Scripps Unit (2) (3)

White Pines State Park (Monday, Tuesday and Wednesday prior to the first statewide firearm deer season only; antlerless deer only; permit hunters must sign in daily prior to 8:30 a.m.; unfilled quotas will be filled by a stand-by drawing at 8:30 a.m. to allocate one-day site specific permits) (2) (5)

White Pines State Park (Monday, Tuesday and Wednesday prior to the second statewide firearm deer season only; antlerless deer only; permit hunters must sign in daily prior to 8:30 a.m.; unfilled quotas will be filled by a stand-by drawing at 8:30 a.m. to allocate one-day site specific permits) (2) (5)

Witkowsky State Wildlife Area (first or second season only) (2)

Wolf Creek State Park (participants in the Corps of Engineers special disabled hunt program are exempt from site's antler restrictions) (3)

- i) Violations of site specific regulations are petty offenses (see 520 ILCS 5/2.20).

(Source: Amended at 29 Ill. Reg. 9654, effective June 24 2005)

Section 650.67 Special Hunts for Disabled Hunters

- a) Statewide regulations shall apply; season dates shall be the Thursday, Friday, and Saturday immediately prior to the first firearm deer season, and the Thursday, Friday, and Saturday immediately following the second weekend of the regular firearm season unless otherwise noted in parentheses. Permit applications may be

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obtained from the appropriate Illinois Department of Natural Resources regional office, and completed applications must be returned to that office by the third Friday in October. Disabled hunters must possess a Class P2A disability card in order to be eligible for the drawing. All participating hunters must show proof of passing the Illinois Hunter Safety Course or an equivalent State program for nonresidents unless otherwise noted in parentheses. Additional regulations will be publicly announced.

Clinton Lake State Recreation Area (Mascoutin State Park) (2)

Rock Cut State Park (first Friday, Saturday and Sunday of November and the Tuesday, Wednesday and Thursday prior to the first statewide firearm deer season; participants other than disabled hunters must take an antlerless deer before taking an antlered deer) (2) (5)

Starved Rock State Park (Monday, Tuesday, Wednesday and Thursday before the first statewide firearm deer season only; antlerless deer only; hunter safety course not required) (2) (5)

Starved Rock State Park (Monday, Tuesday and Wednesday before the second statewide firearm deer season only; antlerless deer only; hunter safety course not required) (2) (5)

- b) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 29 Ill. Reg. 9654, effective June 24 2005)

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- 1) Heading of the Part: White-Tailed Deer Hunting by Use of Muzzleloading Rifles
- 2) Code Citation: 17 Ill. Adm. Code 660
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
660.20	Amendment
660.21	Amendment
660.30	Amendment
660.40	Amendment
660.45	Amendment
660.60	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].
- 5) Effective Date of Amendments: June 24, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: 29 Ill. Reg. 2946; February 25, 2005
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:

In Section 660.60(h) – added "Meeker State Habitat Area (1) (2)"
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and purpose of rulemaking: This Part was amended to change fees for non-resident deer hunters from \$200 for either-sex or antlered-only permits to the maximum allowed by Section 2.26 of the Wildlife Code; allow both residents and non-residents to obtain antlerless only permits without an either-sex permit beginning in September; add language regarding unfilled property-only hunting firearm deer permits; limit smokeless powder in muzzleloading firearms specifically designed for such use; eliminate check stations and go to a telephonic/internet check-in system except in counties where check stations will operate for CWD surveillance; and to make changes to DNR site regulations.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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

217/782-1809

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

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

PART 660
 WHITE-TAILED DEER HUNTING BY USE
 OF MUZZLELOADING RIFLES

Section

660.10	Statewide Season and Permit Quotas
660.20	Statewide Deer Permit Requirements
660.21	Deer Permit Requirements - Free -Landowner/Tenant Permits
660.22	Deer Permit Requirements – Special Hunts
660.25	Deer Permit Requirements – Group Hunt
660.30	Statewide Muzzleloading Rifle Requirements
660.40	Statewide Deer Hunting Rules
660.45	Reporting Harvest
660.50	Rejection of Application/Revocation of Permits
660.60	Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].

SOURCE: Adopted at 15 Ill. Reg. 4777, effective March 18, 1991; amended at 15 Ill. Reg. 11627, effective August 2, 1991; amended at 16 Ill. Reg. 11150, effective June 30, 1992; amended at 17 Ill. Reg. 10865, effective July 1, 1993; amended at 18 Ill. Reg. 5878, effective April 5, 1994; amended at 18 Ill. Reg. 13435, effective August 23, 1994; amended at 19 Ill. Reg. 6500, effective April 28, 1995; amended at 20 Ill. Reg. 6734, effective May 6, 1996; amended at 21 Ill. Reg. 5583, effective April 19, 1997; amended at 21 Ill. Reg. 9122, effective June 26, 1997; amended at 22 Ill. Reg. 8026, effective April 28, 1998; amended at 23 Ill. Reg. 5579, effective April 26, 1999; amended at 24 Ill. Reg. 10251, effective July 1, 2000; amended at 25 Ill. Reg. 6367, effective April 27, 2001; amended at 26 Ill. Reg. 9340, effective June 17, 2002; amended at 27 Ill. Reg. 10018, effective June 23, 2003; amended at 28 Ill. Reg. 8056, effective May 26, 2004; amended at 29 Ill. Reg. 9744, effective June 24 2005.

Section 660.20 Statewide Deer Permit Requirements

- a) Illinois resident hunters must have a current, valid "Muzzleloading Rifle Deer Permit" (\$15). [Fees for non-resident deer hunters shall be the maximum fee allowed by Section 2.26 of the Wildlife Code \[520 ILCS 5/2.26\] for each](#)

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~~either-sex or antlered-only deer hunting permit, and shall be \$25 for each antlerless-only permit. Muzzleloading rifle deer permit fees for non-residents shall be \$200 for each either-sex muzzleloading permit and \$25 for each antlerless-only permit.~~ A permit is issued for one county and is valid only in the county stated on the permit. Only applicants who receive an either-sex permit in a county or special hunt area are eligible for an antlerless-only permit for that county or special hunt area, until the Random Daily Drawing Period that begins in September, at which time antlerless-only permits remaining in the quota will be made available regardless of whether applicants already possess an either-sex permit. ~~except in counties that are specially designated for more intensive removal of does in a given year. Any such counties will be identified prior to the Random Daily Drawing Period which begins in September, and a limited number of antlerless-only permits will be made available regardless of whether applicants already possess an either-sex permit.~~ For permit applications and other information write to:

Department of Natural Resources
(Muzzleloading Rifle)
Deer Permit Office
P.O. Box 19227
Springfield, IL 62794-9227

- b) Applications from Illinois residents for participation in the First Lottery Drawing shall be accepted through the last weekday in April of the current year. Nonresidents may not apply to participate in the First Lottery Drawing. Applications received after the last weekday in April shall not be included in this lottery. Permits shall be allocated in a computerized random drawing. Permits shall be issued as either-sex, antlerless-only or antlered only. A maximum of one either-sex and one antlerless-only permit shall be issued per person.
- c) Applicants must complete all portions of the current year permit application form. Incomplete or incorrect applications will be returned along with the applicant's permit fee for correction or completion if received in the Permit Office prior to the last weekday in April of the current year.
- d) Applicants must check the antlerless-only box and enclose an additional \$15 to apply for an additional antlerless-only permit. Antlerless-only permits will be issued until the antlerless-only quota is filled for a given county or special hunt area.

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- e) Permits for counties and special hunt areas with unfilled quotas after the First Lottery Drawing shall be allocated in a Second Lottery Drawing. This drawing is open only to nonresident applicants and to Illinois residents who were not previously issued muzzleloader permits for the current hunting season. Illinois residents will be given preference for permits allocated in the Second Lottery Drawing. Applications for the Second Lottery Drawing will be accepted through the tenth weekday in August of the current year. Applicants may also apply for remaining antlerless-only permits by checking the antlerless-only box and enclosing an additional \$15 for residents and \$25 for nonresidents. A list of unfilled counties shall be announced upon becoming available after the First Lottery Drawing. Applicants must apply on a current year "Muzzleloading Rifle" Deer Permit application form. A maximum of one either-sex and one antlerless-only permit shall be issued per person.
- f) No more than 6 single applications per envelope shall be accepted during the application periods for the First and Second Lottery Drawings. Each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications to the Deer Permit Office for regular firearm, muzzleloading rifle, handgun, archery, and free or paid landowner/tenant permits.
- g) There will be an application period which starts the first working day after September 14 and ends the fifth weekday in November during which anyone (regardless of any other permit they may have, subject to the restriction in subsection (a)) can apply for muzzleloading deer permits left over from the county and special hunt area quotas. During this application period, the permits shall be issued in a random daily drawing. Applications received each day will not be processed until all applications received for that day are mixed. All applications received on a specific day will be processed before processing applications received for a subsequent day. All applications for the Random Daily Drawing will be processed individually (i.e., no group applications will be processed). Applicants can apply for one or more permits during this application period. ~~Full season antlerless-only permits shall only be issued to successful applicants that have full season either-sex permits in the county applied for.~~ Applicants must print "September Drawing – Multiple Muzzleloader Permits" on the outside of the envelope and mark the "September Drawing – Multiple Permits" box on the muzzleloading rifle deer permit application.
- h) Hunter preference in obtaining a muzzleloading rifle permit during the First Lottery Drawing shall be given to individuals that applied for an either-sex muzzleloading permit in the previous year's First Lottery Drawing who were

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rejected because the quota was depleted in their county choices. The following criteria must be met to obtain a preference in the muzzleloading rifle First Lottery Drawing:

- 1) The applicant must apply using the official agency preprinted data-mailer application.
 - 2) The applicant must be a resident of the state, be eligible to receive a Muzzleloading Rifle Deer Permit, and not had deer hunting privileges revoked pursuant to Section 660.50.
 - 3) The applicant must apply for the same county choices that he/she listed on the previous year's application. Preference will not be granted for special hunt areas.
 - 4) Where applicants apply as a group, preference for the entire group shall apply as it does above for the individual. All county choices for the group must be identical.
- i) Applications shall be accepted at the counter window of the permit office; however, permits shall be mailed. In-person and mail-in applications will receive equal treatment in the drawings.
 - j) Permits are not transferable. Refunds shall not be granted unless the Department of Natural Resources has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.
 - k) A \$3 service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there shall be no charge. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.
 - l) The period for accepting applications for the First and Second Lottery periods shall be extended if applications are not available to the public by April 1. A news release will announce the extension of the application period.
 - m) Hunting without a permit is a Class B misdemeanor (see 520 ILCS 5/2.24). Providing false information on a permit application is a Class A misdemeanor (see 520 ILCS 5/2.38).

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(Source: Amended at 29 Ill. Reg. 9744, effective June 24 2005)

Section 660.21 Deer Permit Requirements – ~~Free-Landowner/Tenant Permits~~

- a) Unfilled "property-only hunting"~~free landowner and tenant~~ firearm deer permits that authorize various types of property owners/tenants to hunt only on their owned or leased land, issued pursuant to 17 Ill. Adm. Code 650.21, shall be valid only on lands owned/leased by the permit holder during the muzzleloading rifle season. However, the only valid weapon during the muzzleloading rifle season is a muzzleloading rifle which meets the requirements of Section 660.30.
- b) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 29 Ill. Reg. 9744, effective June 24 2005)

Section 660.30 Statewide Muzzleloading Rifle Requirements

- a) The only legal hunting device is a single or double barreled muzzleloading firearm of at least .45 caliber shooting a single projectile through a barrel of at least 16 inches in length.
- b) The standards and specifications for muzzleloading firearms and ammunition are as follows:
 - 1) A muzzleloading firearm is defined as a ~~blackpowder~~ firearm that is incapable of being loaded from the breech end.
 - 2) The minimum size of the muzzleloading firearm projectile shall be .44 caliber. A wad or sleeve is not considered a projectile or a part of the projectile. Non-expanding, military-style full metal jacket bullets cannot be used to harvest white-tailed deer; only soft point or expanding bullets (including copper/copper alloy rounds designed for hunting) are legal ammunition.
 - 3) Only black powder or a "black powder substitute" such as Pyrodex may be used. Modern smokeless powders (nitrocellulose-based) are an approved blackpowder substitute only in muzzleloading firearms that are specifically designed for their use~~do not qualify as a "black powder substitute"~~.

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- 4) Only percussion caps, wheellock, matchlock or flint type ignition may be used.
 - 5) Removal of percussion cap or removal of prime powder from frizzen pan with frizzen open and hammer all the way down or removal of prime powder from flashpan and wheel unwound or removal of prime powder and match with match not lit shall constitute an unloaded muzzleloading firearm.
- c) It shall be unlawful to use or possess any other firearm or ammunition in the field while hunting white-tailed deer during the muzzleloading rifle deer season. However, the lawful possession of firearms to take furbearing mammals and game mammals other than deer by persons other than muzzleloading deer hunters shall not be prohibited during the muzzleloading rifle deer season as set in Section 660.10.
 - d) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 29 Ill. Reg. 9744, effective June 24 2005)

Section 660.40 Statewide Deer Hunting Rules

- a) The bag limit is one deer per legally authorized either-sex, antlered-only or antlerless-only permit. All either-sex permits and antlered-only permits are subject to the following restriction: no hunter, regardless of the quantity or type of permits in his/her possession, may harvest more than 2 antlered deer during a year, including the archery, muzzleloader, and firearm seasons. For purposes of this Section, deer seasons are considered to be in the same year if their opening dates fall within the same 12-month period that begins on July 1. A hunter in possession of an either-sex permit after having harvested 2 antlered deer during a year, as defined above, may only use the permit to harvest an antlerless deer. Subject to this restriction, an either-sex permit holder is allowed to take a deer with or without antlers and an antlered-only permit holder is allowed to take only a deer having at least one antler of a length of 3 or more inches. An antlerless only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long.
- b) Recipients of the Muzzleloading Rifle Deer Hunting Permit shall record their signature on the permit prior to hunting and must carry it on their person while hunting.

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- c) The temporary harvest tag shall be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the temporary harvest tag to the deer in the manner prescribed on the permit. ~~The temporary harvest tag should be attached around the base of the antler of antlered deer (antlers 3 or more inches in length), and attached to the leg of antlerless deer (<3 inch antler length, or no antlers). A permanent harvest tag will be attached to the leg of the deer upon check out at the check station. If the head/antlers are delivered to a taxidermist for processing, the temporary harvest tag must accompany them and be kept with the head/antlers while at the taxidermist. If the carcass is taken to a meat processor, the permanent harvest tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a tanner for processing must supply the tanner with their deer permit number to verify lawful acquisition. In the absence of a permit number, the tanner may rely on the written certification of the person from whom the deer was received that the specimen was legally taken or obtained. It is permissible to quarter the deer carcass prior to checking it in, so long as all parts of the carcass (except the entrails removed during field dressing) are transported together and the carcass is tagged in the appropriate location, except during the second firearm deer season (Section 660.10). However, it is illegal to possess or transport a deer carcass, prior to checking it in, without evidence of sex naturally attached. If the carcass is quartered, evidence of sex only needs to be attached to one quarter or another major part of the carcass. Evidence of sex is:~~
- 1) ~~For a buck: head with antlers attached to carcass, or attached testicle, scrotum, or penis.~~
 - 2) ~~For a doe: head attached to carcass, or attached udder (mammary) or vulva.~~
- d) ~~During the second firearm deer season, the deer shall be taken whole (or field dressed) to the designated check station (either the county check station or the nearest check station to the site of the kill) by the hunter in person by 8:00 p.m. of the day the deer was killed. The deer may not be quartered as during the archery deer season (17 Ill. Adm. Code 670.55).~~
- de) Hunters shall not have in their possession, any deer permit issued to another

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person, while in the field during muzzleloading rifle deer season (permits are non-transferable).

- ef) Permits will not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Legal disposal of unfit deer taken shall be the responsibility of the hunter. For those hunters participating in the Department's Chronic Wasting Disease Surveillance Program, a free permit for the same county or special hunt area will be made available the subsequent year if their tested deer is determined to have chronic wasting disease.
- fg) Unlawful take or possession of one deer is a Class B misdemeanor (see 520 ILCS 5/2.4); unlawful take or possession of 2 or more deer in a 90-day period is a Class 4 felony (see 520 ILCS 5/2.36a); unlawful take or possession of 2 or more deer as a single act or single course of conduct is a Class 3 felony (see 520 ILCS 5/2.36); and any other violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 29 Ill. Reg. 9744, effective June 24 2005)

Section 660.45 Reporting Harvest

- a) Successful hunters must register their harvest by 10:00 p.m. on the same calendar day the deer was taken by calling the toll-free telephone check-in system at 1-866-ILCHECK or by accessing the on-line check-in system at <http://dnr.state.il.us/vcheck>. The hunter will be provided with a confirmation number to verify that he or she checked in the harvest. This number must be written by the hunter onto the temporary harvest tag (leg tag). The deer must remain whole (or field dressed) until it has been checked in. In instances where deer are checked in while the hunter is still afield, the deer may not be dismembered while afield beyond quartering the animal. If quartered, all parts of the carcass (except the entrails removed during field dressing) must be transported together and evidence of sex must remain naturally attached to one quarter. Evidence of sex is: ~~Within 48 hours after taking a deer by muzzleloading rifle, the hunter must check the deer in at a county archery check station in person. However, hunters with a muzzleloading rifle deer permit hunting during the second firearm deer season must abide by regulations contained in 17 Ill. Adm. Code 650.40(e).~~
 - 1) For a buck: head with antlers attached to carcass, or attached testicle, scrotum, or penis.

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- 2) For a doe: head attached to carcass, or attached udder (mammary) or vulva.
- b) The temporary harvest tag (leg tag) and confirmation number must remain attached to the deer until it is at the legal residence of the person who legally took or possessed the deer, the deer has been checked in, and final processing is completed. If the head/antlers are delivered to a taxidermist for processing, the confirmation number must be recorded on the "head tag" portion of the permit and both must remain with the deer while at the taxidermist. If the carcass is taken to a meat processor, the temporary harvest tag with confirmation number must remain with the deer while it is processed, and until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a tanner for processing must supply the tanner with either their deer permit number, their confirmation number, or a written certification by the person from whom the deer was received that the specimen was legally taken or obtained.
- c) In counties where Chronic Wasting Disease surveillance is occurring during the firearm deer season (17 Ill. Adm. Code 650.45(a)), successful hunters using their muzzleloading rifle deer permits during the second weekend of the firearm season may, at their option, register their harvest at a designated firearm deer check station by 8:00 p.m. on the day the deer was killed. In this situation, the "head tag" portion of the permit will be retained at the check station, and a permanent harvest tag will be attached to the deer upon registration. Tagging requirements for deer delivered to taxidermists, meat processors, and tanners will be as described in 17 Ill. Adm. Code 650.45(a). Muzzleloader hunters **required to report under this subsection**, but who are unable to locate a harvested deer in sufficient time to **report the harvest** by 8:00 p.m., must report the harvest as described in **subsection (a)**.
- ~~db~~) Site specific reporting requirements must be followed in addition to this Section.
- ~~ee~~) Violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 29 Ill. Reg. 9744, effective June 24 2005)

Section 660.60 Regulations at Various Department-Owned or -Managed Sites

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

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apply in this Section, unless this Section is more restrictive.

- b) Only one tree stand is allowed per deer permit holder. Tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that they may be left unattended from September 15-January 31 at those sites listed in this Section that are followed by a (1). Any tree stand left unattended overnight must be legibly marked with the owner's name, address, and telephone number, or site assigned identification number.
- c) It is unlawful to drive deer or participate in a deer drive on all Department-owned or -managed properties. A deer drive is defined as a deliberate action by one or more persons (whether armed or unarmed) whose intent is to cause deer to move within firearm range of one or more participating hunters.
- d) Check-in, check-out and reporting of harvest is required at those sites listed in this Section that are followed by a (2).
- e) Handicapped preferred hunting opportunities are provided at those sites listed in this Section that are followed by a (3).
- f) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (4).
- g) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (5).
- h) Statewide regulations shall apply at the following sites:

Cache River State Natural Area (1) (2)

Campbell Pond Fish and Wildlife Area (1) (2)

Carlyle Lake Wildlife Management Area except subimpoundment areas

Carlyle Lake Lands and Waters – Corps of Engineers managed lands

Chauncey Marsh (1) (2)

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

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Cypress Creek National Wildlife Refuge

Cypress Pond State Natural Area (1) (2)

Deer Pond State Natural Area (1) (2)

Devil's Island Management Area

Dog Island Wildlife Management Area (1) (2)

Ferne Clyffe State Park (1) (2)

Fort de Chartres Historic Site (1) (2)

Giant City State Park (1) (2)

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

Horseshoe Lake Conservation Area – Alexander County (all portions of the Public Hunting Area except the Controlled Goose Hunting Area) (1) (2)

I-24 Wildlife Management Area (1) (2)

~~Jim Edgar Panther Creek State Fish and Wildlife Area West Open Unit (closed during second firearm season; site issued permit required, must be returned by February 15) (1) (4)~~

Kaskaskia River Fish and Wildlife Area (1) (2, except south of Highway 154 and north of Highway 13) (Doza Creek Waterfowl Management Area is closed during duck season)

Kickapoo State Park (closed during second firearm deer season) (1) (2)

Kinkaid Lake Fish and Wildlife Area (1) (2)

Meeker State Habitat Area (1) (2)

Mermet Lake Conservation Area (1) (2)

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Middle Fork Fish and Wildlife Area (closed during second firearm deer season)
(1) (2)

Mississippi River Pool 16 (1)

Mississippi River Pool 17 (1)

Mississippi River Pool 18 (1)

Mississippi River Pools 21, 22, 24 (1)

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

Oakford Conservation Area (1)

Pere Marquette State Park (hunting in designated area only) (1) (2)

Pyramid State Park (1) (2) [\(4\)](#)

Ray Norbut Fish and Wildlife Area (2)

Rend Lake Project Lands and Waters (1)

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

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

Sanganois Fish and Wildlife Area (Ash Swale Waterfowl Rest Area will be closed to deer hunting during the waterfowl hunting seasons) (1)

Sielbeck Forest Natural Area (1) (2)

~~Starved Rock State Park (antlerless deer only) (2)~~

Ten Mile Creek Fish and Wildlife Area (1); Belle Rive Unit only (4)

Trail of Tears State Forest (1) (2)

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

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

Weinberg-King State Park (2)

Weinberg-King State Park – Scripps Unit (2)

[Weinberg-King State Park – Spunky Bottoms Unit \(2\)](#)

Wildcat Hollow State Forest (1)

- i) Statewide regulations shall apply at the following sites by special permit allocated through the regular statewide drawing. Season dates that differ from the statewide dates are in parentheses. Sites that offer standby hunting are followed by a (6). At sites offering standby hunting, permit holders must register at the check station by 5:00 a.m. each day of the hunt. Unvalidated permits are void after 5:00 a.m. Vacancies each day will be filled by a drawing held at 5:00 a.m. Vacancies may be filled by any person holding a valid hunting license, Habitat Stamp, and Firearm Owner Identification Card, if required. Standby hunters will be issued a one-day site-specific deer permit at the check station, and charged a permit fee of \$5. All hunters must check out and report harvest. [In the event that Department budget reductions or site staffing reductions make the operation of check stations or issuance of standby permits impractical, changes to check station procedures and standby permit issuance will be publicly announced and posted at the site.](#)

[Apple River Canyon State Park – Thompson and Salem Units \(closed during the second firearm deer season\) \(2\)](#)

Castle Rock State Park (closed during second firearm season; antlerless deer only) (2) (6)

Clinton Lake State Recreation Area (North Fork Management Unit, north of the county road at the North Fork boat ramp) (1)

Falling Down Prairie (closed during the second firearm deer season) (2)

Hanover Bluff [State Natural Area](#) ~~Kopper Tract~~ (closed during the second firearm deer season) (2)

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Hidden Springs State Forest (closed during second firearm deer season) (1) (2)

Jim Edgar Panther Creek State Fish and Wildlife Area – East Open Unit (closed during second firearm deer season; site issued permit required, must be returned by February 15) (1) (4)

Jim Edgar Panther Creek State Fish and Wildlife Area – West Open Unit (closed during second firearm deer season; site issued permit required, must be returned by February 15) (1) (4)

Marseilles Fish and Wildlife Area (closed during second firearm deer season) (all tree stands must be removed from this area no later than sunset of the last day of archery deer season) (1) (2) (6)

Midewin National Tallgrass Prairie (closed during the second firearm deer season) ~~(5)~~

Mitchell's Grove Nature Preserve (closed during the second firearm deer season; antlerless only; standby permits are available at the Matthiessen State Park check station; check station hours are 8:30 a.m. to 4:00 p.m.) (2) (6)

Pyramid State Park – East Conant Unit (1)(4)

Sahara Woods (1) (2)

Sangchris Lake State Park (open to muzzleloading rifle hunting during the second firearm deer season only; antlerless deer only; hunting will begin the first day at legal shooting time and at 10:30 a.m. on all other days of the season) (1) (2)

Sangamon County Conservation Area (closed during second firearm deer season) (1)

Spoon River State Forest (1) (2)

Starved Rock State Park/Matthiessen State Park/Margery C. Carlson Nature Preserve (closed during the second firearm deer season; hunt is open in Zone A; antlerless only; standby permits are available at the check station; check station hours are 8:30 a.m. to 4:00 p.m.) (2) (6)

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

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(2)

Wards Grove Nature Preserve (closed during the second firearm deer season; antlerless deer only) (2) (6)

Witkowsky State Wildlife Area (closed during the second firearm deer season) (2)

j) Violations of site specific regulations are petty offenses (see 520 ILCS 5/2.20).

(Source: Amended at 29 Ill. Reg. 9744, effective June 24 2005)

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- 1) Heading of the Part: White-Tailed Deer Hunting by Use of Bow and Arrow
- 2) Code Citation: 17 Ill. Adm. Code 670
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
670.20	Amendment
670.21	Amendment
670.30	Amendment
670.40	Amendment
670.55	Amendment
670.60	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].
- 5) Effective Date of Amendments: June 24, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: 29 Ill. Reg. 2963; February 25, 2005
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:

Section 670.20(c):

Added a new first sentence:

A limited number of nonresident either-sex archery deer permits are available for a fee of \$300.

In the second sentence, changed:

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"Fees" to "The fee"

"the maximum fee allowed by Section 2.26 of the Wildlife Code [520 ILCS 5/2.26]" to "\$325"

In the fourth sentence:

added "either-sex or" prior to "combination"

changed "15,000" to "20,000"

changed "currently permitted outfitters licenses" to "outfitters currently permitted"

In the fifth sentence:

changed "licensed resident" to "permitted"

Added at the end of the subsection:

"Up to 6 individuals may apply for nonresident combination archery permits as a group. Groups must identify a group leader, and all applicants must provide the same group leader information at the time of application. If applying for permits given preferentially to clients of outfitters, all group applicants must also provide the same outfitter certification number."

Section 670.21(e) – following "apply for one" added "either-sex" and struck-out "combination" and added ", trust or partnership" prior to "lands for which a permit is being"

Section 670.60(h) – Starved Rock – changed "open" to "allowed only"

Section 670.60(j) – added "Meeker State Habitat Area (obtain permit at Sam Parr State Park headquarters) (1)"

Section 670.60(l)(2) – Sangchris Lake – struck-out "(5)"

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

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- 13) Will this rulemaking replace any emergency rulemakings currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: A limited number of nonresident either-sex archery deer permits are available for a fee of \$300. The fee for nonresident combination archery deer permits shall be \$325. Nonresident either-sex or combination archery permits shall be limited to 20,000, with clients of outfitters currently permitted by DNR given preference in the drawing for the first 7,500. If all 7,500 reserved permits are not taken by outfitter clients, permits left over will go into a general pool. If more than 7,500 outfitter clients apply, those who did not get reserved permits go into a random draw with non-outfitter clients. Other changes include making non-resident over-the-counter \$25 antlerless permits available to any nonresident, changing from limited availability to only nonresident with an either-sex permit; allocating nonresident either-sex permits by random draw; changing application to the months of June and July by phone; making changes to partnership and beneficiary permits; removing restricted archery zone of 5 counties and allowing harvest of antlerless deer during the first 15 days of the season; eliminating check stations and adding a telephonic/internet check-in system; eliminating the barbless requirement for arrowheads; and updating site specific regulations.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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

217/782-1809

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

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TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFEPART 670
WHITE-TAILED DEER HUNTING BY USE OF BOW AND ARROW

Section

670.10	Statewide Open Seasons and Counties
670.20	Statewide Deer Permit Requirements
670.21	Deer Permit Requirements – Landowner/Tenant Permits
670.30	Statewide Legal Bow and Arrow
670.40	Statewide Deer Hunting Rules
670.50	Rejection of Application/Revocation of Permits
670.55	Reporting Harvest
670.60	Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].

SOURCE: Adopted at 5 Ill. Reg. 8888, effective August 25, 1981; codified at 5 Ill. Reg. 10641; emergency amendment at 5 Ill. Reg. 11402, effective October 14, 1981, for a maximum of 150 days; emergency expired March 13, 1982; amended at 6 Ill. Reg. 10721, effective August 20, 1982; emergency amendment at 6 Ill. Reg. 15581, effective December 14, 1982, for a maximum of 150 days; emergency expired May 13, 1983; amended at 7 Ill. Reg. 10790, effective August 24, 1983; amended at 8 Ill. Reg. 19004, effective September 26, 1984; amended at 9 Ill. Reg. 14317, effective September 9, 1985; amended at 10 Ill. Reg. 16658, effective September 22, 1986; amended at 11 Ill. Reg. 2275, effective January 20, 1987; amended at 12 Ill. Reg. 12042, effective July 11, 1988; amended at 13 Ill. Reg. 12839, effective July 21, 1989; amended at 14 Ill. Reg. 14787, effective September 4, 1990; amended at 14 Ill. Reg. 19859, effective December 3, 1990; amended at 15 Ill. Reg. 10021, effective June 24, 1991; amended at 15 Ill. Reg. 16691, effective October 31, 1991; amended at 16 Ill. Reg. 11116, effective June 30, 1992; amended at 17 Ill. Reg. 286, effective December 28, 1992; amended at 17 Ill. Reg. 13452, effective July 30, 1993; amended at 18 Ill. Reg. 5842, effective April 5, 1994; amended at 19 Ill. Reg. 7560, effective May 26, 1995; amended at 19 Ill. Reg. 15411, effective October 26, 1995; amended at 20 Ill. Reg. 6723, effective May 6, 1996; amended at 21 Ill. Reg. 5561, effective April 19, 1997; amended at 22 Ill. Reg. 7995, effective April 28, 1998; amended at 23 Ill. Reg. 6829, effective May 20, 1999; amended at 24 Ill. Reg. 6908, effective April 20, 2000; amended at 25 Ill. Reg. 7217, effective May 22, 2001; amended at 25 Ill. Reg. 11471, effective August 14, 2001;

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amended at 26 Ill. Reg. 9356, effective June 17, 2002; amended at 27 Ill. Reg. 10025, effective June 23, 2003; amended at 28 Ill. Reg. 9968, effective July 6, 2004; amended at 29 Ill. Reg. 9761, effective June 24 2005.

Section 670.20 Statewide Deer Permit Requirements

- a) All archery deer hunters must have a current, valid Illinois archery deer permit. Archery deer permits (except landowner/tenant property-only permits and nonresident permits issued to clients of outfitters as detailed in Section 670.20(c)) will authorize the holder to hunt in any of the open counties of the State, on property where permission to hunt has been obtained from the property owner. Nonresident archery deer permits issued to outfitter clients who received a permit based on the preference given to outfitter clients are valid only on property controlled by the outfitter used to gain preference.
- b) Resident archery deer permits are available over-the-counter (OTC) from license vendors throughout the State as combination permits, each consisting of one either-sex permit and one antlerless-only permit. In addition, a resident single either-sex archery deer permit will be available until September 1 of each year by mail only from the Permit Office. The fee for a resident archery combination permit shall be \$25; a resident archery single either-sex permit shall be \$15. No more than one single either-sex permit may be purchased per individual per season. While there is no limit to the number of combination archery deer permits that an individual resident may purchase, no one may harvest more deer than allowed by the restrictions prescribed in Section 670.40.
- c) A limited number of nonresident either-sex archery deer permits are available for a fee of \$300. A limited number of nonresident archery deer permits is available as combination permits, each consisting of one either-sex permit and one antlerless-only permit. The fee for the nonresident combination archery deer permit shall be \$325. Nonresident hunters may apply during the period June 1 through July 31 via telephone using DNR's telephone vendor system (1-888-673-7648). The number of nonresident either-sex or combination archery deer permits shall be limited to 20,000, with clients of outfitters currently permitted by the Department of Natural Resources given preference in the drawing for the first 7,500. Clients of permitted outfitters should contact the outfitter prior to applying to receive a certification number to be used in the application process to verify their outfitter client status. Permits will be allocated using a computerized, random lottery drawing conducted after July 31. If the number of eligible outfitter clients in the drawing is less than 7,500, all remaining permits will be

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~~allocated to the remaining applicants until the quota is reached. If the number of eligible outfitter clients in the drawing exceeds 7,500, those outfitter clients unsuccessful in obtaining one of the first 7,500 permits will compete against non-client applicants for the remaining permits. Applicants may submit only one application for the nonresident combination archery deer permit. Up to six individuals may apply for nonresident combination archery permits as a group. Groups must identify a group leader, and all applicants must provide the same group leader information at the time of application. If applying for permits given preferentially to clients of outfitters, all group applicants must also provide the same outfitter certification number. The fee for a nonresident archery combination permit shall be \$225. The nonresident combination archery deer permit may only be purchased via telephone using DNR's toll-free telephone vendor system (1-888-673-7648) beginning the second Saturday in July. The number of nonresident combination archery deer permits shall be limited to 15,000 and based upon such factors as public recreation, biological balance, numbers, health, deer herd recruitment, and historical data. Nonresident combination archery deer permits will be sold on a first come, first served basis until the quota is reached. Successful nonresident applicants may obtain no more than one archery combination permit per season.~~

- d) An unlimited number of nonresident single antlerless-only archery deer permits ~~is~~are available over-the-counter (OTC) from participating license vendors ~~for a fee of \$25 to nonresidents who have been issued an archery combination permit. To obtain the nonresident single antlerless-only archery permit, the hunter, in person, must show the stub from his or her archery combination permit and pay a fee of \$25 to the license vendor.~~
- e) Hunters purchasing archery deer permits must supply all necessary applicant information to the license vendor in order to properly complete the permit.
- f) Applications for the resident single either-sex permit or landowner/tenant permits may be obtained by writing to:

Department of Natural Resources
Archery Deer Permit Office
P.O. Box 19227
Springfield IL 62794-9227

To obtain the resident single either-sex permit or a landowner/tenant permit, applicants must submit an application to the Permit Office using the official

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current Archery Deer Permit application form. Applications submitted on forms from previous years will be returned. Applicants must complete all portions of the permit application form. Incomplete applications and fees will be returned. Each applicant must submit a personal check or money order for his/her individual application.

- g) Applications for resident archery single either-sex permits will be accepted from the date on which they become available until September 1. Applications received after September 1 will be rejected and the fees returned.
- h) Permits are not transferable. Refunds will not be granted.
- i) A \$3 service fee will be charged for replacement permits issued by DNR, except that there will be no charge for permits lost in the mail. The procedures for obtaining a replacement license are detailed in 17 Ill. Adm. Code 2520.50. Monies from this source will be deposited in the Wildlife and Fish Fund.
- j) Hunting without a valid permit is a Class B misdemeanor (see 520 ILCS 5/2.24). Providing false information on an application is a Class A misdemeanor (see 520 ILCS 5/2.38).

(Source: Amended at 29 Ill. Reg. 9761, effective June 24 2005)

Section 670.21 Deer Permit Requirements – Landowner/Tenant Permits

- a) The immediate family of a landowner or tenant is limited to the spouse, children or parents permanently residing on the same property as the landowner or tenant.
- b) A tenant for the purpose of this Part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit. Hunting and mineral rights leases are not valid for a tenant permit.
- c) Resident Illinois landowners who own 40 acres or more of land and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family, may apply for a free combination archery deer permit for their property only. ~~Non-resident~~ Illinois landowners (of 40 acres or more) are also eligible to apply for a combination archery deer permit for their property only. The fee to non-resident Illinois landowners

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owning 40 acres or more for a combination permit for their property only shall be \$70. This deer hunting permit shall be valid on all farm lands owned, leased, or rented by the person to whom it is issued.

- d) If property is owned or rented by more than one person, only one landowner (and his immediate family) or one tenant (and his immediate family) will be issued a permit for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive deer permits.
- e) Bona fide equity shareholders of corporations, ~~or~~ bona fide equity members of limited liability companies, bona fide current income beneficiaries of trusts or bona fide partners of partnerships owning 40 or more acres of land in a county may apply for one ~~either-sex~~combination permit to hunt the corporation, ~~or~~ limited liability company, trust or partnership lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county for corporations, trusts, and limited liability companies and a maximum number of 3 permits per county for partnerships, shall be issued based on ownership of lands by corporations, ~~and~~ limited liability companies, trusts or partnerships. Lands leased to corporations, ~~and~~ limited liability companies, trusts or partnerships shall not be considered as a basis for a permit for the shareholders/members/beneficiaries/partners of the lessee. Lands held in trust by corporations, ~~and~~ limited liability companies, or partnerships shall not be considered as a basis for a permit by the shareholders/members/partners of the trustee. If application is made for a permit based upon lands owned by the corporation, ~~or~~ limited liability company, trust or partnership, a duly authorized officer of the corporation, limited liability or company, trust or partnership must sign a notarized statement authorizing the applicant to hunt on the corporate, ~~or~~ company, trust or partnership lands for which a permit is being requested. This statement must identify the applicant as a bona fide equity shareholder, ~~or~~ member, beneficiary or partner, as defined in this subsection, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation, ~~or~~ limited liability company, or trust lands and no more than 3 authorizations will be requested per county for partnership lands. This document must be attached to the application upon submittal to the Permit Office. The shareholder/member combination permit shall be free to resident shareholders/members/beneficiaries/partners, and the cost to non-resident shareholders/members/beneficiaries/partners shall be \$70. Non-resident partners cannot receive permits under this subsection.

- 1) Bona fide equity shareholder means an individual who:

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- A) purchased, for market price, publicly sold stock shares in a corporation; purchased shares of a privately-held corporation for a value equal to the percentage of the appraised value of the corporate assets represented by the ownership in the corporation; or is a member of a closely-held family-owned corporation and has purchased or been gifted with shares of stock in the corporation accurately reflecting his or her percentage of ownership; and
- B) intends to retain the ownership of the shares of stock for ata least 5 years.
- 2) Bona fide equity member means an individual who:
- A) became a member upon the formation of the limited liability company; or has purchased a distributional interest in a limited liability company for a value equal to the percentage of the appraised value of the limited liability company assets represented by the distributional interest in the limited liability company and subsequently becomes a member of the company pursuant to Article 30 of the Limited Liability Company Act; and
- B) intends to retain the membership for at least 5 years.
- 3) Bona fide current income beneficiary means an individual who, at the time of application for a permit, is entitled to income (whether income exists or not) from the trust that owns the land the applicant wishes to hunt with no condition precedent (such as surviving another person, reaching a certain age, etc.) other than the trustee distributing the income, and is listed by name in the trust documents as an income beneficiary.
- 4) Bona fide equity partner means an individual who:
- A) became a partner, either general or limited, upon the formation of the partnership; or has purchased a distributional interest in the partnership or limited partnership for a value equal to the percentage of the appraised value of the partnership assets represented by the distributional interest in the partnership;

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B) intends to retain ownership of the partnership for at least 5 years; and

C) is a resident of Illinois.

- f) The application period for these permits will be publicly announced. Applicants submitting applications for a landowner or shareholder archery permit after September 1 will not be guaranteed a permit by October 1.
- g) Providing false information on a permit application is a Class A misdemeanor (see 520 ILCS 5/2.38).

(Source: Amended at 29 Ill. Reg. 9761, effective June 24 2005)

Section 670.30 Statewide Legal Bow and Arrow

- a) The only legal hunting devices to take, or attempt to take, deer are: a long, recurved, or compound bow with minimum pull of 40 pounds at some point within a 28-inch draw. Minimum arrow length is 20 inches, and broadheads must be used. Broadheads may have fixed or expandable blades, but they must be ~~barbless and have~~ a minimum $\frac{7}{8}$ inch in diameter when fully opened. Broadheads with fixed blades must be metal or flint-, chert-, or obsidian-knapped; broadheads with expandable blades must be metal. All other bows and arrows, including electronic arrow tracking systems, are illegal.
- b) A crossbow device is illegal except as provided by Section 2.26 of the Wildlife Code [520 ILCS 5/2.26]. It is unlawful to carry any firearm or sidearm while hunting deer with a bow and arrow.
- c) Any mechanical device capable of maintaining a drawn or partially drawn position on a bow without the hunter exerting full string tension is illegal, except as noted in subsection (b) above.
- d) Use of an unlawful device is a Class B misdemeanor (see 520 ILCS 5/2.24), except that unlawful use of a crossbow is a Class A misdemeanor with a minimum \$500 and maximum \$5,000 fine, in addition to other statutory penalties (see 520 ILCS 5/2.33(o)).

(Source: Amended at 29 Ill. Reg. 9761, effective June 24 2005)

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Section 670.40 Statewide Deer Hunting Rules

- a) The bag limit is one deer per legally authorized either-sex, antlered-only or antlerless-only permit. All either-sex permits and antlered-only permits are subject to the following restriction: no hunter, regardless of the quantity or type of permits in his/her possession, may harvest more than 2 antlered deer during a year, including the archery, muzzleloader and firearm seasons. For purposes of this subsection, deer seasons are considered to be in the same year if their opening dates fall within the same 12-month period that begins on July 1. A hunter in possession of an either-sex permit after having harvested 2 antlered deer during a year, as defined above, may only use the permit to harvest an antlerless deer. Subject to this restriction, an either-sex permit holder is allowed to take a deer with or without antlers; and an antlered-only permit holder is allowed to take only a deer having at least one antler of a length of 3 or more inches. An antlerless-only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long.
- ~~b) The Illinois Restricted Archery Zone shall consist of Champaign, DeWitt, Macon, Moultrie, and Piatt counties. During the period October 1-October 31, only antlered deer may be harvested in the Restricted Archery Zone, regardless of permits in possession. An antlered deer is defined as a deer having at least one antler of a length of 3 or more inches. All restrictions listed in subsection (a) also apply in the Restricted Archery Zone.~~
- b)e) Recipients of any type of Archery Deer Hunting Permit shall record their signature on the permit prior to hunting and must carry it on their person while hunting. In addition, holders of combination permits (consisting of both either-sex and antlerless-only tags on a single form) shall record their name and complete address on the ~~check station~~-tag portions of their permit in the spaces provided prior to hunting.
- c)d) The temporary harvest tag shall be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the temporary harvest tag to the deer in the manner prescribed on the permit. ~~The temporary harvest tag should be attached around the base of the antler of antlered deer (antlers 3 or more inches in length), and attached to the leg of antlerless deer (<3 inch antler length, or no antlers). A permanent harvest tag will be attached to the leg of the deer upon check out at the check station. If the head/antlers are delivered to a taxidermist for processing, the temporary harvest tag must~~

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~~accompany them and be kept with the head/antlers while at the taxidermist. If the carcass is taken to a meat processor, the permanent harvest tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a tanner for processing must supply the tanner with their deer permit number to verify lawful acquisition. In the absence of a permit number, the tanner may rely on the written certification of the person from whom the deer was received that the specimen was legally taken or obtained.~~

- d)e) Hunters shall not have in their possession, while in the field during archery deer season, any deer permit issued to another person (permits are non-transferable).
- e)f) Permits will not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Legal disposal of unfit deer taken shall be the responsibility of the hunter. For those hunters participating in DNR's Chronic Wasting Disease Surveillance Program, a free permit will be made available (during either the current year or the subsequent year, at the discretion of the hunter) if their tested deer is determined to have chronic wasting disease.
- f)g) Unlawful take or possession of one deer is a Class B misdemeanor (see 520 ILCS 5/2.24); unlawful take or possession of two or more deer in a 90-day period is a Class 4 felony (see 520 ILCS 5/2.36a); unlawful take or possession of 2 or more deer as a single act or single course of conduct is a Class 3 felony (see 520 ILCS 5/2.36a); and any other violation of this Section is a Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 29 Ill. Reg. 9761, effective June 24 2005)

Section 670.55 Reporting Harvest

- a) Successful hunters must register their harvest by 10:00 p.m. on the same calendar day the deer was taken by calling the toll-free telephone check-in system at 1-866-ILCHECK or by accessing the on-line check-in system at <http://dnr.state.il.us/vcheck>. The hunter will be provided with a confirmation number to verify that he or she checked in the harvest. This number must be written by the hunter onto the temporary harvest tag (leg tag). The deer must remain whole (or field dressed) until it has been checked in. In instances where deer are checked in while the hunter is still afield, the deer may not be dismembered while afield beyond quartering the animal. If quartered, all parts of

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~~the carcass (except the entrails removed during field dressing) must be transported together and evidence of sex must remain naturally attached to one quarter. Evidence of sex is: Within 48 hours after taking a deer by bow and arrow, the hunter must check the deer in at a county archery check station in person.~~

- ~~1) For a buck: head with antlers attached to carcass, or attached testicle, scrotum, or penis.~~
- ~~2) For a doe: head attached to carcass, or attached udder (mammary) or vulva.~~

- b) ~~The temporary harvest tag (leg tag) and confirmation number must remain attached to the deer until it is at the legal residence of the person who legally took or possessed the deer, the deer has been checked in, and final processing is completed. If the head/antlers are delivered to a taxidermist for processing, the confirmation number must be recorded on the "head tag" portion of the permit and both must remain with the deer while at the taxidermist. If the carcass is taken to a meat processor, the temporary harvest tag (leg tag) with confirmation number must remain with the deer while it is processed, and until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a tanner for processing must supply the tanner with either their deer permit number, their confirmation number, or a written certification by the person from whom the deer was received that the specimen was legally taken or obtained. It is permissible to quarter the deer carcass prior to checking it in, so long as all parts of the carcass (except the entrails removed during field dressing) are transported together, and the carcass is tagged in the appropriate location. However, it is illegal to possess or transport a deer carcass, prior to checking it in, without evidence of sex naturally attached. If the carcass is quartered, evidence of sex only needs to be attached to one quarter or another major part of the carcass. Evidence of sex is:~~

- ~~1) For a buck: head with antlers attached to carcass, or attached testicle, scrotum, or penis.~~
- ~~2) For a does: head attached to carcass, or attached udder (mammary) or vulva.~~

- c) Site specific reporting requirements must be followed in addition to this Section.
- d) Failure to follow this Section constitutes illegal possession of deer, which is a

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Class B misdemeanor (see 520 ILCS 5/2.24).

(Source: Amended at 29 Ill. Reg. 9761, effective June 24 2005)

Section 670.60 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 (General Hunting and Trapping) apply in this Section, unless this Section is more restrictive.
- b) It is unlawful to drive deer, or participate in a deer drive, on all Department-owned or -managed properties. A deer drive is defined as a deliberate action by one or more persons (whether armed or unarmed) whose intent is to cause deer to move within archery range of one or more participating hunters.
- c) Only one tree stand is allowed per deer permit holder. Tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that tree stands may be left unattended from September 15 through January 31 at those sites listed in this Section that are followed by a (1). Any tree stand left unattended must be legibly marked with the owner's name, address, and telephone number, or site assigned identification number.
- d) Check-in, check-out, and reporting of harvest is required at those sites listed in this Section that are followed by a (2).
- e) Where standby hunters are used to fill quotas, a drawing will be held at sites indicated by a (3).
- f) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (4).
- g) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (5).
- h) Statewide regulations shall apply at the following sites:
 - * Anderson Lake Fish and Wildlife Area (2)
 - Apple River Canyon State Park – Thompson and Salem Units (2)

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Argyle Lake State Park (2)

- * Banner Marsh Fish and Wildlife Area (2)
 - * Beall Woods State Park (closed during the special site firearm deer seasons; antlerless deer only) (1) (2)
 - * Big Bend State Fish and Wildlife Area (1) (2)
- Big River State Forest (2)
- Cache River State Natural Area (1) (2)
- Campbell Pond Fish and Wildlife Area (1) (2)
- Carlyle Lake Lands and Waters (Corps of Engineers managed lands)
- Carlyle Lake Wildlife Management Area (except subimpoundment area is closed 7 days prior to and during the regular waterfowl season; lands bounded on the east by "C" levee, south by "D" levee, west by ACOE property line, and including the posted area west of parking lot #2, will be open the entire archery deer hunting season)
- Castle Rock State Park (1) (2)
- Crawford County Conservation Area (1) (2)
- Cypress Creek National Wildlife Refuge
- Cypress Pond State Natural Area (1) (2)
- Deer Pond State Natural Area (1) (2)
- Devil's Island Wildlife Management Area
- Dixon Springs State Park (1) (2)
- Dog Island Wildlife Management Area (1) (2)
- * Eldon Hazlet State Park (Hunting is only permitted north of Allen Branch,

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north of Hazlet Park Road between the park boundary and its intersection with Allen Branch Road, north of Allen Branch Road between its intersection with Hazlet Park Road and Allen Branch Boat Access Area, and west of Peppenhorst Branch. Hunting is not permitted in the controlled pheasant area during the site's controlled pheasant season (except on days when controlled pheasant hunting is closed) and the five consecutive days following the site's controlled pheasant season, or in the North Allen Branch Waterfowl Management Unit after the opening of the statewide waterfowl season. Additionally, a limited hunting opportunity exists for persons with disabilities west of the main park road going towards the Illini Campground. Disabled hunters as defined in 520 ILCS 5/3.1(c) may register to hunt at the site office and must sign in and out daily. Disabled hunters are required to hunt with a non-disabled partner who may also hunt from pre-determined locations. Disabled hunters may hunt during the statewide archery season as described in Section 670.10, except on days when the site's controlled pheasant hunting is open and the 5 consecutive days following the site's controlled pheasant season.) (2)

Falling Down Prairie (2)

Ferne Clyffe State Park (1) (2)

Fort de Chartres State Historic Site (1) (2)

Fort Massac State Park (1) (2)

Franklin Creek State Natural Area (antlerless only, except in Zone A from November 1 through the end of the archery season, deer bow hunters may take an antlered deer) (2)

Giant City State Park (1) (2)

~~Goose Lake Prairie State Park (tree stands not allowed; "Texas" type tripod stands allowed; antlerless deer only) (2) (3)~~

Green River State Wildlife Area (1) (2)

Hanover Bluff State Natural Area ~~Kopper Tract~~ (2)

~~Heidecke State Fish and Wildlife Area (2) (3) (5)~~

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Horseshoe Lake Conservation Area – Alexander County (Controlled Goose Hunting Area – open from October 1-31; reopens with the close of the Quota Zone goose season through statewide closing; remainder of the Public Hunting Area open during statewide season) (1) (2)

I-24 Wildlife Management Area (1) (2)

Ilo Dillin State Habitat Area (hunting allowed during October only) (2)

Iroquois County State Wildlife Area/Hooper Branch only (1) (2)

* Jubilee College State Park (2)

Kaskaskia River Fish and Wildlife Area (1) (2) (except south of Highway 154 and north of Highway 13)

Kidd Lake State Natural Area (1)

Kinkaid Lake Fish and Wildlife Area (1) (2)

Kishwaukee River State Fish and Wildlife Area (2)

Lake Le Aqua Na State Park (antlerless deer only; November 1-30; hunting hours legal opening until 10:00 a.m.) (2)

Lowden-Miller State Forest (1) (2)

Mackinaw River Fish and Wildlife Area (1) (2)

Marseilles Fish and Wildlife Area (closed Friday, Saturday, and Sunday in October only) (all tree stands must be removed from this area no later than the last day of the season) (1) (2)

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

Maytown Pheasant Habitat Area (hunting allowed during October only) (2)

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Mermet Lake Conservation Area (1) (2)

Miller-Anderson Woods Nature Preserve (antlerless deer only; season ends the day before the second firearm deer season begins) (2)

Mississippi Fish and Waterfowl Management Area – Pools 25 and 26 (Batchtown, Crull Hollow, and Godar Rest Areas reopen to hunting the day after duck season closes) (1)

Mississippi River Pool 16 (1)

Mississippi River Pools 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Mitchell's Grove Nature Preserve (antlerless deer only; closed during the special site firearm deer seasons; deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange during the statewide firearm deer seasons) (2)

Mt. Vernon Propagation Center (1) (2)

Nauvoo State Park (Max Rowe Unit Only)

Oakford Conservation Area

* Peabody River King State Fish and Wildlife Area (East and North subunits close November 1) (1) (2)

Pere Marquette State Park (area east of Graham Hollow Road) (1) (2)

Pyramid State Park (1) (2) (4)

* Randolph County Conservation Area (1) (2)

Ray Norbut Fish and Wildlife Area (2)

* Red Hills State Park (1) (2)

Rend Lake Project Lands and Waters (1)

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Rend Lake Project Lands and Waters (refuge only (south of site headquarters) from October 1 through October 31) (1) (2)

- * Rice Lake Fish and Wildlife Area (2)
- * Rock Cut State Park (only during the special firearm deer hunt on the site; hunting from DNR established blind sites only; hunting limited to holders of Class P2A disability cards and escorts) (2) (3)

Sahara Woods (1) (2)

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

- * Sam Parr State Park (1) (2)

Sandy Ford Land and Water Reserve (2)

Sangamon County Conservation Area

Sanganois State Wildlife Area (Ash Swale Waterfowl Rest Area will be closed to deer hunting during the waterfowl hunting seasons) (1)

- * Shabbona Lake State Park (2)

Sielbeck Forest Natural Area (1) (2)

Siloam Springs State Park (Fall Creek Unit)

- * Silver Springs State Park (2)

Spoon River State Forest (1) (2)

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

- * Starved Rock ~~State Park~~/Matthiessen State Park/Margery C. Carlson Nature Preserve (hunting allowed only in Zone A; antlerless deer only; closed during the special site firearm deer seasons; deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange during the statewide firearm deer seasons; archery deer

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hunting is closed ~~in the Starved Rock Nature Preserve~~ during the muzzleloader deer ~~season hunt; hunting in designated areas only~~ (2)

Tapley Woods State Natural Area (2)

Trail of Tears State Forest (1) (2)

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

Union County Conservation Area (Controlled Goose Hunting Area – closed 7 days prior to the quota zone goose season through the close of the quota zone goose season) (1) (2)

Walnut Point Fish and Wildlife Area (1)

Wards Grove Nature Preserve (closed during the statewide Youth Deer Hunting Season and Muzzleloader Deer Hunting Seasons; antlerless deer only) (2)

- * Washington County Conservation Area (deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange between 9:00 a.m. and 3:00 p.m. on days when upland game hunting is allowed during the site's controlled hunting season) (1) (2)

Weinberg-King State Park (2)

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

Weinberg-King State Park – Spunky Bottoms Unit (resident hunters only)
(2)

Wildcat Hollow State Forest (1)

Witkowsky State Wildlife Area (opens October 15) (2)

- i) Statewide regulations shall apply at the following sites except that hunter quotas shall be filled by mail-in drawing:

Beaver Dam State Park

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Horseshoe Lake State Park (Madison County) (hunting at peninsula only; hunting will close at end of regular duck season) (1)

Hurricane Creek Habitat Area (hunter quotas filled by drawing; must have Fox Ridge site permit to be eligible)

Momence Wetland ((1)-during permitted season only)

Pere Marquette State Park (hunting allowed in group camping areas only; season begins the first weekday after camps close)

Union County Conservation Area (refuge only; open first Friday, Saturday and Sunday in November)

- j) State regulations shall apply except that hunters must obtain a free permit from the site office. This permit must be in possession while hunting and must be returned, and harvest reported, to the address indicated on the card before February 15. Failure to return the permit shall result in loss of hunting privileges at that site for the following year.

Chauncey Marsh State Natural Area (permit obtained at Red Hills State Park headquarters) (1)

Clinton Lake State Recreation Area (1)

Coffeen Lake State Fish and Wildlife Area

Des Plaines Conservation Area (closed to archery deer hunting during the site's upland game hunting season) (2)

Des Plaines Game Propagation Center (2)

- * Eagle Creek State Park (disabled hunters are exempt from site's antler restrictions) (4)

Fox Ridge State Park (1)

Goose Lake Prairie State Natural Area/Heidecke State Fish & Wildlife Area

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Hamilton County Conservation Area (1)

Harry "Babe" Woodyard State Natural Area (4)

Hidden Springs State Forest (1)

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

Kankakee River State Park (deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange between 9:00 a.m. and 3:00 p.m. on days when upland game hunting is allowed during the site's controlled hunting season. Additionally, a limited hunting opportunity for persons with disabilities exists at the Davis Creek Bike Trail Area. Disabled hunters, as defined in 520 ILCS 5/3.1(c), may register to hunt at the site office and must sign in and out daily. Disabled hunters are required to hunt with a non-disabled partner who may also hunt from predetermined locations during disabled hunting season (the first Friday in November to the day before the first firearm deer season, except two blinds will be available until the close of the archery deer season))

Kickapoo State Park

~~Kishwaukee River State Fish and Wildlife Area~~

Mautino State Fish and Wildlife Area (1)

Mazonia/Braidwood State Fish and Wildlife Area (4)

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

~~Mermet Lake Conservation Area (1) (2)~~

Middle Fork Fish and Wildlife Area

- * Mississippi Palisades State Park (November 1 through December 31; closed during the first firearm deer season) (1)

Newton Lake Fish and Wildlife Area (check deer at site office)

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- * Pekin Lake Fish and Wildlife Area (1)
- Pyramid State Park – Captain Unit (1) (4)
- Pyramid State Park – Denmark Unit (1) (4)
- Pyramid State Park – East Conant Unit (1) (4)
- Pyramid State Park – Galum Unit (1) (4)
- Ramsey Lake State Park (1)
- * Sam Dale Lake Conservation Area (1)
- Sand Ridge State Forest
- Shelbyville Wildlife Management Area (1)
- | * Siloam Springs State Park – Buckhorn Unit (resident hunters only) (2) (4)
- Snakeden Hollow Fish and Wildlife Area (October 1 through start of the central zone goose season)
- * Spring Lake Fish and Wildlife Area (1)
- * Stephen A. Forbes State Park (1)
- Ten Mile Creek Fish and Wildlife Area (areas designated as refuge are closed to all access during Canada goose season only) (1); Belle Rive Unit only (4)
- Volo Bog State Natural Area (hunting only from November 1 through December 31; Monday through Wednesday only; except State holidays) (2)
- Weinberg-King State Park – Scripps Unit (resident hunters only) (2)
- k) Statewide regulations shall apply except that no hunting is permitted Wednesday through Sunday of the site's permit pheasant season.

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Chain O'Lakes State Park (season opens Monday prior to opening of permit pheasant hunting season and closes Tuesday following the close of the permit pheasant hunting season; season reopens on December 26 till close of regular season) (2) (3)

Iroquois County Conservation Area (2)

Johnson Sauk Trail State Recreation Area (1) (2)

Moraine View State Park (1)

Wayne Fitzgerald State Recreation Area (no bowhunting during controlled hunts as posted at the site; ~~bowhunting by site issued permit; application procedure to be announced~~) (1) (2)

- 1) Statewide regulations shall apply at the following sites except that:
 - 1) Nonresident hunter quotas shall be filled by mail-in drawing. Information about specific drawing dates and application procedures will be publicly announced. Successful applicants will be issued a free permit from the site office. This permit must be in possession while hunting and must be returned and harvest reported to the address indicated on the card before February 15. Failure to return the permit shall result in loss of hunting privileges at that site for the following year.
 - 2) Resident hunters must obtain a free permit from the site office. This permit must be in possession while hunting and must be returned and harvest reported to the address indicated on the card before February 15. Failure to return the permit shall result in loss of hunting privileges at that site for the following year.

Jim Edgar Panther Creek State Fish and Wildlife Area (1) (4)

- * Sangchris Lake State Park (an antlerless deer must be taken on site before an antlered deer is harvested; site will be closed to archery deer hunting during the second firearm deer season) (1) (2) ~~(4)-(5)~~

Siloam Springs State Park (2) (4)

Wolf Creek State Park (an antlerless deer must be taken on the site

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before an antlered deer is harvested) (2) (4)

- m) Statewide regulations shall apply at this site except that:

Hunter quotas for specific periods shall be filled by mail-in drawing. Only Illinois residents are eligible to apply. Information about drawing dates and application procedures will be publicly announced. Successful applicants will be issued a permit for the time period specified. This permit must be in possession while hunting and returned by February 15 to the site office. Failure to return the permit shall result in the forfeiture of hunting privileges at this site for the following year. ~~Restricted Archery Zone regulations apply.~~

Moraine Hills State Park (an antlerless deer must be taken on the site before an antlered deer is harvested)

Weldon Springs State Park – Piatt County Unit (an antlerless deer must be taken on the site before an antlered deer is harvested)

- n) Violations of site specific regulations are petty offenses (see 520 ILCS 5/2.20).

(Source: Amended at 29 Ill. Reg. 9761, effective June 24 2005)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Squirrel Hunting
- 2) Code Citation: 17 Ill. Adm. Code 690
- 3) Section Number: 690.30 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5].
- 5) Effective Date of Amendment: June 27, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 1, 2005;, 29 Ill. Reg. 4651
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: In Section 690.30(g), changed the name of the site from "Meeker Habitat Area" to "Meeker State Habitat Area"
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part is being amended to update the list of sites open to hunting and to update site-specific requirements.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Jack Price, Legal Counsel

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

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

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENT

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

Section

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

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

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

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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NOTICE OF ADOPTED AMENDMENT

- 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 State 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)

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Pyramid State Park – Denmark Unit (1)

Pyramid State Park – East Conant Unit (1)

Pyramid State Park – Galum Unit (1)

Ramsey Lake State Park

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

Sanganois State Fish and Wildlife Area (1)

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

Ten Mile Creek Fish and Wildlife Area (1)

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

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

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statewide season; non-toxic shot only) (1)

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

(Source: Amended at 29 Ill. Reg. 9786, effective June 27, 2005)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

<u>Section Numbers:</u>	<u>Adopted Action:</u>
730.20	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) Effective Date of Amendments: June 24, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including all material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: April 1, 2005; 29 Ill. Reg. 4662
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:

In Section 730.20(c) – the site name was changed from "Meeker Habitat Area" to "Meeker State Habitat Area"

In Section 730.20(i), added a hyphen between "Johnson" and "Sauk"
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: Amendments were made to this Part to update

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

statewide regulations, to update sites open to hunting and to update site specific regulations.

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

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

217/782-1809

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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

Section

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

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

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

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

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NOTICE OF ADOPTED AMENDMENTS

- 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

DEPARTMENT OF NATURAL RESOURCES

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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:

DEPARTMENT OF NATURAL RESOURCES

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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 State 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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NOTICE OF ADOPTED AMENDMENTS

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

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

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. 9797, effective June 24, 2005)

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. 9797, effective June 24, 2005)

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- 1) Heading of the Part: Crow, Woodcock, Snipe, Rail and Teal Hunting
- 2) Code Citation: 17 Ill. Adm. Code 740
- 3)

<u>Section Numbers</u> :	<u>Adopted Action</u> :
740.10	Amendment
740.20	Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987).
- 5) Effective Date of Amendments: June 27, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: April 8, 2005; 29 Ill. Reg. 4897
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: This Part was amended to change crow season to "October 15 through the next following February 28, closed during the firearm deer season" and to update sites and site-specific regulations.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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

217/782-1809

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

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NOTICE OF ADOPTED AMENDMENTS

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

Section

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

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

SOURCE: Adopted at 5 Ill. Reg. 8896, effective August 25, 1981; codified at 5 Ill. Reg. 10645; amended at 6 Ill. Reg. 357, effective December 23, 1981; amended at 6 Ill. Reg. 9648, effective July 21, 1982; amended at 7 Ill. Reg. 8815, effective July 15, 1983; amended at 8 Ill. Reg. 16796, effective August 30, 1984; amended at 9 Ill. Reg. 11620, effective July 16, 1985; peremptory amendments at 9 Ill. Reg. 14383, effective September 5, 1985; amended at 10 Ill. Reg. 15607, effective September 16, 1986; amended at 11 Ill. Reg. 9575, effective May 5, 1987; emergency amendments at 11 Ill. Reg. 15253, effective August 28, 1987, for a maximum of 150 days; emergency expired January 25, 1988; amended at 12 Ill. Reg. 12261, effective July 15, 1988; amended at 13 Ill. Reg. 12869, effective July 21, 1989; amended at 14 Ill. Reg. 11207, effective June 29, 1990; amended at 15 Ill. Reg. 10057, effective June 24, 1991; amended at 16 Ill. Reg. 11162, effective June 30, 1992; amended at 17 Ill. Reg. 10877, effective July 1, 1993; amended at 18 Ill. Reg. 9998, effective June 21, 1994; amended at 19 Ill. Reg. 10577, effective July 1, 1995; amended at 20 Ill. Reg. 10851, effective August 5, 1996; amended at 21 Ill. Reg. 9061, effective June 26, 1997; amended at 22 Ill. Reg. 14782, effective August 3, 1998; amended at 23 Ill. Reg. 9033, effective July 28, 1999; amended at 24 Ill. Reg. 8901, effective June 19, 2000; amended at 25 Ill. Reg. 11364, effective August 14, 2001; amended at 26 Ill. Reg. 13605, effective September 3, 2002; amended at 28 Ill. Reg. 12882, effective September 1, 2004; amended at 29 Ill. Reg. 9814, effective June 27, 2005.

Section 740.10 Statewide Regulations

- a) Woodcock, snipe, crow and rail regulations are in accordance with Federal Regulations (50 CFR 20, effective August 26, 1990) (no incorporation in this Part includes later amendments or editions) unless the regulations in this Part are more restrictive.

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- 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.
- c) Woodcock
- 1) Season dates, daily limits and possession limits are in accordance with federal regulations.
 - 2) Hunting hours: Sunrise to Sunset
- d) Snipe (Common)
- 1) Season dates, bag limits and possession limits are in accordance with federal regulations.
 - 2) Hunting hours: Sunrise to Sunset
- e) Rail (Sora and Virginia)
- 1) Season dates, bag limits and possession limits are in accordance with federal regulations
 - 2) Hunting hours: Sunrise to Sunset
- f) Teal
- 1) Teal regulations are in accordance with federal regulations, (50 CFR 20.103, effective August 26, 1990; 50 CFR 20.104, effective August 26, 1990; 50 CFR 20.105, effective August 26, 1990; 50 CFR 20.106, effective August 26, 1990; and 50 CFR 20.109, effective August 26, 1990), unless the regulations in this Part are more restrictive.
 - 2) 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 [USCU.S.C.](#) 703-711), the "Migratory Bird Hunting Stamp Act" (16 [USCU.S.C.](#) 718 et seq.), and annual "Rules and Regulations for Migratory Bird Hunting" (50 CFR 20, effective August 29, 1990) (collectively referred to in this Part as federal regulations), or contrary to the Wildlife Code.

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- 3) Hunting hours are sunrise-sunset.
- g) Crow
- 1) Season dates: October 15 through the next following February 28, closed during the firearm deer seasons July 1 through the next following August 15, and from December 15 through the next following March 1.
- 2) Hunting hours are ½ hour before sunrise through sunset.
- h) It shall be unlawful while attempting to take teal, rail or snipe 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(b)).
- i) Hunting during the closed season, over daily bag limit, or over possession limit is a Class B misdemeanor (see 520 ILCS 5/2.18).
- j) Woodcock, Snipe, Rail and Teal – Hunting prior to sunrise or after sunset is a Class B misdemeanor (see 520 ILCS 5/2.18). Hunting before ½ hour prior to sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).
- k) Crow – Hunting ½ hour after sunset is a Class B misdemeanor (see 520 ILCS 5/2.18). Hunting before ½ hour prior to sunrise or after ½ hour after sunset is a Class A misdemeanor with a minimum \$500 fine and a maximum \$5,000 fine in addition to other statutory penalties (see 520 ILCS 5/2.33(y)).

(Source: Amended at 29 Ill. Reg. 9814, effective June 27, 2005)

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

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

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

Big Bend State Fish and Wildlife Area

Big River State Forest

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters – Corps of Engineers managed lands

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

Crawford County Conservation Area

Cypress Pond State Natural Area

[Deer Pond State Natural Area](#)

Devil's Island

Dog Island Wildlife Management Area

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

Ferne Clyffe State Park

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

Ft. Massac State Park

Giant City State Park

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

Horseshoe Lake Conservation Area (public hunting area except controlled

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goose hunting area)

~~I-24 Wildlife Management Area~~

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

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

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

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

Kinkaid Lake Fish and Wildlife Area

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

Mermet Lake Fish and Wildlife Area

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

Mississippi River Pools 16, 17, and 18

Mississippi River Pools 21, 22 and 24

Oakford Conservation Area

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

Pyramid State Park

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

Randolph County Conservation Area (woodcock only)

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

Red Hills State Park

Rend Lake Project Lands and Waters

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

Sahara Woods State Fish and Wildlife Area

Saline County Fish and Wildlife Area

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

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

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

Sielbeck Forest Natural Area

[Skinner Farm State Habitat Area](#)

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

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

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

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Trail of Tears State Forest

Turkey Bluffs Fish and Wildlife Area

Union County Conservation Area (Firing Line Management Area only)

Washington County Conservation Area (woodcock only)

Weinberg-King State Park

[Weinberg-King State Park – Spunky Bottoms Unit \(check-in/check-out required\)](#)

Wildcat Hollow State Forest

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

Chauncey Marsh

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sanganois State Fish and Wildlife Area

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

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

Anderson Lake Conservation Area

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Blanding Wildlife Area

Cache River State Natural Area

Campbell Pond Wildlife Management Area

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

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

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

Chauncey Marsh (permit required)

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

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

[Cypress Pond State Natural Area](#)

[Deer Pond State Natural Area](#)

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

Devil's Island

Dog Island Wildlife Management Area

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Eldon Hazlet State Park – North Allen Branch Waterfowl Management Area

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

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

Horseshoe Lake State Park (Madison County) (hunting is allowed only from numbered blind sites; blind builders must claim their blinds ½ hour before shooting time each day or blind is open to the public; blinds need not be completed)

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

Kaskaskia River State Fish and Wildlife Area

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

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

Lake Shelbyville – Corps of Engineers Managed Lands and Waters

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

Marshall State Fish and Wildlife Area – all management units

Meredosia Lake

Mississippi River Fish and Waterfowl Management Area (Mississippi River Pools 25 and 26) (blind builders must claim their blinds ~~½~~[one-half](#) hour before shooting time or the blind is open for that day's hunt; no

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hunting allowed in the designated Batchtown waterfowl rest area, [Crull Hollow waterfowl rest area and Godar waterfowl rest area](#))

Mississippi River Pools 16, 17 and 18

Mississippi River Pools 21, 22 and 24

Oakford Conservation Area

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

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

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

Ray Norbut Fish and Wildlife Area

Rend Lake Project Lands and Waters

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

Saline County Fish and Wildlife Area

Sanganois State Fish and Wildlife Area (permit required)

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

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

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

Turkey Bluffs State Fish and Wildlife Area

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

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Weinberg-King State Park – Spunky Bottoms Unit (check-in/check-out required)

Woodford Fish and Wildlife Area

e) Crow Hunting

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

Anderson Lake Conservation Area

Big Bend State Fish and Wildlife Area

Big River State Forest

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

Hamilton County State Fish and Wildlife Area

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

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

Mississippi River Pools 16, 17, 18

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

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

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

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

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

Ray Norbut Fish and Wildlife Area

Sanganois State Fish and Wildlife Area (~~July 1 through August 15;~~ day after [Canada](#) goose season closes through [statewide closing](#) ~~March 1~~; nontoxic shot only; permit required)

[Spoon River State Forest \(all hunters must sign in/sign out\)](#)

Stephen A. Forbes State Park

[Weinberg-King State Park – Spunky Bottoms Unit \(check-in/check-out required\)](#)

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

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

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

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

(Source: Amended at 29 Ill. Reg. 9814, effective June 27, 2005)

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- 1) Heading of the Part: Permanent Program Performance Standards—Underground Mining Operations
- 2) Code Citation: 62 Ill. Adm. Code 1817
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1817.42	Amendment
1817.43	Amendment
1817.116	Amendment
1817.121	Amendment
- 4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].
- 5) Effective Date of Amendments: June 27, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 29 Ill. Reg. 1755; February 4, 2005
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version:
Section 1817.116(a)(2)(C):

Updated the reference to the "Illinois Agronomy Handbook" to read:

"...practices described in the Illinois Agronomy Handbook, 23rd Edition (University of Illinois at Champaign-Urbana, College of Agriculture, Consumer and Environmental Science, 1917 Wright St., Champaign IL 61820 (2001-2002; this incorporation includes no later amendments or editions)-(1999-2002); and those practices that ~~which~~ are a part of..."

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Updated the reference to the following Act to read:

"subject to the Farm Security and Rural Investment Act of 2002 (P.L. 107-171; 116 Stat. 134)."

Section 1817.116(a)(3)(C), in the last sentence – changed "subsection (a)(6)" to "62 Ill. Adm. Code 1816.116(a)(6)"

Section 1817.116(a)(3)(E) – added "or (a)(6)" following the second reference to "1816.116(a)(4)"

Section 1817.116(a)(3)(E), in the last sentence – changed "subsection (a)(6)" to "62 Ill. Adm. Code 1816.116(a)(6)"

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to update statutory citations, amend an incorrect reference and to add language to clarify regulations.
- 16) Information and questions regarding these adopted amendments shall be directed to:

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

217/782-1809

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

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TITLE 62: MINING

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 1817

PERMANENT PROGRAM PERFORMANCE STANDARDS –
UNDERGROUND MINING OPERATIONS

Section

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- 1817.74 Disposal of Excess Spoil: Durable Rock Fills
- 1817.75 Disposal of Excess Spoil: Preexisting Benches
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- 1817.83 Coal Mine Waste: Refuse Piles
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- 1817.87 Coal Mine Waste: Burning and Burned Waste Utilization
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- 1817.91 Coal Processing Waste: Dams and Embankments: General Requirements
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1817.117	Revegetation: Tree, Shrub, and Herbaceous Vegetation
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AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; amended at 6 Ill. Reg. 1, effective June 1, 1982; amended at 6 Ill. Reg. 15024, effective December 30, 1982; codified at 8 Ill. Reg. 8230; amended at 9 Ill. Reg. 13315, effective October 10, 1985; amended at 10 Ill. Reg. 9606, effective July 1, 1986; amended at 11 Ill. Reg. 8250, effective July 1, 1987; amended at 14 Ill. Reg. 11855, effective January 1, 1991; amended at 15 Ill. Reg. 17239, effective January 1, 1992; amended at 17 Ill. Reg. 11031, effective July 1, 1993; amended at 20 Ill. Reg. 1993, effective January 19, 1996; amended at 22 Ill. Reg. 20197, effective November 5, 1998; amended at 24 Ill. Reg. 5938, effective March 21, 2000; amended at 26 Ill. Reg. 4252, effective March 6, 2002; amended at 29 Ill. Reg. 9829, effective June 27, 2005.

Section 1817.42 Hydrologic Balance: Water Quality Standards and Effluent Limitations

Discharges of water from areas disturbed by underground mining activities shall be made in compliance with the Federal Water Pollution Control Act of 1972, as amended (30 ~~USC~~U.S.C. 1251 et seq.), the Environmental Protection Act (~~Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1001 et seq.~~) [415 ILCS 5] and with effluent limitations for coal mining promulgated by the U.S. Environmental Protection Agency set forth in 40 CFR 434 (1992). 40 CFR 434 (1992) does not include any later amendments or editions.

(Source: Amended at 29 Ill. Reg. 9829, effective June 27, 2005)

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Section 1817.43 Diversions

- a) General Requirements.
- 1) With the approval of the Department, any flow from mined areas abandoned before May 3, 1978, and any flow from undisturbed areas or reclaimed areas, after meeting the criteria of Section 1817.46 for siltation structure removal, may be diverted from disturbed areas by means of temporary or permanent diversions. All diversions shall be designed to minimize adverse impacts to the hydrologic balance within the permit and adjacent areas, to prevent material damage outside the permit area and to assure the safety of the public. Diversions shall not be used to divert water into underground mines without approval of the Department under Section 1817.41(h).
 - 2) The diversion and its appurtenant structures shall be designed, located, constructed, maintained, and used to:
 - A) Be stable;
 - B) Provide protection against flooding and resultant damage to life and property;
 - C) Prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to stream flow outside the permit area. Appropriate sediment control measures for diversions may include, but not be limited to, maintenance of appropriate gradients, channel lining, revegetation, roughness structures, and detention basins; and
 - D) Comply with the Rivers, Lakes, and Streams Act (~~Ill. Rev. Stat. 1991, ch. 19, pars. 52-79~~) [615 ILCS 5], Section 404 of the Federal Water Pollution Control Act of 1972, as amended (30 ~~USCU.S.C.~~ 1344), and all local ordinances.
 - 3) Temporary diversions shall be removed promptly when no longer needed to achieve the purpose for which they were authorized. The land disturbed by the removal process shall be restored in accordance with this Part. Before diversions are removed, downstream water - treatment facilities previously protected by the diversion shall be modified or removed, as

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necessary, to prevent overtopping or failure of the facilities. This requirement shall not relieve the permittee from maintaining water treatment facilities as otherwise required. When permanent diversions are constructed or stream channels restored prior to the removal of temporary diversions the permittee shall:

- A) Establish, restore, enhance where practicable, or maintain natural riparian vegetation on the banks of the stream, including any area that is subject to annual inundation;
 - B) Establish or restore the stream to its natural meandering shape and to an environmentally acceptable gradient, as determined by the Department; and
 - C) Establish or restore the stream to a longitudinal profile and cross-section, including aquatic habitats (usually a pattern of riffles, pools, and drops rather than uniform depth) that approximate premining stream channel characteristics.
- 4) Diversion design shall incorporate the following:
- A) Channel lining shall be designed using standard engineering practices to pass safely the design velocities. Riprap shall consist of non-degradable, non-acid or toxic-forming rock such as sandstone, limestone, or other durable rock that will not slake in water and will be free of coal, clay or shale;
 - B) Freeboard shall be no less than 0.3 feet, except as provided for in subsection (a)(5). Protection shall be provided for transition of flows and for critical areas such as swales and curves. Where the area protected is a critical area, as determined by the Department, the design freeboard may be increased;
 - C) Energy dissipators shall be installed, when necessary, at discharge points where diversions intersect with natural streams and exit velocity of the diversion ditch flow is greater than that of the receiving stream;
 - D) Excess excavated material not necessary for diversion channel geometry or regrading of the channel shall be disposed of in

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accordance with Sections 1817.71 through 1817.74; and

- E) Topsoil shall be handled in compliance with Section 1817.22.
- 5) If the terrain is such that out-of-bank flows can accommodate the design precipitation event without endangering health or the environment as a result of flooding, such as physical harm or slope failure, the need for diversion ditches may be modified by taking into account channels, banks, and flood plains.
- b) Diversions of perennial and intermittent streams.
- 1) Diversions of perennial and intermittent streams within the permit area are subject to Department approval pursuant to Section 1817.57(a).
- 2) The design capacity of channels for temporary and permanent stream channel diversions shall be at least equal to the capacity of the unmodified stream channel immediately upstream and downstream from the diversion.
- 3) The requirements of subsection (a)(2)(B) shall be met when the temporary and permanent diversions for perennial and intermittent streams are designed so that the combination of channel, bank, and floodplain configuration is adequate to pass safely the peak runoff of a ~~ten-(10)~~ year, ~~six-(6)~~ hour precipitation event for a temporary diversion and a ~~one hundred-(100)~~ year, ~~six-(6)~~ hour precipitation event for a permanent diversion.
- 4) The longitudinal profile of the stream, the channel, and the floodplain shall be designed and constructed to remain stable. Erosion control structures such as channel lining structures, retention basins, and artificial channel roughness structures shall be used in diversions only when approved by the Department as being necessary to control erosion.
- 5) The design and construction of all stream channel diversions of perennial and intermittent streams shall be sealed by a qualified registered professional engineer as meeting the performance standards of this Part.
- c) Diversion of miscellaneous flows.
- 1) Miscellaneous flows, which consist of all flows except for perennial and

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intermittent streams, may be diverted away from disturbed areas if required or approved by the Department to lessen environmental impact. Miscellaneous flows shall include ground water discharges and ephemeral streams.

- 2) The design, location, construction, maintenance, and removal of diversions of miscellaneous flows shall meet all of the performance standards set forth in subsection (a).
- 3) The requirements of subsection (a)(2)(B) shall be met when the temporary and permanent diversions for miscellaneous flows are designed so that the combination of channel, bank, and floodplain configuration is adequate to pass safely the peak runoff of a ~~two~~(2) year, ~~six~~(6) hour precipitation event for a temporary diversion and a ~~ten~~(10) year, ~~six~~(6) hour precipitation event for a permanent diversion.

(Source: Amended at 29 Ill. Reg. 9829, effective June 27, 2005)

Section 1817.116 Revegetation: Standards for Success

- a) Success of Revegetation
 - 1) Success of revegetation shall be judged in accordance with this Section and Section 1817.117.
 - 2) Requirements
 - A) The period of extended responsibility for successful revegetation shall begin after the last year of augmented seeding, fertilizing, irrigation, or other work, excluding husbandry practices that are approved by the Department in accordance with subsection (a)(2)(C).
 - B) The period of extended responsibility shall continue for a period of not less than 5 full years, except that on lands eligible for remining, the period of responsibility (until September 30, 2004) shall be 2 full years. Vegetation parameters identified in subsection (a)(1) shall equal or exceed the approved standard set forth in subsection (a)(3).

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- C) The Department shall approve selective husbandry practices, excluding irrigation or augmented seeding or augmented fertilization, without extending the period of responsibility for revegetation success and bond liability, if such practices can be expected to continue as part of the post-mining land use or if discontinuance of the practices after the liability period expires will not reduce the probability of permanent revegetation success. Approved practices shall be normal conservation and land use management practices within the region for unmined lands having land uses similar to the approved post-mining land use of the disturbed area, including such practices as diseases, pest, and vermin control; any pruning, reseeding and/or transplanting specifically necessitated by such actions; approved agricultural practices described in the Illinois Agronomy Handbook, [23rd Edition \(University of Illinois at Champaign-Urbana, College of Agriculture, Consumer and Environmental Science, 1917 Wright St., Champaign IL 61820 \(2001-2002; this incorporation includes no later amendments or editions\)\(1999-2000\)\)](#); and those practices ~~that~~[which](#) are a part of an approved conservation plan subject to the [Farm Security and Rural Investment Act of 2002 \(P.L. 107-171; 116 Stat. 134\)](#)~~Food, Agriculture, Conservation and Trade Act of 1990 (7 USC 1421 et seq.)~~. On all lands with a post-mining land use other than cropland, any areas reseeded or replanted as a part or result of a normal husbandry practice must be sufficiently small in size and limited in extent of occurrence, or part of a hay management plan which is an agricultural practice described by the Illinois Agronomy Handbook or as part of an approved conservation plan subject to the [Farm Security and Rural Investment Act of 2002](#)~~Food, Agriculture, Conservation and Trade Act of 1990~~, and the reestablished vegetation must be in place for a sufficient length of time so as not to adversely affect the Department's ability to make a valid determination at the time of bond release as to whether the site has been properly reclaimed to a condition in which it will support a diverse, effective, permanent vegetative cover of the required nature and productivity. The Illinois Agronomy Handbook is published by the University of Illinois-Cooperative Extension Service, Office of Agricultural Communications and Education, 69E Mumford Hall, 1301 West Gregory Drive, Urbana, Illinois 61801. Copies of the Illinois Agronomy Handbook and the [Farm Security and Rural Investment](#)

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~~Act of 2002 Food, Agriculture, Conservation and Trade Act of 1990~~ are available at the Department's Springfield office.

D) Rill and gully repair on cropland-capable reclaimed land will not be considered augmentation if an operator has an approved erosion control plan in place in the field pursuant to 62 Ill. Adm. Code 1823.14(g) or 1825.14(f), and shortly after the first rainfall event after the repair, the Department makes the following determinations:

- i) the area is a minor erosional feature;
- ii) the area is small;
- iii) the erosion is not expected to recur; and
- iv) the area is stable.

The Department shall notify the permittee in writing whether or not a repair is augmentative. Such written notice shall be in the form of an inspection report or other document issued by the Department.

E) Rill and gully repair on noncropland-capable land will not be considered augmentation if, shortly after the first rainfall event after the repair, the Department makes the following determinations:

- i) the area is a minor erosional feature;
- ii) the area is small;
- iii) the erosion is not expected to recur; and
- iv) the area is stable.

The Department shall notify the permittee in writing whether or not a repair is augmentative. Such written notice shall be in the form of an inspection report or other document issued by the Department.

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- F) **Augmentation**
Wetlands shall be considered augmented when significant alterations are made to the size or character of the watershed, pumping is used to maintain water levels, or neutralizing agents, chemical treatments or fertilizers are applied to the wetland area, except that wetlands managed as wildlife food plot areas using agricultural techniques shall not be considered augmented when normal agricultural husbandry practices, such as routine liming and fertilization, are used. Water level management using permanent water control structures is considered a normal husbandry practice.
- G) **Other Management Practices**
The Department shall approve the use of deep tillage for prime farmland and high capability land as a beneficial practice that will not restart the 5 year period of responsibility, if the following conditions are met:
- i) The permittee has submitted a request to use the practice and has identified the field that will be deep tilled;
 - ii) One or more hay crops, or other acceptable row crops, have been grown or will be grown to dry out the subsoil prior to deep tilling the field; and
 - iii) The Department has determined that the use of deep tillage will be beneficial to the soil structure and long term crop production of the field and the benefits will continue well beyond the responsibility period.

The Department shall notify the permittee in writing of its decision. Such written notice shall be in the form of an inspection report or other document issued by the Department.

- 3) Ground cover and production shall be considered equal to the approved success standard when they are not less than 90% of the success standard. The sampling techniques for measuring success shall use a 90% statistical confidence interval (i.e., one-sided t test with a 0.10 alpha error). Vegetative ground cover shall be measured using the technique set forth in 62 Ill. Adm. Code 1817.117(d). Standards for success shall be applied in

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accordance with the approved post-mining land use and, at a minimum, the following conditions:

- A) The vegetative ground cover for areas previously disturbed by mining operations that were not reclaimed to the requirements of 62 Ill. Adm. Code 1800 through 1828, and that are remined or otherwise redisturbed by surface coal mining operations, shall not be less than the greater of 70% or the percentage of ground cover existing before redisturbance, and shall be adequate to control erosion during the last year of the responsibility period;
- B) For areas to be developed for industrial, commercial or residential use less than 2 years after regrading is completed, the vegetative ground cover shall not be less than that required to control erosion and shall not be less than 70%;
- C) For areas designated in the approved reclamation plan as cropland, except those cropland areas subject to 62 Ill. Adm. Code 1823.15, success of revegetation of cropland areas shall be determined in accordance with 62 Ill. Adm. Code 1816.116(a)(4) or (a)(6). Crop production shall be considered successful if it is 90% of that crop production required in 62 Ill. Adm. Code 1816.116(a)(4) or (a)(6). Crop production shall be considered successful if it is 90% of that crop production required in 62 Ill. Adm. Code 1816.116(a)(4) with 90% statistical confidence (i.e., one-sided t test with a 0.10 alpha error) for a minimum of any 2 crop years of a 10 year period prior to release of the performance bond, except the first year of the 5 year responsibility period. During the extended 5 year responsibility period, erosion from cropland must be minimized using equivalent or better management practices than surrounding unmined cropland. The 5 year responsibility period shall begin after the last year of augmented seeding, fertilizing, or soil treatment and at the time of the planting of the crops to be grown for the productivity showing or crops grown in rotation. Crop production for proof of productivity purposes shall be initiated within 10 years after completion of backfilling and final grading. All cropland shall be maintained using proper management practices as set forth in subsection (a)(2)(C) until the end of the responsibility period. Once chosen by the permittee, the productivity alternative in 62 Ill. Adm. Code 1816.116(a)(6) may

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not be modified without approval from the Department;

- D) For areas to be developed for fish and wildlife habitat (including shelter belts), recreation, or forest products land uses, success of revegetation shall be determined on the basis of tree and shrub populations and ground cover. The tree and shrub population and ground cover shall meet the standards described in Section 1817.117;
- E) For areas designated as pasture and/or hayland or grazing land in the approved reclamation plan, except for erosion control devices and other structures (i.e., levees, ditches, waterways, impounding structure, etc.) productivity success (tons of grasses and/or legumes per acre) shall be determined in accordance with 62 Ill. Adm. Code 1816.116(a)(4) or (a)(6). Productivity shall be considered successful if it is 90% of the productivity required in 62 Ill. Adm. Code 1816.116(a)(4) or (a)(6) with 90% statistical confidence (i.e., one-sided t test with a 0.10 alpha error) for a minimum of any 2 crop years of a 10 year period prior to release of the performance bond, except the first year of the 5 year extended responsibility period. All pasture, hayland and grazing land shall be maintained using proper management practices as set forth in subsection (a)(2)(C), until the end of the responsibility period. Production for proof of productivity purposes shall be initiated within 10 years after completion of backfilling and final grading. Ground cover shall be considered successful if it is 90% with 90% statistical confidence (i.e., one sided t test with a 0.10 alpha error) for a minimum of any 2 years of a 10 year period prior to the release of the performance bond, except the first year of the 5 year extended responsibility period. On cropland-capable land, the Department shall allow the permittee to substitute corn production for hay production. If determined to be a proper management practice in accordance with subsection (a)(2)(C), the Department shall allow the permittee to substitute one year of crop production of an allowable crop specified in 62 Ill. Adm. Code 1816.116(a)(4)(D) for one year of hay production on limited capability land. Once chosen by the permittee, the productivity alternative in 62 Ill. Adm. Code 1816.116(a)(6) may not be modified without approval from the Department; and

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- F) Non-contiguous areas less than or equal to 4 acres which were disturbed from activities such as, but not limited to, signs, boreholes, power poles, stockpiles and substations shall be considered successfully revegetated if the operator can demonstrate that the soil disturbance was minor, i.e., the majority of the subsoil remains in place, the soil has been returned to its original capability and the area is supporting its approved post-mining land use at the end of the responsibility period.
- 4) In order to use the Agricultural Lands Productivity Formula, 62 Ill. Adm. Code 1816.Appendix A [or the alternative under 62 Ill. Adm. Code 1816.116\(a\)\(6\)](#), to determine success of revegetation, the requirements of 62 Ill. Adm. Code 1816.116(a)(4) shall apply.
- 5) Wetland revegetation shall be deemed successful when:
 - A) The wetland vegetation criteria in the Corps of Engineers Wetlands Delineation Manual (Department of the Army Technical Report Y-87-1, January 1987, published by the Department of the Army, Waterways Experiment Station, Corps of Engineers, P.O. Box 631, Vicksburg, Mississippi 39180-0631) have been achieved following sampling procedures specified in that manual, which does not include any later amendments or editions and is available for inspection and copying at the Department's Springfield office; and
 - B) Areas designed to support vegetation in the approved plan shall have a minimum areal coverage of 30%. The testing procedure in Section 1817.117(d)(1) through (3) shall be used to evaluate the extent of cover. Areal cover shall be determined to be present if any approved wetland species is measured at the increment. The percentage of areal cover shall be established for the area tested by taking the total number of measurements where areal cover was determined to be present.
- b) The person who conducts underground mining activities shall:
 - 1) Conduct periodic measurements of vegetation, soils, and water prescribed or approved by the Department, to identify if remedial actions are necessary during the applicable period of liability specified in subsection (a).

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- 2) Initiate a soil compaction and fertility testing plan, subject to the approval of the Department, for areas that have incurred five unsuccessful attempts to meet the production required by subsection (a)(3)(C) or (E) or 62 Ill. Adm. Code ~~1823.151785.15~~, or shall initiate deep tillage on the areas.
- 3) Permittees shall submit by February 15 of each year a report of reclamation activities conducted during the previous calendar year, which initiate or may alter the responsibility period or are specifically required by the Department to evaluate a normal husbandry practice, using forms provided by the Department. Examples of reclamation activities to be reported and/or evaluated include, but are not limited to, crops used in temporary and permanent seedings, grasses and legumes planted, trees and shrubs planted, soil amendments added, and type and location of augmentation activities. The forms shall be submitted with a copy of the approved post-mining land use and capability map depicting the location of such activities. The map shall be planned as a continuous map so the reclamation activities conducted each year may be added and indicated on the map by the dates the activities were conducted.

(Source: Amended at 29 Ill. Reg. 9829, effective June 27, 2005)

Section 1817.121 Subsidence Control

- a) Measures to prevent or minimize damage.
 - 1) The permittee shall either adopt measures consistent with known technology which prevent subsidence from causing material damage to the extent technologically and economically feasible, maximize mine stability, and maintain the value and reasonably foreseeable use of surface lands; or adopt mining technology that provides for planned subsidence in a predictable and controlled manner.
 - 2) Based on the requirements of 62 Ill. Adm. Code 1784.20(b)(7) and (b)(8), the permittee shall perform a survey of the condition of all structures and facilities that may be materially damaged or for which the reasonably foreseeable use may be diminished by subsidence, as well as a survey of the quantity and quality of all drinking, domestic, and residential water supplies within the permit area, subsidence shadow area, and adjacent area that could be contaminated, diminished, or interrupted by subsidence. The

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applicant must pay for any technical assessment or engineering evaluation used to determine the pre-mining condition or value of such structures and facilities and the quantity and quality of drinking, domestic, or residential water supplies. The applicant must provide copies of the survey and any technical assessment or engineering evaluation to the property owner.

- A) The condition survey of structures and facilities shall be performed or scheduled to be performed a minimum of 120 days prior to undermining. A lesser time may be approved by the Department if justified by the permittee in writing. The permittee shall provide a copy of the condition survey to the property owner and maintain a copy to be provided to the Department upon request. The permittee shall provide the Department with verification that the survey has been completed and forwarded to the property owner.
 - B) The survey of drinking, domestic and residential water supplies shall be completed and submitted 120 days prior to the water delivery system being undermined. A lesser time may be approved by the Department if justified by the permittee in writing. The permittee must provide a copy of the water survey to the property owner and to the Department.
- 3) If a permittee employs mining technology that provides for planned subsidence in a predictable and controlled manner, the permittee must take necessary and prudent measures, consistent with the mining method employed, to minimize material damage to the extent technologically and economically feasible to structures and facilities, except that measures required to minimize material damage to such structures are not required if:
- A) The permittee has the written consent of their owners; or
 - B) Unless the anticipated damage would constitute a threat to health or safety, the costs of such measures exceed the anticipated costs of repair.
- 4) Nothing in this Part prohibits the standard method of room-and-pillar mining.
- b) The permittee shall comply with all provisions of the subsidence control plan

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prepared pursuant to the requirements of 62 Ill. Adm. Code 1784.20, and as approved by the Department.

- c) Repair of damage. The requirements of this subsection apply only to subsidence-related damage caused by underground coal extraction conducted after February 1, 1983, except as noted in Section 1817.41(j).
- 1) Repair of damage to surface land. The permittee must correct any material damage resulting from subsidence caused to surface lands, to the extent technologically and economically feasible, by restoring the land to a condition capable of maintaining the value and reasonably foreseeable uses which it was capable of supporting before subsidence damage.
 - 2) Repair or compensation for damage to structures and facilities. The permittee must promptly repair or compensate the owner for material damage resulting from subsidence caused to any structure or facility that existed at the time of the coal extraction under or adjacent to the materially damaged structure. If repair option is selected, the permittee must fully rehabilitate, restore or replace the damaged structure. If compensation is selected, the permittee must compensate the owner of the damaged structure for the full amount of the decrease in value resulting from the subsidence related damage. The permittee may provide compensation by the purchase, before mining, of a non-cancelable premium-prepaid insurance policy. ~~The requirements of this subsection (c) apply only to subsidence-related damage caused by underground coal extraction conducted after February 1, 1983.~~
 - 3) Adjustment of bond amount for subsidence damage. When subsidence-related material damage to land, structures or facilities protected under subsections (c)(1) and (c)(2) occurs, or when contamination, diminution, or interruption to a water supply protected under Section 1817.41(j) of this Part occurs, the Department must require the permittee to obtain additional performance bond in the amount of the estimated cost of the repairs if the permittee will be repairing, or in the amount of the decrease in value if the permittee will be compensating the owner, or in the amount of the estimated cost to replace the protected water supply if the permittee will be replacing the water supply, until the repair, compensation, or replacement is completed. If repair, compensation, or replacement is completed within 90 days after the occurrence of damage, no additional bond is required. The Department may extend the 90-day time frame, but

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not to exceed one year, if the permittee demonstrates and the Department finds in writing that subsidence is not complete, that not all probable subsidence-related material damage has occurred to lands or protected structures, or that not all reasonably anticipated changes have occurred affecting the protected water supply, and that therefore it would be unreasonable to complete within 90 days the repair of the subsidence-related material damage to lands or protected structures, or the replacement of protected water supply. The permittee may also utilize appropriate terms and conditions for liability insurance required under 62 Ill. Adm. Code 1800.60 to assure the financial responsibility to comply with subsection (c) is in place.

- d) Underground mining activities shall not be conducted beneath or adjacent to public buildings and facilities; churches, schools, and hospitals; impoundments with a storage capacity of 20 acre-feet or more or bodies of water with a volume of 20 acre-feet or more, unless the subsidence control plan demonstrates that subsidence will not cause material damage to, or reduce the reasonably foreseeable use of such features or facilities. If the Department determines that it is necessary in order to minimize the potential for material damage to the features or facilities described above or to any aquifer or body of water that serves as a significant water source for any public water supply system, it may limit the percentage of coal extracted under or adjacent thereto.
- e) If subsidence causes material damage to any of the features or facilities covered by subsection (d), the Department may suspend mining under or adjacent to such features or facilities until the subsidence control plan is modified to ensure prevention of further material damage to such features of facilities.
- f) The Department shall suspend underground mining activities under urbanized areas, cities, towns, and communities, and adjacent to industrial or commercial buildings, major impoundments, or perennial streams, if imminent danger is found to inhabitants of the urbanized areas, cities, towns, or communities.
- g) All underground permittees shall on or before April 1 of each year submit three mine maps of underground workings to the Department. The mine maps shall indicate the actual extent of mining for the calendar year prior to the submittal date. Mine maps and descriptions shall include the size, configuration, and approximate location of pillars and entries, extraction ratios, measures taken to prevent or minimize subsidence and related damage and areas of full extraction. The mine maps shall also project the anticipated extent of mining for at least the

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calendar year at the time of the submittal. Mine maps shall also include, at a minimum, all features identified in subsection (d), public roads and all Township and Range designations and section corners. The map shall be sealed by an engineer registered in the State of Illinois. The maps shall be planned as a continuous map so that areas mined each year may be added and indicated by the dates mining occurred. Maps shall include the name of the mine and the permittee; address of the permittee; scale, including both written and bar scales; and by whom the map was drawn. Maps submitted shall be at a scale approved by the Department as necessary to provide sufficient detail for the information required by this subsection.

(Source: Amended at 29 Ill. Reg. 9829, effective June 27, 2005)

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- 1) Heading of the Part: Special Program Performance Standards—Operations on Prime Farmland
- 2) Code Citation: 62 Ill. Adm. Code 1823
- 3) Section Number: 1823.15 Adopted Action: Amendment
- 4) Statutory Authority: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].
- 5) Effective Date of Amendment: June 27, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department of Natural Resource's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 29 Ill. Reg. 1775; February 4, 2005
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: In Section 1823.15(b)(3), replaced "subsection (a)(6)" with "62 Ill. Adm. Code 1816.116(a)(6)"
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to add references to the productivity alternative in Section 1823.116(a)(6).
- 16) Information and questions regarding this adopted amendment shall be directed to:

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

217/782-1809

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

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NOTICE OF ADOPTED AMENDMENT

TITLE 62: MINING

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

PART 1823

SPECIAL PROGRAM PERFORMANCE STANDARDS –
OPERATIONS ON PRIME FARMLAND

Section

1823.1	Scope
1823.2	Objective
1823.11	Prime Farmland: Applicability
1823.12	Prime Farmland: Soil Removal
1823.13	Prime Farmland: Soil Stockpiling
1823.14	Prime Farmland: Soil Replacement
1823.15	Prime Farmland: Revegetation

AUTHORITY: Implementing and authorized by the Surface Coal Mining Land Conservation and Reclamation Act [225 ILCS 720].

SOURCE: Adopted at 4 Ill. Reg. 37, p. 1, effective June 1, 1982; emergency amendment at 6 Ill. Reg. 8502, effective July 1, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 9987, effective September 3, 1982; codified at 8 Ill. Reg. 9361; amended at 10 Ill. Reg. 9631, effective July 1, 1986; amended at 15 Ill. Reg. 17289, effective January 1, 1992; amended at 22 Ill. Reg. 20131, effective November 5, 1998; amended at 24 Ill. Reg. 5989, effective March 21, 2000; amended at 29 Ill. Reg. 9849, effective June 27, 2005.

Section 1823.15 Prime Farmland: Revegetation

Each person who conducts surface coal mining and reclamation operations on prime farmland regardless of whether such land has been drilled, blasted, or mined, shall meet the following revegetation requirements during reclamation:

- a) Following soil replacement, that person shall establish a vegetative cover capable of stabilizing the soil surface with respect to erosion. All vegetation shall be in compliance with the plan approved by the Department under 62 Ill. Adm. Code 1785.17 and carried out in a manner that encourages prompt vegetative cover and recovery of productive capacity. The timing and mulching provisions of 62 Ill. Adm. Code 1816.113 and 1816.114 or 62 Ill. Adm. Code 1817.113 and 1817.114 shall be met.

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- b) Measurement of success of prime farmland revegetation shall be conducted in accordance with the following provisions:
- 1) Measurement of success of revegetation shall be initiated within ~~ten-(10)~~ years after completion of backfilling and final grading of areas of prime farmland in accordance with the approved reclamation plan.
 - 2) Success of revegetation shall be measured in accordance with 62 Ill. Adm. Code 1816.116(a)(4) ~~or (a)(6)~~.
 - 3) Revegetation shall be considered a success when crop production is equivalent to or exceeds the production required in 62 Ill. Adm. Code 1816.116(a)(4) ~~or (a)(6)~~, with ~~ninety-(90)~~ percent statistical confidence (i.e., one-sided t test with 0.10 alpha error) for a minimum of ~~three-(3)~~ crop years of a ~~ten-(10)~~ year period, except the first year after augmented seeding, fertilizing, or other management practices, prior to release of the operator's performance bond. The level of management applied during the measurement period shall be the same as the level of management used on nonmined prime farmland in the surrounding area. The ~~five-(5)~~ year period of extended responsibility shall begin after the last year of augmented seeding, fertilizing or soil treatment and at the time of the planting of the ~~cropserop(s)~~ to be grown for the productivity showing. Once chosen by the permittee, the productivity alternative in 62 Ill. Adm. Code 1816.116(a)(6) may not be modified without approval from the Department.
 - 4) Compliance with this subsection shall not preclude a permittee from demonstrating the required soil productivity under the law by use of soil surveys or other techniques approved consistent with future regulations.

(Source: Amended at 29 Ill. Reg. 9849, effective June 27, 2005)

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- 1) Heading of the Part: Illinois Public Accounting Act
- 2) Code Citation: 68 Ill. Adm. Code 1420
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1420.10	Amendment
1420.20	Amendment
1420.25	New Section
1420.30	Amendment
1420.35	Amendment
1420.40	Amendment
1420.50	Amendment
1420.60	Amendment
1420.70	Amendment
1420.80	Amendment
1420.90	Amendment
- 4) Statutory Authority: Illinois Public Accounting Act [225 ILCS 450]
- 5) Effective Date of Amendments: August 1, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal published in Illinois Register: January 28, 2005; 29 Ill. Reg. 1460
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: Section 1420.35 regarding temporary practice in Illinois now provides for self-certification by the applicant. Some technical nonsubstantive changes have also been made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

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- 13) Will this rulemaking replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of amendments: Public Act 93-683 significantly altered the Illinois Public Accounting Act; this rulemaking implements its provisions. It returns authority for the regulation of public accounting in Illinois to the Department of Financial and Professional Regulation-Division of Professional Regulation and further provides for the registration of certified public accountants. In response to the Sarbanes-Oxley Act of 2002, additional requirements were added to Section 1420.30 for firms who wish to become licensed within the State. Makes numerous technical changes throughout the Part to update references and bring the Rules into conformity with the Act.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Department of Financial and Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, Illinois 62786

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

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

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TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1420

ILLINOIS PUBLIC ACCOUNTING ACT

Section

1420.10	Experience
1420.20	Application for Licensure <u>as a Certified Public Accountant-Individual</u>
<u>1420.25</u>	<u>Application for Licensure as a Registered Certified Public Accountant</u>
1420.30	Application for Licensure-Firm
1420.35	Temporary Practice
1420.40	Fees for the Administration of the Act
1420.50	Endorsement
1420.60	Restoration
1420.70	Continuing Professional Education
1420.80	Renewals
1420.90	Annual Report of the Committee
1420.100	Conduct of Hearings (Repealed)
1420.110	Granting Variances

AUTHORITY: Implementing the Illinois Public Accounting Act [225 ILCS 450] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Rules and Regulations for the Administration and Enforcement of the Provisions of the Illinois Public Accounting Act, effective June 30, 1975; codified at 5 Ill. Reg. 11058; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7748, effective June 15, 1982; emergency amendment at 7 Ill. Reg. 14548, effective October 13, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 6179, effective April 25, 1984; amended at 9 Ill. Reg. 5708, effective April 15, 1985; amended at 9 Ill. Reg. 8738, effective May 28, 1985; amended at 9 Ill. Reg. 13360, effective August 21, 1985; amended at 10 Ill. Reg. 20739, effective December 1, 1986; amended at 11 Ill. Reg. 18276, effective October 27, 1987; transferred from Chapter I, 68 Ill. Adm. Code 420 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1420 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2944; amended at 19 Ill. Reg. 16258, effective November 28, 1995; amended at 21 Ill. Reg. 15255, effective November 17, 1997; amended at 24 Ill. Reg. 14005, effective August 31, 2000; amended at 29 Ill. Reg. 9853, effective August 1, 2005.

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Section 1420.10 Experience

The Department of Financial and Professional Regulation ~~Division of Professional Regulation (Division the Department)~~ shall license as certified public accountants individuals who have had at least one year of full-time experience, or its equivalent, providing any type of service or advice involving the use of accounting, attest, management advisory, financial advisory, tax or consulting skills that may be gained through employment in government, industry, academia, or public practice. ~~those individuals who have gained the required one year of experience as follows:~~

- a) ~~On the professional staff of a practicing public accountant licensed in this or any other state; or~~
- b) ~~As an employee of a government agency performing work normally directed toward the expression of an independent opinion on financial statements, in accordance with generally accepted accounting principles and the work is done in accordance with generally accepted auditing standards. Such work shall be with:
 - 1) ~~Firms engaged in 3 or more distinct lines of commercial or industrial business; or~~
 - 2) ~~Three or more governmental agencies or independent organizational units, not an employer of the applicant, in which the results of such auditing are reported to a third party; or~~
 - 3) ~~Review of financial statements and supporting material covering the financial condition and operations of at least 3 entities engaged in 3 or more lines of business to determine the reliability and fairness of the financial reporting and compliance with generally accepted accounting principles, applicable laws and governmental regulations; or~~~~
- e) ~~In experience or employment substantially equivalent to either (or a combination of both) subsections (a) and (b) above. Such experience or employment:
 - 1) ~~Must involve the performance of duties or services similar in nature to those customarily performed in subsections (a) and (b) above;~~
 - 2) ~~Must be performed while the applicant is in a responsible financial position (such as internal audit, or controllership responsibilities for an~~~~

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~~entity with complex financial statements and accounting systems);~~

- ~~3) May require more than one year of actual experience to qualify as being the equivalent of one year of experience in subsections (a) and (b) above; and~~
- ~~4) Must be evaluated by the Public Accounting Registration Committee for each applicant on a case-by-case basis; or~~
- ~~d) Any combination of subsections (a), (b) and (c) above.~~

(Source: Amended at 29 Ill. Reg. 9853, effective August 1, 2005)

Section 1420.20 Application for Licensure as a Certified Public Accountant-Individual

An applicant for licensure as a certified public accountant shall file an application with the Division ~~that Department, which~~ shall include the following:

- a) Certification of the issuance of a valid and unrevoked Illinois Certified Public Accountant (C.P.A.) Certificate, issued by the Illinois Board of Examiners; a similar CPA certification from another jurisdiction; or current registration as a certified public accountant with the Division-at the University of Illinois;
- b) Proof of the experience pursuant to Section 1420.10 of this Part;
- c) A complete work history since receipt of either the Certified Public Accountant Certificate or registration as a certified public accountant with the Division;
- d) The required fee, specified in Section 1420.40~~(a)~~;
- e) Proof acceptable to the Division~~Department~~ of having completed not less than 90 hours of continuing education, as defined in Section 1420.70 of this Part, in the 3 years immediately preceding the application, if more than 4 years have elapsed since the applicant has been awarded the C.P.A. certificate required by subsection (a) ~~above~~; and
- f) A certification of licensure from another jurisdiction, if applicable, stating:
 - 1) The date of issuance of the applicant's license;

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- 2) Whether the records of the licensing authority contain any record of disciplinary action taken or pending.

(Source: Amended at 29 Ill. Reg. 9853, effective August 1, 2005)

Section 1420.25 Application for Licensure as a Registered Certified Public Accountant

Any person seeking a license as a registered certified public accountant pursuant to Section 4 (Transitional Language) of the Act shall file an application with the Division postmarked no later than June 30, 2010 on forms provided by the Division. The application shall include the following:

- a) Proof of a Certified Public Accountant certificate issued by the Illinois Board of Examiners or proof of similar certification from another jurisdiction with equivalent educational requirements and examination standards. The Division may rely on the determinations of the National Qualification Appraisal Service of the National Association of State Boards of Accountancy or any other qualification appraisal service, as it deems appropriate; and
- b) The required fee specified in Section 1420.40.

(Source: Added at 29 Ill. Reg. 9853, effective August 1, 2005)

Section 1420.30 Application for Licensure – Firm

- a) For purposes of this Section
 - 1) Firm shall include:
 - A) A partnership, corporation, limited liability company or any other form of business organization determined by the ~~Division~~Department or other regulatory authority to be authorized or entitled to conduct business in this State and meeting requirements of the Act relating to the practice of public accounting in this State;
 - B) A public accounting unit consisting of an individual licensee operating under a business name other than the licensee's own name, including but not limited to a business name that contains such words as "and Company", "and Associates" or similar words

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indicating that others take part in the conduct of the business.

- 2) "Member" includes a partner, shareholder in a corporation, member of a limited liability company and any other person (natural or otherwise) who or which is the owner of an interest in a firm.
- b) A firm seeking licensureregistration shall submit an application to the DivisionDepartment with the required fee set forth in Section 1420.40, along with one affidavit stating:
- 1) The name, address and Illinois license number of each member personally engaged in Illinois in the practice of public accounting;
 - 2) The name, address and Illinois license number of each person in charge of an office of the firm in Illinois; ~~and~~
 - 3) ~~That each member not personally engaged in the practice of public accounting in Illinois is a certified public accountant or is otherwise authorized to practice accounting in some jurisdiction.~~
- c) A majority of the ownership of the firm, in terms of financial interest and voting rights of all partners, officers, shareholders, members or managers, belongs to persons licensed in some state, and that the partners, officers, shareholders, members or managers whose principle place of business is in this State and who practice public accounting in this State shall hold a valid license issued by this State.
- d) Every firm licensed under the Act shall notify the DivisionDepartment of any change in members at the time of renewal.

(Source: Amended at 29 Ill. Reg. 9853, effective August 1, 2005)

Section 1420.35 Temporary Practice

Any person practicing pursuant to this Section shall file a notice with the Division, on forms prescribed by the Division, that shall include a self-certification stating the date the applicant's license was issued and the date of expiration, along with the fee required by Section 1420.40.

~~Temporary practice shall include only those engagements that were initiated in another state, with the business that is located in Illinois being a subsidiary, division or branch of the business~~

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~~located in the other state.~~

(Source: Amended at 29 Ill. Reg. 9853, effective August 1, 2005)

Section 1420.40 Fees For the Administration of the Act

The following fees shall be paid to the ~~Division~~Department for the functions performed by the ~~Division~~Department under ~~the~~this Act and shall be non-refundable:

- a) The fee for application~~and for a certificate of licensure~~ as a licensed certified public accountant is ~~\$120~~\$75;
- b) The fee for application as a registered certified public accountant is \$90;
- c)~~b)~~ The fee for renewal of a license as a licensed certified public accountant is ~~\$40~~\$20 per year;
- d) The fee for renewal of a license as a registered certified public accountant is \$30 per year;
- e)~~e)~~ The fee for a license as a firm engaged in public accounting is ~~\$120~~\$75;
- f)~~d)~~ The fee for renewal of a license as a firm engaged in public accounting is \$40 per year;
- e) ~~The fee for a license as a public accountant by endorsement from another jurisdiction is \$75;~~
- g)~~f)~~ The fee for restoration of a license from inactive status is the current renewal fee~~;~~;
- h)~~g)~~ The fee for restoration of a license other than from inactive status is ~~\$20~~\$50 plus all lapsed renewal fees, not to exceed \$260;
- i)~~h)~~ The fee for certification of a licensee's record is \$20;
- j)~~i)~~ The fee for a duplicate or replacement license~~or replacement certificate~~ is \$20;
- k)~~j)~~ The fee for a wall certificate is the cost of production;
- l)~~k)~~ The fee for change of name or address on a licensee's record, other than during

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renewal, is \$20;

- m) The processing fee for temporary registration to practice public accounting within Illinois is \$50 for one year;
- n)† The fee for a roster of licensed and/or registered certified public accountants shall be the actual cost of producing such a roster. Actual roster cost shall equal (total number of licensees in list requested) times the multiplier (cost of paper), plus fixed costs (such as personnel, handling and forms);
- o)‡ The fee for application to be a sponsor of approved continuing education courses shall be \$150, ~~except the fee for applicants who submit proof of prior unrevoked registration with the Continuing Professional Education (CPE) Registry of the National Association of State Boards of Accountancy shall be \$75.~~ Publicly supported colleges, universities and governmental agencies located in Illinois are exempt from payment of fees for continuing education sponsor registration and renewal;
- p)† The renewal fee for sponsors of CPE shall be \$150, ~~except the renewal fee for registered sponsors who are also registered with the National Association of State Boards of Accountancy shall be \$75;~~
- q)⊕ Upon request, one copy of the Act and Rules will be provided free of charge. Additional copies may be obtained for one dollar per copy.

(Source: Amended at 29 Ill. Reg. 9853, effective August 1, 2005)

Section 1420.50 Endorsement

- a) Any person currently licensed in another jurisdiction who desires to obtain a license as a licensed certified public accountant by endorsement shall file an application with the Division~~Department~~, together with:
- 1)a) Certification from the jurisdiction of original licensure of the issuance of a valid and unrevoked license or permit showing the applicant possesses qualifications substantially equivalent to this State's current licensing requirements. If the qualifications by which an individual was licensed were not substantially equivalent, after passing the examination upon which his or her license or other permit to practice was based, an applicant shall have not less than 4 years of experience in the practice of public

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accounting within the 10 years immediately preceding the date of application; Illinois Certified Public Accountant (C.P.A.) Certificate, issued by the Board of Examiners at the University of Illinois;

2)b) A certification from the jurisdiction of current~~original~~ licensure and any other jurisdiction in which he/she is~~may have been~~ licensed stating:

A)1) The date of issuance of the applicant's license;

B)2) Whether the records of the licensing authority contain any record of disciplinary action taken or pending;

3) A complete work history since obtaining original licensure or other permit to practice; and

4) The required fee specified in Section 1420.40.

b) Any person currently certified or licensed in another jurisdiction who desires to obtain a license as a registered certified public accountant by endorsement shall file an application with the Division, together with:

1) Certification from the jurisdiction of original certification or licensure of the issuance of a valid and unrevoked license or permit showing the applicant possesses qualifications substantially equivalent to the State's current licensing requirements;

2) A certification from the jurisdiction in which he/she is currently licensed stating:

A) The date of issuance of the applicant's license;

B) Whether the records of the licensing authority contain any record of disciplinary action taken or pending;

3) The required fee specified in Section 1420.40.

c) In determining the substantial equivalency of any state's requirements to Illinois' requirements, the Division may rely on the determinations of the National Qualification Appraisal Service of the National Association of State Boards of Accountancy or such other qualification appraisal service as it deems appropriate.

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- e) ~~Verification that the applicant has completed one year of employment/experience as defined in Section 1420.10 of this Part.~~

(Source: Amended at 29 Ill. Reg. 9853, effective August 1, 2005)

Section 1420.60 Restoration

- a) A person seeking restoration of a license ~~as a registered certified public accountant prior to September 30, 1997,~~ after it has expired or been placed on inactive status for 5 years or more, shall file an application with the ~~Division, Department~~ together with the required fee specified in Section 1420.40 of this Part ~~and proof of 80 hours of continuing education as defined in Section 1420.70 of this Part in the 2 years immediately preceding application for restoration.~~
- b) A person seeking restoration of a license ~~as a licensed certified public accountant on or after September 30, 1997,~~ after it has expired or been placed on inactive status for 5 years or more, shall file an application with the ~~Division, Department~~ together with the required fee specified in Section 1420.40 of this Part and proof of 120 hours of continuing education as defined in Section 1420.70 of this Part in the 3 years immediately preceding application for restoration. Not less than 4 hours of the 120 hours shall be courses covering the subject of professional ethics. The applicant shall also submit one of the following:
- 1) One verification of employment completed by an employer, co-worker or client; or
 - 2) Proof of active practice in another jurisdiction. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or
 - 3) Certification of licensure from the licensing authority, stating the dates of licensure and whether the records of the licensing authority contain any record of disciplinary action taken or pending; or
 - 4) One verification of employment attesting to the applicant's practice of public accounting in a jurisdiction where licensure is not required; or

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- 5) An affidavit attesting to military service as provided in Section 17.1 of the Act; or
 - 6) Other proof acceptable to the ~~Division~~Department of the applicant's fitness to have the license restored.
- c) Individuals who held a license in Illinois as a certified public accountant less than 3 years are not required to complete the minimum 4 hours in professional ethics.
- d) A person seeking restoration of a license that has expired or been placed on inactive status for less than 5 years shall have the license restored upon payment of the required fee as specified in Section 1420.40. A licensed certified public accountant must also submit and proof of ~~40 hours each year of part thereof since the license has been expired or placed on inactive status, but in no event more than~~ 120 hours of continuing education as defined in Section 1420.70 of this Part. The CPE hours must have been obtained within the 3 years immediately preceding application for restoration. However, any licensee whose license expired while in military service as provided in Section 17.1 of the Act shall be excused from the payment of any lapsed renewal fees if application for restoration is made within 2 years of termination of such service.
- e) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 17.1 of the Act will be required to pay only the current renewal fee and will not be required to submit proof of meeting the continuing education requirements.
- f) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the ~~Division~~Department because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee seeking restoration of a license will be requested to:
- 1) provide such information as may be necessary; and/or
 - 2) appear for an interview before the Committee to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.

(Source: Amended at 29 Ill. Reg. 9853, effective August 1, 2005)

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Section 1420.70 Continuing Professional Education

- a) Approved continuing professional education course or program (CPE course), as used in this Part, shall mean a course or program that complies with subsection (d) of this Section. In addition, courses sponsored or approved by other states or other state CPA societies ~~or courses offered outside of Illinois by sponsors registered with the National Association of State Boards of Accountancy (NASBA)~~ shall be considered approved.
- b) Recognized educational or professional sponsor, as used in this Part, shall mean:
- 1) The American Institute of Certified Public Accountants (AICPA);
 - 2) The Illinois CPA Society/Foundation (ICPAS/F); ~~or~~
 - 3) A university or college approved by its governing board in the State of Illinois, or equivalent public authority governing board if in another jurisdiction, to award accounting degrees; ~~or-~~
 - 4) The National Association of State Boards of Accountancy (NASBA).
- c) Sponsor, as used in this Part, shall mean a person, firm, association, corporation or other group responsible for coordination and presentation of an approved CPE course or program.
- d) An approved CPE course or program is an organized program of formal learning that contributes directly to a certified public accountant's knowledge, ability or competence to perform his/her duties as a public accountant. Those programs and courses will qualify if they meet the following minimum requirements:
- 1) The course or program shall include as its subject matter one or more of the following:
 - A) Accounting and auditing
 - B) Taxation
 - C) Management services

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- D) Computer sciences
- E) Mathematics, statistics, probability, and quantitative applications to organization
- F) Economics
- G) Finance
- H) Business, securities and administrative law
- I) Business management and employee benefits
- J) Professional ethics for certified public accountants
- K) Auditing public or private sector specialized industries
- L) Administrative practice; e.g., engagement letters, fee structure and personnel management
- M) Effective presentation techniques
- N) Professional Writing
- O) Decision Making
- P) Practice development

Q) Ethics

- 2) All courses and programs shall be developed and presented by persons with education and/or experience in the subject matter of the program to ensure compliance with the standards stated herein.
- 3) All programs must include some mechanism whereby the participants evaluate the over-all quality of the program.
- 4) All courses and programs shall specify the course objectives, level of knowledge necessary for, and prerequisites to enrollment, if any, course content, any necessary advance preparation, teaching methods to be used,

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and the number of CPE hours that will be earned.

- 5) An interactive self-study course or program is a program that uses interactive learning methodologies that simulate the classroom learning process by employing computer software, other technology or administrative systems that provide significant, ongoing, interactive feedback to the learner regarding his or her learning process. For reporting periods ending on or after September 1, 1997, interactive self-study programs shall qualify for full credit, except as limited by the provisions of subsection (e)(4).
 - 6) The ~~sponsor~~~~sponsor(s)~~ of all courses and programs will provide each participant with a certificate or other proof of attendance, which must include the name and address of the sponsor, the name and address of the participant, the title of the course, the number of hours actually attended in each topic, and the date the course or program was given. The ~~sponsor~~~~sponsor(s)~~ shall also provide each participant with an outline of the course subject matter. If the sponsor is a public accounting firm licensed under the Act, and the course is given in-firm, the sponsor will not be required to provide certificates of attendance to the employees of the firm attending the course.
- e) Credit Hours – Each approved CPE course or program "hour" shall include, as a minimum, 50 minutes of actual class time, exclusive of time devoted by participants to pre-class or post-class preparation or study and shall equal one CPE course credit hour. Courses that are part of the curriculum of a university, college or other educational institution shall be awarded CPE course credit at the rate of 15 credit hours for each semester hour, or 10 credit hours for each quarter hour of school credit awarded.
- 1) A licensee who serves as an instructor, speaker or discussion leader of an approved course will be allowed CPE course credit for actual presentation time, plus actual preparation time of up to 2 hours for each hour of presentation. Preparation time shall not be allowed for repetitious presentations of the same course, and will only be allowed for additional study or research. In no case shall credit for actual time of presentation and preparation be given for more than 60 hours during any renewal period.
 - 2) CPE course credit will be allowed for actual authorship of published

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articles and books, provided the subject matter of such article or book complies with this Section. CPE course credit shall be allowed for actual time spent in writing or researching, but in no case shall credit for authorship of published articles or books be given for more than 30 hours during any renewal period.

- 3) A correspondence or individual study course shall qualify if it meets all other requirements of these rules, it indicates average completion time on the course material, and it provides some mechanism or process by which to provide evidence of satisfactory completion by the licensee beyond certification by the licensee. Credit hours for a correspondence or individual study course, other than an interactive self-study course, shall be allowed on the basis of one-half of the average completion time determined by the sponsor. In no case shall credit for correspondence or individual study courses, other than an interactive self-study course, be given for more than 60 hours during any renewal period.
- 4) In addition to the limitations stated in subsection (e)(3), not more than 80 hours during any renewal period may consist of a combination of interactive self-study and correspondence or individual study courses.
- 5) CPE course credit will be allowed for programs or courses taken toward the satisfaction of continuing education provisions in other ~~states~~ **States**.
- f) Recognized educational or professional sponsors, as specified in subsection (b) ~~above~~, shall be approved upon filing a sponsor application ~~form~~ with the ~~Division~~ **Department** and payment of the required fee set forth in Section 1420.40 of this Part. Such filing shall not prevent the ~~Division~~ **Department** from requiring additional information; to ensure full and continued compliance with the statute and this Part. The ~~Division~~ **Department** will require the added information when it has reason to believe that there is not full and continued compliance with the statute and this Part and the additional information is necessary to ensure compliance.
- g) All other sponsors shall be approved upon application to the ~~Division~~ **Department**, payment of the required fee set forth in Section 1420.40 of this Part and upon providing the ~~Division~~ **Department** the following additional certification:
 - 1) That all courses and programs offered by such sponsor for CPE course credit will comply with this Section;

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- 2) That the sponsor will be responsible for verifying attendance at each course or program and will maintain such records for not less than five years; and
- 3) That, upon request by the Division~~Department~~, the sponsor will submit such evidence as is necessary to establish compliance with the requirements of this Section. Such evidence will be requested when the Division~~Department~~ has reason to believe that there is not full and continued compliance with the statute and this Part and that the information is necessary to ensure compliance.
- h) Upon failure of any sponsor to comply with the requirements of this Section, the Division~~Department~~ shall issue a written notification to the sponsor that it must remedy its non-compliance prior to providing further approved courses.
- i) All sponsor approvals shall expire December 31 of each year and may be renewed by submitting a renewal application and the required fee set forth in Section 1420.40~~(e)~~ of this Part.
- j) The Division~~Department~~ shall periodically audit CPE course information submitted by applicants to verify such information, and shall verify such information upon receipt of a written complaint or allegation that a particular applicant or group of applicants has not fully complied with the requirements of the Act or this Part.
- k) Any approved sponsor's ~~course~~course(s) shall be disapproved if the sponsor fails or refuses to provide information to the Division~~Department~~ for ascertaining compliance with this Part as specified in subsections (f) and (g)~~above~~.
- l) Continuing Education Earned in Other Jurisdictions~~-~~
 - 1) If a renewal applicant will be earning or has earned CPE hours in another jurisdiction, but is not licensed in that jurisdiction and the course is not presented by an approved sponsor, the applicant shall submit an individual program approval request form, along with a \$25 processing fee, to have the program reviewed. The Committee shall review and recommend approval or disapproval of the programs using the criteria set forth in subsection (d) of this Section. Applicants may seek individual program approval prior to participation in the course or program. All individual

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program approval requests shall be submitted 90 days prior to the expiration date of the license.

- 2) If a licensee fails to submit an out of state CPE approval form within the required time, late approval may be obtained by submitting the application with the \$25 processing fee plus a \$10 per CPE hour late fee, not to exceed \$150. The Committee shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (d) of this Section.

(Source: Amended at 29 Ill. Reg. 9853, effective August 1, 2005)

Section 1420.80 Renewals

- a) Every license issued under the Act shall expire on September 30 every three years. The holder of a license may renew ~~the~~such license during the 2 months preceding the expiration date thereof by paying the required fee. Licensed certified public accountants shall complete and submitting proof of 120 hours of CPE in accordance with Section 1420.70 of this Part. Of the 120 hours, not less than 4 hours shall be courses covering the subject of professional ethics. A registered certified public accountant is exempt from CPE requirements. Such applications shall include a listing of all programs and courses, along with the date given, the name of the sponsor of the course and the number of hours of credit claimed.
- b) Every license for a firm shall expire on November 30 every 3 years. Firms may renew ~~their~~such license during the 2 months preceding the expiration date thereof by submitting the required fee, notification of any change in members residing in Illinois and verification that the firm continues to meet the qualifications set forth in Section 14 of ~~the~~this Act.
- c) A licensed certified public accountant renewal applicant is exempt from not required to comply with CPE requirements for the first renewal.
- d) It is the responsibility of each licensee to notify the Division~~Department~~ of any change of address. Failure to receive a renewal form from the Division~~Department~~ shall not constitute an excuse for failure to renew.
- e) A licensee may file an application for renewal without having fully complied with the continuing education requirements by requesting a waiver of such

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requirements. ~~The~~Such request shall include an affidavit setting forth the facts upon which the request for waiver is based. If the ~~Division~~Department finds from ~~the~~such affidavit or any other evidence submitted, that good cause has been shown for non-compliance, the ~~Division~~Department shall waive enforcement, extend the time within which the applicant shall comply, or establish a particular program or schedule of continuing education for the renewal period for which the applicant has applied. At that time, the renewal applicant will be requested to submit the required renewal fee. Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CPE course requirements during the applicable period because of:

- 1) Full-time service in the armed forces of the United States of America during a substantial part of such period; or
- 2) Extreme hardship, which shall be determined on an individual basis by the Committee and shall be limited to documentation of:
 - A) An incapacitating illness,
 - B) A physical inability to travel to the sites of approved programs, or
 - C) Any other similar extenuating circumstances.
- f) An interview before the Committee with respect to a request for waiver or other action shall be granted if ~~the~~such interview is requested at the time the request for waiver is filed with the ~~Division~~Department. The renewal applicant requesting waiver shall be given at least 20 days' written notice of the date, time and place of ~~the~~such interview, by certified mail, return receipt requested.
- g) A renewal applicant who fails to include evidence of completion of the requisite number of CPE course hours shall be referred to the Committee for recommendation for further action by the ~~Division~~Department.
- h) No carry over of continuing education hours is allowed from one prerenewal period to another.

(Source: Amended at 29 Ill. Reg. 9853, effective August 1, 2005)

Section 1420.90 Annual Report of the Committee

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The Public Accountant Registration Committee shall submit a written report, on an annual basis, to the Director in which it shall evaluate its own and the Division's~~Department's~~ performance, inform the Division~~Department~~ of practice developments within the public accounting profession and provide recommendations for statutory or regulatory program changes.

(Source: Amended at 29 Ill. Reg. 9853, effective August 1, 2005)

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- 1) Heading of the Part: Watercraft Use Tax
- 2) Code Citation: 86 Ill. Adm. Code 153
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
153.101	New Section
153.105	New Section
153.110	New Section
153.115	New Section
153.120	New Section
- 4) Statutory Authority: 35 ILCS 158; P.A. 93-0840
- 5) Effective Date of Rules: June 23, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted rules, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal published in Illinois Register: 29 Ill. Reg. 1523; 01/28/05
- 10) Has JCAR issued a Statement of Objection to these Rules? No
- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No, the emergency rules expired May 14, 2005.
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rules: This rulemaking sets out the implementation of the Watercraft Use Tax Law [35 ILCS 158], as established in P.A. 93-0840.

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

Edwin E. Boggess
Associate Counsel
Legal Services Office
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794

217/782-2844

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

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUEPART 153
WATERCRAFT USE TAX

Section

153.101	Definitions
153.105	Nature of the Watercraft Use Tax
153.110	Basis and Rate of the Tax
153.115	Nontaxable Transactions
153.120	Returns and Payment

AUTHORITY: Implementing the Watercraft Use Tax Law [35 ILCS 158]

SOURCE: Emergency rule adopted at 29 Ill. Reg. 715, effective December 16, 2004; emergency expired May 14, 2005; adopted at 29 Ill. Reg. 9873, effective June 23, 2005.

Section 153.101 Definitions

As used in this Part, the terms listed below are defined as follows:

"Department" means the Department of Revenue.

"Immediate family member" means a spouse, mother, father, brother, sister, or child of the transferor.

"Personal watercraft" means a vessel that uses an inboard motor powering a water jet pump as its primary source of motor power and that is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than the conventional manner of sitting or standing inside the vessel, and includes vessels that are similar in appearance and operation but are powered by an outboard or propeller drive motor. (Section 1-2 of the Boat Registration and Safety Act [625 ILCS 45/1-2]) An example of a personal watercraft is a jet ski.

"Purchase price" means the reasonable consideration paid for a watercraft valued in money whether received in money or otherwise, including, but not limited to, cash, credits, property, and services, and including the value of any motor sold with, or in conjunction with, the watercraft. Except in the case of transfers between immediate family members, reasonable consideration

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ordinarily means the fair market value on the date the watercraft or the share of the watercraft was acquired or the date the watercraft was brought into this State, whichever is later, unless the taxpayer can demonstrate that a different value is reasonable. In the case of transfers between immediate family members, reasonable consideration ordinarily means the consideration actually paid, unless it appears from the facts and circumstances that the primary motivation of the transfer was the avoidance of tax. [35 ILCS 158/15-5]

"Watercraft" means Class 2, Class 3, and Class 4 watercraft, as defined in Section 3-2 of the Boat Registration and Safety Act [625 ILCS 45/3-2] and personal watercraft, as defined in Section 1-2 of the Boat Registration and Safety Act [625 ILCS 45/1-2]. [35 ILCS 158/15-5] Section 3-2 of the Boat Registration and Safety Act defines these terms as follows:

"Class 2" watercraft means all watercraft 16 feet or more but less than 26 feet in length, except canoes and kayaks.

"Class 3" watercraft means all watercraft 26 feet or more but less than 40 feet in length.

"Class 4" watercraft means all watercraft 40 feet or more in length.

Section 153.105 Nature of the Watercraft Use Tax

The Watercraft Use Tax is a privilege tax imposed on the privilege of using, in this State, watercraft acquired by gift, transfer, or non-retail purchase after September 1, 2004. The tax is imposed on the use of watercraft in this State regardless of whether the watercraft is actually registered under the Boat Registration and Safety Act. No trade-in credit will be allowed in a non-retail purchase transaction. Examples:

- a) An Illinois resident purchases an 18-foot boat from an individual (non-retailer) in Missouri on October 1, 2004 for \$5,000, and brings the boat into Illinois on October 5, 2004. The fair market value of the boat at the time of purchase is \$5,000. Watercraft Use Tax is due on the \$5,000 purchase price of the boat. However, if the Illinois resident had purchased the boat from a non-retailer in Missouri on August 5, 2004 and brought the boat into Illinois on October 5, 2004, the purchase would not be subject to the tax imposed by this Part.

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- b) A Chicago resident is given a used 20-foot boat and a motor on September 2, 2004 by his neighbor. Watercraft Use Tax is due on the fair market value of the boat, including the motor.
- c) A person living in Joliet, Illinois purchases a jet ski from his neighbor for \$3,000 on October 5, 2004. As part of the deal, he trades his \$2,000 pontoon boat for the jet ski and pays \$1,000 cash. The fair market value of the jet ski is \$3,000. The purchaser of the jet ski owes Watercraft Use Tax on the entire \$3,000 purchase price, and is not allowed to claim a trade-in credit. The purchaser of the pontoon boat also owes Watercraft Use Tax on the entire \$2,000 purchase price, and may not claim a trade-in credit.
- d) Three people each agree to purchase an undivided 1/3-share interest in a \$100,000 yacht from an individual (non-retailer) to be used in Illinois. At the time of the purchase, the fair market value of the yacht is \$100,000. Each individual shareholder incurs Watercraft Use Tax on his or her individual share. However, each shareholder is jointly and severally liable for the total taxes due on the entire \$100,000 purchase price of the yacht. See Section 153.110(c) of this Part.
- e) Corporation XYZ purchases a yacht for \$75,000 from an individual (non-retailer) for use in Illinois by giving consideration in the form of \$25,000 cash and \$50,000 in XYZ stock. The fair market value of the yacht is \$100,000. Watercraft Use Tax is incurred on the \$100,000 amount, unless the corporation can demonstrate that a different value is reasonable.

Section 153.110 Basis and Rate of the Tax

- a) **Non-Retail Sales of Watercraft**
The rate of tax is 6.25% of the purchase price for each watercraft that is subject to tax under the Law [35 ILCS 158/15-15]. However, the purchase price shall not be less than the fair market value of the watercraft on the date the watercraft is purchased or the date the watercraft is brought into the State, whichever is later, unless the purchaser can document that a different value is reasonable. In the case of transfers between immediate family members, purchase price ordinarily means the consideration actually paid, unless it appears from the facts and circumstances that the primary motivation of the transfer was the avoidance of tax. Examples:
 - 1) An Illinois resident buys a 20-foot pontoon boat valued at \$20,000 from an individual (non-retailer) in Wisconsin for \$5,000 on September 5, 2004. On September 25, 2004, she brings the pontoon boat into Illinois

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for use at her lake home. Watercraft Use Tax is due on the fair market value of the watercraft (\$20,000) on September 25, 2004 when the watercraft entered the State, unless she can document that the \$5,000 she paid was reasonable.

- 2) A person living in Champaign, Illinois sells his \$10,000 fishing boat to his son for \$8,000. The taxable purchase price for this sale between immediate family members will ordinarily be the \$8,000 actually paid, unless the Department determines the primary motivation of the sale was the avoidance of tax.

b) Gifts and Other Transfers of Watercraft

For purposes of calculating the tax due when a watercraft is acquired by gift or transfer, the tax shall be imposed on the fair market value of the watercraft on the date the watercraft is acquired or the date the watercraft is brought into the State, whichever is later. In the case of gifts between immediate family members, no tax is due unless it appears from the facts and circumstances that the primary motivation of the transfer was the avoidance of tax. Examples:

- 1) A woman living in Carbondale decides to give her 18-foot johnboat to her fiancé. Her fiancé incurs Watercraft Use Tax based on the fair market value of the johnboat.
- 2) Dad gives his jet ski to his daughter. No tax is due unless it appears that the primary motivation for the gift was the avoidance of tax.
- 3) A woman wants to purchase a 35-foot boat that she finds for sale in California. In order to avoid the Watercraft Use Tax, she convinces her sister, who lives in California, to purchase the boat for her for \$50,000. She claims that her sister "sold" the boat to her for \$500 so she can use the boat in Illinois. The primary motivation under this set of facts and circumstances would be viewed as the avoidance of tax, and Watercraft Use Tax would be owed on the fair market value (\$50,000) of the boat.
- 4) The XYZ partnership, owner of a 24-foot sailboat, is dissolved. All ownership of the sailboat is transferred to partner X following the dissolution. Partner X must pay Watercraft Use Tax on the fair market value of the sailboat.

c) Transfers of Fractional Shares of Watercraft

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When an ownership share of a watercraft is acquired, the tax is imposed on the purchase price of that share. All owners are jointly and severally liable for any tax due as a result of the purchase, gift, or transfer of an ownership share of the watercraft. [35 ILCS 158/15-5] In the case of ownership shares sold between immediate family members, purchase price ordinarily means the consideration actually paid, unless it appears from the facts and circumstances that the primary motivation of the selling of the shares was the avoidance of tax. In the case of a share of a watercraft acquired by gift between family members, no tax is due unless it appears from the facts and circumstances that the primary motivation of the share transfer was the avoidance of tax. Examples:

- 1) An Illinois resident owns a 1/10 undivided interest share in a \$10,000 houseboat. She sells her 1/10 share of the houseboat to her neighbor for \$1,000. Watercraft Use Tax is due on the purchase price of the 1/10 share (\$1,000). However, each of the remaining undivided owners is also responsible for the total amount of taxes due as a result of the sale of the 1/10 share on the \$1,000 purchase price.
 - 2) A Springfield resident purchases a ½ share of a 20-foot sailboat with a fair market value of \$10,000. He files a return listing the value of his ½ share of the sailboat as \$1,000. The Department will use the \$10,000 fair market value of the sailboat to determine his ½ share interest (\$5,000), if he cannot demonstrate that the \$1,000 value is reasonable.
- d) **Credit for Taxes Paid**
The Watercraft Use Tax does not apply to the use of watercraft *acquired outside this State and brought into this State by a person who has already paid a tax in another state in respect to the sale, purchase, or use of the watercraft, to the extent of the amount of tax properly due and paid in the other state* [35 ILCS 105/3-55(d)]. (See 35 ILCS 158/15-10.) For purposes of this subsection, the term "state" is limited to a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico. Examples:
- 1) A resident of Illinois who is on vacation in Nevada buys an 18-foot fishing boat from an individual in Nevada, and pays the proper amount of Nevada tax. She later moves her boat to Illinois. She can receive a credit for taxes properly due and paid in Nevada up to the amount of Watercraft Use Tax due on the boat in Illinois.

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- 2) While vacationing in Europe, an Illinois resident buys a 35-foot sea cruiser with an extra motor from an individual in Europe and pays European taxes. Upon returning home to Illinois with his boat, he must pay Watercraft Use Tax on the purchase price of \$50,000, which is the fair market value of the boat, including the motor. He will not get a credit for taxes paid in another country.
- e) **Determinations of Reasonable Value**
The purchase price shall not be less than the fair market value of the watercraft on the date the watercraft is purchased or the date the watercraft is brought into the State, whichever is later, unless the purchaser can document that a different value is reasonable. To determine if a purchase price, other than fair market value, is reasonable, the Department shall consider any information provided by the taxpayer, including but not limited to:
- 1) date and location of sale;
 - 2) condition of the watercraft and any motor sold in conjunction with the watercraft;
 - 3) type and make of watercraft;
 - 4) evidence of similar sales; and
 - 5) whether such watercraft was purchased as a result of an estate sale or auction open to the general public.
- f) **Determination of Purchase Price**
For the purpose of assisting in determining the validity of the purchase price reported on returns filed with the Department, the Department may furnish the following information to persons with whom the Department has contracted for service related to making that determination:
- 1) *the purchase price stated on the return;*
 - 2) *the watercraft identification number;*
 - 3) *the year, the make, and the model name or number of the watercraft;*
 - 4) *the purchase date; and*

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- 5) *the hours of operation.* [35 ILCS 158/15-30]

Section 153.115 Nontaxable Transactions

The tax imposed by the Watercraft Use Tax Law does not apply if:

- a) *the use of the watercraft is otherwise taxed under the Use Tax Act;*
- b) *the watercraft is bought and used by a governmental agency or a society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes and that entity has been issued an exemption identification number that is active under Section 1g of the Retailers' Occupation Tax Act;*
- c) *the transfer is a gift to a beneficiary in the administration of an estate and the beneficiary is a surviving spouse; or*
- d) *the watercraft is exempted from the numbering provisions of Section 3-12 of the Boat Registration and Safety Act [625 ILCS 45/3-12]. [35 ILCS 158/15-10]*
However, Watercraft Use Tax will become due on any watercraft that is exempted from the numbering provisions of paragraphs A, B, C, F, and G of Section 3-12 of the Boat Registration and Safety Act if that watercraft is used upon the waters of this State over 30 accumulated days in any calendar year. The following are the watercraft referred to in paragraphs A, B, C, F, and G of Section 3-12 of the Boat Registration and Safety Act to which the 30-day rule applies:
 - 1) A watercraft that has a valid marine document issued by the United States Coast Guard.
 - 2) A watercraft already covered by a number in full force and effect that has been awarded to it pursuant to Federal law or a Federally approved numbering system of another State.
 - 3) A watercraft from a country other than the United States temporarily using the waters of this State.
 - 4) A watercraft that belongs to a class of boats that has been exempted from numbering by the Department of Natural Resources after that agency has found that an agency of the federal Government has a numbering system

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applicable to the class of watercraft to which the watercraft in question belongs and would be exempt from numbering if it were subject to the Federal law.

- 5) A watercraft that is competing in any race approved by the Department of Natural Resources under the provisions of Section 5-15 of the Boat Registration and Safety Act or a watercraft that is designed and intended solely for racing while engaged in navigation that is incidental to preparation of the watercraft for the race. Preparation of the watercraft for the race may be accomplished only after obtaining the written authorization of the Department of Natural Resources.

Example:

A watercraft that has a valid marine document issued by the United States Coast Guard and is used upon the waters of this State for 35 days in a calendar year is subject to Watercraft Use Tax. The tax applies even though the watercraft is not required to be registered under the Boat Registration and Safety Act until it has been used upon the waters of this State for more than 60 days in a calendar year. See subsection (d).

- e) Other common exemptions:
 - 1) A tugboat qualifying for the rolling stock exemption is purchased for use upon the waters in Illinois. No Watercraft Use Tax would be incurred on the purchase.
 - 2) A person purchases a 17-foot johnboat from an individual (non-retailer) to be used primarily in the raising of catfish for retail sale on a commercial catfish farm in Illinois. No Watercraft Use Tax is due on the purchase, because the johnboat is used primarily in production agriculture.

Section 153.120 Returns and Payment

- a) *The purchaser, transferee, or donee shall file with the Department a return signed by the purchaser, transferee, or donee on a form prescribed by the Department. The return shall contain a verification in substantially the following form and such other information as the Department may reasonably require:*

VERIFICATION

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I declare that I have examined this return and, to the best of my knowledge, it is true, correct, and complete. I understand that the penalty for willfully filing a false return is a fine not to exceed \$1,000 or imprisonment in a penal institution other than the penitentiary not to exceed one year, or both a fine and imprisonment. [35 ILCS 158/15-20(a)]

- b) *The return and payment from the purchaser, transferee, or donee shall be submitted to the Department within 30 days after the date of purchase, donation, or other transfer or the date the watercraft is brought into this State, whichever is later. Payment of tax is a condition to securing certificate of title for the watercraft from the Department of Natural Resources. When a purchaser, transferee, or donee pays the tax imposed by Section 15-10 of the Law, the Department (upon request therefor from the purchaser, transferee, or donee) shall issue an appropriate receipt to the purchaser, transferee, or donee showing that he or she has paid the tax to the Department. The receipt shall be sufficient to relieve the purchaser, transferee, or donee from further liability for the tax to which the receipt may refer. [35 ILCS 158/15-20(b)]*
- c) *Any person required to file a return under the Law who willfully files a false or incomplete return is guilty of a Class A misdemeanor. [35 ILCS 158/15-25]*

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: General Provisions
- 2) Code Citation: 23 Ill. Adm. Code 2700
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2700.30	Amendment
2700.40	Amendment
2700.50	Amendment
- 4) Statutory Authority: Implementing the Higher Education Student Assistance Act [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 USCA 1070 et seq., as amended by P.L. 105-244); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- 5) Effective date of amendments: July 1, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of these adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of proposal published in Illinois Register: February 14, 2005; 29 Ill. Reg. 2171
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposed and final version: No changes were made to the proposed rulemaking after initial publication.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments replace pending on this Part? No
- 15) Summary and purpose of Rulemaking: Several references in Section 2700.30 to the North Central Association of Colleges and Schools have been modified to appropriately reference the Association's Higher Learning Commission. In Section 2700.40(g),

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language has been deleted to reflect statutory changes contained in Public Act 93-1032, which allows MAP grants to be used year-round, rather than just during fall and spring college semesters. A new Section 2700.40(m) has been added to clarify how the timeliness of an individual's application will be determined when it has been submitted electronically. Section 2700.50(j) has been deleted to reflect statutory changes contained in Public Act 93-0812, which eliminates provisions exempting consideration of Bright Start Savings Accounts, *College Illinois!* contracts and college savings bonds proceeds in determining financial need for ISAC gift assistance programs.

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

Thomas A. Breyer
Interim Director, IDAPP
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015

(847) 948-8500
email: tbreyer@isac.org

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2700
GENERAL PROVISIONS

Section

2700.10	Summary and Purpose
2700.20	Definitions
2700.30	General Institutional Eligibility Requirements
2700.40	General Applicant Eligibility Requirements
2700.50	Determining Applicant Eligibility
2700.55	Use, Security and Confidentiality of Data
2700.60	Audits and Investigations
2700.70	Appeal Procedures
2700.80	Contractual Agreement Requirements

AUTHORITY: Implementing the Higher Education Student Assistance Act [110 ILCS 947]; Title IV of the Higher Education Act of 1965, as amended (20 USCA 1070 et seq., as amended by P.L. 105-244); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20783, effective January 1, 1986; amended at 11 Ill. Reg. 3167, effective January 29, 1987; amended at 11 Ill. Reg. 14099, effective August 10, 1987; amended at 12 Ill. Reg. 11510, effective July 1, 1988; amended at 13 Ill. Reg. 8626, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1700 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2700 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17854; amended at 14 Ill. Reg. 10538, effective July 1, 1990; amended at 16 Ill. Reg. 11206, effective July 1, 1992; amended at 17 Ill. Reg. 10541, effective July 1, 1993; amended at 18 Ill. Reg. 10282, effective July 1, 1994; amended at 19 Ill. Reg. 8343, effective July 1, 1995; amended at 20 Ill. Reg. 9170, effective July 1, 1996; amended at 21 Ill. Reg. 11066, effective July 18, 1997; amended at 22 Ill. Reg. 11072, effective July 1, 1998; amended at 23 Ill. Reg. 7550, effective July 1, 1999; amended at 24 Ill. Reg. 9121, effective July 1, 2000; amended at 25 Ill. Reg. 8383, effective July 1, 2001; amended at 26 Ill. Reg. 9980, effective July 1, 2002; amended at 27 Ill. Reg. 10320, effective July 1, 2003; amended at 29 Ill. Reg. 9884, effective July 1, 2005.

Section 2700.30 General Institutional Eligibility Requirements

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- a) ISAC Program Participation Agreement
 - 1) All institutions shall execute an ISAC Program Participation Agreement in order to participate in ISAC gift assistance programs.
 - 2) The ISAC Program Participation Agreement shall identify the ISAC programs under which the institution's students may receive benefits.
 - 3) The ISAC Program Participation Agreement shall include provisions requiring institutions to comply with statutes, federal regulations and State rules.
 - 4) The ISAC Program Participation Agreement may be modified or terminated in accordance with 23 Ill. Adm. Code 2790, Limitation, Suspension or Termination Proceedings.
- b) With respect to ISAC student assistance programs, institutions shall develop and maintain procedures to verify the consistency and accuracy of information received from their enrolled recipients.
- c) Institutions shall be subject to possible limitation, suspension or termination of eligibility for failure to comply with statutes, regulations, rules or procedures and for failure to maintain the standards required by this Section for initial participation. (See 23 Ill. Adm. Code 2790.)
- d) Postsecondary institutions which participate in gift assistance programs shall annually submit to ISAC a copy of their tuition refund policy. Such submissions shall not be considered ISAC approval of such policies.
- e) Postsecondary institutions which participate in gift assistance programs shall annually report their tuition and fee charges, as well as initial MAP advance payment requests, to ISAC on or before June 1 preceding each academic year.
 - 1) Failure to report any cost changes by the deadline will cause the prior year's charges to be used as part of the calculation process for gift assistance benefits. Failure to report the assessment of a fee charge by the deadline will result in that fee charge being ineligible for payment under ISAC gift assistance programs.
 - 2) The report shall match specific fee charges with the gift assistance

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programs which may finance the fee. Such categorizations by the institution shall not be considered ISAC approval.

- 3) The Illinois National Guard Grant and the Illinois Veteran Grant (IVG) Programs may finance only a portion of certain fee charges. (See 23 Ill. Adm. Code 2730.10(c) and 2733.20(f).)
 - A) Example: One fee finances both tuition and text book expenses. Only the portion of the fee which is attributable to tuition expenses may be financed with program benefits.
 - B) Institutions with such a fee shall certify what percentage of the fee is eligible to be financed with program benefits. Certification shall be performed by the institution's chief fiscal officer.
- f) Institutions shall submit additional reports, data and information to ISAC as may be requested. These inquiries include, but are not limited to, surveys, enrollment confirmations and evaluation instruments.
- g) Additional institutional eligibility requirements are contained in subsequent Parts of ISAC's rules.
- h) Postsecondary institutions may apply to participate in ISAC-guaranteed loan programs in accordance with 23 Ill. Adm. Code 2720.
- i) Postsecondary institutions may apply to participate in ISAC gift assistance programs in accordance with this subsection.
 - 1) The Commission approves participation in ISAC gift assistance programs for an institution rather than for specific academic programs within an institution.
 - 2) Prior to applying for participation in ISAC gift assistance programs, the institutional applicant must have authority to operate a postsecondary institution in Illinois. (See 23 Ill. Adm. Code 1030.)
 - 3) Institutional applicants ~~that~~^{which} are fully accredited by the North Central Association of Colleges and Schools Higher Learning Commission and have degree-granting authority may be approved to participate in ISAC gift assistance programs provided the institution meets and maintains the

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requirements of subsections (i)(4)(C) and (D) ~~below~~.

- 4) Public or private not for profit institutional applicants that do not meet the requirements of subsection (i)(3) ~~above~~ may be approved to participate in ISAC gift assistance programs if the institution has:
 - A) obtained candidate status for North Central accreditation.
 - B) applied for and is seeking degree-granting authority.
 - C) obtained at least three letters indicating the transferability of academic credit from the applicant institution to other institutions. The letters must be from institutions which are approved to participate in the Monetary Award Program (MAP) and are accredited by the North Central Association of Colleges and Schools Higher Learning Commission.
 - D) an adequate number of qualified persons to administer their responsibilities under ISAC's rules. In determining whether an institution employs an adequate number of qualified persons, the Commission considers the number of students aided, the number of programs in which the institution participates, the number of applications evaluated, the amount of funds administered, and the financial aid delivery system used by the institution.
- 5) Institutional applicants must also supply ISAC with audited financial statements, prepared by an independent third party in accordance with generally accepted accounting principles, to establish financial responsibility. (See, e.g., 34 CFR 668.15.)
- 6) Once approved to participate in ISAC gift assistance programs by the Commission, an institution shall receive provisional eligibility for a minimum of five academic years. An institution with provisional eligibility must petition the Commission for full eligibility. Full eligibility will be granted if the institution meets the requirements of subsection (i)(3) above and if there are no outstanding audit exceptions.
- j) As a condition of eligibility for participation in ISAC student assistance programs, postsecondary institutions shall have a valid Program Participation Agreement with ED (see Section 487 of the Higher Education Act of 1965, as amended (20

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USCA 1094)) and shall report their Office of Postsecondary Education Identification (OPE-ID) number to ISAC.

- k) In order to begin and to continue participation in ISAC-administered student assistance programs, institutions must also demonstrate administrative capability and financial responsibility, as defined by federal regulations. (See, e.g., 34 CFR 668.15 & 668.16.) An institution's failure to meet and maintain those standards can lead to limitation, suspension or termination proceedings. (See 23 Ill. Adm. Code 2790.)
- l) Institutions that have been assigned multiple main OPE-ID numbers will be considered separate entities by ISAC. Different campus codes associated with the same main OPE-ID number will not be considered separate entities.
- m) An institution shall notify ISAC of its Federal Employer Identification Number (FEIN) in order to receive payment pursuant to any ISAC-administered program.
- n) When an approved institution has a change of ownership resulting in a change of control, a change of location, or a change of name as defined by federal regulations, the institution's Program Participation Agreement with ED may be terminated. After an institution has undergone a change of status affecting its participation in any Title IV federal student financial aid programs, the institution may have its eligibility with ISAC reinstated by the execution of a new Program Participation Agreement with ED (see, e.g., 34 CFR 600.30 et seq.) and by the submission and approval of a new application for participation with ISAC.

(Source: Amended at 29 Ill. Reg. 9884, effective July 1, 2005)

Section 2700.40 General Applicant Eligibility Requirements

- a) Except as otherwise provided by this subsection, an applicant with a defaulted loan made pursuant to Title IV of the Higher Education Act is not eligible for benefits under ISAC-administered programs.
 - 1) Eligibility for guaranteed loans may be reinstated in accordance with federal regulations and the following provisions:
 - A) Eligibility for ISAC-guaranteed loans will be reinstated when:
 - i) the debt has been paid in full;

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- ii) the borrower has made a "satisfactory repayment arrangement," in accordance with 34 CFR 682.200;
 - iii) the borrower's prior defaulted loan has been rehabilitated, in accordance with 34 CFR 682.405; or
 - iv) the borrower has made payments on a defaulted loan to consolidate that loan in accordance with 34 CFR 682.201.
- B) Borrowers are eligible to use subsection (a)(1)(A)(ii) ~~above~~ only one time.
- C) Eligibility for ISAC-administered gift assistance will be reinstated for current and future terms when the applicant has maintained a satisfactory repayment record for at least six consecutive months or has met the requirements of subsection (a)(1)(A) ~~above~~. Factors to be considered by ISAC in evaluating the repayment record include: the amount of the debt, the amount of the payments received by ISAC, the employment status of the applicant, and the frequency of the applicant's contact with ISAC.
- 2) A qualified applicant for Illinois Veteran Grant (IVG) assistance (23 Ill. Adm. Code 2733) shall be permitted one term of assistance during which a satisfactory repayment record, as defined by subsection (a)(1)(C) ~~above~~, must be established. If such a repayment record is not established, additional assistance shall be denied until a satisfactory repayment record is established.
- b) No applicant shall receive ISAC-administered assistance if the applicant owes a refund for any ISAC-administered gift assistance, a Federal Pell Grant, or a Federal Supplemental Educational Opportunity Grant (FSEOG) (20 USCA 1070(b)).
 - c) An applicant shall, upon request, provide documentation to establish and verify eligibility. (See Section 2700.50.) Failure to supply adequate documentation will result in the denial of student assistance benefits.
 - d) An applicant who has received financial assistance based on fraudulent data shall be denied ISAC-administered assistance until full restitution has been made to

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ISAC for any fraudulently-obtained funds, and may also be subject to prosecution by the Illinois Attorney General, United States Department of Justice and/or an Illinois State's Attorney.

- e) Each applicant must submit his/her Social Security Number (SSN).
- f) Recipients who cease to be residents of Illinois after notification of eligibility may complete the academic year with the assistance awarded.
- g) Unless otherwise provided, benefits under gift assistance programs are subject to the limits of dollars appropriated to ISAC by the Illinois General Assembly and approved by the Governor. ~~If funding is available, assistance for summer terms or for attendance on a less than half-time basis shall be awarded separately.~~
- h) When gift assistance eligibility is limited to a specified number of term payments, the eligibility cap is calculated in accordance with this subsection.
 - 1) For each semester term of full-time payment benefits, the recipient is assessed six eligibility units. For each quarter term of full-time payment benefits, the recipient is assessed four eligibility units.
 - 2) For each semester term of half-time payment benefits, the recipient is assessed three eligibility units. For each quarter term of half-time payment benefits, the recipient is assessed two eligibility units.
 - 3) For each semester or quarter term of less than half-time payment benefits, the recipient is assessed one eligibility unit.
 - 4) Sixty eligibility units are the equivalent of payments for ten semesters/fifteen quarters of full-time benefits.
 - 5) Forty-eight eligibility units are the equivalent of payments for eight semesters/twelve quarters of full-time benefits.
- i) An applicant shall comply with Selective Service registration requirements, pursuant to 34 CFR 668.31 et seq.
- j) Except for grants pursuant to 23 Ill. Adm. Code 2730 (Illinois National Guard Grant Program) and 23 Ill. Adm. Code 2733 (Illinois Veteran Grant Program), an applicant must be maintaining satisfactory academic progress in accordance with

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the institution's policy.

- k) Except for grants pursuant to 23 Ill. Adm. Code 2730 (Illinois National Guard Grant Program) and 23 Ill. Adm. Code 2733 (Illinois Veteran Grant Program), ISAC gift assistance benefits for courses utilizing distance education are limited to students enrolled in eligible degree or certificate programs who are eligible to receive Title IV, HEA program funds. (See 34 CFR 668.38.)
- l) Except for grants pursuant to 23 Ill. Adm. Code 2730 (Illinois National Guard Grant Program) and 23 Ill. Adm. Code 2733 (Illinois Veteran Grant Program), students enrolled in academic programs while incarcerated are ineligible for ISAC gift assistance benefits.
- m) For the purpose of determining the timeliness of an individual's application, the postmark date of an application submitted electronically shall be the date on which ISAC receives that individual's submission of complete application data.

(Source: Amended at 29 Ill. Reg. 9884, effective July 1, 2005)

Section 2700.50 Determining Applicant Eligibility

- a) The evaluation of applicant eligibility is the responsibility of both the institution and ISAC.
- b) No applicant is announced eligible for assistance by ISAC unless the application establishes prima facie eligibility. ISAC consults with other appropriate state and federal agencies in the process of reviewing application data. Such agencies include, but are not limited to, the U.S. Department of Education (ED), U.S. Internal Revenue Service (IRS), U.S. Citizenship and Immigration Services Bureau (USCIS) and Naturalization Service (INS), Illinois Department of Public Aid, Illinois Department of Revenue, and Illinois Department of Children and Family Services.
- c) When requesting payment for ISAC gift assistance programs, the postsecondary institution must certify that the applicants are eligible for the assistance. If an institution subsequently determines a student is no longer eligible for all or part of the awarded assistance, the institution must inform ISAC and submit the appropriate refund within 60 days after the receipt of payment or the end of a term, whichever is later.

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- d) When requesting payment of benefits, institutions shall certify (in accordance with ISAC's rules and/or federal regulations) whether an applicant is eligible based upon enrollment in a particular academic program.
- e) If an institution erroneously certifies an applicant to be eligible for ISAC gift assistance programs, ISAC will recover the erroneous payment from the institution. Any student who obtained ISAC-administered funds by submitting inaccurate information to an institution must tender restitution to the institution to be eligible for ISAC assistance at that institution.
- f) If an applicant is selected for verification in conjunction with federal student assistance, that applicant shall also be verified for ISAC-administered programs. A selected applicant must be verified for ISAC programs even if the applicant is ineligible for federal student assistance.
- g) Because ED verification procedures do not include procedures for verifying a student as a resident of Illinois, the following provisions shall be followed by the institution.
- 1) Notwithstanding the requirements of subsection (g)(2)~~below~~, residency verification shall not be required for students who received payment of a MAP award during the previous academic year.
 - 2) Residency status shall be verified for each applicant who is selected for verification and meets one of the following criteria:
 - A) the applicant has changed dependency status and has become an independent student; or
 - B) the applicant has not been enrolled in an ISAC-approved MAP institution or an ISAC-approved Illinois high school (see Section 2700.30) during the preceding ~~12~~twelve months.
 - 3) Residency status shall be verified if the institution has any information which indicates the applicant may not be a resident of Illinois.
 - 4) Data from one or more of the documents listed below may provide proof that an applicant (or parent) is an Illinois resident, as defined in Section 2700.20. For an independent student applicant, the dates recorded on the documents must indicate the applicant has resided in Illinois for the

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relevant twelve continuous, full months.

- A) A valid State or federal income tax return
 - B) Illinois high school or college transcript
 - C) Illinois driver's license
 - D) Utility or rent bills in the applicant's (or parent's) name
 - E) Illinois auto registration card
 - F) Residential lease in the applicant's (or parent's) name
 - G) Wage and tax statements (IRS Form W-2)
 - H) Statement of benefits history from the Illinois Department of Public Aid
 - I) State of Illinois identification card issued by the Secretary of State
 - J) Statement of benefits from the Illinois Department of Employment Security
 - K) Statement of benefits from the Social Security Administration
 - L) Illinois voter's registration card
 - M) Property tax bill.
- 5) If an applicant is a resident of Illinois, but the institution cannot document this fact in accordance with subsection (g)(2) ~~above~~, the applicant or the institution may verify residency through ISAC's appeal process. (See Section 2700.70.)
- h) Institutions may request first term payment even though verification is not yet complete. If, after verification, an ISAC payment adjustment is appropriate, institutions must submit the appropriate refund. If verification is not completed within 60 days after the conclusion of the regular school year, the institution shall return the first term payment to ISAC. For other than the first term of eligibility

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in an academic year, the verification process must be completed before the institution may request payment.

- i) When an institution adjusts an applicant's eligibility pursuant to Title IV, Part F, of the Higher Education Act of 1965, as amended (20 USCA 1087kk et seq.), the institution shall retain documentation which demonstrates the appropriateness of such adjustment.
- j) ~~Neither prepaid tuition benefits payable to a qualified beneficiary under College Illinois! (23 Ill. Adm. Code 2775) nor contributions to the College Savings Pool [15 ILCS 505/16.5] shall be considered in determining the eligibility of that beneficiary as an applicant for any ISAC gift assistance program.~~

(Source: Amended at 29 Ill. Reg. 9884, effective July 1, 2005)

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- 1) Heading of the Part: Federal Family Education Loan Program (FFELP)
- 2) Code Citation: 23 Ill. Adm. Code 2720
- 3) Section Number: 2720.70 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- 5) Effective date of amendment: July 1, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of proposal published in Illinois Register: February 14, 2005; 29 Ill. Reg. 2184
- 10) Has JCAR issued a Statement of Objection to this rulemaking? No
- 11) Differences between proposed and final version: No changes were made to the proposed rulemaking after initial publication.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: The language in Section 2720.70(j)(3) has been modified to more accurately describe the procedures used when payments from the State are offset by the Office of the Comptroller. The borrower is notified of the offset by the Comptroller rather than ISAC, and in the event the borrower wishes to dispute the debt, the protest must also be filed through the Comptroller rather than with ISAC.

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

Thomas A. Breyer
Interim Director, IDAPP
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015

(847) 948-8500
email: tbreyer@isac.org

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

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2720
FEDERAL FAMILY EDUCATION LOAN PROGRAM (FFELP)

SUBPART A: FEDERAL LOAN PROGRAMS: THE FEDERAL STAFFORD LOAN PROGRAM, FEDERAL PLUS PROGRAM, FEDERAL SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM, AND FEDERAL CONSOLIDATION LOAN PROGRAM

Section

2720.5	Summary and Purpose
2720.6	Definitions (Repealed)
2720.10	Eligibility for ISAC Loan Guarantees
2720.20	Lender Eligibility
2720.25	Educational Lender Eligibility
2720.30	Institutional Eligibility
2720.35	Holder Eligibility
2720.40	Procedures for Obtaining a Guaranteed Loan
2720.41	One-Lender Requirement
2720.42	One-Holder Requirement
2720.50	Procedures for Disbursement, Delivery and Repayment
2720.55	Federal Consolidation Loan Program
2720.60	Default Aversion Assistance
2720.70	Reimbursement Procedures
2720.80	Student Guarantee Fee
2720.90	Guarantee Transfers

SUBPART B: ILLINOIS DESIGNATED ACCOUNT PURCHASE PROGRAM (IDAPP)

Section

2720.105	Summary and Purpose
2720.120	IDAPP Eligible Loans
2720.130	IDAPP Eligible Lenders

SUBPART C: ISAC ORIGINATED LOANS

Section

2720.200	ISAC Originated Consolidation Loans
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2720.210 Illinois Opportunity Loan Program (IOP)
2720.220 Federal Family Education Loan Program (FFELP) Loans

2720.APPENDIX A Required Activities of Educational Lenders (Repealed)

AUTHORITY: Implementing Sections 80 through 175 of the Higher Education Student Assistance Act [110 ILCS 947/80 through 175]; Title IV, Part B, of the Higher Education Act of 1965, as amended (20 USCA 1071 et seq.); and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; amended at 5 Ill. Reg. 8698, effective August 17, 1981; emergency rule and emergency repealer at 6 Ill. Reg. 7558, 7573, effective June 9, 1982, for a maximum of 150 days; new rules adopted at 6 Ill. Reg. 13799, effective October 25, 1982; old rules repealed at 6 Ill. Reg. 15254, effective December 3, 1982; emergency amendment at 7 Ill. Reg. 9942, effective August 8, 1983, for a maximum of 150 days; codified at 7 Ill. Reg. 13309; amended at 8 Ill. Reg. 876, effective January 9, 1984; amended at 8 Ill. Reg. 7286, effective May 18, 1984; amended at 8 Ill. Reg. 17006, effective September 5, 1984; amended at 9 Ill. Reg. 20796, effective January 1, 1986; amended at 11 Ill. Reg. 3181, effective January 29, 1987; emergency amendment at 11 Ill. Reg. 13669, effective August 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14103, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 18370, effective October 23, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20989, effective January 1, 1988; amended at 12 Ill. Reg. 6971, effective April 1, 1988; amended at 12 Ill. Reg. 11520, effective July 1, 1988; emergency amendment at 12 Ill. Reg. 15221, effective September 15, 1988, for a maximum of 150 days; emergency expired February 12, 1989; amended at 13 Ill. Reg. 2872, effective February 16, 1989; amended at 13 Ill. Reg. 8630, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1720 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2720 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17855; emergency amendment at 14 Ill. Reg. 4266, effective March 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10553, effective July 1, 1990; amended at 14 Ill. Reg. 10941, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 18769, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 4060, effective February 28, 1992; amended at 16 Ill. Reg. 11224, effective July 1, 1992; emergency amendment at 17 Ill. Reg. 2055, effective February 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 10506, effective July 1, 1993; amended at 18 Ill. Reg. 10254, effective July 1, 1994; emergency amendment at 18 Ill. Reg. 15636, effective October 15, 1994, for a maximum of 150 days; emergency expired March 13, 1995; amended at 19 Ill. Reg. 6215, effective April 15, 1995; amended at 19 Ill. Reg. 8320, effective July 1, 1995; amended at 20 Ill. Reg. 9147, effective July 1, 1996; amended at 21 Ill. Reg. 11038, effective July 18, 1997; amended at 22 Ill. Reg. 11051, effective July 1, 1998; amended at 23 Ill. Reg. 7537, effective July 1, 1999; amended at 24 Ill.

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Reg. 9101, effective July 1, 2000; amended at 25 Ill. Reg. 8369, effective July 1, 2001; amended at 26 Ill. Reg. 9998, effective July 1, 2002; amended at 27 Ill. Reg. 10326, effective July 1, 2003; amended at 28 Ill. Reg. 9135, effective July 1, 2004; amended at 29 Ill. Reg. 9897, effective July 1, 2005.

SUBPART A: FEDERAL LOAN PROGRAMS:
THE FEDERAL STAFFORD LOAN PROGRAM, FEDERAL PLUS PROGRAM,
FEDERAL SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM,
AND FEDERAL CONSOLIDATION LOAN PROGRAM

Section 2720.70 Reimbursement Procedures

- a) The lender or holder shall request reimbursement from ISAC within 60 days from the date the lender or holder receives a completed request for loan cancellation or discharge due to death, total and permanent disability, attendance at a school that closes, false certification by a school of a borrower's eligibility for a loan, unpaid refunds, or child care provider or teacher loan forgiveness, in accordance with federal regulations and the Higher Education Act of 1965, as amended. (See, e.g., 34 CFR 682.215, 682.402 and 682.409.)
- b) Requests for default reimbursement must be submitted to ISAC within the time frames specified in, and the lender or holder shall be reimbursed in accordance with, federal regulations and the Higher Education Act of 1965, as amended. In the case of a default on a Federal PLUS Loan, the borrower, co-maker and endorser must meet the default criteria contained in federal regulations.
- c) The lender or holder must request ISAC reimbursement for a bankruptcy claim in accordance with federal regulations and the Higher Education Act of 1965, as amended. (See, e.g., 34 CFR 682.402.) The request for reimbursement must be submitted within 30 days after the lender's or holder's receipt of notice that collection on the debt is stayed, or 15 days upon notice of an adversary proceeding for undue hardship. A copy of the restraining order and the appropriate papers must be included. In the case of a bankruptcy involving a Federal PLUS Loan, the borrower, co-maker and endorser must meet the bankruptcy criteria contained in federal regulations.
- d) Prior to reimbursement, the lender or holder must certify compliance with federal due diligence requirements and subsection (h) of this Section.
- e) Prior to reimbursement, the lender or holder must have remitted the guarantee fee

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established by Section 2720.80.

- f) The lender or holder shall forward to ISAC any payments made by or on behalf of the borrower after default reimbursement and shall advise ISAC of any subsequent information received concerning the borrower. Prior to reimbursement, all original notes or true and exact copies of original notes must be properly endorsed and submitted to ISAC. If the notes have been lost or erroneously stamped "Paid in Full," the lender or holder shall execute a Hold Harmless Agreement with ISAC.
- g) No fee or charge to the borrower, other than the maximum interest rate prescribed by ED and the collection charges outlined in federal regulations (see 34 CFR 682.202(f) and (g)), including the student guarantee fee, and the federal loan origination fee, shall be contracted for or received by the lender.
- h) The lender or holder shall make a proper collection effort in accordance with acceptable practices of prudent lending institutions including, but not limited to, the collection activities required by federal regulations. (See, e.g., 34 CFR 682.402, 682.411 and 682.412.)
- i) ISAC shall collect the outstanding amount on the reimbursed guaranteed loan. If the borrower refuses to retire the debt, ISAC shall follow the requirements of federal regulations, including, but not limited to, offsets of federal income tax refunds and other payments made by the federal government to the borrower. (See 34 CFR 682.410.)
- j) Should a borrower refuse to retire the debt, ISAC shall direct the State Comptroller to offset any payment from the State Treasurer to the borrower. The funds offset shall be remitted to ISAC and credited against the debt.
 - 1) All offsets shall be processed in accordance with 74 Ill. Adm. Code 285.
 - 2) ISAC shall not direct an offset if the borrower has maintained a satisfactory repayment record. (See 23 Ill. Adm. Code 2700.40(a)(1).)
 - 3) ISAC shall notify the Office of the Comptroller that a borrower is eligible to be offset~~a borrower of the possibility of an offset no less than 15 days prior to the first offset~~. ISAC may provide additional notice of subsequent offsets for the same debt. The Comptroller shall notify the borrower that the Comptroller is required to hold all eligible payments until the loan is

ILLINOIS STUDENT ASSISTANCE COMMISSION

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paid in full. Should the borrower dispute the debt, ~~a protest an appeal~~ must be filed with the Office of the Comptroller within ~~30~~15 days after and including the date of the notice. ~~Appeals will be processed in accordance with 23 Ill. Adm. Code 2700.70.~~ If the requested relief is granted, the funds offset shall be returned to the borrower.

- 4) Funds eligible to be offset include, but are not limited to, State income tax refunds and the wages of State employees.
- k) ISAC shall provide a borrower with an opportunity for an administrative review of the legal enforceability or past-due status of the loan obligation after it pays a default claim but before it reports the default to a credit bureau or assesses collection costs against the borrower, in accordance with federal regulations (34 CFR 682.410(b)(5)(ii)(C)).
- l) ISAC may garnish the disposable pay of a borrower if the individual is not currently making required payments, in accordance with Section 488A of the Higher Education Act, as amended.
- m) ISAC requires the lender or holder to submit a request for an increase in claim payment within 90 days after receiving the claim payment. ISAC will provide the lender or holder with a determination on the increase in claim payment within 90 days after receiving the request and supporting documentation.

(Source: Amended at 29 Ill. Reg. 9897, effective July 1, 2005)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois National Guard (ING) Grant Program
- 2) Code Citation: 23 Ill. Adm. Code 2730
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2730.20	Amendment
2730.30	Amendment
- 4) Statutory Authority: Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/45 and 20(f)].
- 5) Effective date of amendments: July 1, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of these adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of proposal published in Illinois Register: February 14, 2005; 29 Ill. Reg. 2191
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposed and final version: No changes were made to the proposed rulemaking after initial publication.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of Rulemaking: A number of amendments are being adopted to this Part to reflect statutory changes contained in Public Act 93-856, which expands eligibility for the Illinois National Guard (ING) Grant so that members of the National Guard who served for at least five years and had their studies interrupted by being called to federal active duty for at least six months can continue their eligibility for the ING Grant for up to one year, even after leaving the Guard.

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NOTICE OF ADOPTED AMENDMENTS

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

Thomas A. Breyer
Interim Director, IDAPP
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015

(847) 948-8500
email: tbreyer@isac.org

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2730
ILLINOIS NATIONAL GUARD (ING) GRANT PROGRAM

Section	
2730.10	Summary and Purpose
2730.20	Applicant Eligibility
2730.30	Program Procedures
2730.40	Institutional Procedures

AUTHORITY: Implementing Section 45 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/45 and 20(f)].

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; rules repealed at 6 Ill. Reg. 8239, effective June 30, 1982; new rules adopted at 6 Ill. Reg. 8413, effective June 30, 1982; codified at 7 Ill. Reg. 10877; amended at 8 Ill. Reg. 17016, effective September 5, 1984; amended at 9 Ill. Reg. 20827, effective January 1, 1986; amended at 11 Ill. Reg. 3202, effective January 29, 1987; amended at 12 Ill. Reg. 11531, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1730 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2730 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17857; amended at 14 Ill. Reg. 10567, effective July 1, 1990; amended at 16 Ill. Reg. 11254, effective July 1, 1992; amended at 17 Ill. Reg. 10563, effective July 1, 1993; amended at 18 Ill. Reg. 10303, effective July 1, 1994; amended at 20 Ill. Reg. 9187, effective July 1, 1996; old Part repealed and new Part adopted at 21 Ill. Reg. 11119, effective July 18, 1997; amended at 22 Ill. Reg. 11100, effective July 1, 1998; amended at 24 Ill. Reg. 9148, effective July 1, 2000; amended at 25 Ill. Reg. 8406, effective July 1, 2001; amended at 26 Ill. Reg. 10013, effective July 1, 2002; amended at 27 Ill. Reg. 10338, effective July 1, 2003; amended at 29 Ill. Reg. 9904, effective July 1, 2005.

Section 2730.20 Applicant Eligibility

- a) Students must file an application annually indicating the institution to be attended. No payment will be authorized for any applicant until a current application is on file. The deadline for applications will be October 1 for first term, March 1 for second semester/second and third quarter, and June 15 for the summer term.
 - 1) Qualified applicants will receive an eligibility letter from ISAC for each

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academic year following the filing of the application. Ineligible applicants will receive written notification from ISAC of their ineligibility to receive program benefits; and

- 2) ISAC will verify application data in consultation with the Illinois Department of Military Affairs when reviewing an application.

b) A qualified applicant ~~Applicants~~ must:

- 1) be in active status in the Illinois Army or Air National Guard and have served for at least one year in the Illinois National Guard; or-

- 2) have been active in the Illinois National Guard for at least five consecutive years and had his or her studies interrupted by being called to federal active duty for at least six months, and be within the 12 month period immediately following his or her discharge from the Illinois National Guard.

c) Eligibility is available to any such enlisted person or company grade officer, including warrant officers, first and second lieutenants, and captains in the Army and Air National Guard, except for those persons who are members of the inactive Illinois National Guard.

~~d)~~e) Recipients must maintain an acceptable grade point average as determined by the institution pursuant to a published policy.

~~e)~~d) Changes of address, name, status with the Illinois National Guard or institution of attendance must be reported in writing to ISAC.

(Source: Amended at 29 Ill. Reg. 9904, effective July 1, 2005)

Section 2730.30 Program Procedures

a) The recipient is exempt from paying the following:

- 1) tuition;
- 2) registration fees;
- 3) graduation fees; and

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- 4) general activity fees.
- b) The recipient is responsible for payment of other fees, including the following:
- 1) book rental fees;
 - 2) laboratory and supply fees;
 - 3) air flight fees;
 - 4) hospital and health insurance fees;
 - 5) room and board;
 - 6) parking fees;
 - 7) student union fees;
 - 8) athletic fees; and
 - 9) proficiency or placement exams and other similar fees.
- c) Benefits are applicable to both undergraduate and graduate enrollment. There is no minimum credit-hour enrollment requirement. Benefits are applicable for noncredit courses.
- d) Benefits may be used at Illinois public senior universities and at any Illinois public community college.
- e) Within the constraints of appropriation levels, two semester or three quarter term payments and one summer term payment are made directly to the institution after it officially certifies to ISAC that the applicant has registered and is attending classes. No seminars or other special terms are covered under the grant. Summer term is considered the final term of the academic and fiscal year.
- f) Recipients are entitled to receive benefits for the equivalent of eight semesters/twelve quarters of full-time enrollment.
- 1) To determine the amount of eligibility a recipient has used, credit hours

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(and noncredit hours for which benefits are used) will be converted to "eligibility units" according to the following chart:

Number of Hours	Semester School	Quarter School
12 or more hours	12 units	8 units
9 - 11.99 hours	9 units	6 units
6 - 8.99 hours	6 units	4 units
3 - 5.99 hours	3 units	2 units
0 - 2.99 hours	1 unit	1 unit

- 2) Recipients may continue to reapply and accumulate up to 96 units, after which point eligibility for program benefits will cease. However, full program benefits may be extended for one additional term if the recipient has accumulated fewer than 96 eligibility units but does not have enough units remaining for the number of hours in which she/he is enrolled for the term.
- 3) If an eligible recipient withdraws from enrollment after the expiration of the tuition refund/withdrawal adjustment period, the recipient shall receive a grant for costs incurred up to the term award provided the institution's tuition refund policy indicates the recipient has incurred charges in the amount of the claim.
- 4) In the event that the recipient withdraws from a course or courses prior to the end of a term, eligibility units will be assessed in proportion to the total dollars that are paid. If the recipient has had any portion of his/her tuition and fees paid, at least one eligibility unit will be charged to the recipient.

Example: A recipient is enrolled for twelve semester hours at a cost of \$600. The recipient withdraws from enrollment and incurs expenses of \$300 in accordance with the institution's tuition refund policy. The recipient would use six eligibility units and would receive \$300 in benefits.

- 5) The eligibility units used for a noncredit course shall be the same as the number of eligibility units used for a credit course having the same number of total faculty contact hours.

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- g) If a current year applicant is discharged, transferred to the inactive Illinois ~~Natural~~ National Guard, or has membership extended by the Illinois National Guard, ISAC will send a revised eligibility letter or ineligibility letter to the applicant. In the case of discharge, a copy of the letter will be sent to the institution of record.
- h) Except as otherwise provided in this Part, if a recipient ceases to be an active status member of the Illinois National Guard during a term, benefits cease, and the student is responsible for the unpaid costs attributed to the remainder of the term. If an applicant becomes eligible during a term, in accordance with Section 2730.20(b), benefits will be prorated for that portion of the term for which the applicant is eligible, provided the application is submitted by the deadlines. Costs are prorated on the basis of the institution's scheduled days of instruction minus institutionally scheduled holidays and examination periods.

Calculation: Total tuition cost divided by total instructional days = cost per day x days of eligibility = total proration.

- i) If the recipient of a grant awarded under this Part ceases to be a member of the Illinois National Guard, but has been active in the Illinois National Guard for at least five consecutive years and had his or her studies interrupted by being called to federal active duty for at least six months, then that recipient shall continue to be eligible for a grant for one year after his or her discharge from the Illinois National Guard, provided that the recipient has not already received the exemption from tuition and fees for the equivalent of four years of full-time enrollment under this Part.
- j) Out-of-state residents will receive tuition and applicable fee benefits equivalent to those received by in-state residents at the Illinois institution; recipients attending out-of-district community colleges will receive tuition and applicable fee benefits equivalent to those at the in-district rate. Recipients shall not be responsible for paying the difference between in-state and out-of-state tuition nor will they be responsible for paying the difference between in-district and out-of-district tuition.
- k) If a student is eligible for both an Illinois National Guard Grant and a MAP grant, the Illinois National Guard benefits must be used first. A student cannot decline an Illinois National Guard Grant in favor of using MAP.

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(Source: Amended at 29 Ill. Reg. 9904, effective July 1, 2005)

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- 1) Heading of the Part: Illinois Veteran Grant (IVG) Program
- 2) Code Citation: 23 Ill. Adm. Code 2733
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2733.20	Amendment
2733.40	Amendment
- 4) Statutory Authority: Implementing Section 40 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/40 and 20(f)].
- 5) Effective date of amendments: July 1, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of these adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of proposal published in Illinois Register: February 14, 2005; 29 Ill. Reg. 2199
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposed and final version: No changes were made to the proposed rulemaking after initial publication.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of Rulemaking: Section 2733.20(i)(3) is being modified in order to simplify the documentation required when the applicant is a member of the Armed Forces at the time of application by eliminating the need to submit copies of various enlistment contracts and extensions. Section 2733.40(b) is being amended to clarify the appropriate documentation that is to be relied upon by the institution in establishing a qualified applicant's initial eligibility. The scope of the school certification required in

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Section 2733.40(c) is being narrowed to just the requirement for the applicant to maintain an acceptable grade point average since that is the only eligibility criterion for which the school bears the primary responsibility for monitoring and certification.

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

Thomas A. Breyer
Interim Director, IDAPP
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015

(847) 948-8500
email: tbreyer@isac.org

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

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

Section

2733.10	Summary and Purpose
2733.20	Applicant Eligibility
2733.30	Program Procedures
2733.40	Institutional Procedures

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

SOURCE: Emergency rule adopted at 10 Ill. Reg. 14322, effective August 20, 1986 for a maximum of 150 days; emergency expired January 16, 1987; adopted at 11 Ill. Reg. 3207, effective January 29, 1987; amended at 12 Ill. Reg. 11536, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1733 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2733 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17858; amended at 14 Ill. Reg. 10571, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 15613, effective October 11, 1991, for a maximum of 150 days; emergency expired March 9, 1992; emergency amendment at 15 Ill. Reg. 18778, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 6880, effective April 14, 1992; amended at 16 Ill. Reg. 11261, effective July 1, 1992; amended at 17 Ill. Reg. 10570, effective July 1, 1993; amended at 18 Ill. Reg. 10309, effective July 1, 1994; amended at 20 Ill. Reg. 9200, effective July 1, 1996; old Part repealed and new Part adopted at 21 Ill. Reg. 11139, effective July 18, 1997; amended at 22 Ill. Reg. 11114, effective July 1, 1998; amended at 23 Ill. Reg. 7575, effective July 1, 1999; amended at 24 Ill. Reg. 9166, effective July 1, 2000; amended at 25 Ill. Reg. 8418, effective July 1, 2001; amended at 26 Ill. Reg. 10020, effective July 1, 2002; amended at 27 Ill. Reg. 10342, effective July 1, 2003; emergency amendment at 28 Ill. Reg. 12932, effective September 15, 2004, for a maximum of 150 days; amended at 29 Ill. Reg. 2462, effective February 1, 2005; amended at 29 Ill. Reg. 9912, effective July 1, 2005.

Section 2733.20 Applicant Eligibility

- a) A qualified applicant shall be any member of the Armed Forces of the United States, a reserve component of the Armed Forces, or the Illinois National Guard who has served at least one year of federal active duty service and whose service

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has been characterized as honorable, provided he or she~~he/she~~:

- 1) was a:
 - A) resident of Illinois at the time of entering federal active duty service or within 6 months prior to entering the service; or
 - B) student at an Illinois public university or community college at the time of entering federal active duty service; and
 - 2) established or plans to establish Illinois residency within 6 months after leaving federal active duty service, or if married to a person in continued military service:
 - A) applied for this grant within 6 months after and including the date that the spouse was stationed within Illinois; or
 - B) established Illinois residency within 6 months after and including the date that the spouse was separated (if the spouse was stationed outside Illinois).
- b) A qualified applicant must reside in Illinois unless he or she~~he/she~~ is serving federal active duty at the time of enrollment or is residing with a spouse in continued military service who is currently stationed outside of Illinois.
- c) Any member of the Armed Forces of the United States, a reserve component of the Armed Forces, or the Illinois National Guard who has served at least one year of federal active duty service and who meets the Illinois residency requirements of subsections (a) and (b) is a qualified applicant if his or her~~his/her~~ service was characterized as honorable. If the applicant is still in service, the individual shall be subject to verification of continued eligibility for assistance under this Part after each period of federal active duty service.
- d) A recipient must maintain an acceptable grade point average as determined by the institution pursuant to a published policy.
- e) An individual is not a qualified applicant unless the individual's service was characterized as honorable for each period of federal active duty service.
- f) An individual is not a qualified applicant if the individual's federal active duty

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service was for less than one year unless:

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

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application, ~~he or she~~he/she shall submit ~~a copy of the current Enlistment/Re-enlistment Document and~~ a letter from the commanding officer. ~~If the veteran is on an enlistment extension, copies of all extension contracts and a letter from the commanding officer must be provided with the application. This~~The letter ~~from the commanding officer~~ must:

- A) indicate that the applicant is a member of the Armed Forces at the time of application; ~~and must~~
- B) include character of service;
- C) include the veteran's home of record at the time of original enlistment; ~~and must~~
- D) state the individual's~~veteran's~~ length of time in each period of federal active duty service; and
- E) state the expiration date of the current enlistment.

- 4) The definition of "Resident of Illinois" contained in 23 Ill. Adm. Code 2700.20 is applicable to the Illinois Veteran Grant Program although residency, for the purposes of this program, can be established in six months. If the applicant's DD Form 214 does not indicate Illinois residency when entering and/or separating from the Armed Forces, he/she may verify residency by providing one or more of the documents listed below:
- A) Illinois driver's license issued during the relevant six month period;
 - B) Illinois high school or college transcripts demonstrating attendance during the relevant six month period;
 - C) Utility bills/rent receipts in the applicant's name for the relevant six month period;
 - D) Illinois motor vehicle registration issued during the relevant six month period;
 - E) Residential lease in the applicant's name for the relevant six month

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period;

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

(Source: Amended at 29 Ill. Reg. 9912, effective July 1, 2005)

Section 2733.40 Institutional Procedures

- a) If a student is eligible for both an IVG and a Monetary Award Program (MAP) grant, the IVG benefits must be used first. A student cannot decline IVG benefits in favor of using MAP.
- b) A notice of eligibility from ISAC ~~mustor an Illinois Veteran's Scholarship (IVS) ID card from the Illinois Department of Veterans' Affairs may~~ be used by the institution to establish a qualified applicant's initial eligibility.
- c) Institutions shall submit a payment request to ISAC. When submitting payment requests, the institution shall certify that the qualified applicant meets the requirements of Section 2733.20(d), ~~Applicant Eligibility~~.
- d) Institutions must report the total number of hours for which payment is being requested (including credit and noncredit hours) so that ISAC can accurately track the recipient's use of eligibility units.
- e) The deadlines for submission of complete payment requests shall be September 15 for summer terms; January 15 for first term; and May 25 for second semester/second and third quarter. All claims, including supplemental claims, must be submitted no later than August 1. This will provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield

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prior to the State's fiscal year lapse period ending on August 31.

- f) The reimbursement to institutions for Illinois Veteran Grants is contingent upon available funding. Should General Assembly appropriations be insufficient to pay all claims, institutions will be reimbursed in accordance with this subsection:
- 1) summer term claims received by the deadline date designated in subsection (e) will be paid, or prorated if funding is insufficient to pay all claims in full;
 - 2) if funds remain after summer term claims are paid, first semester and first quarter claims received by the designated deadline date will be paid, or prorated if funding is insufficient to pay all claims in full;
 - 3) if funds remain after first semester and first quarter claims are paid, then second semester/second and third quarter claims received by the designated deadline date will be paid, or prorated if funds remaining are insufficient to pay all such claims in full; ~~and~~
 - 4) if funds remain after second semester/second and third quarter claims are paid, claims received by ISAC after the designated deadline dates will be paid or prorated; ~~and~~
 - 5) ~~timely~~ Timely claims for the difference between in-district/state and out-of-district/state tuition for recipients who do not qualify for chargebacks will be considered for payment at the same time, and in the same priority order, as all other timely claims, in accordance with the provisions of this subsection (f).

(Source: Amended at 29 Ill. Reg. 9912, effective July 1, 2005)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Monetary Award Program (MAP)
- 2) Code Citation: 23 Ill. Adm. Code 2735
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2735.20	Amendment
2735.40	Amendment
- 4) Statutory Authority: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/35 and 20(f)].
- 5) Effective date of amendments: July 1, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of these adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of proposal published in Illinois Register: February 14, 2005; 29 Ill. Reg. 2207
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposed and final version: No changes were made to the proposed rulemaking after initial publication.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of Rulemaking: Section 2735.20(d) has been stricken and language has also been stricken from Section 2735.40(1) to reflect statutory changes contained in Public Act 93-1032, which allows MAP grants to be used year-round, rather than just during fall and spring college semesters, as long as a student does not exceed his/her annual maximum award.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

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

Thomas A. Breyer
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Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015

(847) 948-8500
email: tbreyer@isac.org

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2735
MONETARY AWARD PROGRAM (MAP)

Section

2735.10	Summary and Purpose
2735.20	Applicant Eligibility
2735.30	Program Procedures
2735.40	Institutional Procedures
2735.50	Advance Payment Option
2735.60	Contractual Agreement Requirements (Repealed)
2735.APPENDIX A	Advance Payment Formula

AUTHORITY: Implementing Section 35 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/35 and 20(f)].

SOURCE: Adopted at 9 Ill. Reg. 20857, effective January 1, 1986; amended at 11 Ill. Reg. 3225, effective January 29, 1987; amended at 11 Ill. Reg. 14134, effective August 10, 1987; amended at 12 Ill. Reg. 11546, effective July 1, 1988; transferred from Chapter IX, 23 Ill. Adm. Code 1735 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2735 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17864; amended at 14 Ill. Reg. 7242, effective May 1, 1990, amended at 16 Ill. Reg. 11296, effective July 1, 1992; emergency amendment at 16 Ill. Reg. 19237, effective November 23, 1992, for a maximum of 150 days; emergency expired on April 22, 1993; emergency amendment at 17 Ill. Reg. 6672, effective April 15, 1993, for a maximum of 150 days; emergency expired on September 18, 1993; amended at 17 Ill. Reg. 10596, effective July 1, 1993; amended at 17 Ill. Reg. 22576, effective January 1, 1994; amended at 19 Ill. Reg. 8369, effective July 1, 1995; amended at 20 Ill. Reg. 9227, effective July 1, 1996; old Part repealed, new Part adopted at 21 Ill. Reg. 11184, effective July 18, 1997; amended at 22 Ill. Reg. 11149, effective July 1, 1998; amended at 23 Ill. Reg. 7592, effective July 1, 1999; amended at 24 Ill. Reg. 9187, effective July 1, 2000; amended at 25 Ill. Reg. 8424, effective July 1, 2001; amended at 26 Ill. Reg. 10024, effective July 1, 2002; amended at 27 Ill. Reg. 10349, effective July 1, 2003; amended at 28 Ill. Reg. 10043, effective July 15, 2004; amended at 29 Ill. Reg. 9920, effective July 1, 2005.

Section 2735.20 Applicant Eligibility

- a) A qualified applicant shall be:

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- 1) a citizen or eligible noncitizen;
 - 2) a resident of Illinois;
 - 3) maintaining satisfactory academic progress as determined by the institution;
 - 4) enrolled in an eligible degree or certificate program (34 CFR 668.8) for a minimum of three credit hours, for either a semester or quarter term, throughout the institution's tuition refund/withdrawal adjustment period; and
 - 5) enrolled at an ISAC-approved institution of higher learning.
- b) MAP grant eligibility is based on the relative financial eligibility at an ISAC-approved institution of higher learning of the applicant's choice, and is reevaluated if the student's choice of institution changes.
- c) Eligibility is restricted to undergraduate students.
- 1) MAP recipients must not have received a baccalaureate degree.
 - 2) Graduate students are not eligible for MAP assistance. For purposes of this Part, an institution of higher learning shall classify as a "graduate student" any student who:
 - A) is enrolled in an academic program or course above the baccalaureate level which leads to any degree above the baccalaureate level; and
 - B) is not eligible to receive federal financial assistance (34 CFR 674.2, 675.2, 676.2) as an undergraduate student; and
 - C) has completed the equivalent of at least three years of full-time postsecondary study, either prior to entrance into the academic program or as part of the academic program itself.
- d) ~~If funding is available, assistance for summer terms shall be awarded separately.~~

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(Source: Amended at 29 Ill. Reg. 9920, effective July 1, 2005)

Section 2735.40 Institutional Procedures

- a) MAP recipients must report to the institution all additional gift assistance that applies toward tuition and mandatory fees, such as tuition waivers and scholarships.
- b) If a MAP recipient receives other assistance targeted specifically for tuition and fees, the combined assistance shall not exceed the total tuition and fee expenses incurred.
- c) If an applicant is eligible for assistance under the Illinois National Guard (ING) Grant Program or the Illinois Veteran Grant (IVG) Program (23 Ill. Adm. Code 2730 and 2733), the applicant is not eligible for a full MAP grant because ING and IVG must be factored into the financial aid packaging prior to awarding MAP gift assistance. The institution may request payment of a partial MAP grant to finance fee expenses not covered by the above-referenced programs.
- d) If an applicant is eligible to receive tuition or fee benefits through a prepaid or reimbursable tuition plan other than the Illinois Prepaid Tuition Program, College Illinois! (23 Ill. Adm. Code 2775), or through a payment to the institution of higher learning by the applicant's employer, the institution of higher learning shall request MAP payment in accordance with this subsection:
 - 1) A prepaid tuition plan is any program which exempts a student from tuition charges because of a payment to the institution at a time prior to the student's enrollment. A reimbursable tuition plan is a program which reimburses a student for tuition costs after satisfactory completion of course work.
 - 2) The institution of higher learning shall recalculate the applicant's MAP eligibility by decreasing the applicant's tuition and fee charges by the amount of benefits the applicant is eligible to receive from the sources in subsection (d)(1) of this Section. The institution of higher learning shall report the applicant's reduced grant award on the payment request.
- e) The provisions of this Section shall not apply to benefits derived from the Baccalaureate Savings Act [110 ILCS 920] and 23 Ill. Adm. Code 2771.

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- f) Notwithstanding the provisions of other ISAC-administered programs, the total amount of a student's gift assistance may not exceed the cost of attendance used to calculate Title IV aid for that student. Any excess gift assistance is considered an overaward and the institution of higher learning is required to reduce the MAP award and/or other gift assistance to prevent such an overaward. For the purposes of this calculation, federal veterans benefits are not counted as gift assistance.
- g) Institutions of higher learning shall submit payment requests to ISAC. By submitting a payment request, an institution is certifying that the qualified applicants meet the requirements of Section 2735.20, Applicant Eligibility.
- h) For any institution of higher learning which has concurrent registration opportunities, the following policy pertains:
 - 1) The recipient must indicate his/her institution of record on the MAP application.
 - 2) The payment of the term award by ISAC will require the institution of record to receive MAP payment on behalf of any other institutions and the institution of record shall distribute the appropriate share of the award to the other institutions. Payment by ISAC will not be made to more than one institution.
 - 3) The amount paid cannot exceed the maximum term award for students at the institution of record, or the tuition and mandatory fee costs at the institution of record if the costs are less than the maximum term award.
 - 4) Concurrent registration is limited to ISAC-approved institutions of higher learning.
 - 5) The recipient's academic records at the institution of record must document the total number of credit hours for which the student is enrolled.
- i) If an Illinois institution operates an out-of-state center, residents of Illinois enrolled in classes at the out-of-state center may receive MAP benefits in accordance with Section 2735.30(u).
- j) If an announced recipient's credit hour enrollment decreases, the institution shall only request payment up to the amount of actual tuition and mandatory fee

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expenses incurred.

- k) Upon receipt of a payment request from the institution of record, ISAC remits MAP grant funds to the institution of record on behalf of the recipient. The institution of record shall credit these funds to the recipient's account.
- l) MAP grants are ~~divided into two semester or three quarter regular term payments and are~~ paid directly to the approved institution of record ~~that~~which certifies to ISAC that the applicant is an eligible recipient.
 - 1) ISAC will annually establish priority claim dates for the submission of payment requests and inform schools of the required priority dates.
 - 2) Late payment requests will result in delayed processing of payments. Payment requests are processed in the sequence of receipt by ISAC and as funds are available.
 - 3) Institutions may submit their payment requests beginning ten days prior to the start of classes for the term for which they are requesting payment.
- m) Institutional Processing of Payments
 - 1) Within 30 days after and including the date of receiving payment of any MAP funds claimed or advanced pursuant to this Section, the institution shall credit the MAP funds against the recipients' tuition and mandatory fee charges for the appropriate term.
 - 2) Institutions are required to reconcile payments received through MAP and, as applicable, submit all necessary corrections to student records on a timely basis. Any payments received by the institution that are determined in the reconciliation to be refunds payable to ISAC are to be processed and returned to ISAC no later than 60 days following the end of the academic term unless ISAC has already deducted outstanding refunds from institutional payment requests during the applicable fiscal year. Refunds may be caused by billing errors, retroactive withdrawals and other miscellaneous reasons. Refunds showing as owed to ISAC must be remitted within 30 days after the end of the institution's regular school year. Should the payment arrive after the end of the regular school year, the institution will have 60 days following receipt of payment to complete the reconciliation process and return any refunds due.

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- 3) Award payments made in the name of one recipient cannot be applied to another recipient at the same institution. A refund of the payment made must be submitted to ISAC, and a supplemental request for payment must be processed for the proper recipient.
- 4) To provide sufficient time for processing and vouchering through the State Comptroller's Office in Springfield, all payment requests must be received by ISAC no later than August 1 due to the State's fiscal year lapse period ending August 31.
- 5) Payment requests received after August 1 for the prior academic year will be processed as time and available funds permit; however, final action may require institutions to go to the Illinois Court of Claims to obtain payment for approved claims. (See the Court of Claims Act [705 ILCS 505].)

(Source: Amended at 29 Ill. Reg. 9920, effective July 1, 2005)

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NOTICE OF ADOPTED AMENDMENT

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

Thomas A. Breyer
Interim Director, IDAPP
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield, IL 60015

(847) 948-8500
email: tbreyer@isac.org

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2760
STATE SCHOLAR PROGRAM

Section

2760.10	Summary and Purpose
2760.20	State Scholar Eligibility
2760.30	Program Procedures

AUTHORITY: Implementing Section 25 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/25 and 20(f)].

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; amended at 4 Ill. Reg. 16, p. 118, effective April 7, 1980; rules repealed, new rules adopted at 5 Ill. Reg. 7251, effective June 26, 1981; amended at 6 Ill. Reg. 8413, effective June 30, 1982; codified at 7 Ill. Reg. 10878; amended at 9 Ill. Reg. 20877, effective January 1, 1986; amended at 11 Ill. Reg. 3242, effective January 29, 1987; amended at 11 Ill. Reg. 14137, effective August 10, 1987; amended at 13 Ill. Reg. 8654, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1760 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2760 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17868; amended at 14 Ill. Reg. 10589, effective July 1, 1990; amended at 16 Ill. Reg. 11321, effective July 1, 1992; amended at 17 Ill. Reg. 10624, effective July 1, 1993; amended at 18 Ill. Reg. 10346, effective July 1, 1994; amended at 19 Ill. Reg. 8395, effective July 1, 1995; amended at 20 Ill. Reg. 9251, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11222, effective July 18, 1997; amended at 22 Ill. Reg. 11170, effective July 1, 1998; amended at 24 Ill. Reg. 9201, effective July 1, 2000; amended at 29 Ill. Reg. 9928, effective July 1, 2005.

Section 2760.30 Program Procedures

- a) In order for its students to be considered for the State Scholar Program, a high school must calculate and provide to ISAC class ranks as of the third semester prior to graduation of students who desire to be considered for the Program.
 - 1) Class ranks are to be calculated so that the class rank for the lowest grade point average (GPA) equals the total number of students being ranked.

Example: Class Rank

GPA

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1	99.3
2	98.9
2	98.9
4	98.1
5	97.9
5	97.9
7	97.4

- 2) The equivalent term rank shall be provided for students planning to graduate in other than the traditional four years (see Section 2760.20(b)).
- b) Test scores submitted in accordance with this Part shall be converted to an Illinois Standard Test Score as follows:
- 1) The ACT Assessment Composite Score shall be the Illinois Standard Test Score.
- 2) SAT I ~~critical reading~~~~verbal~~ and math scores shall be added, and then converted to the Illinois Standard Test Score using the table below.

Illinois Standard Test Score Table

Illinois Standard Test Score	<u>SAT I Critical Reading + Math</u>	<u>SAT I Verbal + Math</u>	ACT Composite
36	<u>1590 to 1600</u>	1580 to 1600	36
35	<u>1570 to 1580</u>	1530 to 1570	35
34	<u>1540 to 1560</u>	1500 to 1520	34
33	<u>1510 to 1530</u>	1450 to 1490	33
32	<u>1480 to 1500</u>	1400 to 1440	32
31	<u>1450 to 1470</u>	1360 to 1390	31
30	<u>1420 to 1440</u>	1320 to 1350	30
29	<u>1380 to 1410</u>	1280 to 1310	29
28	<u>1340 to 1370</u>	1240 to 1270	28
27	<u>1310 to 1330</u>	1200 to 1230	27
26	<u>1270 to 1300</u>	1170 to 1190	26
25	<u>1240 to 1260</u>	1130 to 1160	25
24	<u>1200 to 1230</u>	1090 to 1120	24
23	<u>1160 to 1190</u>	1050 to 1080	23

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22	<u>1120 to 1150</u>	1010 to 1040	22
21	<u>1090 to 1110</u>	970 to 1000	21
20	<u>1060 to 1080</u>	930 to 960	20
19	<u>1020 to 1050</u>	890 to 920	19
18	<u>980 to 1010</u>	850 to 880	18
17	<u>940 to 970</u>	810 to 840	17
16	<u>900 to 930</u>	760 to 800	16
15	<u>850 to 890</u>	710 to 750	15
14	<u>800 to 840</u>	660 to 700	14
13	<u>750 to 790</u>	620 to 650	13
12	<u>660 to 740</u>	570 to 610	12
11	<u>580 to 650</u>	520 to 560	11
10	<u>520 to 570</u>	470 to 510	10
9	<u>460 to 510</u>	430 to 460	9
8	<u>400 to 450</u>	400 to 420	8

c) High school class ranks submitted in accordance with this Part shall be converted to an Illinois Standard Rank Score as follows:

- 1) First, determine the percentile of the class rank for each student in accordance with the following formula:

Percentile = [Size of Class MINUS (Rank in Class minus .5)] divided by Size of Class

- 2) Then, use the table below to convert a percentile class rank to the Illinois Standard Rank Score.

Percentile	Illinois Standard Rank Score
99.75 - 99.99	30
99.54 - 99.74	29
99.19 - 99.53	28
98.62 - 99.18	27
97.73 - 98.61	26
96.42 - 97.72	25
94.53 - 96.41	24
91.93 - 94.52	23
88.50 - 91.92	22
84.14 - 88.49	21
78.82 - 84.13	20

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72.58 - 78.81	19
65.55 - 72.57	18
57.94 - 65.54	17
50.00 - 57.93	16

- d) An Illinois Weighted Selection Score for each student shall be computed by adding the Illinois Standard Test Score to the Illinois Standard Rank Score.
- e) In any academic year, the number of State Scholars is approximately equal to ten percent of the estimated total number of Illinois high school graduates. ISAC annually establishes a minimum Weighted Selection Score to yield this result.
- f) Notwithstanding the previous provisions in this Section, any student nominated by his or her school shall be designated a State Scholar if that student achieves a score at or above the 95th percentile on the ACT Assessment examination, or the equivalent thereof on a comparable examination, regardless of that student's class rank.
- g) A Certificate of Achievement and congratulatory letter are issued for each State Scholar.
- h) A listing of State Scholars shall be available upon request to colleges, members of the General Assembly and to the media.
- i) Mailing labels of State Scholars' names shall be available, at cost, to Illinois colleges, universities and associations of Illinois colleges. Payment must be received by ISAC at the time the mailing labels are ordered. Requestors of labels shall provide written assurance to ISAC that the labels will not be resold or released to others in any manner.
- j) High school officials or student candidates shall have a period of 60 days following the announcement of the State Scholars to appeal a student's status. (See: 23 Ill. Adm. Code 2700.70, Appeal Procedures.)
- k) If an appeal concerning an applicant's eligibility is received, ISAC shall request the high school verify the reported data. If the conflict remains, ISAC shall conduct an audit of the high school's records in accordance with 23 Ill. Adm. Code 2700.60.

(Source: Amended at 29 Ill. Reg. 9928, effective July 1, 2005)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Minority Teachers of Illinois (MTI) Scholarship Program
- 2) Code Citation: 23 Ill. Adm. Code 2763
- 3) Section Number: 2763.30 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing Section 50 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/50 and 20(f)].
- 5) Effective date of amendment: July 1, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of proposal published in Illinois Register: February 14, 2005; 29 Ill. Reg. 2221
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposed and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: A change has been adopted to Section 2763.30(j)(5) to add a deferment when the recipient is pursuing a graduate course of study as part of the agency's continuing effort to conform deferments for ISAC's teacher education programs.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Thomas A. Breyer

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

Interim Director, IDAPP
Illinois Student Assistance Commission
1755 Lake Cook Road
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The full text of the Adopted Amendment begins on the following page:

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2763
MINORITY TEACHERS OF ILLINOIS (MTI) SCHOLARSHIP PROGRAM

Section

2763.10	Summary and Purpose
2763.20	Applicant Eligibility
2763.30	Program Procedures
2763.40	Institutional Procedures

AUTHORITY: Implementing Section 50 and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/50 and 20(f)].

SOURCE: Emergency rules adopted at 15 Ill. Reg. 15621, effective October 11, 1991, for a maximum of 150 days; emergency expired on March 9, 1992; adopted at 16 Ill. Reg. 7048, effective April 21, 1992; emergency amendments adopted at 16 Ill. Reg. 16326, effective September 28, 1992, for a maximum of 150 days; emergency expired on February 25, 1993; emergency amendment at 17 Ill. Reg. 175, effective January 1, 1993, for a maximum of 150 days; emergency expired on May 30, 1993; amended at 17 Ill. Reg. 10585, effective July 1, 1993; amended at 18 Ill. Reg. 10325, effective July 1, 1994; amended at 19 Ill. Reg. 8361, effective July 1, 1995; amended at 20 Ill. Reg. 9221, effective July 1, 1996; amended at 20 Ill. Reg. 9221, effective July 1, 1996; old Part repealed, new Part adopted at 21 Ill. Reg. 11174, effective July 18, 1997; amended at 22 Ill. Reg. 11141, effective July 1, 1998; amended at 24 Ill. Reg. 9181, effective July 1, 2000; amended at 27 Ill. Reg. 10385, effective July 1, 2003; amended at 28 Ill. Reg. 9155, effective July 1, 2004; amended at 29 Ill. Reg. 9934, effective July 1, 2005.

Section 2763.30 Program Procedures

- a) A completed ISAC application for the MTI Scholarship Program must be postmarked on or before March 1 immediately preceding the regular school year for which the scholarship is being requested, in order to receive priority consideration for an award.
 - 1) Applications are available from qualified institutions of higher learning, State legislative and Congressional offices, and ISAC's Springfield, Deerfield and Chicago offices.

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- 2) ISAC will make renewal applications available to all qualified students who were awarded MTI Scholarships during the preceding regular school year.
 - 3) If the application is incomplete, ISAC will notify the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will only be considered for processing as of the date when the application is complete and received at ISAC's Deerfield office.
- b) At least 30 percent of the funds appropriated for scholarships awarded under this Section in each fiscal year shall be reserved for male qualified applicants. *If the Commission does not receive enough applications from qualified male minorities on or before January 1 of each fiscal year to award 30% of the funds appropriated for these scholarships to qualified male minority applicants, then the Commission may award a portion of the reserved funds to qualified female minority applicants.* [110 ILCS 947/50]
 - c) Notwithstanding the provisions of subsection (b) of this Section, awards will be made first to renewing applicants.
 - d) No recipient may receive more than 8 semesters/12 quarters of scholarship assistance under this program.
 - e) Scholarship funds are applicable towards up to two semesters/three quarters of study within a regular school year.
 - f) The total number of scholarships awarded in a given fiscal year is contingent upon available funding. If appropriated funds are insufficient to provide all qualified applicants with a scholarship, available funds shall be allocated in accordance with subsections (b) and (c) of this Section and on the basis of the dates that the completed applications are received in ISAC's Deerfield office. However, preference may be given to qualified applicants enrolled at or above the junior level.
 - g) Qualified applicants may be required to furnish the postsecondary institution at which they are enrolled with a copy of their high school transcripts, any other documentation verifying high school graduation, or a copy of their GED certificates.

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- h) Prior to receiving scholarship assistance under this Part, the qualified applicant must sign a Teaching Agreement/Promissory Note that is submitted to ISAC. The Teaching Agreement/Promissory Note shall include the following stipulations:
- 1) the recipient pledges to teach, on a full-time equivalent basis, for one year for each year of scholarship aid received, or for any portion of a year for which aid was received, under this Part;
 - 2) the recipient shall begin teaching within one year following the completion of the program for which the recipient received assistance under this Part, and shall teach on a continuous basis for the required period of time;
 - 3) the teaching requirement will be fulfilled at a nonprofit Illinois public, private or parochial preschool, elementary school or secondary school at which no less than 30 percent of the enrolled students are minority students, as certified by the Illinois State Board of Education (ISBE);
 - 4) if the teaching requirement is not fulfilled, the scholarship converts to a loan and the recipient must repay the entire amount of the scholarships prorated according to the fraction of the teaching obligation not completed, plus interest at a rate of interest equal to five percent and, if applicable, reasonable collection fees;
 - 5) the recipient agrees to provide ISAC with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.); and
 - 6) the recipient promises to use the proceeds of the scholarship for educational expenses.
- i) A recipient of a scholarship awarded under this Part shall not be in violation of the agreement entered into pursuant to Section 2763.30(h) during periods in which the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces;
 - 2) is enrolled on a full-time basis as a graduate student in a course of study

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related to the field of teaching at an institution of higher learning;

- 3) is temporarily totally disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;
 - 4) is actively seeking but unable to find full-time employment as a teacher at a school that satisfies the criteria set forth in subsection (h)(3) of this Section for one continuous period not to exceed two years, and is able to provide evidence of that fact; or
 - 5) is taking additional courses, on at least a half-time basis, needed to obtain certification as a teacher in Illinois.
- j) If a recipient is required to repay any portion of the scholarship, the repayment period shall be completed within ten years after the scholarship converts to a loan. This ten-year period may be extended if the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces;
 - 2) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;
 - 3) is seeking and unable to find full-time employment, for one continuous period not to exceed two years, and is able to provide evidence of that fact; ~~or~~
 - 4) withdraws from a course of study leading to certification as a teacher but is enrolled full-time in another academic discipline; ~~or-~~
 - 5) is pursuing a graduate course of study and is enrolled on a full-time basis for one continuous period of time not to exceed three years.
- k) During the time a recipient qualifies for any of the extensions listed in subsection (j) of this Section, he or she shall not be required to make payments and interest shall not accrue.
- l) A recipient shall enter repayment status on the earliest of the following dates:
- 1) the first day of the first calendar month after the recipient has ceased to

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pursue a course of study leading to certification as a teacher at the preschool, elementary or secondary level, but not before six months have elapsed after the cessation of at least half-time enrollment in such a course of study;

- 2) the date the recipient informs ISAC that he or she does not plan to fulfill the teaching obligation; or
 - 3) the day after the latest date upon which the recipient must have begun teaching after completing the postsecondary education for which the scholarship was awarded.
- m) A recipient shall not be required to repay the amount of the scholarships received if he or she becomes permanently totally disabled as established by the sworn affidavit of a qualified physician (see, e.g., 34 CFR 653.42(k)(1)), or if his or her representative provides ISAC with a death certificate or other evidence that the recipient has died.

(Source: Amended at 29 Ill. Reg. 9934, effective July 1, 2005)

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NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Illinois Special Education Teacher Tuition Waiver (SETTW) Program
- 2) Code Citation: 23 Ill. Adm. Code 2765
- 3) Section Number: 2765.30 Adopted Action: Amendment
- 4) Statutory Authority: Implementing Section 65.15 of the Higher Education Student Assistance Act [110 ILCS 947/65.15] and authorized by Sections 20(f) and 65.15(a)(2) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.15(a)(2)].
- 5) Effective date of amendment: July 1, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notices of proposal published in Illinois Register: February 14, 2005; 29 Ill. Reg. 2228
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposed and final version: No changes were made to the proposed rulemaking after initial publication.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendment: The conditions for a deferment under Section 2765.30(n)(5) are being modified from requiring full-time enrollment to requiring enrollment on at least a half-time basis as part of the agency's continuing effort to conform deferments for ISAC's teacher education programs.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

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

Thomas A. Breyer
Interim Director, IDAPP
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1755 Lake Cook Road
Deerfield, IL 60015

(847) 948-8500
email: tbreyer@isac.org

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2765

ILLINOIS SPECIAL EDUCATION TEACHER TUITION WAIVER (SETTW) PROGRAM

Section

2765.10	Summary and Purpose
2765.20	Applicant Eligibility
2765.30	Program Procedures
2765.40	Institutional Procedures

AUTHORITY: Implementing Section 65.15 and authorized by Sections 20(f) and 65.15(a)(2) of the Higher Education Student Assistance Act [110 ILCS 947/20(f) and 65.15].

SOURCE: Adopted at 19 Ill. Reg. 8354, effective July 1, 1995; amended at 20 Ill. Reg. 9194, effective July 1, 1996; old Part repealed and new Part adopted at 21 Ill. Reg. 11129, effective July 18, 1997; amended at 22 Ill. Reg. 11107, effective July 1, 1998; amended at 24 Ill. Reg. 9159, effective July 1, 2000; amended at 26 Ill. Reg. 10037, effective July 1, 2002; amended at 27 Ill. Reg. 10405, effective July 1, 2003; amended at 28 Ill. Reg. 9170, effective July 1, 2004; amended at 29 Ill. Reg. 9941, effective July 1, 2005.

Section 2765.30 Program Procedures

- a) A completed ISAC application for the Illinois SETTW Program must be postmarked on or before March 1 immediately preceding the academic year for which the tuition waiver is being requested, in order to receive priority consideration for an award.
- b) ISAC applications for the Illinois SETTW Program are available from eligible institutions; the offices of Regional Superintendents of Education in Illinois; State legislative and federal Congressional offices; and ISAC's Springfield, Deerfield and Chicago offices.
- c) If the student section of an application is incomplete, ISAC will notify the applicant. The applicant will then have an opportunity to furnish the missing information; however, the application will be considered for processing as of the date when the student section is complete and received in ISAC's Deerfield office.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- d) Before March 1 of each year, principals of public, private and parochial high schools in Illinois will provide the names of all students in their high school who are anticipated to be qualified applicants.
- e) ISAC shall award 250 Illinois Special Education Teacher Tuition Waivers annually as follows:
 - 1) A maximum of 40 tuition waivers may be awarded annually to qualified applicants who hold valid teaching certificates that are not in the discipline of Special Education. If more than 40 applicants qualify under these provisions, a lottery shall be used to select 40 recipients;
 - 2) A minimum of 210 tuition waivers shall be awarded annually to high school graduates (or students scheduled to graduate) who rank in the upper half of their class. Any of the 40 tuition waivers not awarded pursuant to subsection (d)(1) of this Section shall be awarded to this group;
 - 3) ISAC shall select recipients, who do not hold valid teaching certificates, from among qualified applicants based on the highest ACT or SAT I test scores from the time periods set forth in Section 2760.20(b), (c) and (d), as converted according to the Illinois Standard Test Score table (see 23 Ill. Adm. Code 2760.30(b)(1) and (2)).
 - 4) A lottery will be used to determine recipients if the number of qualified applicants sharing the same Illinois Standard Test Score exceeds the number of tuition waivers to be awarded.
- f) Notice of eligibility will be sent by July 1 to each qualified applicant who is selected to receive a tuition waiver. The qualified applicant is then responsible for providing a copy of the notice of eligibility to the institution. All other qualified applicants will be notified that they were not selected.
- g) Tuition waivers are applicable towards credit for any semester/quarter within an academic year.
- h) A recipient shall be exempt from paying tuition and mandatory fees for up to four calendar years.
- i) Prior to receiving assistance, the qualified applicant must sign a Teaching Agreement/Promissory Note, which must be submitted to ISAC. The Teaching

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Agreement/Promissory Note shall include the following stipulations:

- 1) the recipient pledges to begin teaching on a full-time basis, in the field of Special Education, within one year following graduation from or termination of enrollment in a teacher education program, at a nonprofit, public, private or parochial preschool, elementary or secondary school in Illinois and to continue teaching for at least 2 of the 5 years immediately following;
 - 2) if the teaching requirement is not fulfilled, the tuition waiver converts to a loan and the recipient must repay the entire amount of the tuition waiver (prorated according to the fraction of the teaching obligation not completed), plus interest at a rate equal to 5% per annum; and
 - 3) the recipient agrees to provide ISAC with evidence of compliance with program requirements (e.g., responses to annual follow-up questionnaires, etc.).
- j) The five-year time period during which the teaching requirement must be fulfilled may be extended if the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces;
 - 2) is enrolled full-time in an academic program related to the field of teaching, leading to a graduate or postgraduate degree;
 - 3) is temporarily totally disabled for a period of time not to exceed three years, as established by the sworn affidavit of a qualified physician;
 - 4) is actively seeking but unable to find full-time employment as a teacher at an Illinois public, private, or parochial school for one continuous period not to exceed two years, and is able to provide evidence of that fact; or
 - 5) is taking additional courses, on at least a half-time basis, needed to obtain certification as a teacher in Illinois.
- k) A recipient may be granted a leave of absence by the president of the institution, or his/her designee, for the following reasons:

ILLINOIS STUDENT ASSISTANCE COMMISSION

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- 1) earning funds to defray the recipient's educational expenses;
 - 2) illness of the recipient or a member of the recipient's immediate family, as established by the sworn statement of a licensed physician; or
 - 3) military service.
- l) A recipient must complete his or her course of study within six years including leaves of absence. A recipient must remain enrolled on a continuous basis during the regular school year for four years, unless granted a leave of absence. However, a leave of absence granted for military service shall not be considered part of the six years within which a recipient must complete a degree.
- m) A recipient shall enter repayment status on the earliest of the following dates:
- 1) the first day of the first calendar month after the recipient has ceased to pursue a course of study leading to initial certification as a teacher in Special Education, but not until six months have elapsed after the cessation of at least half-time enrollment in such a course of study;
 - 2) the date the recipient informs ISAC that he or she does not plan to fulfill the teaching obligation; or
 - 3) the latest date upon which the recipient must have begun teaching in order to complete the teaching obligation within five years after completing the postsecondary education for which the waiver was awarded.
- n) If a recipient is required to repay any portion of the tuition waiver, the repayment period shall be completed within five years after the tuition waiver converts to a loan. The five-year period may be extended if the recipient:
- 1) serves, for not more than three years, as a member of the United States Armed Forces;
 - 2) is temporarily disabled, for not more than three years, as established by the sworn affidavit of a licensed physician;
 - 3) is pursuing a graduate or postgraduate degree and is enrolled on a full-time basis for one continuous period of time not to exceed three years;

ILLINOIS STUDENT ASSISTANCE COMMISSION

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- 4) is seeking and unable to find full-time employment for one continuous period not to exceed two years and is able to provide evidence of that fact; or
- 5) withdraws from a course of study leading to a teacher certification in Special Education but remains enrolled on at least a half-time~~full-time~~ basis in another academic discipline.
- o) During the time a recipient qualifies for any of the extensions listed in subsection (n) of this Section, he or she shall not be required to make payments and interest shall not continue to accrue.
- p) A recipient shall not be required to pay the amount of the tuition and fees waived if he or she becomes permanently totally disabled, as established by the sworn affidavit of a licensed physician (see, e.g., 34 CFR 653.42(k)(1)); or if his or her representative provides ISAC with a death certificate or other evidence that the recipient has died.
- q) A recipient must be enrolled in a special education program within ten days after the beginning of the term for which the tuition waiver was initially awarded. If the recipient fails to comply with this requirement, s/he will forfeit the tuition waiver and ISAC will award it to another qualified applicant.

(Source: Amended at 29 Ill. Reg. 9941, effective July 1, 2005)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

Thomas A. Breyer
Interim Director, IDAPP
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015

(847) 948-8500
email: tbreyer@isac.org

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2771

COLLEGE SAVINGS BOND BONUS INCENTIVE GRANT (BIG) PROGRAM

Section

2771.10	Summary and Purpose
2771.20	Applicant Eligibility
2771.30	Program Procedures
2771.40	Institutional Procedures
2771.APPENDIX A	Table of Grant Amounts

AUTHORITY: Implementing and authorized by Section 8 of the Baccalaureate Savings Act [110 ILCS 920/8].

SOURCE: Emergency rules adopted at 15 Ill. Reg. 15800, effective October 21, 1991, for a maximum of 150 days; emergency expired on March 19, 1992; adopted at 16 Ill. Reg. 6873, effective April 14, 1992; amended at 18 Ill. Reg. 10246, effective July 1, 1994; amended at 19 Ill. Reg. 8312, effective July 1, 1995; amended at 20 Ill. Reg. 9136, effective July 1, 1996; Old Part repealed and New Part adopted at 21 Ill. Reg. 11018, effective July 18, 1997; amended at 22 Ill. Reg. 11035, effective July 1, 1998; amended at 23 Ill. Reg. 7532, effective July 1, 1999; amended at 24 Ill. Reg. 9090, effective July 1, 2000; amended at 25 Ill. Reg. 8364, effective July 1, 2001; amended at 27 Ill. Reg. 10417, effective July 1, 2003; amended at 29 Ill. Reg. 9948, effective July 1, 2005.

Section 2771.30 Program Procedures

- a) Application Procedures
 - 1) Applications for a BIG shall be available from the Illinois Student Assistance Commission (ISAC) and eligible non-profit institutions of higher learning.
 - 2) A complete application for BIG assistance shall include certifications from: the bondholder, the student beneficiary and the Registrar of the institution of higher learning at which the student beneficiary is enrolled.
 - 3) A bondholder or a student beneficiary must submit a BIG application

ILLINOIS STUDENT ASSISTANCE COMMISSION

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between August 1 and May 30 of the academic year for which assistance is being requested. All grants under this program are subject to sufficient annual appropriations for this program by the General Assembly.

- 4) ISAC may require applicants to provide documentation verifying that the bondholder owned the bonds for the requisite length of time.
 - 5) One student beneficiary may be designated for each bond redeemed. In cases where two individuals jointly own a college savings bond, only one student beneficiary may be designated.
- b) Application Certifications
- 1) The bondholder shall certify that:
 - A) the aggregate compound accreted value at maturity of the college savings bond(s) was not more than \$25,000;
 - B) at least 70 percent of the proceeds of the college savings bond(s) have been or will be used for educational expenses incurred by the student beneficiary during an academic year;
 - C) the student named on the application has been designated as the beneficiary of the bond proceeds;
 - D) no other student has been designated as the student beneficiary for the same college savings bond;
 - E) the information provided on the application with regard to the bonds is true and correct, including the date on which the bond(s) were issued, the date on which the bond(s) were acquired and the date on which the bond(s) matured; and
 - F) the preceding certifications are being provided for the academic year in which the application is being submitted.
 - 2) The student beneficiary shall certify that:
 - A) his or her address, Social Security Number and other identifying information is accurate;

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- B) at least 70% of the proceeds of the College Savings Bonds will be used for educational expenses;
 - C) he or shes/he is enrolled at an eligible non-profit institution of higher learning;
 - D) he or shes/he will use the BIG proceeds to finance educational expenses which are reasonably incurred during an academic year, including tuition and fees, room and board, books and supplies, child care expenses, laundry, travel and other personal expenses related to attendance at the institution of higher learning; and
 - E) he or shes/he will not use the BIG proceeds to finance costs incurred in an academic program of divinity for any religious denomination or in a course of study to become a minister, priest, rabbi or other professional in the field of religion.
- c) The dollar value of the BIG shall be determined according to the Table of Grant Amounts (see Appendix A of this Part); provided, however, that:
- 1) the compound accreted value of the bonds shall not exceed \$25,000 in any given academic year;

Example: A BIG could not be claimed for more than 5 bonds of \$5,000 compound accreted value each in any given year. Even if 12 bonds of \$5,000 compound accreted value each, or \$60,000 total, had been purchased on behalf of a beneficiary, a BIG could be paid only for the first \$25,000.
 - 2) 70 percent of the compound accreted value of the bonds for which a BIG is being claimed in a given academic year does not exceed the beneficiary's cost of attendance at the institution of higher learning for that year.

Example: The beneficiary's cost of attending University A is \$14,000. Since \$14,000 is 70 percent of \$20,000, a BIG could not be claimed for bonds with a compound accreted value in excess of \$20,000. Even if 5 bonds of \$5,000 compound accreted value each, or \$25,000 total, had been purchased on behalf of the

ILLINOIS STUDENT ASSISTANCE COMMISSION

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beneficiary, in this case a BIG could be paid only on the first \$20,000.

- d) Both the proceeds of the bond(s) and the BIG assistance must be used by the student beneficiary in the academic year in which the bond matures or in the academic year immediately following maturity.
- e) ~~Applicants may request that their eligibility for ISAC gift assistance be recalculated to exclude up to \$25,000 in accumulated bonds and interest, pursuant to ISAC Appeal Procedures (see 23 Ill. Adm. Code 2700.70). Recalculations will only be performed for those students who complete the required federal needs analysis process.~~

(Source: Amended at 29 Ill. Reg. 9948, effective July 1, 2005)

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Illinois Prepaid Tuition Program
- 2) Code Citation: 23 Ill. Adm. Code 2775
- 3) Section Number: 2775.60 Adopted Action:
Amendment
- 4) Statutory Authority: Implementing the Illinois Prepaid Tuition Act [110 ILCS 979] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].
- 5) Effective date of amendment: July 1, 2005
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of proposal published in Illinois Register: February 14, 2005; 29 Ill. Reg. 2241
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposed and final version: No changes were made to the proposed rulemaking after initial publication.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will the amendment replace any emergency rulemaking currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of rulemaking: Section 2775.60(a) is being stricken and the language in 2775.60(b) modified to reflect statutory changes contained in Public Act 93-812, which eliminates provisions exempting consideration of Bright Start Savings Accounts, *College Illinois!* contracts and college savings bonds proceeds in determining financial need for ISAC gift assistance programs.

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

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

Thomas A. Breyer
Interim Director, IDAPP
Illinois Student Assistance Commission
1755 Lake Cook Road
Deerfield IL 60015

(847) 948-8500
email: tbreyer@isac.org

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

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSIONPART 2775
ILLINOIS PREPAID TUITION PROGRAM

Section

2775.10	Summary and Purpose
2775.20	Definitions
2775.30	Participant Eligibility
2775.40	Program Procedures
2775.50	Contract Terms and Conditions
2775.60	Scholarships, Grants or Monetary Assistance
2775.70	Disclosure

AUTHORITY: Implementing the Illinois Prepaid Tuition Act [110 ILCS 979] and authorized by Section 20(f) of the Higher Education Student Assistance Act [110 ILCS 947/20(f)].

SOURCE: Adopted by emergency rulemaking at 22 Ill. Reg. 16652, effective September 11, 1998, for a maximum of 150 days; adopted at 23 Ill. Reg. 2591, effective February 1, 1999; amended at 24 Ill. Reg. 9154, effective July 1, 2000; amended at 25 Ill. Reg. 8410, effective July 1, 2001; amended at 26 Ill. Reg. 10043, effective July 1, 2002; amended at 28 Ill. Reg. 9177, effective July 1, 2004; amended at 29 Ill. Reg. 9954, effective July 1, 2005.

Section 2775.60 Scholarships, Grants or Monetary Assistance

a) ~~For purposes of determining a student's eligibility for any scholarship, grant or monetary assistance awarded by the Commission, the State, or any agency thereof, the value of any Illinois prepaid tuition contract shall not be considered as an asset when evaluating the financial situation of the qualified beneficiary, or be deemed a financial resource or form of financial aid or assistance for the qualified beneficiary.~~

b) If contract benefits are considered for purposes of determining eligibility for federal student financial assistance, contributions toward the purchase of a prepaid tuition contract ~~may~~shall not reduce the amount of any scholarship, grant, or monetary assistance that the qualified beneficiary is eligible to be awarded by the Commission, the State or any agency ~~of the State~~thereof.

(Source: Amended at 29 Ill. Reg. 9954, effective July 1, 2005)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JULY AGENDA

SCHEDULED MEETING:
JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
JULY 12, 2005

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

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

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

RULEMAKINGS CURRENTLY BEFORE JCAR

Capital Development Board

1. Capital Development Board Energy Code (Repealer) (71 Ill. Adm. Code 600)
 - First Notice Published: 29 Ill. Reg. 4760 – 4/8/05
 - Expiration of Second Notice: 7/22/05
2. Illinois Energy Conservation Code (71 Ill. Adm. Code 600)
 - First Notice Published: 29 Ill. Reg. 4771 – 4/8/05
 - Expiration of Second Notice: 7/30/05

Central Management Services

3. Extensions of Jurisdiction (80 Ill. Adm. Code 305)
 - First Notice Published: 29 Ill. Reg. 5609 – 4/22/05
 - Expiration of Second Notice: 8/4/05

Commerce and Economic Opportunity

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JULY AGENDA

SCHEDULED MEETING:
JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
JULY 12, 2005

4. Illinois Renewable Fuels Development Program (32 Ill. Adm. Code 130)
 - First Notice Published: 28 Ill. Reg. 10859 – 8/6/04
 - Expiration of Second Notice: 8/6/05

Education

5. Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)
 - First Notice Published: 29 Ill. Reg. 4790 – 4/8/05
 - Expiration of Second Notice: 8/4/05
6. Certification (23 Ill. Adm. Code 25)
 - First Notice Published: 29 Ill. Reg. 4812 – 4/8/05
 - Expiration of Second Notice: 8/4/05
7. Pupil Transportation Reimbursement (23 Ill. Adm. Code 120)
 - First Notice Published: 29 Ill. Reg. 4859 – 4/8/05
 - Expiration of Second Notice: 8/4/05
8. Pupil Transportation (Repealer) (23 Ill. Adm. Code 275)
 - First Notice Published: 29 Ill. Reg. 4887 – 4/8/05
 - Expiration of Second Notice: 8/4/05

Environmental Protection Agency

9. Procedures and Requirements for Revising Water Quality Management Plans (35 Ill. Adm. Code 351)
 - First Notice Published: 28 Ill. Reg. 10486 – 7/30/04
 - Expiration of Second Notice: 7/30/05

Housing Development Authority

10. Notice Procedures Under the Federally Assisted Housing Preservation Act (47 Ill. Adm. Code 375)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JULY AGENDA

SCHEDULED MEETING:
JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
JULY 12, 2005

- First Notice Published: 29 Ill. Reg. 3191 – 3/4/05
- Expiration of Second Notice: 7/14/05

Human Services

11. Assessment for Determining Eligibility and Rehabilitation Needs (89 Ill. Adm. Code 553)
 - First Notice Published: 29 Ill. Reg. 2142 – 2/14/05
 - Expiration of Second Notice: 7/29/05

Natural Resources

12. Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting (17 Ill. Adm. Code 550)
 - First Notice Published: 29 Ill. Reg. 5611 – 4/22/05
 - Expiration of Second Notice: 8/4/05
13. Outfitter Regulations (17 Ill. Adm. Code 640)
 - First Notice Published: 29 Ill. Reg. 4645 – 4/1/05
 - Expiration of Second Notice: 7/14/05

Property Tax Appeal Board

14. Practice and Procedure for Appeals Before the Property Tax Appeal Board (86 Ill. Adm. Code 1910)
 - First Notice Published: 29 Ill. Reg. 6208 – 5/6/05
 - Expiration of Second Notice: 8/4/05

Public Health

15. Physical Fitness Facility Medical Emergency Preparedness Code (77 Ill. Adm. Code 527)
 - First Notice Published: 29 Ill. Reg. 3200 – 3/4/05
 - Expiration of Second Notice: 8/22/05

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JULY AGENDA

SCHEDULED MEETING:
JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
JULY 12, 2005

Racing Board

16. Medication (11 Ill. Adm. Code 603)
-First Notice Published: 29 Ill. Reg. 3862 – 3/11/05
-Expiration of Second Notice: 7/31/05

Revenue

17. Lottery (General) (11 Ill. Adm. Code 1770)
-First Notice Published: 29 Ill. Reg. 4717 – 4/1/05
-Expiration of Second Notice: 7/23/05
18. Income Tax (86 Ill. Adm. Code 100)
-First Notice Published: 29 Ill. Reg. 5283 – 4/15/05
-Expiration of Second Notice: 7/16/05
19. Debt Collection Bureau (74 Ill. Adm. Code 1200)
-First Notice Published: 29 Ill. Reg. 5623 – 4/22/05
-Expiration of Second Notice: 7/31/05

Secretary of State

20. Rulemaking in Illinois (1 Ill. Adm. Code 100)
-First Notice Published: 29 Ill. Reg. 5637 – 4/22/05
-Expiration of Second Notice: 8/5/05
21. Issuance of Licenses (92 Ill. Adm. Code 1030)
-First Notice Published: 29 Ill. Reg. 3865 – 3/11/05
-Expiration of Second Notice: 7/30/05
22. Issuance of Licenses (92 Ill. Adm. Code 1030)
-First Notice Published: 29 Ill. Reg. 6226 – 5/6/05
-Expiration of Second Notice: 8/4/05

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JULY AGENDA

SCHEDULED MEETING:
JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
JULY 12, 2005

Transportation

23. Airport Hazard Zoning (92 Ill. Adm. Code 16)
-First Notice Published: 29 Ill. Reg. 5295 – 4/15/05
-Expiration of Second Notice: 7/15/05

EMERGENCY RULEMAKING

Public Aid

24. Medical Payment (89 Ill. Adm. Code 140)
-Notice Published: 29 Ill. Reg. 8509 – 6/17/05

PEREMPTORY RULEMAKINGS

Central Management Services

25. Pay Plan (80 Ill. Adm. Code 310)
-Notice Published: 29 Ill. Reg. 8214 – 6/3/05
26. Pay Plan (80 Ill. Adm. Code 310)
-Notice Published: 29 Ill. Reg. 8418 – 6/10/05

EXPEDITED CORRECTION

Public Aid

27. Specialized Health Care Delivery Systems (89 Ill. Adm. Code 146)
-Notice Published: 29 Ill. Reg. 8230 – 6/3/05

AGENCY RESPONSE

State Board of Education

JOINT COMMITTEE ON ADMINISTRATIVE RULES
JULY AGENDA

SCHEDULED MEETING:
JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
JULY 12, 2005

28. Access to Information of the State Board of Education Under the Freedom of Information Act (2 Ill. Adm. Code 5001; 29 Ill. Reg. 3900)

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 June 21, 2005 through June 27, 2005 and have been scheduled for review by the Committee at its July 12, 2005 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
8/4/05	<u>Department of Central Management Services</u> , Extensions of Jurisdiction (80 Ill. Adm. Code 305)	4/22/05 29 Ill. Reg. 5609	7/12/05
8/4/05	<u>State Board of Education</u> , Public Schools Evaluation, Recognition and Supervision (23 Ill. Adm. Code 1)	4/8/05 29 Ill. Reg. 4790	7/12/05
8/4/05	<u>State Board of Education</u> , Certification (23 Ill. Adm. Code 25)	4/8/05 29 Ill. Reg. 4812	7/12/05
8/4/05	<u>State Board of Education</u> , Pupil Transportation Reimbursement (23 Ill. Adm. Code 120)	4/8/05 29 Ill. Reg. 4859	7/12/05
8/4/05	<u>State Board of Education</u> , Pupil Transportation (Repealer) (23 Ill. Adm. Code 275)	4/8/05 29 Ill. Reg. 4887	7/12/05
8/4/05	<u>Department of Natural Resources</u> , Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting (17 Ill. Adm. Code 550)	4/22/05 29 Ill. Reg. 5611	7/12/05
8/4/05	<u>Property Tax Appeal Board</u> , Practice and Procedure for Appeals Before the Property Tax Appeal Board (86 Ill. Adm. Code 1910)	5/6/05 29 Ill. Reg. 6208	7/12/05

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICE RECEIVED

8/4/05	<u>Secretary of State</u> , Issuance of Licenses (92 Ill. Adm. Code 1030)	5/6/05 29 Ill. Reg. 6226	7/12/05
8/5/05	<u>Secretary of State</u> , Rulemaking in Illinois (1 Ill. Adm. Code 100)	4/22/05 29 Ill. Reg. 5637	7/12/05
8/6/05	<u>Department of Commerce and Economic Opportunity</u> , Illinois Renewable Fuels Development Program (32 Ill. Adm. Code 130)	8/6/04 28 Ill. Reg. 10859	7/12/05

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$1,500 against Approved Financial, Inc., License No. MB.0005364 of Chicago, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective June 21, 2005. For further reference link to: <http://www.obre.state.il.us/>

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF FINE IMPOSED UNDER
THE RESIDENTIAL MORTGAGE LICENSE ACT OF 1987

Pursuant to Section 4-5(h) of the Residential Mortgage License Act of 1987 (the "Act") [205 ILCS 635/4-5(h)], notice is hereby given that the Department of Financial and Professional Regulation, Division of Banks and Real Estate, of the State of Illinois has issued a fine of \$4,000 against Inventive Mortgage Corporation, License No. MB.0004644 of Westchester, Illinois, a licensee under the Act, for violating the terms of the Act and the rules and regulations adopted thereunder, effective June 21, 2005. For further reference link to: <http://www.obre.state.il.us/>

PROCLAMATIONS

**2005-222
QUEBEC WEEK**

WHEREAS, the links between Illinois and Quebec are numerous and stretch back centuries to the French-speaking missionaries and voyageurs who left Quebec City and Montreal to explore le pays des Illinois and eventually to settle here; and

WHEREAS, in 1969, Quebec established its delegation in the City of Chicago, due to the business and cultural preeminence of the city; and

WHEREAS, Quebec is active, along with Illinois, in both the Council of Great Lakes Governors and the Great Lakes Commission as an associate member; and

WHEREAS, trade between Illinois and Quebec exceeded \$3.6 billion Canadian in 2004; and

WHEREAS, the staff of the Quebec Delegation in Chicago has established commercial links between Illinois and Quebec companies, and has brought Quebec performing artists, intellectuals, and writers to the theatres and universities of this State; and

WHEREAS, the Quebec Delegation in Chicago seeks to broaden the economic, cultural, educational and tourism links between Quebec and the Midwest; and

WHEREAS, on June 24, 2005, Quebec celebrates its National Holiday, La Saint-Jean, which is the feast day of St. John the Baptist:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 19-25, 2005 as QUEBEC WEEK in Illinois, and encourage all citizens to join in this vibrant and spirited commemoration.

Issued by the Governor June 22, 2005.

Filed by the Secretary of State June 22, 2005.

**2005-223
VILLAGE OF GAYS DAY**

WHEREAS, the Village of Gays is celebrating its 150th anniversary in 2005; and

WHEREAS, the Village of Gays was originally known as Summit. Railroad officials named the village Summit because it was the highest point on the Indianapolis and St. Louis railroad between Terre Haute, Indiana, and St. Louis Missouri. In 1881, the name was changed due to postal service confusion in mail delivery; there were two towns in Illinois named Summit, so the name of Gays was selected; and

WHEREAS, the Gays Mutual Telephone Company was incorporated in 1904. Then, in 1905, the Village was officially organized and an election was held with 26 votes cast for town officials; a bank was started, but was liquidated as a result of the bank moratorium in 1934; a fire in 1912 destroyed six building and dwellings near the business district; because there was no fire department, a bucket brigade was formed to control the flames; and

WHEREAS, since its beginning, the Village of Gays has had restaurants, grocery stores, shoe repair shops, tile and brick yards, meat markets, blacksmithing and wagon making, hardware stores, feed mills, a cream station, garages, a filling station, beauty shops, radio repairs

PROCLAMATIONS

shops, a bulk plant, and bottle gas retail; in its early days, there was a succession of several doctors; the Village also has a two-story outhouse, and visitors from all over come just to see the novelty; and

WHEREAS, the State of Illinois is proud to recognize the Village of Gays and its residents on the occasion of the 150th anniversary of its founding:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 16, 2005 as **VILLAGE OF GAYS DAY** in Illinois, in honor of this village's sesquicentennial.

Issued by the Governor June 22, 2005.

Filed by the Secretary of State June 22, 2005.

2005-224**KASKASKIA COLLEGE DAY**

WHEREAS, Kaskaskia College, located in Centralia, became the first comprehensive community college in Illinois under the Community College Act passed in 1965; and

WHEREAS, Kaskaskia College, first known as Centralia Junior College, began serving Illinois residents during 1940; and

WHEREAS, Kaskaskia college has experienced remarkable growth. In fact, over the past four years, Kaskaskia has become the fastest growing institution in the State of Illinois with an enrollment growth of 89.8 %; and

WHEREAS, In Community College Week, a national publication, Kaskaskia was recognized as the fourth fastest growing community college in the nation. Last year, Kaskaskia enrolled 11,000 students on their main campus and other education centers; and

WHEREAS, more than 100,000 students have graduated from Kaskaskia College since its founding; and

WHEREAS, the first day of classes for Kaskaskia College was on September 9, 1940, and this date will be marking its 65th anniversary this year:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim September 9, 2005 as **KASKASKIA COLLEGE DAY** in Illinois, in honor of the 65th anniversary of Illinois' fastest growing college.

Issued by the Governor June 22, 2005.

Filed by the Secretary of State June 22, 2005.

2005-225**ENTERTAINMENT RATINGS AND LABELING AWARENESS MONTH**

WHEREAS, members of the Digital Media Association (DiMA), Interactive Entertainment Merchants Association (IEMA), the National Association of Recording Merchandisers (NARM), the National Association of Theatre Owners (NATO), and the Video Software Dealers Association (VSDA) have joined together to create a coalition known as Coalition of Entertainment Retail Trade Associations (CERTA); and

PROCLAMATIONS

WHEREAS, one of the missions of CERTA is to raise awareness and educate America's parents and consumers about the entertainment ratings and labeling system; and

WHEREAS, it is the ultimate responsibility of parents to monitor the content of entertainment viewed by their children in their homes, and it is important that they be empowered with knowledge to help them make the best entertainment choices; and

WHEREAS, throughout the month of June, motion picture theaters, music stores, online music providers, video stores, video game retail stores and other entertainment retailers will be conducting a national campaign on entertainment ratings and labeling systems; and

WHEREAS, this campaign will allow participating trade organizations to encourage retailers and exhibitors to review their ratings and labeling education programs and policies to ensure that they comply with industry standards Furthermore, it will provide written information for customers about the movie and video game rating systems and music labeling systems as well as encourage their customers to utilize the ratings and labeling system; and

WHEREAS, along with CERTA's noble mission in educating the public on the video games, my administration launched a website in December of 2004 for parents, www.safegamesIllinois.org, where they can learn about the effects of violent and sexually explicit video games, report inappropriate video games, and report Illinois retailers that are selling such games to minors; and

WHEREAS, CERTA, representing more than 2,000 retailers and exhibitors across the nation, has declared June 2005 to be "Entertainment Ratings and Labeling Awareness Month" to promote awareness and utilization of existing movie and video game ratings and music labels:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 2005 as ENTERTAINMENT RATINGS AND LABELING AWARENESS MONTH in Illinois, and encourage all citizens to become familiar with the entertainment ratings and labeling system and the effects that music, videos and video games have on our children. Issued by the Governor June 22, 2005.

Filed by the Secretary of State June 22, 2005.

2005-226**WORLD WAR II VETERANS RECOGNITION DAY**

WHEREAS, more than 16 million people served in the United States Armed Forces during World War II. Known as one of the deadliest wars in the history of our world, more than 400,000 Americans died while fighting for our country; and

WHEREAS, on all accounts, World War II was a multifaceted event with supplemental events like Adolf Hitler's rise as dictator of Germany and the Japanese attack on Pearl Harbor, only helping to complicate the issue and raise the stakes of the war; and

WHEREAS, it has been 60 years since World War II ended in September 1945. In honor of the men and women who perished during their fight, the families at home who were praying for the safe return of the soldiers and for the restoration of peace, a 60th Commemoration Anniversary will be held at the Millenium Park in Chicago, Illinois on Saturday July 23, 2005 to honor the World War II heroes; and

PROCLAMATIONS

WHEREAS, those who were around during this time will never be able to forget the spirit, sacrifice, and commitment of the American people during these years. Those of us who did not witness these events offer our gratitude, as we are recipients of the freedom that was won because of our ancestors' sacrifices:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim July 23, 2005 as WORLD WAR II VETERANS RECOGNITION DAY in Illinois, and encourage all citizens to honor all veterans on this World War II 60th Commemoration Anniversary by taking a few moments to reflect upon the sacrifices that have been made over the years to ensure our freedom and democracy.

Issued by the Governor June 22, 2005.

Filed by the Secretary of State June 22, 2005.

2005-227**MYASTHENIA GRAVIS AWARENESS MONTH**

WHEREAS, Myasthenia Gravis (MG) is a chronic disorder characterized by weakness and rapid muscle fatigue; and

WHEREAS, MG is the result of nerve impairments in which antibodies block or destroy the nerve-muscle junctions in certain parts of the body, causing weakness in muscles that aren't receiving the proper nerve signals; and

WHEREAS, those afflicted by MG may experience difficulties with speech, chewing, swallowing and breathing, as well as drooping eyelids and double vision; and

WHEREAS, although there is currently no known cause or cure for MG, it may be controlled with early diagnosis and proper medical treatment; and

WHEREAS, the Myasthenia Gravis Foundation of Illinois, Incorporated, is a voluntary health agency that has been aiding patients and their families for 32 years through counseling and education about MG; and

WHEREAS, in their quest to help those with MG achieve productive and rewarding lives, the Myasthenia Gravis Foundation of Illinois, Incorporated, stresses the importance of public awareness on this disorder, in order to increase the likelihood of early detection:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 2005 as MYASTHENIA GRAVIS AWARENESS MONTH in Illinois, and encourage all citizens to become cognizant of this debilitating ailment, and support groups such as the Myasthenia Gravis Foundation of Illinois, Incorporated, who work hard to improve the lives of people living with the disorder.

Issued by the Governor June 22, 2005.

Filed by the Secretary of State June 22, 2005.

2005-228**HIV Testing Day**

PROCLAMATIONS

WHEREAS, the prevention of HIV and AIDS necessitates a worldwide effort to increase communication and education, and empower people to take action within their communities; and

WHEREAS, the Joint United Nations Program on HIV/AIDS (UNAIDS) estimates that over 42 million people worldwide are currently living with HIV/AIDS; and

WHEREAS, the American Association for World Health is encouraging a better understanding of the challenge of HIV/AIDS nationally as it recognizes that the number of people diagnosed with HIV and AIDS in the United States continues to increase, with nearly 1 million people in the United States now infected, and more than 30,000 currently infected in Illinois; and

WHEREAS, the HIV and AIDS case rates among African Americans are the highest among all racial and ethnic groups in Illinois; and

WHEREAS, African Americans and Hispanics represent less than a third of the State's population, yet they comprise more than 60 percent of those diagnosed with AIDS and 61 percent of all HIV cases; and

WHEREAS, minority communities are urged to increase their awareness of the risk of HIV/AIDS for themselves, their partners, and their children, and to use their influence with their families, friends and communities to help stem the tide of the HIV/AIDS epidemic; and

WHEREAS, in order to stop the spread of the disease, we must encourage at-risk citizens to get tested, and we must continue to increase funds for research and outreach. With that in mind, my administration is committed to fighting this disease with a budget of \$66 million for HIV/AIDS outreach and research for FY06, which is an \$4.3 million increase from last year; and

WHEREAS, HIV Testing Day provides an opportunity to focus our society's attention on HIV and AIDS and to disseminate information on how to prevent the spread of the disease:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim June 27, 2005, as HIV TESTING DAY in Illinois, and urge all citizens to use the day to recommit themselves to the fight against HIV/AIDS in our communities.

Issued by the Governor June 27, 2005.

Filed by the Secretary of State June 27, 2005.

ILLINOIS ADMINISTRATIVE CODE Issue Index - With Effective Dates

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